



April 18, 2016

Ms. Terri Tillman, Senior Planner
PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
201 N. Stone Avenue – 2nd Floor
Tucson, AZ 85701

**RE: P16RZ00003 -- GST, LLC et. al. -- W. OVERTON ROAD REZONING
REQUEST TO REVISE RECOMMENDED REZONING CONDITIONS**

Dear Ms. Tillman:

Thank you for preparing a positive staff report on the above-referenced case and for recommending approval of our request to rezone the property. As I believe you are aware, this site has had a long and somewhat challenging history and the prospect of its development was one that had always caused significant concern amongst the neighboring residents. After lengthy discussions with these affected neighbors, it is gratifying to bring forth a plan which reflects their input, has their majority support, and which has now been recommended for approval by staff.

We have reviewed the recommended rezoning conditions in the staff report and are in agreement with all them, except for a single condition on which we request revised wording. This would be Department of Transportation recommended Condition No. 3A, which reads as follows:

3. Transportation conditions:
 - A. Additional access shall be provided for the site, including one access directly serving the southern portion of the site, unless an alternative design that connects the north and south portions of the site, and is acceptable to the Department of Transportation, is provided.

As presently shown on our Preliminary Development Plan (PDP), the project takes all of its vehicular access (except for fire and emergency vehicles) off of Overton Road. The above condition, as currently written, establishes a default stipulation for a second vehicular access point to serve the southern twenty acres of the site. The only relief from this stipulation would come through developing some other vehicular connection between the north and south acreage (i.e. one that is somehow different from the one we already propose), but this design would be subject to DOT discretionary approval. Clearly, the purpose of this condition is to promote a second access point.

Reasons for Objection

We must object to this DOT requirement for the following reasons:

- Our original design for the project effectively split the property into two, stand-alone developments. The northern acreage accessed onto Overton Road; the southern acreage accessed onto Romero Avenue at Avocado Street.

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- As part of our numerous discussions and working meetings with the affected neighbors, we presented this design to the leadership of Mesaland (the existing subdivision to the adjacent east). To say that they roundly rejected this design would be a distinct understatement.
- The Mesaland leadership stressed that their streets are already in poor condition (being essentially chip sealed), with significant deterioration, cracking and edge crumbling, and that this was the case with only the comparatively light traffic from their existing residents.
- They were also adamant in communicating the near-rural enclave that Mesaland represents within the larger urbanized context. It is an equestrian community; horse usage occurs throughout the subdivision streets and at a high frequency. While existing residents are accustomed to these equestrian realities and the special circumstances they create for the motorist, new residents from a non-equestrian subdivision likely will not.
- From our perspective as the rezoning applicant and the developer, and given the tenor of our discussions with the Mesaland residents on these above issues, it was abundantly clear to us that this matter constituted a fatal flaw in the design we had presented to them.
- In light of this reality, our next generation of the project layout eliminated the Romero Road access point for the southern acreage and, instead, connected the southern acreage to the northern parcel and created the current single point of access onto Overton Road.
- In order to effectuate the above design, we completed lengthy negotiations with the private property owner at the southeast corner of Pine Street @ Romero Avenue, so as to purchase sufficient property from him to allow the north-south connecting road and to realign the existing 90-degree connection of Pine/Romero.

In real terms, we do not disagree with DOT's basic position that, from a pure transportation and traffic engineering perspective, it makes more sense to evenly distribute our project's traffic onto multiple adjacent public streets. We would also agree that the proximity of our new north-south connecting road and the 90-degree intersection of Pine Street/Romero Avenue creates an unusual street configuration. That being said, however, reality and pragmatics also come into play. It is the very nature of land development that there is often tension and conflict between neighborhood concerns, developer desires/needs, and technical regulatory design criteria. In most all cases, successful global solutions are found in balancing these competing interests as much as reasonably possible, as opposed to unilaterally optimizing one of them at the expense of the others.

Recommended Revised Wording

In light of all of the above, and in the interest of insuring that a proper balance is created between neighborhood concerns and technical design criteria, we formally request that Condition No. 3A be reworded as follows:

3. *Transportation Conditions:*

- A. Private vehicular access for the project shall conform with the Preliminary Development Plan (PDP). A suitable physical barrier, subject to DOT approval, shall be provided to insure that no vehicular migration occurs between the new street that connects the north and south parcels and Pine/Romero Street at that point where these roads are in closest proximity to each other. Only fire and emergency access shall be allowed onto Romero Avenue for the southern twenty-acre parcel.*

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Thank you for considering the above request and for forwarding it to the Planning & Zoning Commission. I am also copying the Department of Transportation with this letter so that they are informed as to our position. As always, please contact me with any questions you may have on this request at cell phone 520.850.0917 or via email at jportner@projectsintl.com.

Sincerely
PROJECTS INTERNATIONAL, INC.

A handwritten signature in black ink, appearing to read 'J. Portner', with a stylized flourish at the end.

Jim Portner, Principal

cc: Mr. Charles Jackson, GST, LLC et. al.
Chuck Martin, Dan Castro, Rick Engineering
Robert Young, Jeneatte De Renne, PCDOT