

Co9-76-45 Original Rezoning Approval

BOS Minutes 3-21-77

62. DP&Z-P: Co13-60-26, SECTION 32 NEIGHBORHOOD PLAN
DP&Z-Z: Co9-76-45, THE ESTES COMPANY PETITION

The Board of Supervisors continued to this date (See Item 44, February 22, 1977) hearing on a proposal to amend the Section 32 Neighborhood Plan (Co13-60-26) to allow for additional CR-3 uses rather than CR-1 and CR-4 and on petition (Co9-76-45) of The Estes Company to rezone from SR to CR-3 approximately 220 acres at the northwest corner of Ina and Shannon Roads.

The Planning Director reported, pursuant to Board direction, a meeting was held in an attempt to arrive at a compromise solution to the rezoning request. He added letters from Walter C. Chaffee, on behalf of the homeowners associations and Stephen E. Rennecker, attorney for The Estes Company, indicate no agreement between the parties was reached.

The Chairman thereupon inquired whether anyone wished to be heard. Mr. Rennecker, representing the petitioner, appeared to summarize proposals presented by his client which include (1) CR-5 development on Magee Road, if the property can be sold to the Nanini family, or larger lots than the standard CR-3 lots along that portion of the property; (2) larger lots on higher elevations at the northwest corner of the parcel and a covenant relating to the preservation of natural vegetation on the hills visible from Magee Road; and (3) CR-1 development at the southeast corner of the subject property adjacent to the CR-1 zoning designated in the proposed Tortolita Area Plan. He added The Estes Company does not consider development under CR-1 zoning a suitable compromise and has tried to create a transition and buffer area for the property.

Mr. Chaffee, on behalf of the homeowners associations, appeared to reiterate their opposition to the proposed rezoning and to urge the Board to restrict development of the property to CR-1. He further expressed disappointment that Mr. Estes had not personally attended the meeting with the homeowners in the area.

Walter L. Henderson, attorney representing five neighborhood associations, presented, read, and filed with the Clerk a "Memorandum of Law" relating to the lack of notice of public hearing to the property owners when the petition was first heard by the Planning and Zoning Commission. He expressed the opinion the notice of hearing was deficient for the reasons (1) the petitioner failed to supply an adequate list of effected property owners to the Planning Department; (2) the subject property was inadequately described in the posting notices; (3) the notices were not readable as posted and were not posted in conspicuous locations; and (4) the notice of hearing was advertised in The Daily Reporter, a newspaper which is not in general circulation in the County and, therefore, it was not possible for the persons affected by the rezoning to become aware of the pending hearing. Mr. Henderson urged the Board to refer the case to the Planning and Zoning Commission for a properly notice public re-hearing and warned the Board a decision to approve the requested rezoning could be challenged as arbitrary and capricious under these circumstances.

The Chairman thereupon requested a letter from Civil Deputy County Attorney Albin Krietz be made a part of the record. The letter dated March 16, 1977, states the published notice of hearing satisfies the legal requirements for the case.

In reply to Supervisor Joyner, Special Counsel (Michael Lacey) stated the "Memorandum of Law" submitted by Mr. Henderson did not seem to raise any points which had not been covered in the previous meeting.

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Robert A. Wilson expressed the opinion the "spirit" as well as the letter of the law is involved in the question of proper notice and further expressed his dissatisfaction with the compromise solutions offered by The Estes Company. He added homeowners in the area have nothing to gain and much to lose if this rezoning is approved and urged the Board to delay its decision on the matter.

Judith Jarvis appeared to protest the requested rezoning and pointed out the added densities might jeopardize the water supply of residents in the proposed area and stated her water is supplied by private well. Mrs. Jarvis also strongly protested the continued rezoning of SR areas to CR-3 and strongly urged the Board to "draw a line" to confine urban sprawl. Richard Letty, owner-operator of a water company in the area, concurred in Mrs. Jarvis' concern for the water supply and suggested a study be made for the area before higher density rezoning is approved.

The Chairman ruled that Joseph Zachin did not have a legitimate reason to be heard on the subject rezoning and called on counsel for the petitioner to sum up his arguments.

Mr. Rennecker stated notice of public hearing had been proven adequate for the Board of Supervisors hearing and pointed out the Commission acts in an advisory capacity only, the final decision rests with the Board of Supervisors. In reply to questions from Supervisor Joyner, Mr. Rennecker expressed the opinion the description of the subject property was adequate; the protestors had been given two lengthy hearings; and it would be redundant to refer the matter to the Planning and Zoning Commission for re-hearing. The Board's Special Counsel explained to Supervisor Joyner the length of time required for court action would depend upon the type of vehicle used to file a lawsuit. Supervisor Dusenberry expressed her disappointment at the failure of the parties to reach an acceptable compromise. In reply to questions from Chairman Walker and Supervisor Dusenberry, Mr. Chaffee explained CR-1 zoning is the only rezoning acceptable to the protestants and added, even if the matter were re-heard by the Commission, a recommendation for CR-3 rezoning would not be satisfactory. No one else appeared.

After further discussion regarding the surrounding zoning in the area and the topography of the subject property, it was moved by Supervisor Yetman, seconded by Supervisor Dusenberry, and unanimously carried, the hearing be closed.

Supervisor Yetman expressed the opinion this case is indicative of the problem faced by the County, the need to achieve more control of subdivisions, particularly parks, school sites and highways involved in new development, and added he could not support this rezoning request and would yield to a positive motion.

It was thereupon moved by Supervisor Dusenberry and seconded by Supervisor Lena, the plan amendment and rezoning to CR-3 be approved subject to the Commission's recommendations as amended by the Board to include the additional covenants relating to the densities on the northwest and southeast sections of the subject property and possible sale of a portion of the property along Magee Road to be developed under CR-5 rezoning, and the necessary ordinance be drawn for presentation to the Board upon completion of the requirements. Supervisor Joyner expressed his continued concern regarding the notice of public hearing but added he would support the motion. At his request, a roll call vote was taken, the results of which are as follows:

Aye: Supervisors Dusenberry, Joyner, Lena and Yetman
and Chairman Walker;

Nay: None.

The Chairman declared the motion to approve the rezoning to have carried
unanimously.

63. DP&Z-P: Co13-60-1, REGINA CLERI NEIGHBORHOOD PLAN
DP&Z-Z: Co9-75-41, LAWYERS TITLE, TRUST NO. 5434, PETITION

The Chairman stated this is the time and the place designated and legally
advertised for hearing on a proposal to amend the Regina Cleri Neighborhood
Plan (Co13-60-1) to provide for additional CB-2 uses rather than CB-1 and on
petition (Co9-75-41) of Lawyers Title, Trust No. 5434, to rezone from CB-1 to
CB-2 approximately 21 acres at the southwest corner of 22nd Street and Sarnoff
Drive. The Planning Director reported the petition is in order and the Planning
and Zoning Commission, with two members voting "Nay," recommends the plan
amendment and rezoning be denied. In reply to Supervisor Joyner, the Planning
Director further reported an updated list of protestors were sent notices of the
public hearing.

The Chairman inquired whether anyone wished to be heard. Hale Coffeen,
representing the petitioner, appeared in support of the plan amendment and rezoning.
Mr. Coffeen distributed maps of the proposed area and stated the purpose of the
proposed rezoning is to enhance the property's potential as a developed commercial
center with allowance for additional flexibility. Mr. Coffeen presented and filed
with the Clerk a letter listing items for exclusion from the CB-2 rezoning proposal
and briefly summarized his client's desire to respond to the concern expressed
at the Planning and Zoning hearing. He stated the development plan will implement
voluntary control and the architectural review will not be limited to buildings and
their visual acceptability but also signs, product display, site development, lighting
and sound attenuation, the latter including interior acoustical treatment and exterior
treatment on site by erection of a masonry wall along the south boundary of the
property. Supervisor Joyner expressed concern for the height of the wall; the noise
that will be created by garbage trucks and other traffic using the alleyway; and
visual problem for emergency vehicles. Mr. Coffeen stated such problems will
be resolved within the development plan. In reply to Supervisor Dusenberry,
the Planning Director stated access is required from the alleyway to allow for
maintenance of a drainageway. In conclusion, Mr. Coffeen requested an approval
of CB-2 zoning be granted subject to proposed limitations and satisfactory covenants
to assure the orderly development of the property and it's compatibility with
adjacent uses.

Supervisor Joyner suggested a 150-foot buffer of CB-1 on the easterly
section of the project. In reply, Mr. Coffeen stated they would remain open to
constructive suggestions and will amend their plans.

The Chairman inquired if anyone wished to be heard in opposition to the
plan amendment and rezoning.

Charles McCarthy appeared to protest the lack of communication with
homeowners; and expressed concern for the usefulness of the proposed wall;
increased traffic hazard for children, and a reduction in water pressure that will
be created by approval of the CB-2 rezoning.

John Cook, member of the Board of Directors of Rolling Meadows Town-
house Association and further stated he represents 101 townhouse owners,
appeared in opposition to the plan amendment and rezoning. Mr. Cook stated

PIMA COUNTY PLANNING AND ZONING DEPARTMENT

PIMA COUNTY GOVERNMENTAL CENTER • 131 WEST CONGRESS STREET • TUCSON, ARIZONA 85701



March 11, 1977

HONORABLE BOARD OF SUPERVISORS
11th Floor, County Administration Building
131 W. Congress Street
Tucson, Arizona 85701

Re: Co9-76-45 ESTES - INA ROAD REZONING

Attached are edited excerpts from the meeting between the homeowners association representatives and the Estes Company, who have been involved in this rezoning case. Also attached is a letter from Walter C. Chaffee, the representative for Casas Del Oro Norte Improvement Association, on behalf of all of the homeowners association representatives, indicating their assessment of the statements in our edited excerpts.

The summary of the positions of the two sides in this case is as follows:

Homeowners association representatives indicated that they are willing to compromise on the basis of the whole property being developed under CR-1 zoning.

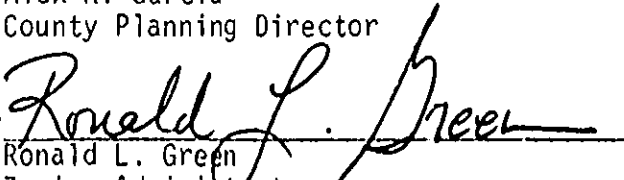
The representative for the Estes Company indicated that it is not feasible to develop the property as CR-1 but offered the following alternatives:

1. CR-5 along Magee Road in the northeast corner of the property.
2. Larger lots than would be permitted in CR-3 along Magee Road.
3. Larger lots on the northwest corner where the higher ground is and where it can be seen from Magee Road.

No compromise was arrived at by those in attendance.

Respectfully submitted,

Alex R. Garcia
County Planning Director

By 
Ronald L. Green
Zoning Administrator

RLG/de
Attachments

HONORABLE BOARD OF SUPERVISORS

March 11, 1977

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cc: Jerry Jones, County Highway Department
Gerald Sweeney, Property Management Department
Department of Sanitation (MUM)
Fred K. Bockmon, Legal Counsel
Albin Krietz, Legal Adviser
Lew S. McGinnes, 50 Camino Espanol, Tucson, AZ 85716
Lew McGinnis Enterprises, 6245 E. Broadway, 4th Floor, Tucson, AZ 85711
The Estes Company, P. O. Box 17360, Tucson, AZ 85731

PIMA COUNTY PLANNING AND ZONING DEPARTMENT

PIMA COUNTY GOVERNMENTAL CENTER • 131 WEST CONGRESS STREET • TUCSON, ARIZONA 85701



March 4, 1977

Mr. Steve Rennecker
Estes Company
P. O. Box 17360
Tucson, Arizona 85731

Mr. Wm. H. Scroggins, III
Casas Adobes Estates Association
7102 N. Perugia Way
Tucson, Arizona 85704

Mr. Warren G. Youngren
Casas Del Oro Improvement Association
2838 W. Magee Road
Tucson, Arizona 85704

Mr. Arthur Weiss
Tucson National Estates West
8315 Fairway View
Tucson, Arizona 85704

Mr. Walter Chaffee
Casas Del Oro Norte
8022 N. Casas Placita
Tucson, Arizona 85704

Mr. Robert A. Wilson
Tucson National East Improvement Assn.
8021 Della Robia
Tucson, Arizona 85704

Re: Co9-76-45 Estes - Ina Road Rezoning

Gentlemen:

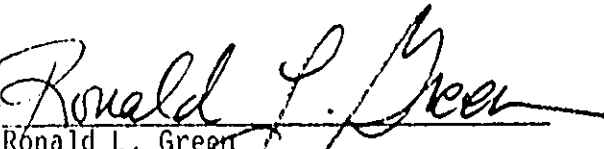
Attached are edited excerpts from the meeting between a representative of the Estes Company and representatives from home owners associations in the vicinity of Tucson National Country Club. This meeting was held on March 3, 1977 at 9:30 a.m. in the Planning and Zoning Department Conference Room.

We have attempted to capture the important statements and comments from this meeting. Please inform us if we have left out anything that you would consider essential to conveying the positions of those in attendance.

Please submit any proposed changes by Friday, March 11, 1977.

Sincerely,

PIMA COUNTY PLANNING DEPARTMENT

By 
Ronald L. Green
Zoning Administrator

RLG/de
Enc.

RE: Co9-76-45 ESTES - INA ROAD REZONING
Meeting Held in Planning and Zoning Department Conference Room
on March 3, 1977

Those attending were:

Steve Rennecker, Estes Company

Warren G. Youngren, Casas Del Oro Improvement Association
Wm. H. Scroggins, III, Cas Ad Est Association (Casas Adobes Estates Association)
Arthur Weiss, Tucson National Estates West
Walter Chaffee, Casas Del Oro Norte
Robert A. Wilson, Tucson National East Improvement Association

Ronald L. Green, Zoning Administrator
Michael Marks, Assistant Zoning Administrator

Ron Green said the meeting was being held as a result of the February 22 Board of Supervisors' public hearing and suggestion that the parties meet and attempt to arrive at a compromise. He thought it would be best to start with a review and then present any proposals of compromise and then have a general discussion of the proposals.

Steve Rennecker said Estes had applied for CR-3 over the entire parcel, and that it was his understanding from the Board meeting that an attempt should be made to reach a compromise on a buffer or transition, primarily in the upper northeast corner adjacent to Magee. He said one thing they have in mind is taking that corner approximately where the alignment is the same as the line that shows the west boundary of the CR-5 down Magee Road and offering the triangular piece of land to Nanini who owns property to the south, so that whatever went along Magee would form a complete visual barrier. We have talked about putting up a masonry wall along the right angles approximately where the CR-1 lines are to form a visual barrier; using larger lots of 16,000 square feet; putting our best elevations there and if possible designing the street pattern so that they would be oriented toward Magee so that you would be looking at the front of the elevation rather than the back. I don't know about the big long wall, we are willing to do that, whether it is desirable or not is open to discussion. We are prepared to do an elaborate pleasant looking entrance on the street. The entrance would be made of bricks, blocks or rocks, whichever looks best, so that it would create a pleasant appearance. We are looking at the northwest corner and realize that if you drive along Magee you will look right onto that property; not all that is visible belongs to Estes. We are willing to do our engineering and design to put large lots on those hills to eliminate as much scraping as possible, leaving as much natural land as possible.

Mr. Chaffee questioned what Mr. Rennecker meant by large lots, and Mr. Rennecker said the engineers would have to tell us how we should do it but they are thinking in terms of at least 16,000 square feet.

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Ron Green said one thing we can talk about in this case and the future of Estes rezoning is that on our map we have the existing townhouse area and farther to the north between Cortaro and the Estes property is land zoned CR-1, CR-2 and CR-5 and land approved for rezoning to TR. The point is that there is already zoning in the area for development of high density to low density nature, and I think if we are going to look at any rezoning in this area, we have to see what the adjacent area can already develop as and view the thing as a whole.

Mr. Wilson asked if staff wasn't being misled by numbers, and if a subsidized rental high rise unit should go into a luxury apartment area. To say there are townhouses on the north side of Magee is perfectly true, but the character of those is not that they are 5 or 6 to an acre. The character is that they are \$60,000 to \$90,000. If we could get \$60,000 to \$90,000 five per acre on the south side of Magee that would be fine. If we go by the slide rule of so many per acre, we are missing the whole point. We want comparable housing.

Steve Rennecker said they have not mentioned the CR-3 on the west (of the Estes property), and Mr. Scroggins said they are aware of that and are concerned that it will be increased and expanded. Mr. Chaffee said they are aware of it but can do nothing about it. Steve Rennecker said he mentioned it only so that the discussion would be fair.

Mr. Wilson said Estes is building some very attractive homes in the Foothills Subdivision at Alvernon and wondered if Estes was under-valuing the potential of this land because a great deal of it is literally inside Tucson National, all of it is within a mile of the course and club and with the exception of the Silverado Subdivision, there is no developed CR-3, although an area is zoned for CR-3. His question was whether they have looked at this in terms of the potential of developing it in better homes. If so, whether it is economically feasible to think in terms of higher quality homes. He said it seemed to him it might support a better quality home. Steve Rennecker said he appreciated what was said, but it is not his decision to make. They had done a marketing survey questioning the CR-3 residents within a few miles of the project.

Mr. Chaffee then discussed the area and said it contains land that would sustain development of houses in the flat areas that would be very comparable to the houses presently developed, which run about \$55,000 to \$100,000. He said the lots in that area were going for around \$15,000 a lot and some on the hill were \$17,000 to \$25,000.

Mr. Weiss said he did not understand making a survey of CR-3 people and that he thought they would get different results if they surveyed the CR-1 people. Mr. Scroggins also discussed the survey and its value. He said they have ten or twelve people in a forty lot community (his subdivision) who belong to the Tucson National; these are the type of people who live in this area. The point

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is valid, suppose you put that same kind of home in this area, they could be interested in the same things we are.

Mr. Green suggested it was a question of market and there was a discussion of the cost of the Estes Foothills development and the potential of the subject area. Mr. Rennecker said they don't think the subject area has the same potential as the Foothills area, which had the view, natural vegetation, Skyline Drive, etc. Mr. Scroggins said he was marketing director for a big corporation before he retired in 1974, and surveys depend on who develops them and how they are developed, and that he questioned the survey results.

Mr. Rennecker said your decision has obviously been made and our decision has been made, and what we have to do now is create a transition between the two. Because neither one of us is going to change our mind, we have to back off and compromise. Mr. Wilson said Mr. Rennecker talked about building the wall, or taking a piece on the Magee side or having somewhat larger lots, but it seemed to him those were mechanical things, visual corrections. He said he thought they were talking more about human resources, differences in lifestyles between the two, which will not be affected by a wall or row of trees. You are thinking in terms of a building and I am thinking in terms of a kind of living, and there is a slight difference in view point.

Mr. Rennecker then discussed the larger number of people able to pay \$25,000 or \$30,000 for a house than those able to pay \$60,000 to \$100,000. Mr. Wilson said that was a valid point but he would counter by asking if in attempting to serve these people who cannot afford the bigger house we are putting small houses on land that should be put on a higher tax base, and whether that is serving the interest of the county.

Mr. Chaffee asked if the survey discussed by Mr. Rennecker would indicate where the people worked, and said he thought that was important in light of the fuel and energy situation.

Mr. Rennecker said the greatest market survey is the market place itself. He discussed the history of development in Tucson and said Estes was one of the first to come northwest with Rancho Verde. He then discussed the marketability of their developments in the area compared to Bravo in the inner city. He said in their developments they do not mix small houses with foothill type developments. They are looking to expand around Casas Adobes Park, developing the same quality homes. He said he did not think they could put a \$60,000 home in the subject area.

Mr. Green said it is apparent that the representatives from the home owners associations are talking about CR-1 or some equivalent development as what they would visualize for this property.

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Mr. Chaffee said this was what they felt their compromise would be. They think the SR should remain, but they would compromise and accept CR-1 which would give the owner an opportunity to use his property to his advantage.

Mr. Green asked what Estes was willing to do as a compromise, and Mr. Rennecker started to say they took the line because that is where CR-5 line is now and we just thought we would develop from that point, and was interrupted with a question about access and use of Magee. He said he would make a commitment right now that if the Highway Department would allow them to develop without access to Magee they would do that, but he did not think Highway Department would permit that. There was additional discussion about right of way and roads and how people would travel in and out of the development.

Mr. Scroggins asked if the economic opportunity would not be just as great in CR-1 with quality homes as it would be with CR-3 with three houses per acre; total potential opportunity as a developer. Mr. Rennecker said he did not know the answer to that.

Mr. Rennecker then commented that the men have been saying they surround Estes with higher grade zoning, but it would appear that they are surrounded by higher density zoning and cited the proposed Tortolita Area Plan and the existing and approved zoning.

Mr. Chaffee said in that connection he had mentioned the Site 32 Neighborhood Plan because he did not feel the people in 1961 could have foreseen the fuel and energy situation that exists today, and questioned the wisdom of continuing that kind of thinking today.

Mr. Green said that planners in our department are concerned about the fuel situation, and this had been reflected in the CPP. He said he thought the meeting had reached an impasse. Estes is saying CR-3, the area residents are saying CR-1. He doubted the benefit of additional discussion. We are taking notes and will send a summary to the Board before the 21st. Tell me if I am wrong in saying that the area homeowners association representatives want the area developed as CR-1. Estes is proceeding on the basis of CR-3. No compromise has been successfully reached or seems to be in sight. All agreed that was correct.

Steve Rennecker asked that reference be made to the alternatives they had suggested:

1. CR-5 along Magee Road
2. Larger lots along Magee Road
3. Possibly larger lots on the northwest corner where the higher ground is and where it can be seen from Magee Road.

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Mr. Scroggins asked that it include their comments relative to the reason why they feel as they do.

Mr. Green asked that all make sure we have their addresses. He said if we do not put something in the report you want, you may voice it at the hearing on the 21st. Mr. Wilson asked if it could be sent to all the participants prior to submittal to the Board. Mr. Green said certainly that is what we intend to do.

Mr. Wilson said he hoped the report showed that their opposition is that they have intimated from the very beginning a compromise and that they are perfectly willing to move from the existing SR to accept CR-1 so that it is clear they are not stonewalling the project. We recognize the land should be put to use and in line with that are willing to consent to change to CR-1. He said they would be pleased if Mr. Estes would give them a report on his thinking whether this land would support higher quality development.

Mr. Rennecker said to Mr. Scroggins that they would go to larger lots on the corner (indicated on the map). Mr. Scroggins replied that it is not a matter of view but a matter of the quality of development in the area.

THE ESTES COMPANY

March 17, 1977

Mrs. Katie Dusenberry, Supervisor
Pima County Board of Supervisors
131 W. Congress St.
Tucson, Arizona 85701

Re: Estes Rezoning at Ina & Shannon
C09-76-45

Dear Supervisor Dusenberry:

I have met with representatives of the protesters at a meeting called by Mr. Ron Green of your Planning and Zoning staff. We discussed, at some length, the possibilities of reaching some sort of compromise as requested by the Board at the first public hearing. The outcome of the meeting was that they felt the only acceptable use of the entire 220 plus acres would be CR-1. This, of course, is not acceptable to us and is not any sort of compromise as I feel the Board asked us to attempt to reach. A copy of the minutes of this meeting will be provided to you by Ron Green.

In view of the absolutely adamant position of the protesters, I made no further attempts to deal with them, nor them with me, and went instead to Ron Green to discuss possible compromises Estes could offer unilaterally. The below items are offered for the Board's consideration as a result of that meeting.

1.) We would covenant to refile for CR-5 on the Northeast corner in such a configuration that would be contiguous and similar to the existing adjacent CR-5. We would make every reasonable effort to sell this property to the Nanini family who is the owner of that adjacent CR-5 so that when these combined properties are developed they will form a visual and physical buffer between Tucson National and our remaining property. We have already contacted the Nanini family and they have expressed an interest in this idea, but no firm arrangement has been made.

1a.) In the event the above does not occur, we would covenant to develop this Northeast corner of the property into 16,000 sq.ft. lots at least as deep as the existing CR-5 strip. When lots are actually platted, it will probably be necessary to go somewhat deeper than the CR-5 strip as a practical matter. We would also covenant to build an attractive entrance to the property at Magee Road.

2.) We would covenant to leave in natural condition the steeper faces of those hills on the Northwest corner of the property that are visible from Magee Road. The intent being to avoid massive grading and terracing of these hills. We would, however, expect to be able to place homes on the tops of these hills and on the gently sloping land at the base of them. The lots involved would necessarily be much larger than a standard CR-3 lot, but the actual size would depend on an engineering slope analysis that would be done at the time of platting.

3.) We would accept the recommendation of the Planning and Zoning Commission that the Southeast corner be CR-1 because it is where the Tortalita Area Plan calls for our property to be adjacent to other CR-1.

We recognize that some of the above proposals do not draw absolute lines on a map, but that would be impractical at this time. Rather, we propose that these conditions, or any combination of them you feel appropriate, be incorporated in the motion to rezone, and that the Planning and Zoning staff be instructed to ensure that the intent is met at the time we come in for platting of the property affected by each condition. In addition, of course, the Board of Supervisors would have final approval authority over the plat so that the intent expressed can be assured of proper implementation at the appropriate time.

If Item #1 is made a condition, we request that the property affected be given a CR-2 classification subject to a new rezoning case for CR-5 if a deal with the Nanini family or any other buyer can be made. To reclassify the property CR-5 now would mean the entire case must go back to the Planning and Zoning Commission which seems unnecessary.

Supervisor Dusenberry

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March 17, 1977

I would like to make one other point. The enclosed map shows the Tortalita Community Plan, where our property is, and where the closest protester is. Since they feel they should be entitled to demand CR-1 over our entire parcel, I used our farthest corner for a radius and yellowed in the area they seem to feel they have the right to control. It is quite clearly the entire heart of the Tortalita Area Plan. Although the Tortalita Area Plan is not yet adopted, if urban densities are not allowed in its very heart, then any further consideration of the plan would be a complete mockery for all concerned.

The public hearing on this case is closed, but I will be present in the audience if any Board member wishes to ask a question.

Thank you for your consideration of my input into this matter.

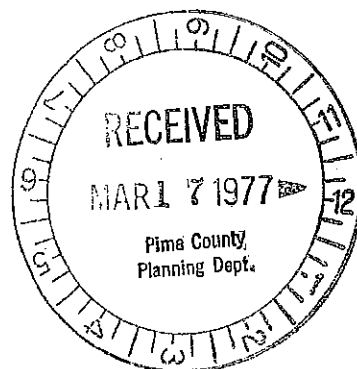
Sincerely yours,



Stephen E. Renneckar
Corporate Counsel

SER:rw

cc: Mr. Ron Green ✓



Casas Del Oro Norte



8100 N. Casas Way

Improvement Association

Mr. Ronald L. Green, Zoning Administrator
Pima County Planning and Zoning Department
Pima County Governmental Center
Tucson, Arizona 85701

Tucson, Arizona 85704
March 10, 1977

Re: Co9-76-45 Estes- Ina Road Rezoning

Dear Mr. Green:

Thank you for your letter of March 4 and the excerpts of the negotiating meeting with the Estes Company's attorney on March 3. I have been asked by our Homeowner's representatives who attended that meeting to respond for the group.

It is indeed unfortunate that Mr. Estes was not there to negotiate with us personally and in good faith.

Your minutes accurately reflected Mr. Rennecker's opening statement. However it was our clear understanding at the Board meeting on February 22 that our negotiations with Estes were not to be confined to "a buffer or transition, primarily in the northeast corner adjacent to Magee" as stated by Mr. Rennecker. We realize that was his company's position on the 22nd. In a telephone call with Mr. Rennecker several days before the meeting on the 3rd I again made our position clear. We preferred the SR zoning as shown on the Section 32 Neighborhood Plan and on the proposed drawing for Co9-76-45. As you reported we offered to compromise by accepting rezoning to CR-1.

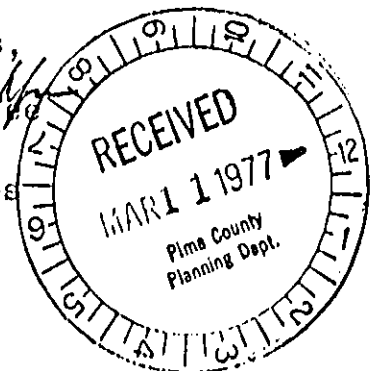
Mr. Rennecker also mentioned "an elaborate, pleasant looking entrance on the street". We assume this to mean Magee. In his presentation at the Board meeting on the 22nd he stated that all entrance and egress to the development would be from Ina Road. Apparently he found that the County Engineers would require access to Magee. Hence his reference to the "entrance" with the resultant need to obtain an easement from the owners of the property at the corner to allow this access.

Other than these two comments we believe that your notes accurately reflected the sense of our meeting. We thank you for submitting our comments to the Board of Supervisors with yours.

Sincerely yours,

Walter C. Chaffin
Walter C. Chaffin

cc: Warren Youngren, Casas Del Oro
William H. Scroggins, III, Casas Adobes Estates
Arthur Weiss, Tucson National Estates West
Robert A. Wilson, Tucson National Estates East
Robert Miller, Casas Del Oro Norte



PIMA COUNTY PLANNING AND ZONING DEPARTMENT

PIMA COUNTY GOVERNMENTAL CENTER • 131 WEST CONGRESS STREET • TUCSON, ARIZONA 85701



February 10, 1977

HONORABLE BOARD OF SUPERVISORS
11th Floor, County Administration Building
131 West Congress Street
Tucson, Arizona 85701

RE: Co13-60-26 Section 32 Neighborhood Plan
Co9-76-45 ESTES - INA ROAD REZONING

Transmitted for your consideration on February 22, 1977, are reports, findings, and recommendations of the Pima County Planning and Zoning Commission on:

Proposal to amend the Section 32 Neighborhood Plan to allow for additional CR-3 (urban density single family) uses rather than CR-1 (one residence per acre) and CR-4 (multi-family) uses, on the northwest corner of Ina Road and Shannon Road.

Petition of The Estes Company, holder of an option on the subject property, to rezone approximately 220 acres from SR (suburban ranch) to CR-3 (urban density single family), on the northwest corner of Ina Road and Shannon Road.

The Commission on January 25, 1977, on motion

VOTED: To recommend to the Pima County Board of Supervisors that the plan amendment and rezoning to CR-3 be APPROVED, with the exception that CR-1 zoning be APPROVED for the area south of the drainage ditch near the southeast corner of the property, subject to:

1. Submittal of a complete hydraulic and hydrologic drainage report;
2. Recording an acceptable plat that will provide for necessary rights-of-way for roads and drainage;
3. Completion of the requirements for a zoning ordinance within three (3) years from the date of approval by the Board of Supervisors;
4. A suitable arrangement with the Pima County Department of Sanitation regarding sanitary facilities; and,

5. Recording a covenant holding Pima County harmless in the event of flooding.

Carried unanimously by eight (8) members.

FINDINGS OF PLANNING AND ZONING COMMISSION MEETING HELD ON JANUARY 25, 1977

The oral staff report was presented and it was noted that the request conflicts with the Section 32 Neighborhood Plan and the proposed Tortolita Area Plan.

A representative of the petitioner appeared and stated the subject parcel is not good CR-1 land primarily because of the flatness of the land. He said that from a marketing standpoint, the land is more suited for CR-3. As far as sanitation is concerned, he said there is an existing sewer service agreement which would provide service to the entire parcel and enough hookups for three years' needs. After that the completion of a 12" sewer line and the Cañada del Oro Interceptor would provide service and hookups for the balance. As far as schools are concerned, he said his client was willing to commit to negotiate with the Marana School District for a suitable site on the subject property, should the District request such prior to the granting of tentative plat approval. He also noted that his client planned to channelize the Cañada del Oro.

A representative of the Marana School District appeared and expressed concern over the ability to finance school site acquisition and construction and the education of the large number of school-age children who will result from the subject development. He suggested the County consider requiring lands or moneys in lieu of lands for the purposes of school site acquisition from developers and additional moneys for the purposes of educating new students from new homeowners until their homes got on the tax rolls. Staff commented that under current Arizona law, both plans were illegal.

A representative of the Parks and Recreation Department appeared and noted that it is estimated that the County owns sufficient land in the area to accommodate the demand for parks that would be generated by any reasonable growth in the area.

Staff questioned the petitioner on the suitability of CR-3 zoning for the part of the subject parcel south of the drainage ditch near the southeast corner of Ina Road and Shannon Road. Staff commented that the drainage ditch might be a better buffer between CR-3 zoning and CR-1 and SR zoning than Ina and Shannon Roads would be. In response to a question by one of the Commissioners concerning whether much damage to the natural terrain would be necessary should this

southeast corner of the subject parcel be zoned CR-3, the petitioner answered in the affirmative.

The Commission voted unanimously to recommend approval of the subject parcel to CR-3, with the exception that CR-1 zoning be approved for the area south of the drainage ditch near the southeast corner of the property. The recommendation was made subject to the standard and special conditions noted in the staff report.

Respectfully submitted,

PIMA COUNTY PLANNING DEPARTMENT



Alex R. Garcia
County Planning Director

RLG/de
Attachments

OWNER: Lew S. McGinnes

cc: Jerry Jones, County Highway Department
Gerald Sweeney, Property Management Department
Department of Sanitation (MUM)
Fred K. Bockmon, Legal Counsel
Albin Krietz, Legal Adviser
Rose Silver, Legal Counsel
Lew S. McGinnes, 50 Camino Espanol, Tucson, AZ 85716
Lew McGinnis Enterprises, 6245 E. Broadway, 4th Floor, Tucson, AZ 85711
The Estes Company, P. O. Box 17360, Tucson, AZ 85731

Received at February 22, 2017
PdZ Commission Meeting

21 FEBRUARY, 2017

DEAR PLANNING AND ZONING COMMISSION:

MY NAME IS STEVEN K. MARLOWE, AND I LIVE AT 7845 N. JENSEN DRIVE IN THE HERITAGE HILLS DEVELOPMENT IN CASAS ADOBES. I HAVE LIVED THERE SINCE 1990, AS MY CHILDREN PROGRESSED THROUGH BUTTERFIELD ELEMENTARY SCHOOL. I AM A TRIAL LAWYER FOR FARMERS INSURANCE. I AM UNABLE TO ATTEND THIS HEARING DUE TO A MEETING THAT I MUST ATTEND. MY EX-SPOUSE IS TRACY KRUSE, WHO LIVES AT 7981 N. PAUL REVERE PLACE, A BLOCK FROM MY HOUSE AND RIGHT NEXT TO THE PROPOSED HOUSE. I HAVE SPENT QUITE A BIT OF TIME UP THERE WITH OUR TWO CHILDREN, AND HAVE ENJOYED THE BEAUTIFUL VIEW OF THE CITY THAT TRACY NO DOUBT PAID FOR WHEN SHE BOUGHT HER HOME, AND WAS THE MAIN REASON SHE BOUGHT IT. SHE IS AT THE END OF THE CUL DE SAC ON TOP OF THE HILL.

I STRONGLY OPPOSE THE PROPOSED HOME FOR THE FOLLOWING REASONS:

IT WILL BE THE **ONLY** HOME IN THE NEIGHBORHOOD THAT WOULD SIT SIDEWAYS TO THE LOT, AND TRACY AND OUR CHILDREN WILL HAVE TO LOOK AT THE ENTIRE LENGTH OF THE HOUSE RIGHT IN FRONT OF THEIR VIEW OF THE CITY. SINCE IT WOULD TOTALLY CHANGE THE VIEW, THAT IS WHAT WILL HAVE THEIR ATTENTION FROM NOW ON, AS WELL AS THE FRUSTRATION THAT GOES WITH IT.

THE PROPOSED HOME WILL NOT BE CONSTRUCTED OF ADOBE SLUMP BLOCK, LIKE EVERY OTHER HOME IN THE NEIGHBORHOOD.

I HAVE PERSONALLY SEEN MANY TYPES OF NATIVE WILDLIFE ON THE LOT, SUCH AS HAWKS, QUAIL, DOVE AND COYOTES, AND OUR SON SAW A BOBCAT NEARBY, ALL OF WHICH WOULD BE AFFECTED, IF NOT DISPLACED, IF THE LOT IS BUILT ON.

TO MY KNOWLEDGE, THERE HAS NEVER BEEN A NEW HOME CONSTRUCTED ON AN OPEN LOT IN THE NEIGHBORHOOD SINCE THE HOMES WERE BUILT IN 1978 AND 1979. IN MY VIEW, THIS HOME SHOULD NOT BE BUILT EVEN IF A SINGLE PERSON AFFECTED OPPOSES IT, AND MANY DO. IT WILL DO NOTHING TO ADD TO THE CHARACTER OR VALUE OF THE NEIGHBORHOOD, AND FOR ALL OF THESE REASONS, THE REQUEST TO REZONE THIS LOT SHOULD BE DENIED.

THANK YOU FOR YOUR CONSIDERATION.

SINCERELY,



STEVEN K. MARLOWE

520.797.1105

Kathryn Carlos

From: Kathy Carlos <kathryncarlos5@gmail.com>
Sent: Tuesday, February 21, 2017 6:42 PM
To: Kathryn Carlos



Sent from my iPhone

Kathryn Carlos

From: Kathryn Carlos <kathryncarlos5@gmail.com>
Sent: Tuesday, February 21, 2017 6:45 PM
To: Kathryn Carlos



Sent from my iPhone

For March 29, 2017 PIZ Commission Meeting
Additional Information from Applicant

Date: March 22, 2017

To: Pima County Development Services

Regarding: Compromise for Rezoning Case Co9-76-45, Subdivision Case Co12-78-3

Owner: Christopher Edward Korinek and Carlee Elena Korinek

7941 N. Paul Revere Pl.

Tucson, AZ 85741

Chris 520-282-1094, Carlie 520-256-1523

And: Tracy Kruse

7981 N Paul Revere Pl

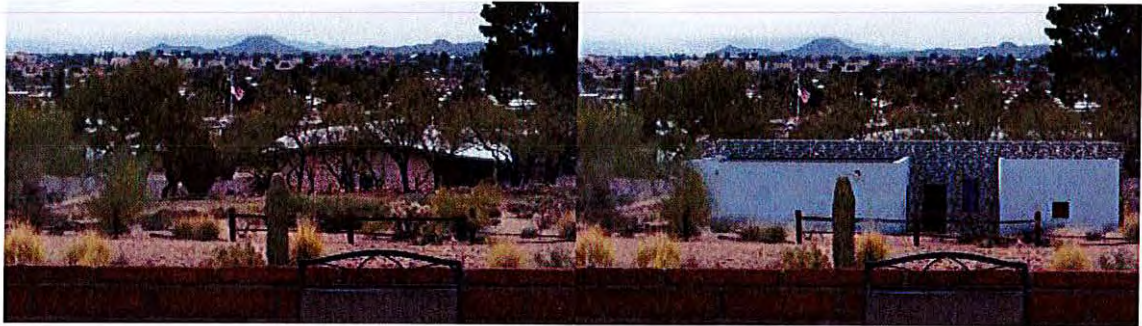
Tucson, AZ 85741

520-240-3291

Subject Property: 7961 N. Paul Revere Pl., Tax Parcel 225-42-3140, Lot 517 of Heritage Hills II

*Meeting was Sunday March 5th and lasted 90 minutes. At the meeting, it seemed like we were in agreement of a compromise being made. Later that evening, I submitted a summary for approval (only items 1-3 below, and I have since added/amended). I followed up with a text on March 15th and Ms Kruse responded on March 16th writing that she had been waiting to hear from her ex-husband who was looking into real estate law and she would let me know if she heard anything, otherwise she'd be attending the hearing. I thanked her for the update and let her know that we were available for further discussion if needed...

- 1) **Materials:** One of Ms. Kruse's concerns, regarding the structure, was a lack of slump block and incorporating stucco. Upon recommendations from contractors and the architect, we elected not to use slump block due to inefficiency and high cost. They recommended a stone/brick veneer as the primary material (final material is unselected and will be decided upon looks, efficiency and price). The subdivision's original carport/garage material is T-111 siding and we had elected to utilize stucco instead. We are also considering the use of metal siding due to its similarity to the T111 siding. (T 111 siding was used to build houses in 1970s/80s as then they were more affordable than wood sidings. These sidings are not weather proof and in order to protect them from sunlight, heat or water they should be painted. Source: t111siding.com.) In our current plan, stucco would be located on the north side where Ms. Kruse's house sits. First, we offered to do a smooth stucco rather than textured and it did not receive a positive reaction. We then offered to replace the aging split rail fence with a slump block wall to shield the majority view of stucco; this seemed to positively quell the overall issue of stucco. All our photos depict the stucco in a white shade, Ms Kruse also expressed a dislike of this. While a lighter cream tone is our preferred color, we are willing to compromise with a light earthy color.
- 2) **Privacy:** A newer concern introduced by Ms. Kruse was increased people/traffic due to construction. The offer is to provide a construction fence along the property line during construction for privacy (out of sight, out of mind). Once we get to the construction, we can talk to the builder to determine whether the slump block wall could be built first in-order to provide beneficial screening as soon as possible.
- 3) **View:** The amount of view diminishing was another concern expressed by Ms. Kruse. The attached photo of the house on the lot was supplied to help better visualize the view from the porch perspective provided by Ms. Kruse.



- 4) Height: The approximate FFE from the northwest corner of the new structure to Ms. Kruze's house is approx. 9'4". The existing houses measure about 10'6" in overall height, the max height of the new structure is 12'4". The example of the new structure's impact on height/view is depicted in the photo to show that the top of the trees (even the top of the current house at 7961) and the street are still visible from the porch perspective provided by Ms. Kruze.
- 5) Style and Orientation: There was discussion from the panel and Ms Kruze about aesthetics. Ms. Kruze expressed concern about the orientation of the house, noting that she would be looking at the broad side of the new structure and she observed that most HH2 structures are rectangular and have the length of their house running parallel with the street having the front door and garage/carpot facing the street (it's interesting to note that Ms. Kruze's own house is askew to this standard to take advantage of the lot/view; the proposed new structure is taking a similar approach). Through its geometry, we achieved the illusion of the rectangle, but the proposed structure is nearly square. We're not proposing a Contemporary/Tuscan/Cottage style. We're intending to maintain a ranch style with like or better materials. The architects preliminary 3D depictions of each side of the house and building elevations are attached; this should replace my preliminary architectural pictorial. I/Carlie have a bachelor's degree in interior design and am a certified kitchen designer with 19 years in the building industry, I have spent much time/thought into appropriately fitting this structure into the lot and will continue to strive for balance with the neighborhood aesthetic.
- 6) Established Neighborhood: Due to the vacant appearance of the lot, Ms. Kruze inquired about the possibility of something being built at the time of her purchase. Her real estate agent assured her this was a fully developed neighborhood and nothing could be built when in fact per the covenants, conditions and restrictions of HH2 they allow structures to be added to the lots. Additionally when Ms Kruze purchased her home there were 6 undeveloped lots in the neighborhood, 4 of which were recently built with stucco homes, 2 of which are still vacant.
- 7) We did the research and found that we have a unique scenario to the HH2 subdivision; we have a lot that is conducive to sustaining an independent house (meeting CR3 lot size requirements, setbacks, utilizing existing infrastructure/services) and we are requesting giving the new structure an independent address. The staff uncovered a rezoning condition and per their research our request for modification is generally positive and so is the support by a majority of the surrounding houses. In regards to Ms. Kruze's objection to creating a chain reaction of lot splitting, there are 132 lots in HH2, of which 17 may be candidates. Of those 17, most are inhibited by flood plain or natural preservation and only a handful (including lot 517) may have the potential. Per Ms. Kruze's comment that approving this request would set a precedent, we are asking for approval on this specific lot based the merits described.

Sincerely, Chris and Carlie Korinek

3-22-17

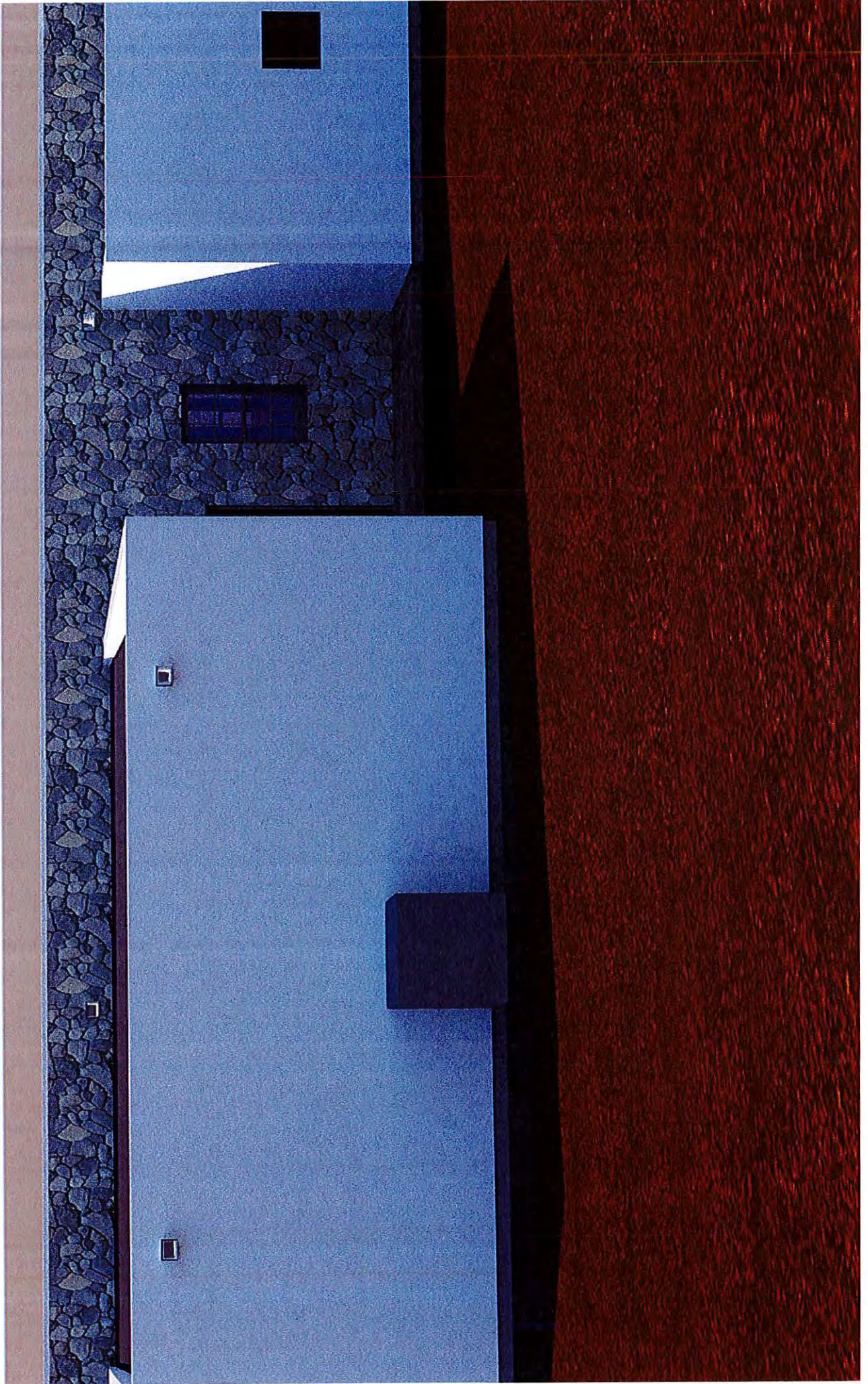
Current Existing



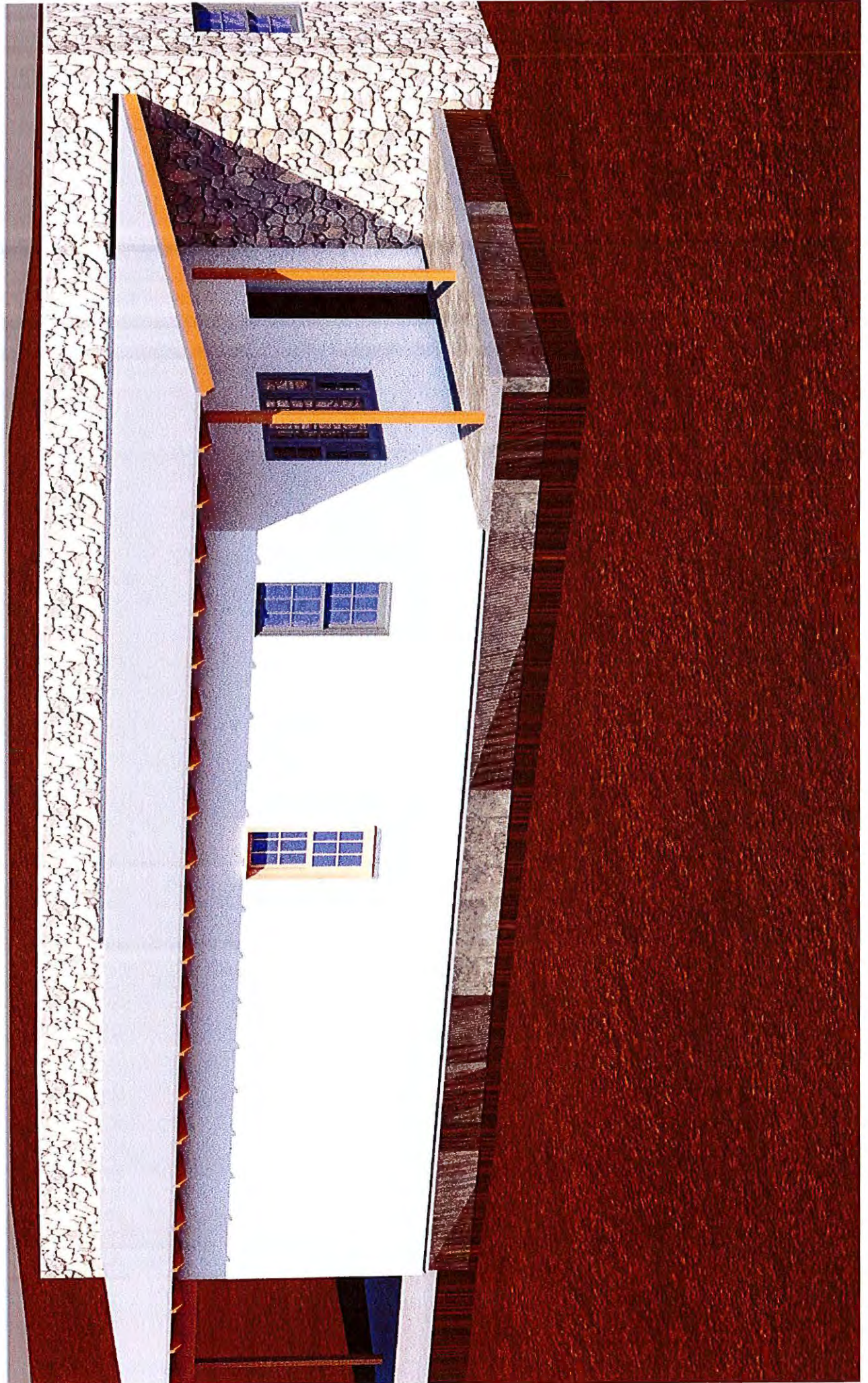
Proposed



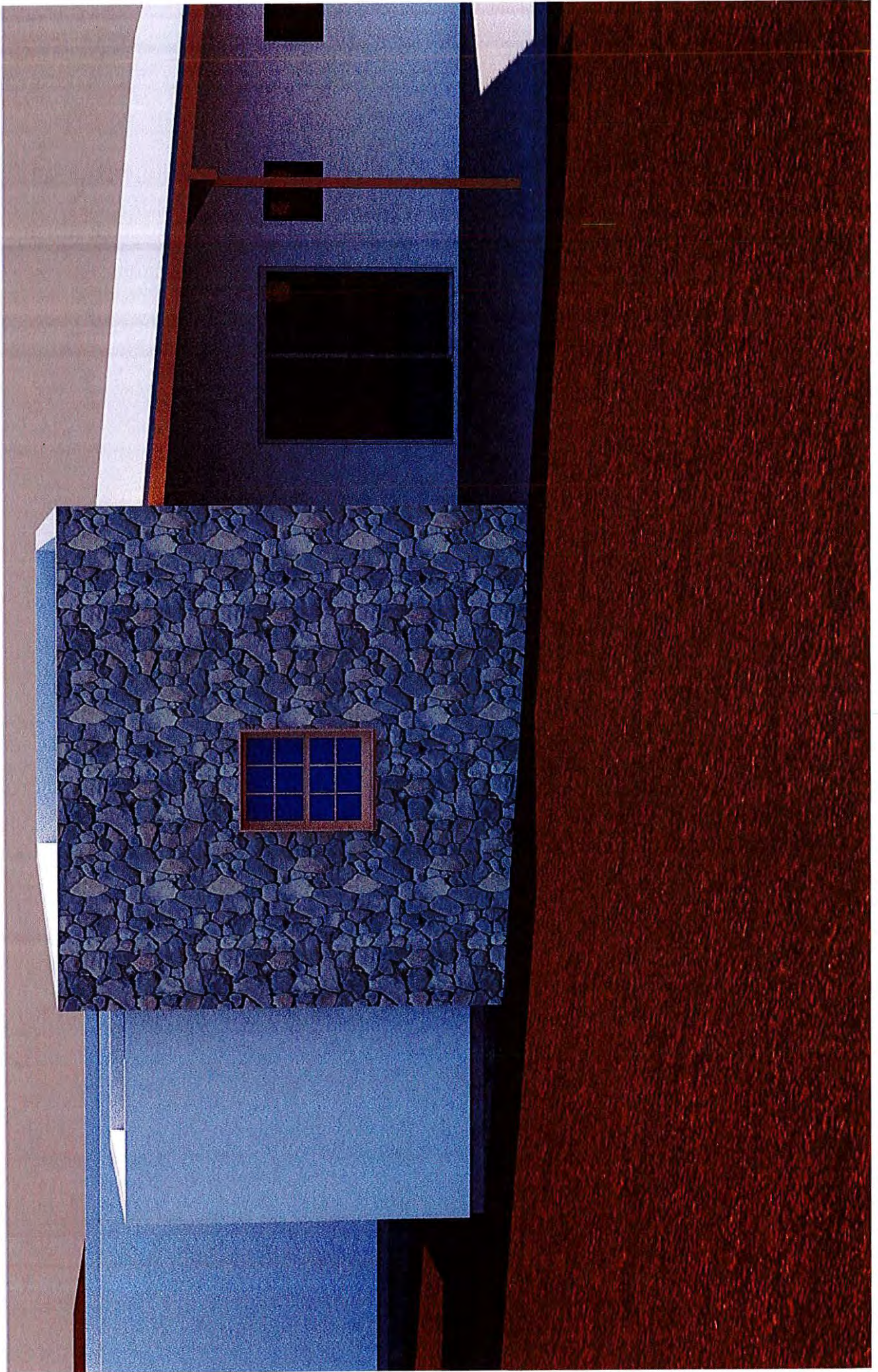
North Wall 3-22-17



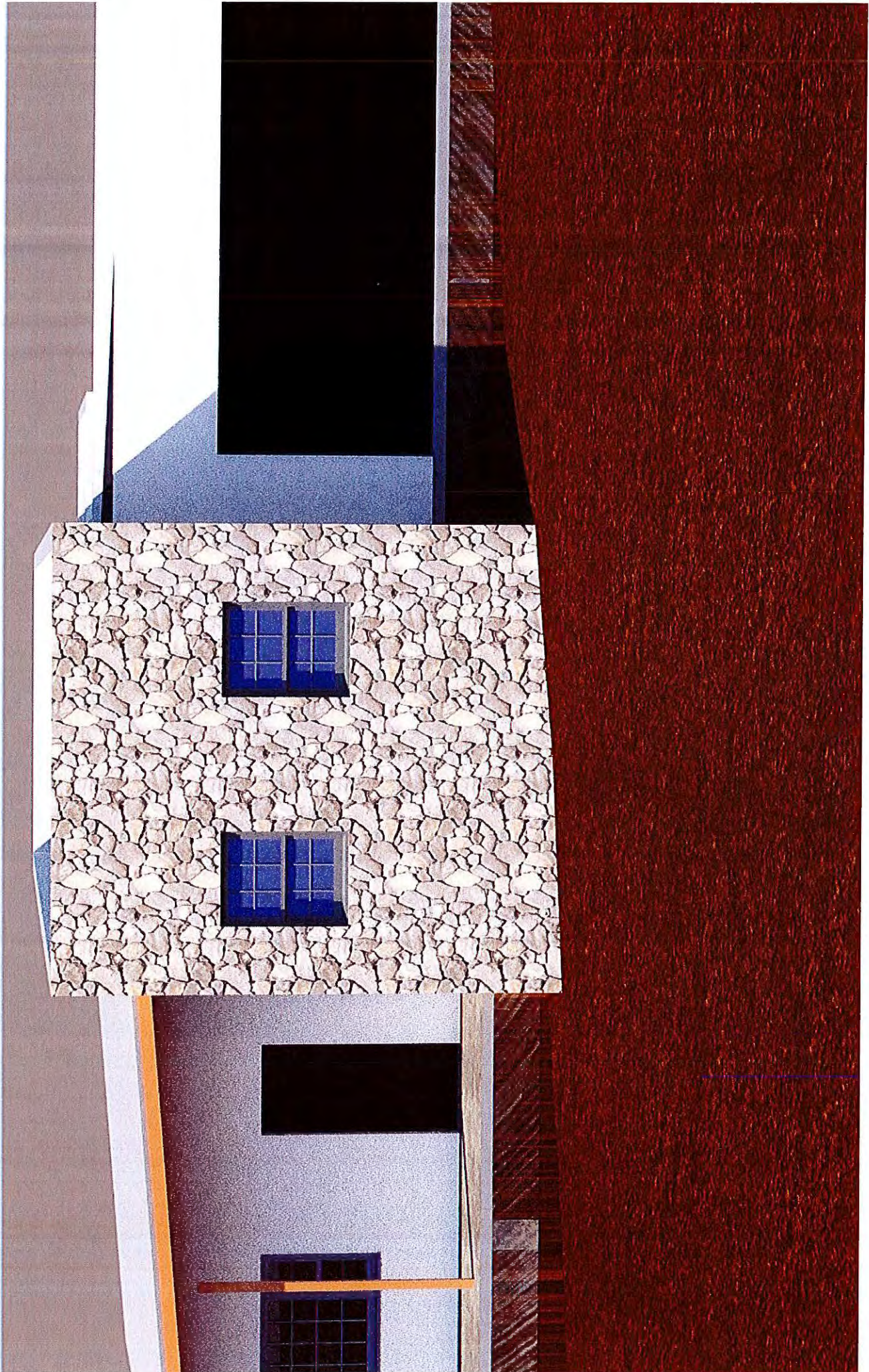
South Wall 3-22-17



West Wall 3-22-17

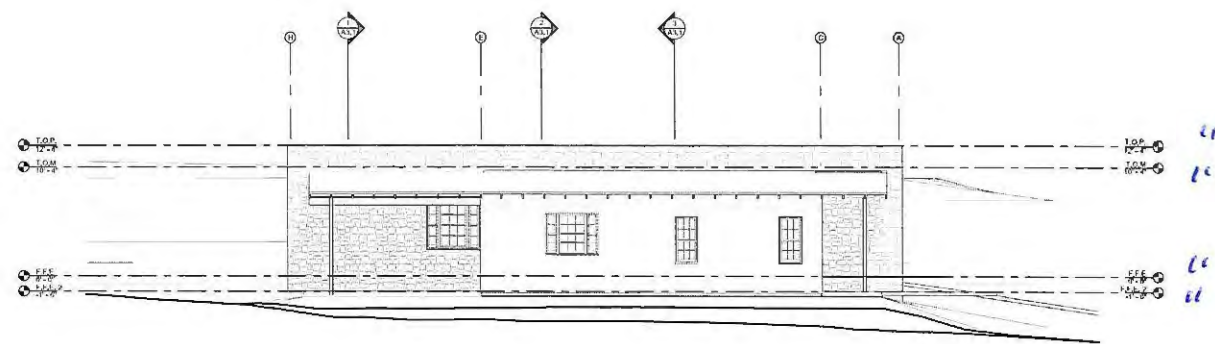


East Wall 3-22-17



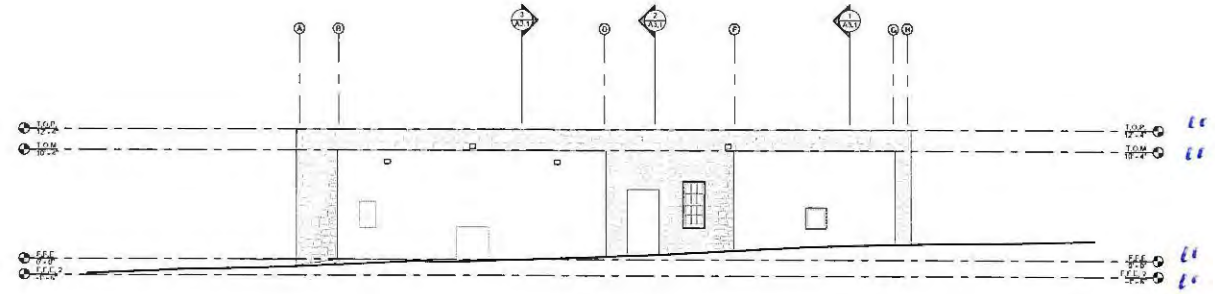
NWES Building Elevations 3-22-17

TOP 12'-4"
TOM 10'-4"
FFE 0'-0"
FFE² -1'-6"

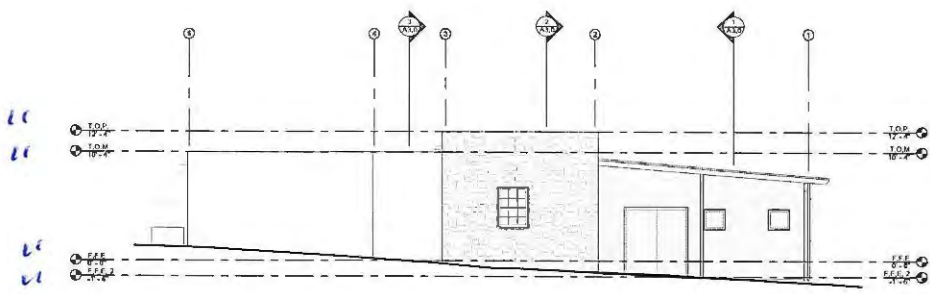


4 SOUTH ELEVATION
3/16" = 1'-0"

TOP 12'-4"
TOM 10'-4"
FFE 0'-0"
FFE² -1'-6"

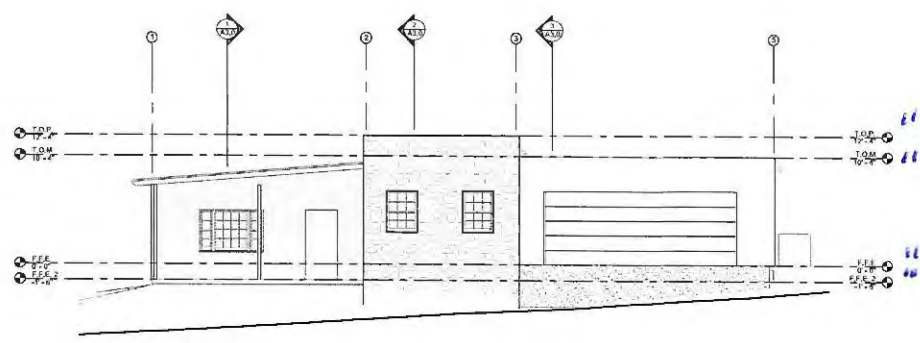


3 NORTH ELEVATION
3/16" = 1'-0"



2 WEST ELEVATION
3/16" = 1'-0"

3/16" = 1'-0"



1 EAST ELEVATION
3/16" = 1'-0"

11

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App: All in Design and Construction requires that any responsible party maintain a record of these plans during the life of the project. The drawings may have been modified as a result of field conditions. The Owner and Architect accept no responsibility for use of drawings not intended for this project. Drawings are not to be used for other projects without the written consent of the Architect.

DATE: 2017.01.30
PROJ: 565
DRAWN BY: SJK
CHECKED BY: JMM

REVISIONS

Korinek residence
7961 NORTH PAUL REVERE PLACE TUCSON, AZ 85741
BUILDING ELEVATIONS

A2.0