

RP-137 Hardy Road east of Thornydale Road (NW)

General Location

North side of W. Hardy Road approximately 1,300 feet east of N. Thornydale Road in Section 20, Township 12 South, Range 13 East. (Ref. Co7-13-06)

Policies

- A. Post development floodplains and riparian habitat shall be preserved in open space and be identified on the rezoning preliminary development plan and subdivision plat or development plan. This open space shall be protected by covenant and management responsibility identified on the subdivision plat or development plan.

- B. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
 - natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
 - the site areas of plan amendment cases Co7-13-03, 04, and 05 are not eligible to serve as off-site set-asides;
 - off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
 - off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
 - the approximate minimum total natural open space (NOS) set-aside is 75 acres, the approximate minimum on-site NOS set-aside is 10 acres, and the approximate minimum off-site NOS set-aside is 65 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4
Environmental Element, Policy 11 Conservation Lands System Mitigation Lands

Policy 11: The following guidelines apply to lands being considered for off-site mitigation:

- a) The location of off-site mitigation properties should be within the same general geographic region of the original project site;
- b) Off-site mitigation property should provide the same or better resource values as the original project site including, but not limited to:
 1. CLS designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations or subsequent conservation bond programs;
 2. Vegetation community type(s);
 3. Habitat values for applicable CLS Special Species (e.g., breeding, dispersal);
 4. Surface water or unique landforms such as rock outcrops;
 5. Contribution to landscape connectivity; and
 6. Demonstration that the resource and conservation values of the off-site mitigation property will be protected in perpetuity.
- c) Off-site mitigation of IRA may include the purchase and transfer of water rights that directly impact and/or support groundwater dependent ecosystems.

Neighborhood Meeting Summary

Rezoning Case No. P15RZ00003 Hardy-Thornydale I Associates – Hardy Road Rezoning Hardy Road east of Thornydale Road

Meeting Date & Time: Tuesday, August 29, 2015; the meeting commenced at 6:20 PM.

Location: Tortolita Middle School (Cougar Café), 4101 W. Hardy Road

Meeting Invitation & Mailing: All properties within 1000' of the site (approximately 360 in number) were mailed: 1) an invitation & explanatory cover letter; 2) a color copy of the *Framework Plan* that accompanied the approved comprehensive plan amendment application in 2014; and 3) a color copy of the proposed rezoning *Preliminary Development Plan (PDP)*.

Attendance: Thirteen (13) individuals (representing 10 properties) attended the meeting, accounting for approximately 3% of the properties that were noticed. Ten (10) of the thirteen (13) attendees were from the Maya Court subdivision to the immediate east of the rezoning site.

Synopsis: Jim Portner, as applicant and representative of the property owner, welcomed the attendees and introduced Mr. Larry Kreis (General Manager) and Mike Leung (Project Manager) of Red Point Development. Portner provided a historical overview, including exhibits showing the surrounding context of the property, a summary of the approved comprehensive plan amendment, and the proposed concept plan (*Preliminary Development Plan*) accompanying the rezoning. In doing so, he highlighted the various design particulars and demonstrated their consistency with the *Framework Plan* that accompanied the aforementioned comprehensive plan amendment approval. He also outlined the anticipated process and timeline for the rezoning, including the public hearings that would be held before the Planning & Zoning Commission and the Board of Supervisors. After all of the above, the meeting was thrown open for a general discussion of neighbor questions and issues/concerns.

Neighborhood Comment: The neighbor comments were generally unsupportive, but were expressed in a reasonable and professional manner. For all intents and purposes, there was a generally held desire that the subject property be developed as Suburban Ranch (SR) lots rather than the proposed density. With that premise in place, the following issues were raised:

- *Amount of traffic on Hardy Road and Thornydale Road:* There was a general concern that too much traffic was being loaded onto Hardy Road and would significantly worsen an already bad traffic situation on Thornydale Road. This concern was exacerbated by the fact that Miramonte Homes also plans to develop a new subdivision on its 20-acre property that fronts Hardy Road approximately 1000' west of the subject site. It was explained that the long-planned Thornydale RTA improvements were now scheduled to begin in 2018.
- *Will Hardy Road be extended or remain dead-end?* It was explained that the proposed project has no intention of extending Hardy Road to the east and will instead maintain its existing dead-end condition.
- *Setbacks from Maya Court; why not enlarge Maya Court buffer and reduce Sunnyvale's?* Some of the Maya Court residents suggested that the 100' buffer we are providing adjacent to their subdivision could/should be widened, and that the same 100' proposed buffer along the Sunnyvale subdivision (to the west of the rezoning site) should be reduced, since there was already a drainage channel in place at Sunnyvale that also serves to buffer them. It was

- explained that modifying the buffers in this manner was essentially unfair to the Sunnyvale residents, since they provided their present buffer using a portion of their own property. Maya Court provided no such internal buffer and instead abutted its rear lot lines directly against their subdivision boundary. The Maya Court residents did not agree with this reasoning and maintained that their requested buffer adjustment would be appropriate.
- *2-story versus 1-story:* There was a general desire to see no two-story homes, or at least none in any lots adjacent to the Maya Court subdivision. It was explained that the proposed 100' buffer along the Maya Court boundary would allow us to effectively double the Pima County Code-required setback distance between 1-story and 2-story subdivisions. Nonetheless, it was stressed that a 1-story limitation along Maya Court was a reasonable request to mitigate visual impacts.
 - *Drainage and downstream impacts:* There were concerns that development of the property would increase flows and damage downstream. It was explained that County Floodplain regulations do not allow us to increase post-developments flows over the existing condition. The location and functioning of detention basins to insure this was explained using the *PDP* and other exhibits.
 - *Possibility of upstream ponding/backing up due to our crossings of the minor o-site wash:* It was explained that our planned wash crossings would have to be accomplished with culverts large enough to fully convey the 100-year flow volume with no back-up. On-going culvert maintenance and sediment removal were recognized as a necessity to insure proper functioning.
 - *Density of our project versus surroundings:* One individual expressed his position that "net density" should be used to characterize the proposed project. While the gross density of the project is 2.8 residential units per acre (RAC) and is exactly the same as Maya Court's, "net density" would eliminate all proposed buffers, natural areas set-asides, and detention basins from the density equation. Under this approach, the individual's calculations indicate that the project's "net density" was effectively double the density of Maya Court.

After discussing all of the above, those in attendance indicated they had no further questions. The meeting then concluded at approximately 7:35 PM.

Sign-In Sheet

Full-Notice Neighborhood Meeting

P15RZ00003 – Hardy/Thornycdale Associates & Pacific Int'l Properties – Hardy Road east of Thornycdale Road
 September 29, 2015 -- 6:15 PM to 7:45 PM
 Tortolita Middle School (Cougar Café)

Name	Street Address	Phone Number	Email Address
Ann Eisenberg	8826 W Sky Dancer ^{Dr}	287-1847	_____
Mal Eisenberg	“ “ “ “	“ “	_____
Kathy Beckett	8775 N. Maya Ct	831-869/3/3	tothemorning@gmail
Ron Beckett	8775 N. Maya CT	203 675 5666	yuna.king.2005@ Yahoo.com
GILBERT WILLIAMS	8747 N. MAYA COURT	520 219-0559	docebe150@hotmail.com
ANN CAMPBELL	8761 N. MAYA COURT	520 744-6908	drance@earthlink.net
DIANA GRUSS	8901 N. CAM. DE LA TIERRA	520-668-5547	digruss@hotmail.com
Isabel Williams	8747 N. Maya Ct	(520) 871-0281	docebe150@hotmail.com
HANS DEWEERDT	8789 N. MAYA Ct.	520-572-1235	BODIETAC@COMCAST.NET

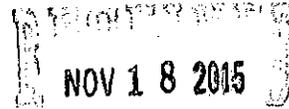
Sign-In Sheet

Full-Notice Neighborhood Meeting

P15RZ00003 – Hardy/Thornycdale Associates & Pacific Int'l Properties – Hardy Road east of Thornycdale Road
 September 29, 2015 -- 6:15 PM to 7:45 PM
 Tortolita Middle School (Cougar Café)

Name	Street Address	Phone Number	Email Address
GALEN DEWEERDT	8789 N MAYA CT.	572-1235	BODIETA@comcast.net
BIRT Hillman Diane Schluok	8794 N. MAYA CT	307-421-7688	schluokd@gmail.com
Anna Benninghoff	8677 N MAYA CT	520-405-5590	abenninghoff@yahoo.com

William Ryden
3253 W. Donovan Dr.
Tucson, AZ 85742
November 11, 2015



Pima County Development Services Department
Planning Division
201 N. Stone Avenue
2nd Floor
Tucson, AZ 85701

RE: Case # P15RZ00003

Dear Pima County Development Services Department:

I am a long-time resident of our city, and I am writing to express my concern about recent discussion and the pending decision to rezone the south side of W. Hardy Road, approximately 1300 east of N. Thornydale Road. I wish to officially protest this rezoning.

The negative impacts of this rezoning will irreparably damage the quality of the surrounding community.

Sincerely,

A handwritten signature in black ink, appearing to read "William Ryden". The signature is fluid and cursive, with a long horizontal stroke at the end.

William Ryden

RE: Rezoning request scheduled for the 11/25/15 PZ Commission meeting; item identification P15RZ00003 Hardy-Thornycroft 1 associates, et al. W Hardy Road Rezoning

I am writing in opposition to the above referenced request for rezoning. The Planning and Zoning Commission voted against the change of the Pima County Comprehensive Plan in 2013 stating that "there was no compelling reason" to alter the plan.

Unfortunately, the Board of Supervisors voted in favor of allowing the change in the Comprehensive Plan. I argue that there continues to be 'no compelling reason' to now rezone the referenced parcel. Having attended two meetings of the development organization, Red Point Development, the only reason for the rezoning request offered was the ability to make the parcel more attractive to potential builders, meaning a profit motivated decision. Please do not misunderstand. I am not anti-building nor anti-business. My objections are based on several factors.

1) We purchased our home with the full intention of relaxing into our later years of life. We searched many homes throughout the Tucson region and settled on our property adjacent to and just East of the parcel being reviewed for rezoning. We were aware that the zoning of this parcel was SR. On the 30 acre parcel, that would mean approximately 9 homes. We felt that the SR zoning would certainly allow building homes that would be congruent with the home style directly north of the parcel where there are homes on 3.3 acres. This would preserve the natural beauty of the parcel and continue to be a fruitful habitat for the desert creatures we all enjoy.

2) Any construction is disruptive. That's a given. Comparing 9 homes being built to 84 as proposed if rezoned represents a major disruption of not only the desert environment but also to the lifestyle that the current zoning would allow. Building 84 homes represents a project that could span several years. I am currently 62 years of age. If I live another 30 years, dealing with perhaps three years of construction noise and dust is about 10% of my remaining life. Of course the building of 9 houses as would be allowed by the current zoning, too, would be disruptive. But it would be nothing like 84 homes which would involve stripping and clearing of the current desert, road construction, additional infrastructure, and ultimately homes and walls. The disruption of lifestyle, in particular the stress associated with constant sounds and particles suspended in the air we would be challenged to breathe, is a critical consideration as it is a potential health hazard to the surrounding residents. Would anyone want to spend 10% of their remaining life subjected to these disruptions? We all bought their homes with the understanding, a promise of the Pima County existing zoning plan that approximately 9 homes would be built there.

3) During our meetings with Red Point Development, we were shown the plan for home placement if rezoning was approved (Exhibit II-B.1a-p Preliminary Development Plan Page 53). A few concerns jumped out of the information we were provided:

A) We were told that the proposed project would have a ~ 2.8 homes per acre density. However this is misleading. Given the proposed setbacks, detention basins and water management channels, the 'effective' or 'real' density of the proposed project is ~ 4.6 homes per acre with approximately 18 acres used for building. Thus, the proposed

density does not represent the 'real' or 'actual' density. The ~2.8 houses per acre manner of reporting densities is not accurate and in this case, favors the developer's cause.

B) We were shown the above-mentioned exhibit and told that the proposed rezoning would allow for a project with similar densities to those of the surrounding areas. This, too, is only partly the case. The zoning at the northeast section of the parcel is SR as is the zoning at the immediate southeast end of the parcel. As we 'zoom out' and view the area as a whole, it can be seen that by maintaining the existing SR zoning on the parcel under consideration, a stair step corridor is maintained creating a natural habitat as well as preserving animal transit and hunting routes.

C) While at the meetings we were shown only the construction plan if rezoning is approved. Red Point was asked if we could be shown the construction plan if rezoning is NOT approved. They stated that they have no plan for an SR development on the property. Questioned further, they stated that it would not be profitable and that SR homes are not selling and that they would not pursue an SR development. We certainly know many people our age who are looking for a semi-rural experience yet near enough to the amenities of Tucson and Oro Valley such as shopping and health care. It also gave us the impression that the rezoning hearing was merely a formality and that the parcel would indeed be rezoned and their development plan of 84 homes would be accepted. We know this is not the case as once again, the PZ Commission saw no compelling reason to alter the comprehensive plan in the first place and that is a probability in this case as well. There is no compelling reason to rezone this parcel.

D) We asked at these meetings that if rezoning was approved, when we might expect construction to begin. While there understandably was a wide time frame, another comment stood out. The development company stated that they would want to wait until Thornydale is improved by the county rather than having to expend their own dollars to improve the Hardy-Thornydale intersection. Why should all the taxpayers of Pima County pay for improvements that should be paid by the developers? Of course this is a business decision designed to maximize profits but is it fair...I don't think so. Simple greed...perhaps. Considering the failure of the recent bond issues Thornydale road improvement projects may be pushed further into the future.

So here we are. This beautiful parcel with its wonderful desert saguaros, mesquites, old growth ironwood can be a win-win situation for all involved if the current zoning is maintained at SR. The builder would certainly make a profit. With nine homes neither the county NOR the builder would be pressured to recondition the Hardy-Thornydale intersection as 18 cars (at 2 cars per household – 9 homes) is quite different from 168 additional cars (at 2 cars per household – 84 homes). The natural corridor for wildlife would be maintained. Finally, the neighboring landowners would realize that a promise made by Pima County Planning and Zoning policy is a promise we can count on.

Thank you for considering my comments. I see 'no compelling reason' to change the zoning and I oppose P15RZ00003. To the developers, please build now on the existing SR parcel.

Respectfully,
Ronald G. Beckett, 8775 North Maya Ct. Tucson, Az 85742

Terri Tillman

From: Celia Turner
Sent: Friday, November 13, 2015 10:19 AM
To: Kathy J. Harper-Beckett; Terri Tillman
Cc: Robin Brigode
Subject: RE: Protest Letter for Planning and Zoning Meeting Scheduled 11/25/15

Good morning,

Thanks for the e-mail. Planner working on this case is: **Terri Tillman**. You can contact her at **724-9000**. I will pass this on to her.

Thanks again,

Celia

Pima County Development Services, Planning Division
Board of Adjustment and Planning and Zoning Commission - Coordinator
Public Works Building, Second Floor
201 N. Stone, Tucson, Arizona 85701
Main 520-724-9000
Direct 520-724-6797
Fax 520-623-5411

www.pima.gov/developmentservices

Help us plan Pima County's future. Join the conversation at www.pimaprospers.com

From: Kathy J. Harper-Beckett [mailto:tothemorning@gmail.com]
Sent: Friday, November 13, 2015 10:14 AM
To: Celia Turner
Cc: Robin Brigode
Subject: Protest Letter for Planning and Zoning Meeting Scheduled 11/25/15

Re: P15RZ00003 Hardy-Thornydale 1 Associates, ET AL.- W. Hardy Road Rezoning Request

On September 25, 2013, the Planning and Zoning Commission voted 6-1 to **DENY** the amendment to the Comprehensive Plan requested by Red Point Development. After many residents of the neighborhoods impacted by a change in the Comprehensive Plan spoke, the Commission found **no compelling reasons to amend the Plan**.

However, the Board of Supervisors chose not to consider the decision of the Planning and Zoning Commission's members. It was as though the recommendation had been forgotten. Property owners spoke at multiple Board meetings spanning several months and wrote to each member of the Board re: why there was no compelling reason to change the Plan from LIU to MIU. The Board voted to amend the Plan, contrary to

Planning and Zoning's denial of amending the Plan and to the reasoning expressed by multiple property owners.

Now, Red Point Development, represented by Jim Portner of Projects International, Inc., is requesting rezoning of 30 acres behind our homes from the SR zone to the CR-5 zone. I am writing to protest the proposed rezoning of P15RZ00003.

Maya Estates, a community of 28 homes, abuts the parcel. It is actually two parcels, one of 10 acres immediately behind our homes, and an additional 20 acres further to the west. We all purchased our homes fully aware that the parcels were zoned SR and that development may happen in the future with one home per 3.1 acres.

If rezoning is granted to Red Point Development, the proposal is to build 84 homes on the property with two story and one story homes. Old growth saguaros and ironwood trees are abundant, and wildlife including bobcats, javalina, coyotes, rabbits, snakes, squirrels, owls, hawks, and multiple bird varieties frequent this byway. Immediately north of the property is SR zoning, not CR-5. East of the property, along Hardy Road, is not CR-5 zoning. Immediately south of the property is the Legacy School. The Developer referred during previous hearings to this parcel as being in the middle of CR-5 zoning. This is not true. It is not located on a busy corner on Thornydale Road.

This property had been before previous Boards, and the previous Supervisors chose **not** to amend the Comprehensive Plan for the same reason that the Planning and Zoning Commission stated when it **denied** making the change. There were no compelling reasons.

The property owners lost the battle and the Comprehensive Plan was changed. I am appealing to the Planning and Zoning Commission to consider the enormous impact to property owners should this rezoning request be granted. I **protest and object** to the rezoning request. My neighbors and I have acted in good faith through this process. I ask that the Commission consider the many negative implications for our community should this rezoning request be granted.

Thank you for your consideration. I look forward to seeing you on the 25th.

Sincerely,

Katherine Harper-Beckett
8775 N. Maya Ct.
Tucson, AZ 85742

Page 1 of 1

H-P C:\Users\KEN\Desktop\Frampton\Misc\Pima co Planning rezoning.odt

13-November-2015

Pima County zoning
Planner on duty
via fax 520 623 5411

Re: case P15RZ00003

Your notice was mailed 9-November, 11-November was no mail holiday. We received your notice on 12-November-2015. I am attempting to meet your 13-November noon deadline.

1- Our concern is how will drivers in subject area have access ?
Will this rezoning drive to close gap on Hardy road which fronts on subject area. WE DO WANT THE HARDY GAP CLOSED. If closed will add to traffic conflicts at Hardy and Shannon.

2- Your notices should include quick link to explanation of the meanings of the various quoted zone indicators.

Ken Thompson, 8704 N. Frampton Place, Tucson AZ 85742

Ken Thompson- Tucson AZ



NOVEMBER 25, 2015

Planning and Zoning Commission Meeting

- 6) P15RZ00003 HARDY-THORNYDALE 1 ASSOCIATES, ET AL. – W. HARDY ROAD REZONING
 - a. Letters received on November 24, 2015

Celia Turner

From: Betty Sanchez
Sent: Tuesday, November 24, 2015 9:16 AM
To: Arlan Colton; Celia Turner
Subject: FW: Feedback Form 2015-11-24 07:45 AM Submission Notification

See Below

Betty

Item #6

Pima County Development Services
Director's Office
520-724-6506
Website: http://webcms.pima.gov/government/development_services/

From: notification@pima.gov [mailto:notification@pima.gov]
Sent: Tuesday, November 24, 2015 7:46 AM
To: Director
Subject: Feedback Form 2015-11-24 07:45 AM Submission Notification

Feedback Form 2015-11-24 07:45 AM was submitted by Guest on 11/24/2015 7:46:01 AM (GMT-07:00)
TJS/Arizona

Name	Value
First Name	Ruth Ann
Last Name	Campbell
Email	drannc@earthlink.net
Address	8761 North Maya Ct.
City	Tucson
State	AZ
Zipcode	85742

Message Subject P15RZ00003 Hardy-Thornydale1 Associates, ET L.-W. Hardy Road Rezoning Request

Comment Attention celia.turner,robin.brigode Dear Commissioners, Maya Estates was elated when, at your September 25, 2013 meeting, you voted 6:1 to deny the request made by Jim Portner, Projects International Inc, to amend the Pima County Comprehensive plan and upzone Co7-13-06 from LIU.3 to MIU. Many of us appeared at the public meeting to appeal the destruction of this rare remaining section of Ironwood forest. This beautiful 30 acres and the plant and animal species it supports is the primary reason we invested in our homes. The Comprehensive Plan assured us that development of this land would be at an unobtrusive and nurturing one home per 3.3 acres. I brought my veterinary practice to Tucson choosing a haven over a busy, crowded place that may well have been more lucrative. The properties to the north of this 30 acres and Maya Estates were developed at the LIU density. Those who purchased the properties were asked to HAND CLEAR them by President Clinton to preserve this natural asset. In an appalling slight of hand

Celia Turner

From: Gilbert Williams <docebel50@hotmail.com>
Sent: Tuesday, November 24, 2015 9:32 AM
To: Celia Turner
Subject: Input Submitted to the Pima County Planning and Zoning Commission November 24, 2015

Item #6

Sent from Mail for Windows 10

Submitted to the Pima County Planning and Zoning Commission November 24, 2015

Dear Commissioners,

My wife, Izabel, and I attended your September 25, 2013 meeting to provide testimony, opposing the request by Jim Portner, representing Projects, International, Inc., to amend the Pima County Comprehensive Plan (Co7-13-06). The following is an excerpt from the report of this meeting submitted to the Commission by Arlan Colton on September 30, 2013. As you will note, the Commissioners present at the meeting voted to deny this request by the impressive margin of 6 to 1.

- 9) Co7-13-06 HARDY-THORNYDALE I ASSOCIATES, ET AL. - W. HARDY ROAD PLAN AMENDMENT
Request of Hardy-Thornycdale I Associates, et al., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from **Low Intensity Urban 0.3 (LIU 0.3)** to **Medium Intensity Urban (MIU)** for approximately 30,0 acres located on the south side of W. Hardy Road, approximately 1,300 feet east of N. Thornycdale Road, in Section 29, Township 12 South, Range 13 East, in the Northwest Subregion. (District 1)

ON MOTION, it was

Voted: To DENY.

The motion **PASSED** (6 – 1: Commissioner Richey voted NAY; Commissioners Poulos, Holdridge, and Membrilla were absent).

My wife and I were pleased that the Commissioners agreed with us and hoped that your recommendation would be accepted by the Pima County Board of Supervisors.

Unfortunately, this was not the case, as the Comprehensive Plan has been amended and the formal request for rezoning this parcel of land is on the agenda for your upcoming meeting on November 25, 2015 (Agenda Item – P15RZ00003 HARDY-THORNYDALE 1 ASSOCIATES, ET AL. – W. HARDY ROAD REZONING).

My wife and I will be at this meeting, as well, once again asking that you recommend against this rezoning. I would ask that you review my previous testimony, provided below, as this remains germane to the issue.

I have some additional comments, resulting from my participation in this overall process.

reptiles, raptors, a plethora of other bird species, all periodically blanketed by remarkable sunsets over Sombrero Peak. Here we have lived since March of 2004, frequently visited by bobcats, less frequently by javelinas, and with coyotes roaming freely in our desert. Our home's price, outside our initial retirement plans, was worth the sacrifice.

In fact, a large part of our decision was based on information we had acquired, showing this property, some 30 acres, as zoned to accommodate a maximum of 3 residences on each 10 acre plot. We were comfortable with this, reasonably certain that this density of houses would not be too invasive. We have also become aware that this zoning is extant through a corridor running southwest and northeast from this particular acreage, providing a pleasing buffer of Low Intensity Urban 0.3 (LIU-0.3) zoned properties, and allowing the co-existence of a rich desert environment among other neighborhoods, such as ours, zoned for an increased density of residences.

Our future years of enjoyment of this wonderful environment we sought and finally realized are now being threatened. We received a letter from Mr. David Peterson, a Senior Planner with the Planning Division of the Pima County Development Services Department, dated August 22, 2013, with the following reference:

Co7-13-06 HARDY-THORNYDALE I ASSOCIATES, ET AL. – W.HARDY ROAD PLAN AMENDMENT

In this letter, Mr. Peterson discusses a request being submitted to his organization to amend the Planned Land Use designation of this property from its current zoning status of LIU-0.3 to that of Medium Intensity Urban (MIU). This would allow this acreage to be inundated by as many as 10 houses per acre.

We are shocked and dismayed at the very thought this beautiful desert environment which we assumed would, in perpetuity, be limited to the existence of 9 residences could actually be a sight for as many as 300 homes! 300 vs 9, to us... an untenable prospect!

I am here today to request that you review this proposal, and with all good conscience, do all within your means to allow the original plan to remain as it is, indeed, as it has been for many years.

Please allow the desert LIU 0.3 corridor to remain in our neighborhood. Its flora and fauna are gifts to all of us to live among and cherish. This desert paradise is truly lovely and deserves preservation to whatever extent possible.

Thank you for your time and consideration.

Gilbert Williams

8747 N. Maya Court
Tucson, Arizona 85742
Phone: (520) 219-0559
E-mail: docebel50@hotmail.com

=====

**PIMA COUNTY PLANNING DIVISION
APPLICATION FOR REZONING**

<u>Larry Kreis, GM Red Point Development, Inc. (see attached for contact information)</u>			
Owner	Mailing Address		Email Address/Phone daytime / (FAX)
<u>Jim Portner, Principal Projects International, Inc. (see attached for contact information)</u>			
Applicant (if other than owner)	Mailing Address		Email Address/Phone daytime / (FAX)
Portion of Sec. 29, T12S, R13E			225-29-009D & 225-29-009F
Legal description / property address			Tax Parcel Number
30 AC	SR	CR-5	MIU - Northwest Sub-region
Acreage	Present Zone	Proposed Zone	Comprehensive Plan Subregion / Category / Policies

The following documentation must be attached:

1. **Assessor's map** showing boundaries of subject parcel and **Assessor's Property Inquiry (APIQ) printout** showing **current ownership** of subject parcel. **DEEDS AND/OR TITLE REPORTS WILL NOT BE ACCEPTED.** If the applicant is not shown as the owner of the subject parcel a letter of authorization with an **original signature** matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, an **original signature** of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, an **original signature** from an officer with his/her title is required along with a disclosure of the officers of the entity.
2. Submit the site analysis fee and eight (8) copies of the site analysis document. If the proposed project will use an on-site wastewater treatment and disposal system (such as a septic system), nine (9) copies of the site analysis document must be submitted. Also submit one CD of the site analysis document.
3. For all rezonings, submit the **entire** rezoning fee.

This application is true and correct to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application.

July 30, 2015
Date


Signature of Applicant
Jim Portner

FOR OFFICIAL USE ONLY

<u>Hardy-Thurysdale Assoc 1 - West Hardy Rd</u>				
Case name				Co9- <u>P15RZ0003</u>
<u>SR</u>	<u>CR-5</u>			<u>✓</u>
Rezoning from	Rezoning to	Official Zoning Base Map Number	Fee	Supervisor District
<u>ML</u>	<u>30 acres</u>			
Conservation Land System category				
<u>Co7-13-86</u>		<u>NW</u>	<u>RZ-RP137</u>	
Cross reference: Co9-, Co7-, other		Comprehensive Plan Subregion / Category /Policies		
Received by <u>H</u>	Date <u>8-4-15</u>	Checked by _____	Date _____	

Contact Information
Hardy Road east of Thornydale Road
Rezoning Application – SR to CR-5

Assessors Parcel Numbers

APN 225-29-009D & 225-29-009F

Ownership Entities

- **Hardy-Thornydale I Associates**
- **Fidelity National Title Trust No. 10760**

In Care Of:

Mr. Larry Kreis, General Manager
Red Point Development, Inc.
8710 N. Thornydale Road
Suite 120
Tucson, AZ 85742-5032

Phone: 520.408.2300
Fax: 520.408.2600
Email: lkreis@redpointdevelopment.com

Applicant/Agent

Jim Portner, Principal
Projects International, Inc.
10836 E. Armada Lane
Tucson, AZ 85749-9460

Phone: 520.850.0917
Fax: 520.760.1950
Email: jportner@projectsintl.com

July 24, 2015

Mr. Chris Poirier, Assistant Planning Director
Pima County Development Services Department
Planning Division
201 N. Stone Avenue – 2nd Floor
Tucson, AZ 85701

**RE: LETTER OF AUTHORIZATION
Rezoning Application – Hardy Road East of Thornydale Road**

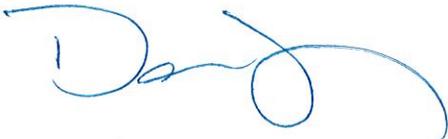
Dear Mr. Poirier:

As the owner-of-record of the above-referenced property (Assessor's Tax Parcel Nos. 225-29-009D), Hardy-Thornydale I Associates hereby authorizes Jim Portner of Projects International, Inc. to represent us as the applicant and/or agent in rezoning the property.

In the interests of disclosure, the officers of Hardy-Thornydale I Associates are as follows:

Edward Louie, Partner
The Leung Family Limited Partnership
Daniel K. Leung, Managing Partner
Michael K. Leung, Partner
Barbara H. Chang, Partner

Sincerely,



Daniel K. Leung, Managing Partner
Hardy-Thornydale I Associates

FIDELITY NATIONAL TITLE AGENCY, INC.
6245 E. BROADWAY, SUITE 180
TUCSON, ARIZONA 85710
PHONE NUMBER (520)-751-2970
FAX NUMBER (520)-290-2392
E-MAIL ADDRESS mhill@fnf.com

July 23, 2015

Mr. Chris Poirier, Assistant Planning Director
Pima County Department of Development Services
Planning Division
201 N. Stone Ave., 2nd Floor
Tucson, Arizona 85701

Re: Authorization/Rezoning Application – Portion of Hardy Road

Dear Mr. Poirier:

Fidelity National Title Agency, Inc. Trust 10,760 as owner for the property known as Assessor's Tax Parcel 225-29-009F, hereby authorizes Jim Portner of Projects International, Inc. to represent us as the applicant and/or agent in the rezoning of the property referenced above.

Attached is a copy of the recorded Declaration of Trust that states the name of the beneficiary of the trust as Pacific International, an Arizona partnership. The names of the Partners are as follows:

Lawrence C. Leung, Partner
Daniel K. Leung, Managing Partner
Michael K. Leung, Partner
Barbara H. Chang, Partner

Please let me know if you need anything further.

Sincerely,



Martha L. Hill
Trust Officer for
Fidelity National Title Agency Inc.

The Board postponed action on this item until the end of the meeting.

This item was reopened at the end of the meeting. Andrew Smallhouse withdrew the petition for the establishment of the Redington Water Conservation District. The Board directed staff to return the bond that had been posted.

In addition, Mr. Huckelberry suggested the County begin paying an increased portion of electrical costs for the County-owned A-7 Ranch, located within the area in question and operated by the petitioner. He also recommended the Board approach the Arizona Corporation Commission to encourage the creation of a ranching category to receive special electrical rates for well pumping related to ranching, especially during drought conditions.

FRANCHISE/LICENSE/PERMIT

16. **Fireworks Permit**

Denese Veek, Caterpillar, Inc., Tinaja Hills Training Facility, 5000 W. Caterpillar Trail, Green Valley, March 1 through March 7, 2014, at 8:00 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit.

17. **Extension of Premises/Patio Permit**

Donald James Royer, Tucson International Airport Fly Bar, 7250 S. Tucson Boulevard, Tucson, Permanent Extension of Premises.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

18. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013 and January 21, 2014, continued the following:

Co7-13-03, LAWRENCE C. LEUNG, INC. - N. THORNYDALE ROAD PLAN AMENDMENT

Request of Lawrence C. Leung, Inc., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Neighborhood Activity

Center (NAC) and Medium Intensity Urban (MIU) for approximately 18.01 acres located on the southeast corner of N. Thornydale Road and W. Linda Vista Boulevard, in Section 20, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

1. Notwithstanding the land use designation on the Land Use Plan, areas which will not be removed from the 100-year floodplain through implementation of plans approved by the Pima County Regional Flood Control District and areas of Pima County Regulated Riparian Habitat shall revert to Resource Transition at the next appropriate annual plan amendment program period.
2. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan, subdivision plat, and development plan. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
3. Due to the nearby location of Mountain View High School, uses permitted shall not include a drive-through restaurant, a restaurant without wait staff service, a convenience store, a gasoline service station combined with a convenience store, a confectionary store, an ice cream store, a refreshment stand, or uses consistent with an indoor amusement or recreational enterprise.
4. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
 - natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
 - the site areas of plan amendment cases Co7-13-04, 05, and 06 are not eligible to serve as off-site set-asides;
 - off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
 - off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
 - the approximate minimum total natural open space (NOS) set-aside is 33 acres, the approximate minimum on-site NOS set-aside is 9 acres, and the approximate minimum off-site NOS set-aside is 24 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

Arlan Colton, Planning Director, provided the staff report for Co7-13-03, Co7-13-04, Co7-13-05 and Co7-13-06. He noted the property owner and the Coalition for Sonoran Desert Protection had come to an agreement regarding all four properties and that new rezoning policies had been added to the conditions. He also conveyed the information from the Marana School District that all schools in the proposed area were currently under capacity. Mr. Colton stated that in each of the four cases numerous public comments from various property owners had been received, the majority were for Co7-13-06.

Jim Portner, Red Point Development, summarized the updated plan for set aside areas and the agreement with the Coalition for Sonoran Desert Protection.

The following speakers addressed the Board:

- Deslonde Lamb
- William Scott
- Judith Yoder
- Stacia Ringer, Huntington Ridge Linda Vista
- Carolyn Campbell, Coalition for Sonoran Desert Protection
- David Lutz
- Tom Webb
- Elizabeth Konto
- Ann Campbell
- Roy Crawford
- Pam Siebrandt
- Jed Benninghoff, Maya Court Homeowners Association
- Gilbert Williams
- Katherine Harper-Beckett
- Kenneth Fischer
- Hans Deweerdt
- Galen Deweerdt
- Rolf Ziegler

They offered the following comments:

- There were no compelling reasons to change the Comprehensive Plan.
- Current flooding issues would be exacerbated by development.
- Roads in the area were already over capacity.
- School capacity was a concern.
- The Coalition for Sonoran Desert Protection worked with the developer and was satisfied with the proposed set aside areas.
- Marana was destroying the Sonoran Desert with developments and needed to be pressured to adhere to the Sonoran Desert Conservation Plan.
- Explosive growth resulted in the need for more roads, bigger schools and more services, which had to be paid for by the taxpayer.
- The developer worked with neighbors to create an acceptable buffer area.
- A higher density population would have a negative effect on traffic, the habitat and the neighborhood.
- If Hardy Road was opened for ingress or egress, there would be an imminent domain issue.
- More housing in this area was not needed and profit was not a reason to destroy habitat.
- There was opposition to changing the Comprehensive Plan, not necessarily to development in general.
- Empty retail space was in abundance in the area and no more was needed.
- Neighborhoods were not represented in meetings between the developer and the Coalition for Sonoran Desert Protection.
- Off-site set asides would not benefit neighbors.
- The Planning and Zoning Commission voted to deny these four requests.

- People and quality of life should come before and above corporate profit and greed.
- Preservation of desert land was no longer an option but a necessity.

The following did not speak but attended in opposition:

- Will DeBoer
- Romy Phillips

The following did not speak but lent their support:

- Paul Green

It was moved by Supervisor Miller and seconded by Supervisor Elías to close the public hearing and approve Co7-13-03, subject to Rezoning Policies.

Chair Bronson offered an amendment that the motion reference and include Rezoning Policy No. 4 as recommended by staff. Supervisors Miller and Elías accepted the amendment to the motion. Upon roll call, the motion unanimously carried by a 5-0 vote.

19. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013 and January 21, 2014, continued the following:

Co7-13-04, PACIFIC INTERNATIONAL PROPERTIES, L.L.P. - N. THORNYDALE ROAD PLAN AMENDMENT

Request of Pacific International Properties, L.L.P., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Neighborhood Activity Center (NAC) and Medium Intensity Urban (MIU) for approximately 54.95 acres located on the northwest corner of N. Thornydale Road and W. Cortaro Farms Road, in Section 30, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted, "Nay," Commissioners Poulos, Holdridge and Membrilla were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

1. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan, subdivision plat, and development plan. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
2. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
 - natural open space set-asides will be provided entirely within the amendment area;
 - the site areas of plan amendment cases Co7-13-03, 05, and 06 are not eligible to serve as off-site set-asides;

- the approximate minimum total natural open space (NOS) set-aside is 46 acres, the approximate minimum on-site NOS set-aside is 46 acres, and the approximate minimum off-site NOS set-aside is 0 acres.

(Clerk's Note: See Minute Item No. 18 for additional discussion regarding this case.)

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-13-04, subject to the original Rezoning Policy No. 1 and the additional Rezoning Policy No. 2, as amended by staff.

20. Comprehensive Plan Amendment

The Board of Supervisors on November 19, 2013 and January 21, 2014, continued the following:

Co7-13-05, MANDARIN ASSOCIATES - N. THORNYDALE ROAD PLAN AMENDMENT

Request of Mandarin Associates, represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) for approximately 17.77 acres located at the northwest corner of N. Thornydale Road and W. Magee Road, in Section 30, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted "Nay," Commissioners Poulos, Holdridge and Membrilla were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

1. Notwithstanding the land use designation on the Land Use Plan, areas which will not be removed from the 100-year floodplain through implementation of plans approved by the Pima County Regional Flood Control District and areas of Pima County Regulated Riparian Habitat shall revert to Resource Transition at the next appropriate annual plan amendment program period.
2. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan, subdivision plat, and development plan. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
3. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
 - natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
 - the site areas of plan amendment cases Co7-13-03, 04, and 06 are not eligible to serve as off-site set-asides;
 - off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
 - off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and

- the approximate minimum total natural open space (NOS) set-aside is 38 acres, the approximate minimum on-site NOS set-aside is 7 acres, and the approximate minimum off-site NOS set-aside is 31 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

(Clerk's Note: See Minute Item No. 18 for additional discussion regarding this case.)

It was moved by Supervisor Miller, seconded by Supervisor Elfas and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-13-05, subject to the original Rezoning Policy Nos. 1 and 2, and the additional Rezoning Policy No. 3.

21. Comprehensive Plan Amendment

The Board of Supervisors on November 19, 2013 and January 21, 2014, continued the following:

Co7-13-06, HARDY-THORNYDALE I ASSOCIATES, ET AL. - W. HARDY ROAD PLAN AMENDMENT

Request of Hardy-Thornycdale I Associates, et al., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) for approximately 30.0 acres located on the south side of W. Hardy Road, approximately 1,300 feet east of N. Thornycdale Road, in Section 29, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 6-1 (Commissioner Richey voted "Nay," Commissioners Poulos, Holdridge and Membrilla were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

1. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan and subdivision plat or development plan. This open space shall be protected by covenant and management responsibility identified on the subdivision plat or development plan.
2. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
 - natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
 - the site areas of plan amendment cases Co7-13-03, 04, and 05 are not eligible to serve as off-site set-asides;
 - off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
 - off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
 - the approximate minimum total natural open space (NOS) set-aside is 75 acres, the approximate minimum on-site NOS set-aside is 10 acres, and the approximate minimum off-site NOS set-aside is 65 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided). Post development floodplains and riparian habitat shall be preserved as open space and be

(Clerk's Note: See Minute Item No. 18 for additional discussion regarding this case.)

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-13-06, subject to the original Rezoning Policy No. 1 and the addition of Rezoning Policy No. 2.

22. Rezoning

Co9-13-09, TITLE SECURITY OF ARIZONA TR 2055 - TANQUE VERDE ROAD REZONING

Request of Title Security of Arizona TR 2055, represented by The WLB Group, Inc., for a rezoning of approximately 41 acres from SR (Suburban Ranch) to CR-1 (Single Residence Zone) and for a rezoning of approximately 81.5 acres from SR (Suburban Ranch) to SR® (Suburban Ranch)(Restricted). The property is located on the north side of Tanque Verde Road approximately 2400 feet east of Houghton Road. The proposed rezoning conforms to the LIU 0.3, LIU 1.2 and RT Comprehensive Plan designations. On motion, the Planning and Zoning Commission voted 8-1 (Commissioner Membriola voted "Nay," Commissioner Holdridge abstained (abstention counts as "Yes" vote) and Commissioner Neeley was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS AS AMENDED. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation: The property is limited to one access point on Tanque Verde Road as shown on the preliminary development plan.
8. Regional Flood Control District:
 - A. Prior to development the property owner shall submit to the Pima County Flood Regional Control District; a drainage report including Hydraulic Analysis, Conditional Letter of Map Revision, and Riparian Mitigation Plan for review and approval that addresses the impacts of development to the federally mapped floodplain and local area drainage and to determine maximum encroachment limits, building sites, elevations and setbacks.
 - B. Maximum encroachment limits shall be shown on the plat.
 - C. First flush retention shall be provided within previously disturbed areas.
 - D. Post-development floodplains and flood control improvements shall be in common area.
 - E. Post development riparian habitat including mitigation areas as shown on the Riparian Habitat Mitigation Plan associated with the plat shall be set-aside as separate common area parcels or as easements within residential parcels to the Homeowner's Association for riparian habitat preservation, mitigation and monitoring.