

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

HEARING July 13, 2016

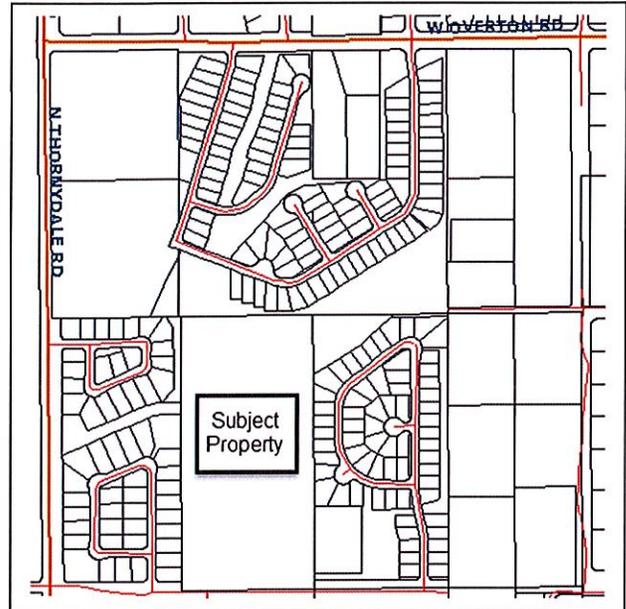
DISTRICT 1

CASE P16RZ00005 Whisper Canyon Holdings, LLC - W. Hardy Road Rezoning

REQUEST Rezone from SR (Suburban Ranch) to CR-5 (Multiple Residence) Zone (19.81 acres)

OWNER Whisper Canyon Holdings, LLC
Attn: Steve Quinlan
4727 N. Camino Ocotillo
Tucson, AZ 85718

APPLICANT Projects International, Inc.
Attn: Jim Portner, Principal
10836 E. Armada Lane
Tucson, AZ 85749



APPLICANT'S PROPOSED USE

The 19.81 acre site will be developed as a 55-lot, single-family residential subdivision.

APPLICANT'S STATED REASON

"The proposed rezoning can rightly be viewed as an infill development that will fit well within its surrounding established residential context and will make efficient use of the existing public and utility infrastructure that is already in-place."

STAFF REPORT SUMMARY

The Development Services Department recommendation is **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a rezoning to the CR-5 (Multiple Residence) zone on 19.81-acres for a 55-lot residential subdivision with 7 acres of on-site natural open space and 45 acres of future off-site natural open space to meet the rezoning policies of the comprehensive plan amendment and the Maeveen Marie Behan Conservation Lands System. The site is an infill project and consistent with the density of the nearby and surrounding neighborhoods.

PUBLIC COMMENT

Staff has received two letters of concern (attached) requesting one-story dwelling units. The letters of concern were submitted by the applicant and the applicant has provided options to mitigate the neighborhood concerns, also attached. As such, staff recommends rezoning condition #8 and defers to the preliminary development plan for the location of the one-story height limitation.

COMPREHENSIVE PLAN

A plan amendment from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) for the approximately 19.81-acres subject property was approved for by the Board of Supervisors in 2015 by case Co7-14-02. Resolution 2015-28 was adopted and rezoning Policy 142 was established within the approved plan amendment. The rezoning policies are as follows:

- A. The preliminary development plan submitted with the rezoning application shall demonstrate avoidance of the regulatory floodplain and Important Riparian Area associated with the Hardy Wash.
- B. Post-development floodplains shall be designated as Resource Transition.
- C. The location of off-site mitigation properties should be within the same general geographic region of the original project site.
- D. Off-site mitigation property should provide the same or better resource values as the original project site including, but not limited to:
 - 1. Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations;
 - 2. Vegetation community type(s);
 - 3. Habitat values for applicable CLS Special Species (e.g. breeding and dispersal);
 - 4. Surface water or unique landforms such as rock outcrops; and
 - 5. Contribution to landscape connectivity.
- E. Demonstration that the resource and conservation values of the off-site mitigation property will be protected in perpetuity.

Subsequent to the comprehensive plan amendment Co7-14-02, the larger comprehensive plan land use update for Pima County (Pima Prospers) was approved by the Board of Supervisors in August of 2015. With the approval of Pima Prospers, the subject property's land use designation was amended from MIU to Medium Low Intensity Urban (MLIU) which reduced the allowable density on the subject property from a minimum of 5 and maximum of 13 residences per acre to a minimum of 2.5 and a maximum of 5 residences per acre. Rezoning Policy 142 (A-E) was not amended during the comprehensive plan update but remains applicable to the subject property. Policy A is met by the demonstration on the preliminary development plan that the regulatory floodplain and important riparian area are proposed as set-aside natural open space. Rezoning policy B has been met through the adoption of the comprehensive plan land use update which designated the floodplain and riparian areas as Flood Control Resource Areas. These resource areas are protected through avoidance of development and preservation meeting the intent of the policy. The Resource Transition designation is no longer a comprehensive plan land use designation. Rezoning Policies C through E will be implemented in conjunction with Environmental Planning at the time of subdivision platting.

The objective of the MLIU land use designation is to provide a mix of medium density single-family and lower density attached dwelling units and opportunities for a mix of housing types throughout the region. The proposed 2.75 residences per acre conforms to the MLIU land use density.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-5	Developed Residential Subdivision/City of Tucson Undeveloped Residential
South:	CR-5	Developed Residential Subdivision/Unsubdivided Residential
East:	SR, CR-4	Municipal Water Site/Developed Residential Subdivision
West:	CR-3	Developed Residential Subdivision

The surrounding area has a high school, middle school, elementary school, and charter school, churches, a commercial cactus nursery and several convenience stores and gas stations. There is a dentist office, land development group, and insurance office existing at the southeast corner of W. Hardy Road and N. Thornydale Road within a commercial development that is mostly vacant. The nearest services are approximately one-half of a mile south and west of the subject site at the southeast corner of W. Cortaro Farms Road and N. Thornydale Road providing banking, retail, restaurants, groceries and shopping. Approximately 1,000 feet west of the subject property, recreational opportunities exist within the Arthur Pack Regional Park on the northwest corner of W. Hardy Road and N. Thornydale Road. The park contains a golf course, ball fields, batting cages, basketball courts, playground, soccer fields, and hiking trails within the Maeveen Behan Desert Sanctuary Trails. The Tucson Audubon Society Mason Center offers bird watching and other educational programs.

PREVIOUS REZONING CASES ON PROPERTY

There has not been a previous rezoning request for the subject property.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

Rezoning case P15RZ00001 – N. Thornydale Road for SR (Suburban Ranch) to CR-4 (Mixed Dwelling Type) (5 acres) and CR-5 (Multiple Residence Zone) (13.01 acres) located approximately one-half mile north of the subject property. The 18.01-acres rezoning was approved January 19, 2016 for a 36-lot single family residential infill development with both on-site and off-site conservation.

Rezoning case P15RZ00003 – W. Hardy Road for SR to CR-5 located on the south side of Hardy Road adjacent to the subject property. The 30-acres rezoning was approved January 19, 2016 for an 84-lot single family residential infill development with both on-site and off-site conservation.

Rezoning case P15RZ00004 – N. Thornydale Road for SR to CR-5 located at the northwest corner of N. Thornydale Road and W. Magee Road approximately one mile south of the subject property. The 17.77-acres rezoning was approved January 19, 2016 for a 28-lot single family residential infill development with both on-site and off-site conservation.

Rezoning case P15RZ00005 – N. Thornydale Road for SR to CB-1 (Local Business) (8.19 acres) and SR @ (46.7 acres) approximately 1,200 feet south of the subject property. The 55-acres rezoning was approved January 19, 2016 for a commercial shopping center (8.19 acres) and natural open space (46.7 acres) to meet the conservation requirements.

Rezoning case Co9-15-02 - Briar Rose Lane for SR (Suburban Ranch) to CR-4 (Mixed-Dwelling Type) located approximately one-half mile north of the subject property. The 9.79-acres rezoning was approved by the Board of Supervisors October 15, 2015 for a 34-lot residential infill development with both on-site and off-site conservation.

Past activity:

There has been a substantial amount of land in the vicinity of the site that has been rezoned from original SR. An attached map shows properties (in blue) within approximately one-half mile of the site for which rezoning requests have been made from 1961 to 2006. Most rezonings were approved. Some were withdrawn or denied.

Areas adjacent to and near the site were rezoned in the 1980's and early 1990's to CR-4, and CR-5 with resultant single-family subdivision lot development. There has also been a number of lower density CR-1 (Single Residence) and CR-2 (Single Residence) rezonings in the general area.

Rezoning resulting in commercial uses and offices in the CB-1 (Local Business) zone have also occurred in the area to include a shopping center at the southeast corner of Cortaro Farms Road and Thornydale Road and retail and other commercial buildings at the northeast corner of Thornydale Road and Overton Road.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (MMBCLS)

The subject property is located within the Maeveen Marie Behan Conservation Lands System (MMBCLS) classified as Important Riparian Area, Multiple Use Management Area, and Special Species Management Area. The policies of the comprehensive plan amendment address the MMBCLS conservation guidelines and allow both on-site and off-site natural open space set asides to meet the policies. The natural open space provided within this project totals 7 acres or 35% of the site. The proposed off-site mitigation of dedicated natural open space will make up the remaining required difference of 45 acres. The off-site mitigation will be implemented prior to or during the subdivision platting process when the off-site set aside location has been formally negotiated and approved.

PLANNING REPORT

Staff supports the request because the proposed residential development is compatible with the surrounding existing residential, public recreational opportunities, public school, and commercial uses. Concurrency of infrastructure exists to serve the use. The subject property is an infill property that will contain a similar density as the surrounding area.

The property is relatively flat, is mostly undisturbed and is traversed by several washes. The limitations of the site arise from the MMBCLS designations and riparian areas around the washes. The property contains dense populations of saguaros and ironwood trees. Much of the salvaged vegetation from on-site will be incorporated into the proposed bufferyards and streetscapes within the subdivision. A native plant preservation plan will be submitted with the subdivision plat. The northern third of the property is planned as set-aside natural open space. In developed areas, a 35-foot foot bufferyard "D" is proposed along the east and west boundaries of the property. A minimum 10-foot bufferyard "A" is proposed along Hardy Road. The 55-lot subdivision will be accessed by two access points onto Hardy Road and includes both one-story and two-story dwelling units with a maximum height of 34 feet.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection. Minor Concurrency Concern with Thornydale Road.
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	

CONCURRENCY CONSIDERATIONS		
		No objection, subject to conditions
PARKS AND RECREATION	Yes	No objection
WATER	Yes	Metro Water "will serve" letter in site analysis.
SCHOOLS	Yes	Capacity response letter from Marana USD in site analysis.
AIR QUALITY	Yes	None

TRANSPORTATION REPORT

There is a secondary transportation concurrency concern for this case due to the over-capacity nature of Thornydale Road. The subject property is located on the north side of Hardy Road, 600 feet east of Thornydale Road. The rezoning is proposing 55 single family homes which could generate approximately 550 average daily trips (ADT). Two access points on Hardy Road are proposed. The western access point aligns with Sunnyvale Drive on the south side of Hardy Road.

Hardy Road is a paved, county maintained public roadway which dead ends approximately 100 feet west of this site. As a condition of the rezoning, the entire 45 foot half right-of-way for Hardy Road will need to be dedicated. There are no traffic counts for this segment of Hardy Road.

Thornydale Road has an existing right-of-way of approximately 100 feet. Thornydale Road is a three-lane roadway with a continuous center left turn lane. There are no curbs, sidewalks, or bike lanes. The posted speed is 35 miles per hour, with a capacity estimated at 13,200 ADT. Thornydale Road is scheduled to be widened at which time the capacity will be approximately 34,000 ADT. The most recent traffic count is 19,959 ADT between Cortaro Farms Road and Overton Road.

Major roadway projects in the vicinity of this project include the widening of Thornydale Road north of Cortaro Farms Road to Linda Vista Boulevard. This project was approved through the Regional Transportation Authority (RTA) bond, and will fully reconstruct the road into a four-lane divided urban cross section with curbs, sidewalks, landscaped medians, and bike lanes in both directions. Construction is tentatively scheduled to start in 2018.

The Department of Transportation has no objection to this request subject to the addition of rezoning conditions #3A-B.

FLOOD CONTROL REPORT

Regional Flood Control District has reviewed this request and has the following comments:

- Floodplains, riparian habitat and erosion hazard setbacks have been avoided.
- A complete Preliminary Integrated Water Management Plan has been submitted.
- As required, staff has conducted the Water Resources Impact Analysis (WRIA) as follows:
 - A. The site is to be served by Metropolitan Water which does not deliver renewable supplies at this time.

- B. Per the ADWR Well Inventory, the closest Metropolitan Water District well had depths to groundwater between 241 in 1982 and 375 feet in 2010. Greater detail has been submitted by the applicant.
- C. The site is not located within a covered subsidence zone.
- D. The nearest Groundwater-Dependent Ecosystem is the intermittent section of the Santa Cruz River almost 3 miles away.
- E. The site is within the Tucson Hydrogeologic Basin, and the depth to bedrock is 1600-3200 feet.

The project is not expected to have adverse impacts on groundwater dependent ecosystems.

The District finds that the project meets concurrency requirements and has no objection subject to the recommended conditions #4A-B.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced rezoning request and has no objection to the request subject to the addition of rezoning conditions #5A-E.

ENVIRONMENTAL PLANNING REPORT

Site Conservation Values and Landscape Context

- The entire 20-acres site lies within the MMBCLS; designations are Multiple Use Management Area and Important Riparian Area with Special Species Management Area overlay.
- The subject site does not lie within the Priority Conservation Areas for the western burrowing owl, needle-spined pineapple cactus, or Pima pineapple cactus. It does lie within the Priority Conservation Area for the cactus ferruginous pygmy-owl.
- No cactus ferruginous pygmy-owl (CFPO) have been detected in Northwest Tucson since 2006 when the last known CFPO was captured and placed in a captive breeding program.
- On-site resources: Portions of Hardy Wash cross the northern part of the site and are regulated by RFCD as Class C Xeroriparian. Saguaros (210) and ironwood trees (194) occur on the site with 96 saguaros less than 6 feet in height, 96 saguaros between 6 and 18 feet tall and 18 saguaros with a height greater than 18 feet.
- The site is not within nor is it adjacent to any Pima County Preserve properties. The County owns and manages two properties in this area for conservation – Arthur Pack Regional Park and an approximately 20-acres PCDOT mitigation property. The subject site lies approximately one and one-half miles northeast of the PCDOT mitigation property and approximately 700 feet east of Arthur Pack Regional Park; it is also approximately 700 feet east of the Tucson Audubon Society's Mason Center.
- The site is not identified for acquisition under the 2004 Open Space Conservation Bond Program.
- Landscape context: The amendment site does not occur within any MMBCLS Critical Landscape Connection or any wildlife linkage identified by Arizona Department of Transportation or Arizona Game and Fish Department. Hardy Wash, however, is a key feature in the area that supports landscape permeability for biological resources.

Land uses in the vicinity of the subject property are predominantly residential with some business uses along Thornydale Road. All four corners of the intersection at Thornydale Road and Cortaro Farms Road are devoted to commercial uses. Other land uses in the area are a mixture of high intensity residential uses that are less friendly to retaining native biological resources, low intensity residential uses that are more compatible with retaining native biological resources, and

properties preserved as open space. Residential uses south of Cortaro Farms Road are more intense in nature with most areas built out at CR-4 and CR-3; wildlife movement and retention of native biological resources is constrained south of Cortaro Farms Road.

Resources of the subject property are not physically connected to open space properties in the area. However, because of the presence of Hardy Wash, the property does make a greater contribution to landscape permeability for biological resources than other non-conservation properties in the area.

Potential Impact to Biological Resources and CLS

According to the preliminary development plan (PDP), approximately 7 acres will be retained as natural open space and includes all on-site portions of the Hardy Wash; 27% of the saguaros (including 9 of the 18 saguaros over 18' tall); and 35% of the ironwood trees. Impacts to native vegetation and specifically saguaros and ironwood trees will be addressed when the proposed development is subject to the applicability of the Native Plan Preservation Ordinance (Title 18; Ch. 18.72).

According to the PDP, 13 acres will be developed. In keeping with Rezoning Policies established for this proposed project and the applicant's stated intent to fully comply with the 4 acres of conservation to every acre of development ratio cited in MMBCLS Conservation Guidelines, a total of 52 acres of natural open space will be provided in a combination of on-site and off-site areas. The PDP proposes on-site natural open space of approximately 7 acres; the balance of 45 acres is, therefore, to be provided off-site.

In summation, given the site's on-site resources, landscape context, and the on-site set-aside of natural open space in conjunction with the following recommended special conditions, this project is not expected to significantly alter the condition or integrity of biological resources in the area or the viability of the MMBCLS.

Recommendations

Should the Board of Supervisors approve this rezoning request, staff recommends the addition of conditions #6A-B.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to this request subject to the addition of condition #7.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife has no comment.

METRO WATER DISTRICT REPORT

Metro Water District has no comment. A will-serve letter is contained within the site analysis.

SCHOOL DISTRICT REPORT

The Marana Unified School District has no comment. A letter of capacity to accommodate future students is contained with the site analysis.

FIRE DISTRICT REPORT

Northwest Fire District has no objection to this request.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

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

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
 - A. The property owner/developer shall dedicate 45 feet of right-of-way for Hardy Road.
 - B. The property is limited to 2 access points as depicted on the preliminary development plan.
4. Regional Flood Control District conditions:
 - A. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval with the Development Plan.
 - B. First flush retention for all impervious surfaces (retention of the first ½ inch of rainfall) shall be provided.
5. Regional Wastewater Reclamation conditions:
 - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.

- D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner shall complete the construction of all necessary public and/or private regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
6. Environmental Planning conditions:
- A. The property owner shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 52 acres as Natural Open Space (NOS). No less than 7 acres NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved Preliminary Development Plan. The difference between the total 52 acres NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 of Conservation Lands System Mitigation Lands) and comply with all of the following:
 - 1) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
 - 2) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
 - B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive

<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

7. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
8. Adherence to the preliminary development plan including the one-story height limitation for specific lots as approved at public hearing.
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
10. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

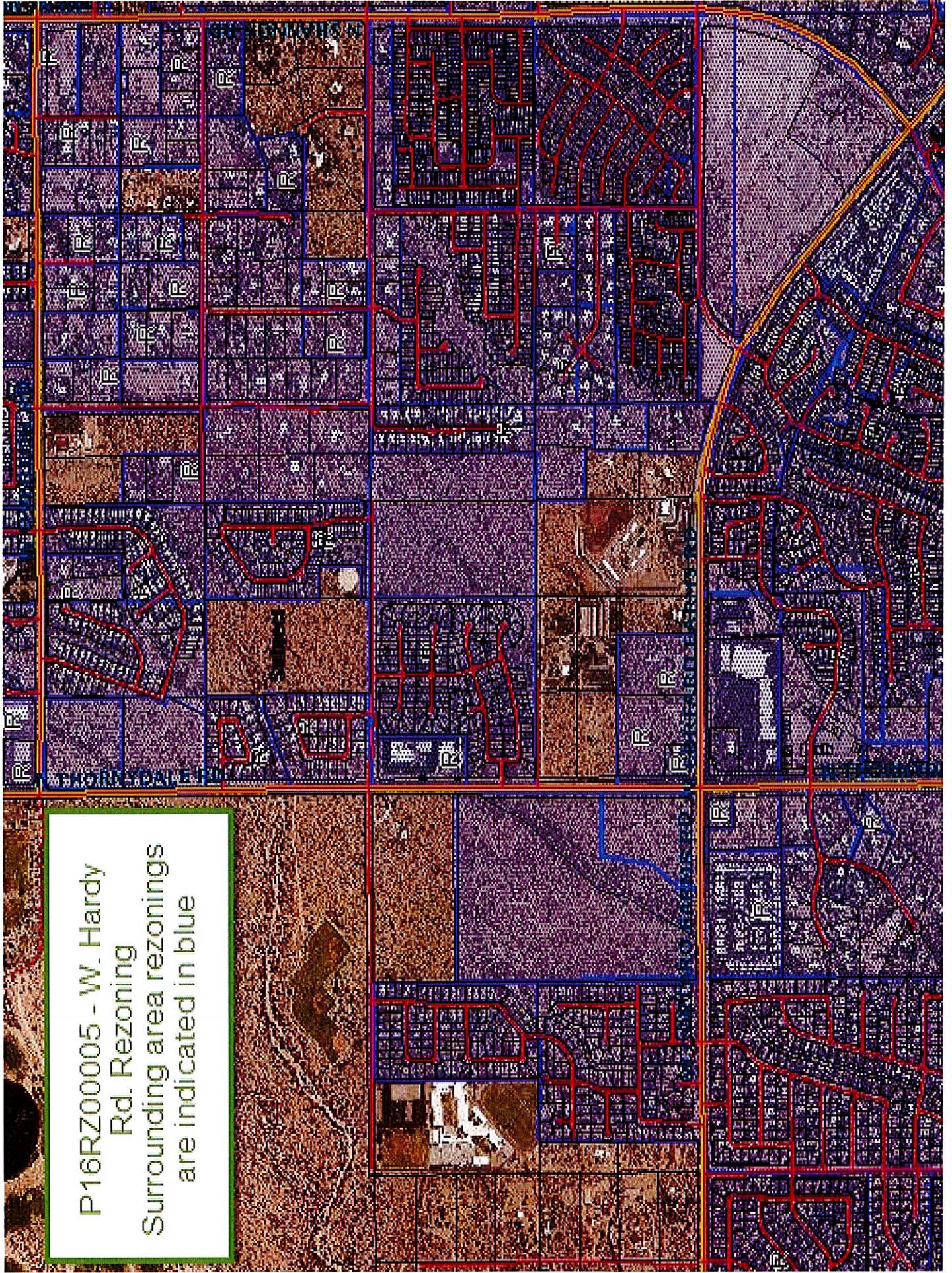
Respectfully Submitted,



Terrill Tillman
Senior Planner

c: Projects International, Inc., Attn: Jim Portner, Principal, 10836 E. Armada Lane
Tucson, AZ 85749

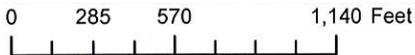
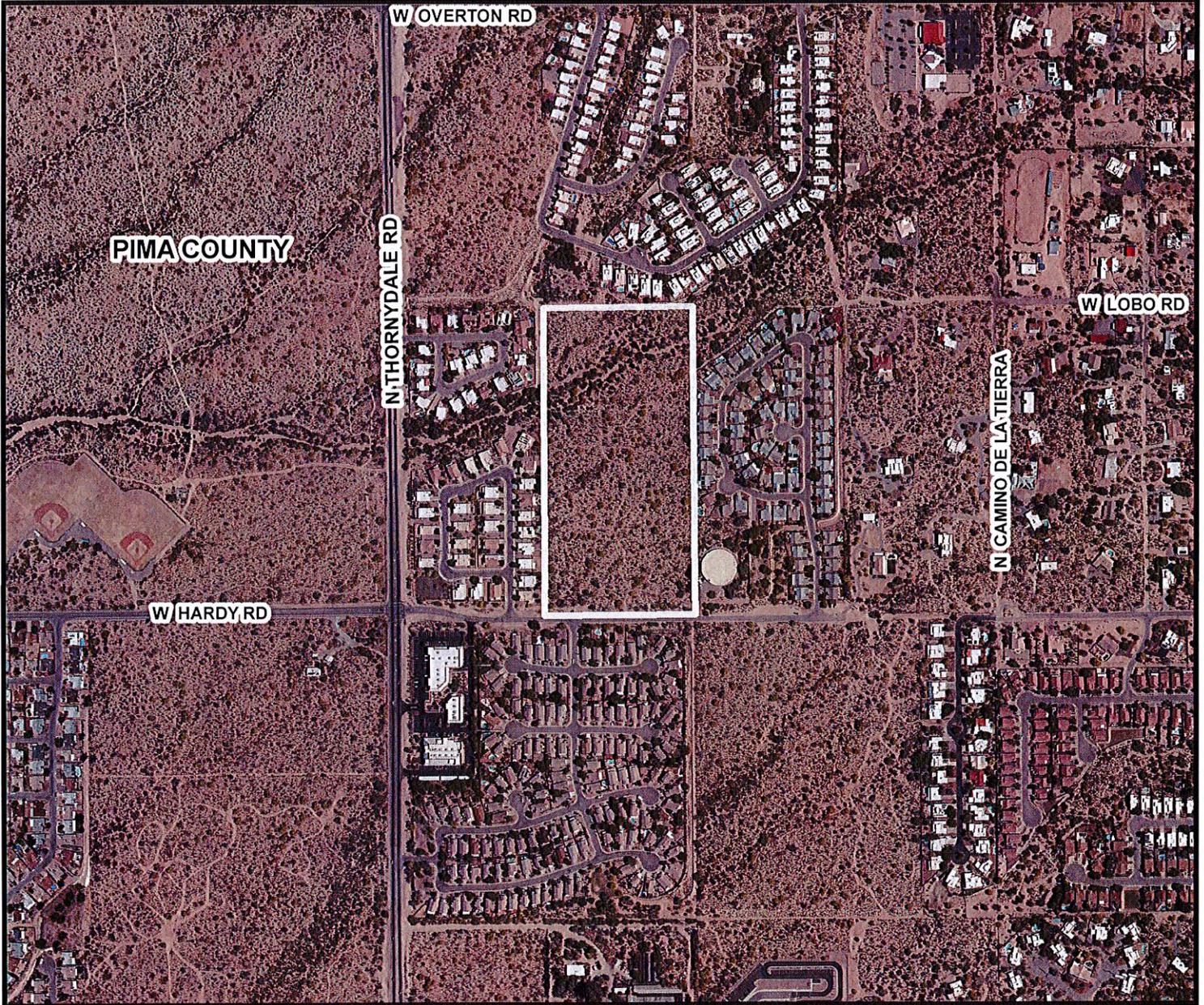
P16RZ00005 - W. Hardy
Rd. Rezoning
Surrounding area rezonings
are indicated in blue



Case #: P16RZ00005

Case Name: WHISPER CANYON HOLDINGS LLC - W. HARDY ROAD REZONING

Tax Code(s): 225-02-029C



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

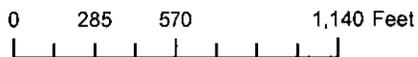
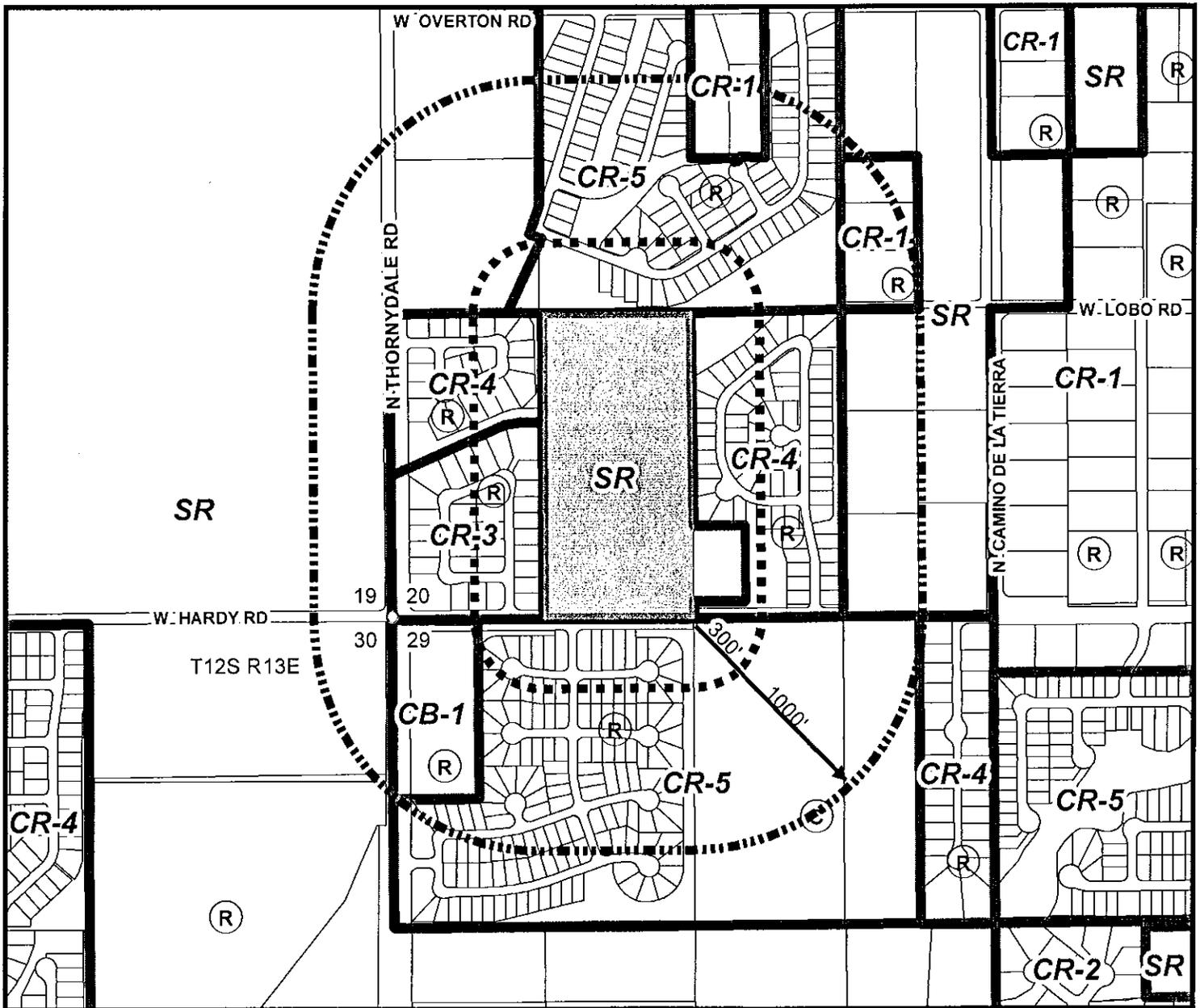
	Notes: REF: CO7-14-02		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Planning & Zoning Hearing: 07/13/16 (scheduled)		
	Base Map(s): 161	Map Scale: 1:8,000	

Case #: P16RZ00005

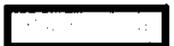
Case Name: WHISPER CANYON HOLDINGS LLC - W. HARDY ROAD REZONING

Tax Code(s): 225-02-029C

1000' Notification Area
 300' Notification Area
 Zoning Boundary



Area of proposed rezoning from SR to CR-5



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**

Notes: REF: CO7-14-02

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 07/13/16 (scheduled)

Base Map(s): 161

Map Scale: 1:8,000

Map Date: 06/09/2016 - ds



PROJECT AREA
 Gross Area: 20.00 AC (Approximate)
 Net Area (Post R.O.W. Dedication): 19.30 AC (Approximate)

PROJECT PARTICULARS
 Existing Zoning: SR
 Proposed Zoning: CR-5
 Comprehensive Plan: MLIU

PROPOSED USE(S)
 Single-Family Residential Subdivision (65 Lots)
 Typical Lot Size: 50'x120' (6,000 SF)

BUILDING HEIGHT
 Maximum 34' Permitted; Project will contain both 1-Story and 2-Story Residences.

ON-SITE STREETS
 Proposed Right-of-Way Width: 45'
 Travel Lanes: Two (2) 12' Lanes, 2' Wedge Curbs
 Total Pavement Width: 28' (Including Wedge Curbs)
 Sidewalks: 4' Sidewalks Both Sides

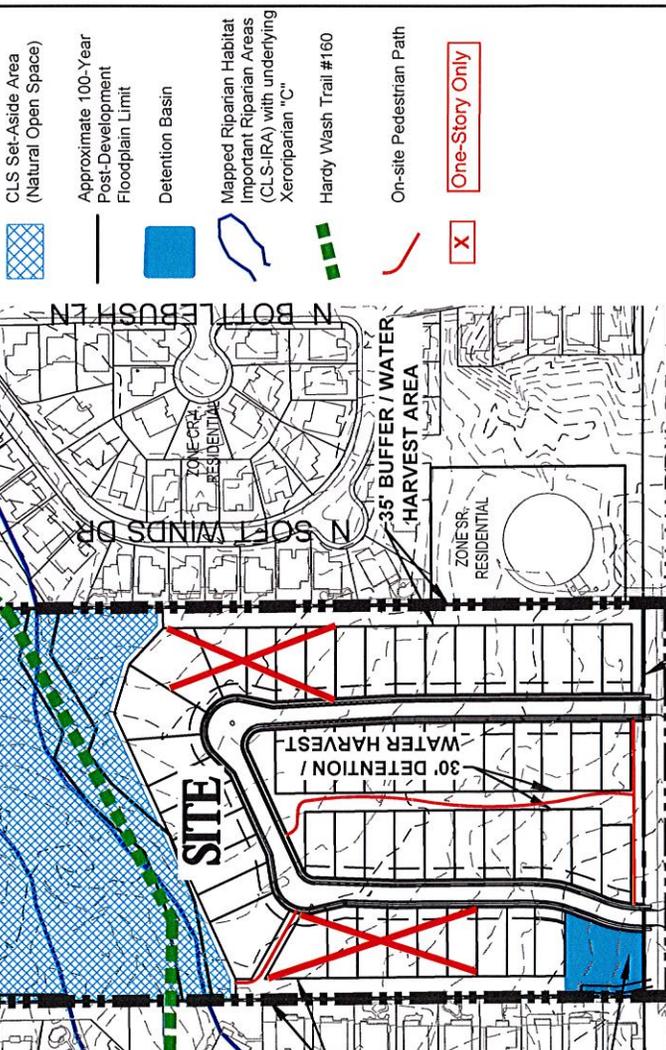
PARKING
 Parking will be in accordance with Section 18.75

BUFFER YARDS
 Bufferyard "A" is required along Hardy Road frontage. Bufferyard "C" is required along the east, west and north boundaries.

CONSERVATION LANDS SYSTEM (CLS)
 Natural Open Space per this PDF: 7.0 AC

LEGEND

- PDP Boundary
- Existing Condition Topographic Contour (1' Interval)
- CLS Set-Aside Area (Natural Open Space)
- Approximate 100-Year Post-Development Floodplain Limit
- Detention Basin
- Mapped Riparian Habitat Important Riparian Areas (CL-S-IRA) with underlying Xeroriparian "C"
- Hardy Wash Trail #160
- On-site Pedestrian Path
- One-Story Only



Jim Portner, Agent for Owner
 PROJECTS INTERNATIONAL, INC.
 10836 E. ARMADA LANE
 TUCSON, ARIZONA 85749
 520 850-0917

Hardy Estates
 NORTH SIDE HARDY RD, EAST OF THORNYDALE RD
 (Ownership Entity: Whisper Canyon Holdings, LLC)
 REZONING: SR to CR-5

Projects International, Inc.
 STRATEGIC GUIDANCE
 ENTITLEMENT PROCESSES
 LOCAL ADVICE & COUNSEL

GRS
 LANDSCAPE ARCHITECTURE

EXHIBIT II-B.1a-p
 PRELIMINARY DEVELOPMENT
 PLAN
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20.00 AC (Approximate)
 19.30 AC (Approximate)

SR
 CR-5
 MLIU

7.0 AC

LEGEND

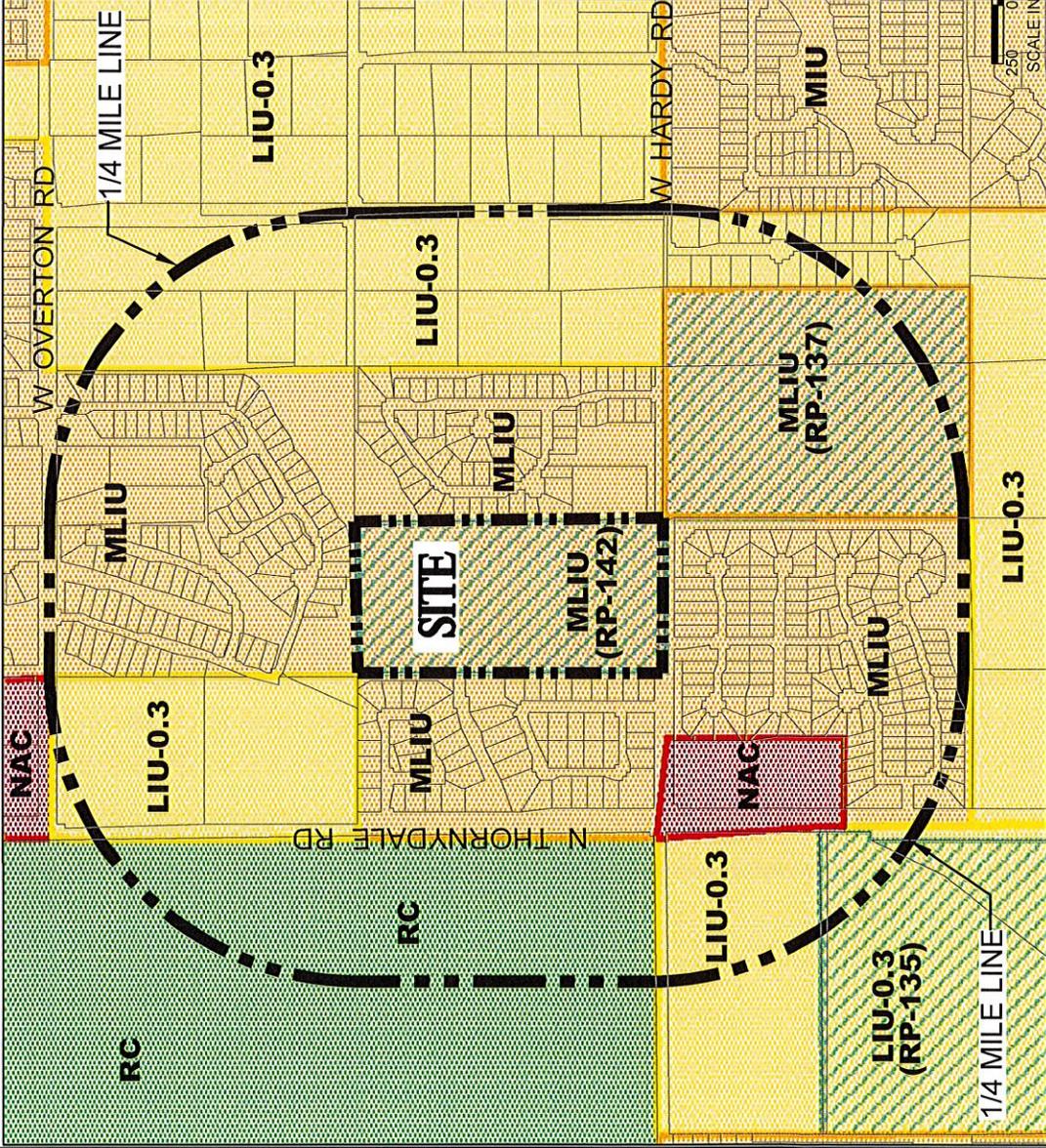
Rezoning Site
Medium Intensity Urban (MIU)
Comprehensive Plan Designation



-  NAC -- Neighborhood Activity Center
-  MLIU -- Medium Low Intensity Urban
-  MIU -- Medium Intensity Urban
-  LIU-0.3 -- Low Intensity Urban 0.3
-  RC -- Resource Conservation
-  RP -- Rezoning Policy

Jim Portner, Agent for Owner
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EXHIBIT I-A.2c, 4e
COMPREHENSIVE PLAN
DESIGNATIONS
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Hardy Estates

NORTH SIDE HARDY RD, EAST OF THORNYDALE RD
(Ownership Entity: Whisper Canyon Holdings, LLC)
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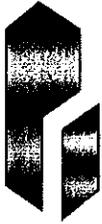
Medium Low Intensity Urban (MLIU)

- a. Objective: To designate areas for a mix of medium density single-family and lower density attached dwelling units; to provide opportunities for a mix of housing types throughout the region.

- b. Residential Gross Density: Residential gross density shall conform to the following:
 - 1) Minimum – 2.5 RAC
 - 2) Maximum – 5 RAC.

- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements.
 - 1) Minimum – 2.5 RAC
 - 2) Maximum – 4 RAC.

NEIGHBORHOOD MEETING DETAILS



PROJECTS INTERNATIONAL, Inc.

1000 N. GILBERT AVENUE
SUITE 100
TUCSON, AZ 85712

TEL: 520.791.1111
FAX: 520.791.1112
WWW.PROJECTSINTL.COM

FROM: Jim Portner, Projects International, Inc.
DATE: May 31, 2016
RE: **Invitation to Attend a Neighborhood Meeting Regarding a Proposed Rezoning
20 Acres on Hardy Road, East of Thornydale Road
Pima County Rezoning Case No. P16RZ00005**

I'm sending you this information because you own property, or are a representative of a nearby homeowners or neighborhood association, within 1000' of a request we have filed with Pima County to rezone the twenty acres of vacant land on the north side of Hardy Road, approximately ¼ mile east of Thornydale Road.

I am the project manager for the rezoning effort, which is a request for CR-5 zoning to build fifty-five (55) single-family detached homes. The entire Hardy Wash channel and its associated floodplain corridor will be left in their natural state and we have created a thirty-five foot (35') setback and buffer between the backyard walls of our new lots and the backyard walls of the existing lots that border us to the west and east.

This same property was approved by the Board of Supervisors for an amendment to the Pima County Comprehensive Plan in late 2014. As such, the property is designated as *Medium/Low Intensity Urban (MLIU)*. Our rezoning application is the next step in the development process. If successful, it would then be followed by final subdivision engineering and platting, which requires an additional significant amount of time. With all of the required regulatory and permitting processes involved, any physical site development or actual construction on the property would likely not begin for nearly a year.

We have scheduled a neighborhood meeting on this rezoning application to provide a forum for your comments and for answering your questions. The meeting will take place as follows:

**Tuesday, June 14, 2016
6:15 PM to 7:45 PM
Tortolita Middle School – School Cafeteria (The Cougar Café)
4101 W. Hardy Road (approximately ¼ mile west of Thornydale Road)
Tucson, AZ 85742**

Enclosed you will find a *Fact Sheet*, as well as a copy of the original *Framework Plan* that was submitted at the time of our comprehensive plan amendment. It shows the basic conceptual breakdown of development areas, perimeter buffers, etc. Also enclosed is a copy of the required *Preliminary Development Plan (PDP)* that accompanies our current rezoning application. This provides a more detailed depiction of our development program for the property and demonstrates our full conformance with the originally approved *Framework Plan*.

Please be advised that, in addition to our above neighborhood meeting, a public hearing on this item will occur before the Pima County Planning & Zoning Commission, most likely during the month of July, 2016. You will receive a separate notice on the hearing directly from Pima County once its final date is scheduled. After that, a second public hearing will be scheduled before the Board of Supervisors, who will make the ultimate decision on this rezoning application.

I encourage you to attend the above neighborhood meeting or to, alternatively, call or email me with any questions you might have. My cell phone number is 850.0917 and my email is jportner@projectsintl.com.

Note: This mailing has been sent to a list of surrounding property owners that was generated using Pima County property-ownership information on file with the Pima County Assessor's Office. I apologize if the name or address information on your envelope is incorrect in any way.

Fact & Information Sheet

Application & Request to Rezone a 20-Acre Property Hardy Road, Approximately ¼ Mile East of Thornydale Road Pima County Rezoning Case No. P16RZ00005

- **Property Location:** on the north side of Hardy Road, approximately ¼ mile east of Thornydale Road.
- **Property Size:** twenty (20) acres.
- **Existing Comprehensive Plan Designation:** *Medium/Low Intensity Urban (MLIU)*, as approved by the Pima County Board of Supervisors under Case No. Co7-14-02 and per adopted Resolution No. 2015-28. The same *MLIU* designation applies to all adjoining properties.
- **Existing Use of the Property:** the property is vacant.
- **Proposed Use of the Property:** a residential subdivision with fifty-five (55) single-family, detached residences; both one-story and two-story homes in response to market preferences.
- **Existing/Proposed Zoning:** Existing zoning: SR (Suburban Ranch); proposed zoning: CR-5.
- **Zoning and Use of Surrounding/Adjacent Properties:** Developed residential subdivisions adjoin the property on all four sides. To the west: Hardydale I & II (54 lots on 20 acres). To the east: Saguaro Vistas (66 lots on 18 acres). To the north: Ironwood Meadows (103 lots on 35 acres). To the south: Sunnyvale Estates (145 lots on 35 acres).
- **Consistency of Requested Zoning with that of the Surrounding Properties:** All of the surrounding/existing residential subdivisions adjacent to the subject property were originally zoned SR (Suburban Ranch) and were rezoned for denser development. Existing zoning to the west and east: CR-3, CR-4 & CR-5. Existing zoning to the north and south: CR-5.
- **Impact on Traffic, Drainage:** Thornydale Road is scheduled for a complete reconstruction, to a four-lane divided facility, beginning in 2018. With this planned improvement in mind, the Pima County Department of Transportation (PCDOT) finds the proposed subdivision to meet County concurrency requirements. With respect to drainage, there will be no downstream impacts. The entire Hardy Wash and its floodplain corridor will be left in its natural state.
- **Public Process:** A public hearing will be held on the matter before the Planning & Zoning (P&Z) Commission, most likely on July 27, 2016. You will receive a separate notice for this hearing directly from Pima County. A Board of Supervisors (BOS) meeting will be scheduled following the P&Z hearing; the BOS will make the final decision on this rezoning request.
- **Contact Information:** please contact Jim Portner of Projects International, Inc. with any questions or comments you might have at cell phone 520.850.0917 or by way of email at jportner@projectsintl.com. If you are unable to attend our neighborhood meeting on June 14, 2016, I am glad to meet with you personally, at your convenience, to discuss this request.

This is an information/fact sheet prepared by Jim Portner of Projects International, Inc. on behalf of the property owner. It is intended to communicate the major points of this request to rezone the property. Further detail is contained in other elements of this information packet.

PROJECT AREA
 Gross Area: 20.00 AC (Approximate)
 Net Area (Post R.O.W. Dedication): 19.30 AC (Approximate)

PROJECT PARTICULARS
 Existing Zoning: SR
 Proposed Zoning: CR-5
 Comprehensive Plan: MLIU

PROPOSED USE(S)
 Single-Family Residential Subdivision (55 Lots)
 Typical Lot Size: 50'x120' (6,000 SF)

BUILDING HEIGHT
 Maximum 34' Permitted; Project will contain both 1-Story and 2-Story Residences.

ON-SITE STREETS
 Proposed Right-of-Way Width: 45'
 Travel Lanes: Two (2) 12' Lanes; 2' Wedge Curbs
 Total Pavement Width: 28' (Including Wedge Curbs)
 Sidewalks: 4' Sidewalks Both Sides

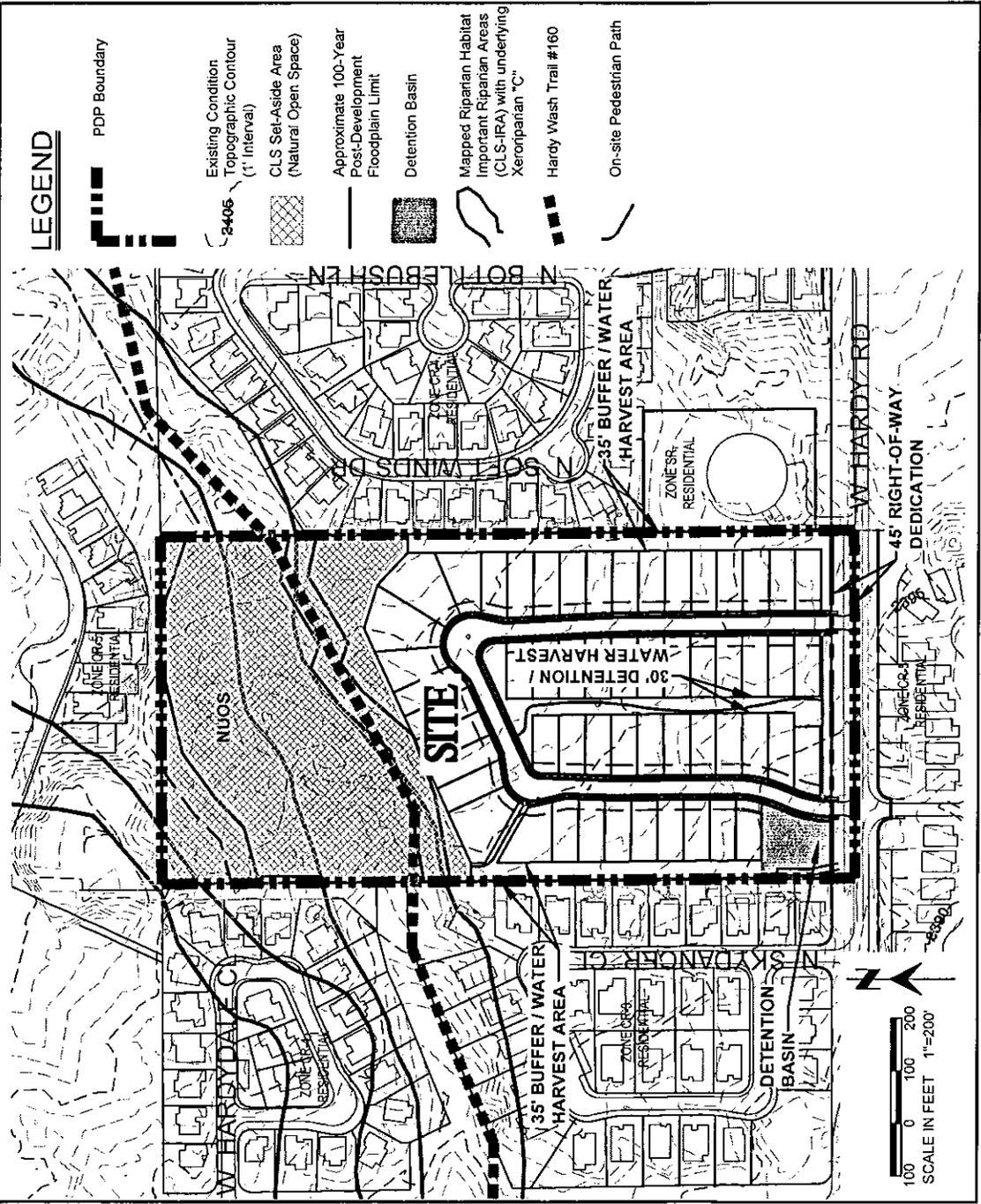
PARKING
 Parking will be in accordance with Section 18.75

BUFFER YARDS
 Bufferyard "A" is required along Hardy Road frontage. Bufferyard "C" is required along the east, west and north boundaries.

CONSERVATION LANDS SYSTEM (CLS)
 Natural Open Space per this PDP: 7.2 AC

Jim Portner, Agent for Owner
PROJECTS INTERNATIONAL, INC.
 10836 E. ARMADA LANE
 TUCSON, ARIZONA 85749
 520 850-0917

EXHIBIT II-B.1a-p
 PRELIMINARY DEVELOPMENT
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Hardy Estates
 NORTH SIDE HARDY RD, EAST OF THORNYDALE RD
 (Ownership Entity: Whisper Canyon Holdings, LLC)
 REZONING: SR to CR-5

PROJECTS INTERNATIONAL, Inc.
 STRATEGIC GUIDANCE
 ENVIRONMENTAL PROCESSING
 LOCAL ADVISORY & COUNSEL

GRS
 LANDSCAPE ARCHITECTURE

Sign-In Sheet

Full-Notice Neighborhood Meeting

P16RZ00005 – Whisper Canyon Holdings, LLC – Hardy Road east of Thornydale Road

June 14, 2016 -- 6:15 PM to 7:45 PM

Tortolita Middle School (Cougar Café)

Name	Street Address	Phone Number	Email Address
AWOTH	89607 th Boulevard	520-235-888	700 CONOTT@COMCAST.NET
Jim + Debbie Gessaman	8822 N. Sky Dancer Cir	520-572-6713	jim.gessaman@gmail.com deb.gessaman@gmail.com
Sofia MARTINEZ	8830 N. Sky Dancer C.	520-349-5869	smartinezemigamla@comcast.net
Bruce Jorgensen CHRISTINE RUIZ	8887 N SOFT WINDS DR	520-403-0133	brucejorgensen@gmail.com
Jodi Snyder	9018 N. Jessy Lane	520 744 7377	FAMJOLIASCHILO@AOL.COM
JOANNE CANNON	3590 W. NESTLEO DESERT	520 2756615	JOANNECANNON@COMCAST.NET
Elle Marshall	9024 N Jessy Ln	520-271-6090	elkette@hotmail.com
Patricie Monsen	3580 W. Farnwood Meadows Dr	520-727-767	
BRETT & Debra QUART	8818 N. SKYDANCER	602-451 7998	Daquardt@hotmail.com

CIRCLE

Neighborhood Meeting Summary

Rezoning Case No. P16RZ00005 Whisper Canyon Holdings, LLC – Hardy Road Rezoning Hardy Road east of Thornydale Road

Meeting Date & Time: Tuesday, June 14, 2016; the meeting was scheduled for a start time of 6:15 PM and, after waiting a bit longer for any late arrivals, 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 (slightly more than 350 in number) were mailed the following: 1) an invitation & explanatory cover letter; 2) a Fact Sheet further detailing the rezoning application; 3) a color copy of the *Framework Plan* that accompanied the approved comprehensive plan amendment application; and 4) a color copy of the proposed rezoning *Preliminary Development Plan (PDP)*.

Attendance: Twelve (12) individuals (representing 8 properties) attended the meeting, accounting for slightly more than 2% of the properties that were noticed.

Synopsis: Jim Portner, as applicant and representative of the property owner, welcomed the attendees and provided a historical overview of the property, including exhibit boards 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 basic particulars of the project and demonstrated its consistency with the *Framework Plan* that accompanied the aforementioned comprehensive plan amendment approval. As one of the attendees (Scott Martinez, President of the Hardydale II HOA) had email'd some questions on the project earlier in the same afternoon, Portner gave a brief verbal response to the questions as part of his presentation, indicating that he would also provide a written email follow-up in the future. In closing his presentation, he 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 and questions.

Neighborhood Comments: For most in attendance, there seemed to be little enthusiasm that the subject property was being developed. The following specific issues were raised:

- *Views and 2-story versus 1-story residences:* Several attendees strongly expressed the position that their views should be preserved and that the new homes should be single-story units like those in their own subdivisions. It is probably accurate to state that this was the predominant concern expressed at the meeting. Portner explained that this concern has been common in the numerous recent infill rezonings in the area and throughout Pima County. He stressed that the residential market of today has a significant segment of families who seek a larger amount of square footage in their home, necessitating a two-story structure. He also asserted that it was his client's intent to be able to serve that sector of the market, as well as those desiring a single-story residence. With respect to views, he explained that no legal or prescriptive view rights accrue to anyone who may have enjoyed one in the past across another's property. That being said, he indicated that he would discuss the matter with his client to determine whether there was a willingness to make some voluntary concessions to address view concerns. Some individuals at the meeting

said they took offense at these remarks, reiterating their claim to their view and reasserting their belief that the new subdivision should be primarily one-story, with one individual stating that homebuyers are simply not interested in two-story homes. In the end, Portner indicated he would let those remarks stand as expressed and again said that he would take up the issue with his client.

- *Affect on Existing Property Values;* Portner asserted his opinion that the home values of existing surrounding properties would increase as a result of new home construction, together with the fact that the entire surrounding area was becoming increasingly desirable for residential growth, as evidenced by the several nearby residential rezonings that have already been approved in the last two years. One individual in attendance flatly disagreed with this statement, indicated that the value of the home owned by her and her spouse would decrease significantly due to the proposed project's negative impact on their view.
- *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 Red Point Development had just recently received approval for another residential subdivision on a 30-acre property that fronts Hardy Road approximately 500' east of the subject site. Portner explained that the long-planned Thornydale Road improvements were now scheduled to begin in 2018 and that Pima County DOT had determined the current rezoning (and the aforementioned prior one) to meet its concurrency requirements.
- *Will Hardy Road be extended or remain dead-end?* Portner explained that Pima County has no intention of extending and connecting Hardy Road to the east and will instead maintain its existing dead-end condition.
- *Treatment of Hardy Wash Channel.* There were several questions as to how the existing Hardy Wash channel and corridor would be treated. Portner explained that it was being preserved as natural open space on the *PDP* and that there would be no perimeter fencing installed around it.
- *Hardy Wash Trail.* The question was asked as to whether this designated trail would be built as part of the project. Portner explained that this was a determination to be made more by the Pima County Department of Parks Recreation and Natural Resources (DPRNR), and that they may prefer a monetary contribution from the developer rather than the construction of a trail segment that had no physical continuation to the west or east.

After all of the above, the meeting essentially concluded at approximately 7:25 PM, with some individuals remaining for individual, informal discussions for about ten minutes more.

Public Comment

2 – Letters of Concern as of July 5, 2016

Terri Tillman

From: Scott Martinez <smartinez@mcgannland.com>
Sent: Friday, June 24, 2016 11:38 AM
To: Terri Tillman
Cc: jportner@projectsintl.com; Annemalvi@aol.com; deb.gessman@gmail.com
Subject: Re: PCRC#P16RZ00005 Hardy Estates Rezoning Neighborhood Meeting - Hardydale II HOA Questions / Comments

Hi Terri,
Thanks for the quick response. We'll continue to work with Jim and I'll also be sending out a letter to our residents to keep them informed as well.
Thanks,
Scott

On 6/24/2016 11:30 AM, Terri Tillman wrote:

Scott,
I just returned to my office from the Hardy Road rezoning site inspection and also received your voice mail. Jim Portner had already presented the email to me and I appreciate your comments. Your concerns are of importance, but at this stage, I will afford the developer and representative some time to work with your association to come to a reasonable agreement and to address the concerns outlined in your email. I suggest that you and members of your association plan on attending the July 13th meeting of the Planning and Zoning Commission to either support or object to the proposed rezoning. Please keep me informed as to the progress that the HOA and developer/representative make moving forward and hopefully some concessions with both concerned parties are made. Sending information via email is adequate and your comments will be submitted to the Planning and Zoning Commission.
Thanks,
Terri

Terrill L. Tillman, Sr. Planner

Pima County Development Services
520-724-6921
terri.tillman@pima.gov

From: Scott Martinez [<mailto:smartinez@mcgannland.com>]
Sent: Friday, June 24, 2016 11:11 AM
To: Terri Tillman <Terri.Tillman@pima.gov>
Cc: Mal Eisenberg <Annemalvi@aol.com>; Deborah Gessaman <deb.gessaman@gmail.com>
Subject: Fwd: Re: PCRC#P16RZ00005 Hardy Estates Rezoning Neighborhood Meeting - Hardydale II HOA Questions / Comments

Dear Terri Tillman,

I'm the HOA President for the Hardydale II Subdivision adjacent to the 20 acre lot that under review for rezoning. The case # is P16RZ000005. I was told that you were the point of contact

for this case. My homeowners have concerns regarding this rezoning and I have been in contact with Jim Portner of Projects International, the Owner's Representative, regarding our concerns. I wanted to make sure you have them as well so I'm forwarding you the email correspondence below as a record our our concerns and the responses we received back from Jim Portner, Projects International. Please review the comments and responses and let me know if you have any additional responses to our concerns. If there is another format you prefer for our concerns please let me know and I will submit them to you as soon as possible. I've have CC'd my other board members Malvin Eisenberg, Vice President and Deborah Gessaman, Secretary on this email as well.

Thank you,

Scott Martinez, Hardydale II President
8830 N Sky Dancer Circle
Tucson, AZ 85742
520-349-5869

----- Forwarded Message -----

Subject:Re: PCRC#P16RZ00005 Hardy Estates Rezoning Neighborhood Meeting - Hardydale II HOA Questions / Comments

Date:Wed, 22 Jun 2016 18:13:54 -0700

From:Jim Portner <jportner@projectsintl.com>

To:Scott Martinez <smartinez@mcgannland.com>

Hello, Scott:

As we discussed, here's my written response to the questions you email'd on behalf of the Hardydale II HOA. I've embedded my responses into your email in green font.

As mentioned previously, I will let you know my client's position/response on potential concessions (related to one-story limitations) once we've defined it.

jp

On Jun 14, 2016, at 10:53 AM, Scott Martinez <smartinez@mcgannland.com> wrote:

Dear Mr. Portner,

I am the current Hardydale II HOA President. I live at 8830 N. Sky Dancer Circle. I received your letter regarding the neighborhood meeting tonight and the rezoning of the property located directly east of my property. At our last HOA meeting in April, several homeowners had concerns about how the area would be developed. There are also several new homeowners in Hardydale II since your last meeting regarding the revised land use/comprehensive designation plan for this property. Below is a summarized list of the homeowners concerns mentioned at this meeting and there will also be other homeowners at the meeting with

similar and additional concerns. I will only be able to attend the meeting for a brief time, as I need to coach my daughters softball practice at 6:30PM so I will not have time to fill out a comment form at the meeting. Consider this email my written comments and questions for the neighborhood meeting tonight.

Hardydale II Homeowner Concerns Mentioned at the Annual HOA Meeting in April 2016

- How this development will affect the value of their property? Do you have statistically valid information on how the proposed development and associated rezoning will impact the property values of homeowners adjacent to this property? As I stated at the neighborhood meeting, and reiterate here, I anticipate the property values of the surrounding subdivisions, including yours, will generally rise over time. This is the simple result of an area gaining in popularity as a location for new housing. This is definitely true of the Thornydale Road corridor, wherein four other recent residential rezonings have already been approved within the last year and a half. Construction of new homes near older, existing homes generally has the effect of raising the price tide for the surrounding area.
- Traffic. With this proposed development (Parcel 22502029C) and the development of parcel 22525009D how many new residents will be living in this area? Hardy Rd dead ends 1/2 mile east of Thornydale and the intersection of Hardy/Thornydale is the only safe route for residents of subdivisions along Hardy to exit out to Thornydale. How will all these new homes impact traffic and will the increase in traffic be a safety concern for fire access and other emergencies? Many Tortolita middle school students live in this area and the current condition of the intersection and Hardy Rd does not have any sidewalks or safe pedestrian walkways that allow students to safely walk to school. These conditions need to be improved with new sidewalks and a safe pedestrian crossing the intersection since the development will bring more students into our neighborhood. Pima County DOT has determined that our request (as well as the other aforementioned recent residential rezonings) meets their concurrency requirements for transportation infrastructure. This is based upon the County's plans, already on the books, to fully upgrade Thornydale Road to a four-lane, divided street section with bike lanes, sidewalks, landscaping, etc. This construction is planned for 2018. If we want to bring our project to market prior to that, we will be responsible for whatever interim physical street improvements DOT deems necessary for us to insure safe and efficient traffic movements in the area. Regarding school children and sidewalks, our internal subdivision streets will have sidewalks on both sides. Hardy Road does not have sidewalks, as is typical for most County streets that do not have curbs, and the County will determine the necessity for a sidewalk on Hardy.
- What will happen to the views Hardydale II homeowners to the east? Can you provide an exhibit the shows how these view sheds to the east will be affected by this development? Obviously, their viewshed will now have homes in the foreground instead of natural desert. As I tried to explain at the meeting, to the stated offense of some, the completely

unobstructed views they have enjoyed across my client's property constitute a privilege and do not establish some sort of legal right. As I also indicated, I will discuss this matter with my client to see if they are willing to make some voluntary concessions to limit some lots to one-story in consideration of neighbor views. We will not, however, agree to any unilateral one-story limitation over the property.

- 2 story homes. Homeowners do not want 2 story homes blocking their views to the east. Currently, there are no 2 story homes located east or west of this development. There is a 2 story home located at 3606 W. Sunbonnet PL to the south and a home located at 9042 N Jesse Ln to the north, but they are both located in areas that do not block any adjacent homeowners view from their back yard. Any new development should be consistent with the existing development and not have any 2 story homes that would block views and or hinder adjacent homeowners privacy. Again, as explained at the meeting, today's home market is a very different one from that two or three decades ago. Also, the notion that 20 or 30-year old development must dictate the form of new development is not a principle found in, or supported by, our zoning code. There is a segment in today's market where families seek more square footage in their home than can be accommodated with a single-story. We intend to be in a position to offer a home to families in that segment. This does not mean that the entire project will be two story or that the builder goes out and arbitrarily builds two story homes in hopes of then finding buyers. It is a purely market-driven factor and, as I said, we intend to be in a position to serve that particular segment of the buying market. There will still be many one-story homes in our subdivision, perhaps more than not, as there's another significant market segment that has no interest in living in a two-story residence. We must position ourselves to serve both.
- Environmental Impacts. The property is a remnant patch of undisturbed Sonoran Desert which features an enormous amount of viable Protected Native Plants such as specimen saguaros, mature ironwood, and other native trees and cacti. There may also be several Arizona Safeguarded Species on this site. Has this area been surveyed for these species? Per Pima County Dev. Code 18.72 80% of the Saguaros and Ironwoods will need to remain on site by either transplanting, protecting in-place, or mitigation. How will these plants be protected in-place and or mitigated and where will they be planted on this project? Will there be any impacts to the mapped Riparian Habitat on-site (both IRA and Xero C)? If so, how will these impacts be mitigated and where? Also, please explain if and how there will be any off-site mitigation in regards to the CLS compliance. All the xeroriparian and CLS IRA are being preserved in-place and set aside as natural open space. We are in full compliance with all CLS preservation guidelines, both on-site and off-site. At the time of subdivision platting, we will prepare all necessary NPPO documentation regarding those protected specimens that will be salvaged, transplanted, etc. As I believe you are aware, this is all a routine part of the subdivision process.

As a homeowner and resident my personal concerns and my wife's, Rebecca Martinez, are listed below:

- All concerns mention above.
- Can you describe the what the 35' Buffer and Water Harvest Area is and what it is proposed to look like? How will this area drain? I'm concerned about drainage impacts and erosion along my property wall. Will these "water harvest areas" cause an infestation of mosquitoes? What will be the density of planting in this buffer area? On our rezoning site plan, we have shown the entire 35' area as being graded and revegetated. In practical terms and in final design, we will attempt to disturb only that area of the buffer as necessary to accommodate the new lots and related drainage and water-harvesting areas. In revegetating the disturbed areas, we will be using alot of the salvaged plant specimens relocated from within the interior of the project. The water-harvesting areas will not cause mosquitos, the are simply shallow depressions that allow water to percolate back into the soil and water the plantings rather than run-off to adjacent areas. The density of the planting will meet or exceed the County's normal buffer requirements and be detailed on our landscape plans if we get past the rezoning and into the subdivision stage.
- How will the detention basin overflow onto Hardy Rd? Will there be erosion protection and drainage improvements to protect the home owners next to the basin and protect erosion to Hardy Rd? The basin will outlet in the exact same fashion as does the basin at the southwest corner of your own subdivision. Weirs, erosion protection, etc. will be provided and the water metered out ... all of which are subject to final review and approval by the County's Regional Flood Control District.
- Will the Hardy Wash Trail #160 be developed as a part of this project? This trail would be a great amenity! Is there an existing trail that this would connect to? Will there be an additional recreational facilities, such as a pocket park with a playground or picnic area? There is no existing trail in place to the west or east, so exactly what happens with this trail will largely be determined by whatever position the Pima County Department of Natural Resources, Parks & Recreation takes on the matter. They may prefer a financial contribution from the developer, or they may find that having one short segment of the trail built is more valuable, even if it has no connectivity to the east or west. We'll find out further in the process once Parks & Rec formally weighed in.
- Rezoning to CR-5. A majority (67%) of the adjacent surrounding development is either CR-3 or CR-4 (see image below). I feel that this new zoning should match the majority. What is the benefit of having this area Zoned CR-5. I also noticed that the zoning allows for no set-back requirement and that " Zero lot-line siting of dwelling units on individual lots is permissible." Can you explain what this means and if this project is proposing this type of development? Will the development be have setbacks? I do not want any new dwellings to be located on the lot line or have any duplex, condo, or town home type developments. This does not match the subdivision developments surrounding this property and should

not be allowed. If all that is proposed is single family detached homes, then why shouldn't the zoning be CR-3 or CR-4 like the majority of the surrounding neighborhoods? Please explain. I don't embrace the original premise of the question. Looking at the zoning map in all surrounding directions, and not just east-west, there is far more acreage zoned and developed as CR-5 subdivisions than CR-3/4. CR-5 is more appropriate zoning for modern subdivisions and provides improved design flexibility. We will not be doing any duplex, condo, or town-home products. This rezoning approval, if granted, would be subject to the site plan we're showing, which is for detached, single-family residences. Any future change to this use would require a whole new public process for approval.

<pnpphonicabalpe.png>

Like I said, I will have limited time at the meeting tonight and I would like to request that you provide written responses to the comments and questions above so that they may be shared with the Hardydale II homeowners.

Thank you,

Scott Martinez, Hardydale II HOA President

8830 N Sky Dancer Circle

Tucson, AZ 85742

520-349-5869

Jim Portner, Principal
Projects International Inc.

Mailing Address:

P.O. Box 64056

Tucson, AZ 85728-4056

Street/Delivery Address:

10836 E. Armada Lane

Tucson, AZ 85749-9460

Office Phone 520.760.1976

Office Fax 520.760.1950

Cell Phone 520.850.0917

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Scott Martinez, RLA
6814 North Oracle Road, Suite 210, Tucson AZ 85704
Tel: (520) 297-9540 Fax: 520-297-9545



McGann & Associates
Landscape Architects and Planners

June 26, 2016

Jim Portner

Projects International, Inc.

10836 E. Armada Lane

Tucson, AZ 85749

Ref: Rezoning of 20-Acre Property Directly East of Hardydale II

(Rezoning #P16RZ000005, Parcel #225021470)

Dear Jim,

We live at 8822 N Sky Dancer Circle on the east side of Hardydale II (see attached map for our lot location marked in green) and have talked with you at two meetings you organized at Tortillita Middle School. For ten years, we have enjoyed uplifting and inspirational views of the flora and fauna within the 20 acres of desert east of our concrete block fence; and the many colors and shades of the Catalina Mountains beyond at different times of day and weather conditions, including clouds, rain, lightning, and snow cover.

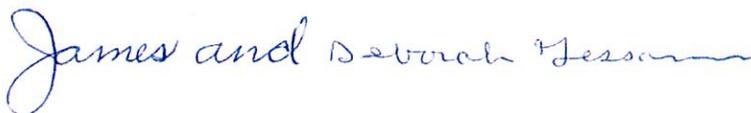
With the development of 55 homes on these 20 acres, we concede that our natural views will be urbanized. Can we live with that? Yes. We would prefer that all 55 homes be single-story, but we know that two-story homes are an option. The subdivision will undoubtedly be a mix of one-story and two-story homes.

We would ask that the developer, Miramonte Homes, consider the impact of the distribution of one and two-story homes on the natural views from homes in the surrounding subdivisions—Hardydale Estates, Hardydale II, and Saguaro Vista, all which do not have two-story homes.

Because two-story homes are much more of a barrier to the concept of open space than one-story homes, we are asking Miramonte to locate two-story homes on six lots in the northern loop of the subdivision, bordering the Hardy Wash; and/or on six lots adjacent to the "Zone SR residential" next to the water tank enclosure (see attached map for the location of these twelve lots marked in red). Located there, they should have less impact on views of homes in Hardydale II and Saguaro Estates, as well as on Hardydale Estates that would be separated from the two-story homes by Hardy Wash.

We trust that Miramonte homes will not simply be driven by a desire to sell 55 homes as quickly as possible but also by the desire to be a good neighbor to the people living in homes that surround this new subdivision. Lessening the impact of two-story homes by considerate distribution of those homes would allow their clients a choice of lots and those of us in surrounding homes some modicum of consideration by Miramonte Homes for the natural aesthetics we now enjoy.

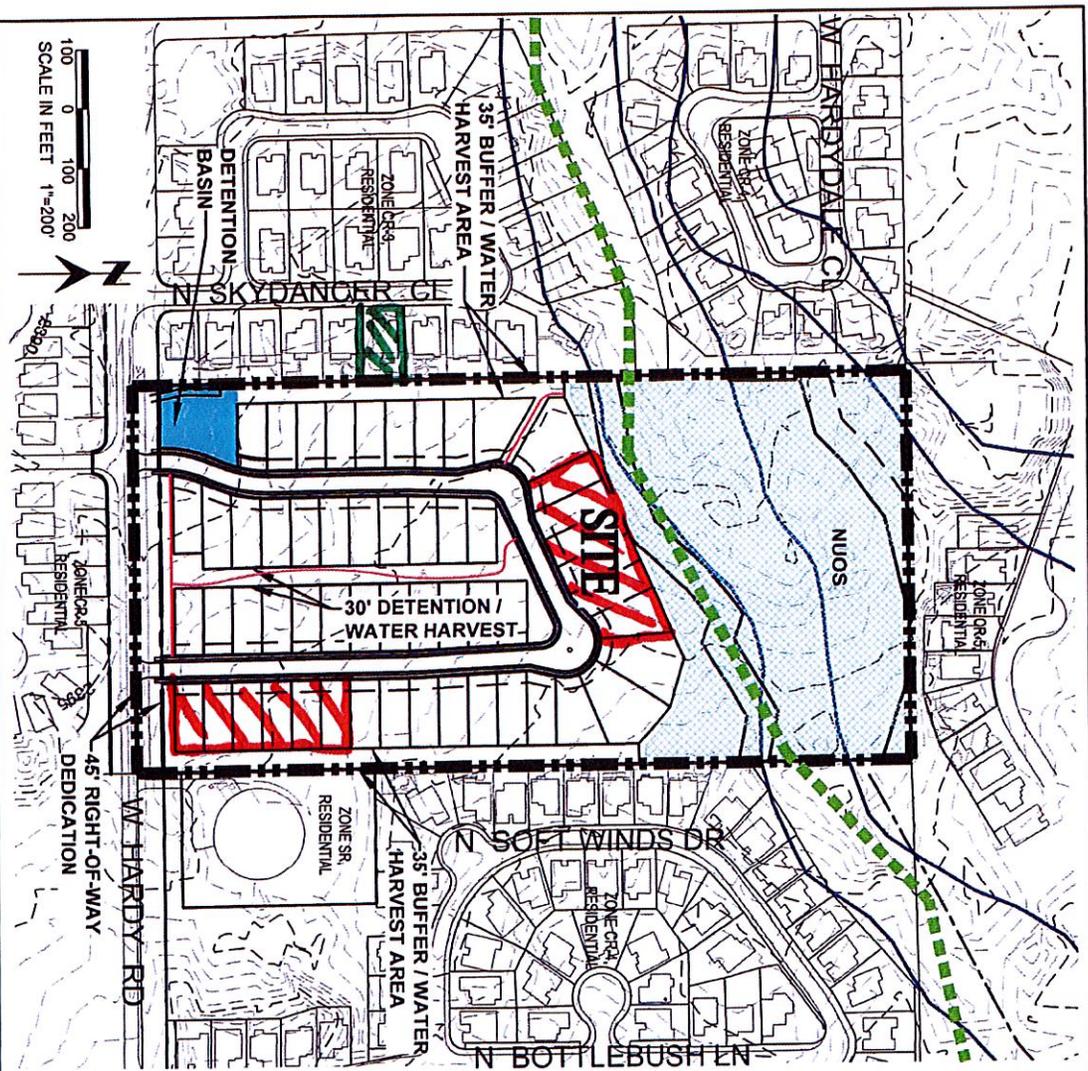
Sincerely,

A handwritten signature in blue ink that reads "James and Deborah Gessaman". The signature is written in a cursive, flowing style.

James (Jim) and Deborah (Debbie) Gessaman

Jim.gessaman@gmail.com

deb.gessaman@gmail.com



Projects International, Inc.
 STRATEGIC GUIDANCE
 PRELIMINARY PROJECTS
 LOCAL ADVICE & COUNSEL



Hardy Estates
 NORTH SIDE HARDY RD, EAST OF THORNDALE RD
 (Ownership Entity: Whisper Canyon Holdings, LLC)
 REZONING: SR to CR-5

LEGEND

- PDP Boundary
- Existing Condition Topographic Contour (1' Interval)
- CLS Set-Aside Area (Natural Open Space)
- Approximate 100-Year Post-Development Floodplain Limit
- Detention Basin
- Mapped Riparian Habitat Important Riparian Areas (CLS-IRAs) with underlying Xeroriparian "C"
- Hardy Wash Trail #160
- On-site Pedestrian Path

PROJECT AREA

Gross Area: 20.00 AC
 Net Area (Post R.O.W. Dedication): 19.30 AC

PROJECT PARTICULARS

Existing Zoning: SR
 Proposed Zoning: CR-5
 Comprehensive Plan: MLIU

PROPOSED USE(S)

Single-Family Residential Subdivision (55 Lots
 Typical Lot Size: 50'x120' (6.00

BUILDING HEIGHT

Maximum 34' Permitted; Project will contain bi
 and 2-Story Residences.

ON-SITE STREETS

Proposed Right-of-Way Width: 45'
 Travel Lanes: Two (2) 12' Lt
 Total Pavement Width: 28' (including
 Sidewalks: 4' Sidewalks |

PARKING

Parking will be in accordance with Section 18.

BUFFER YARDS

Bufferyard "A" is required along Hardy Road f
 "C" is required along the east, west and north

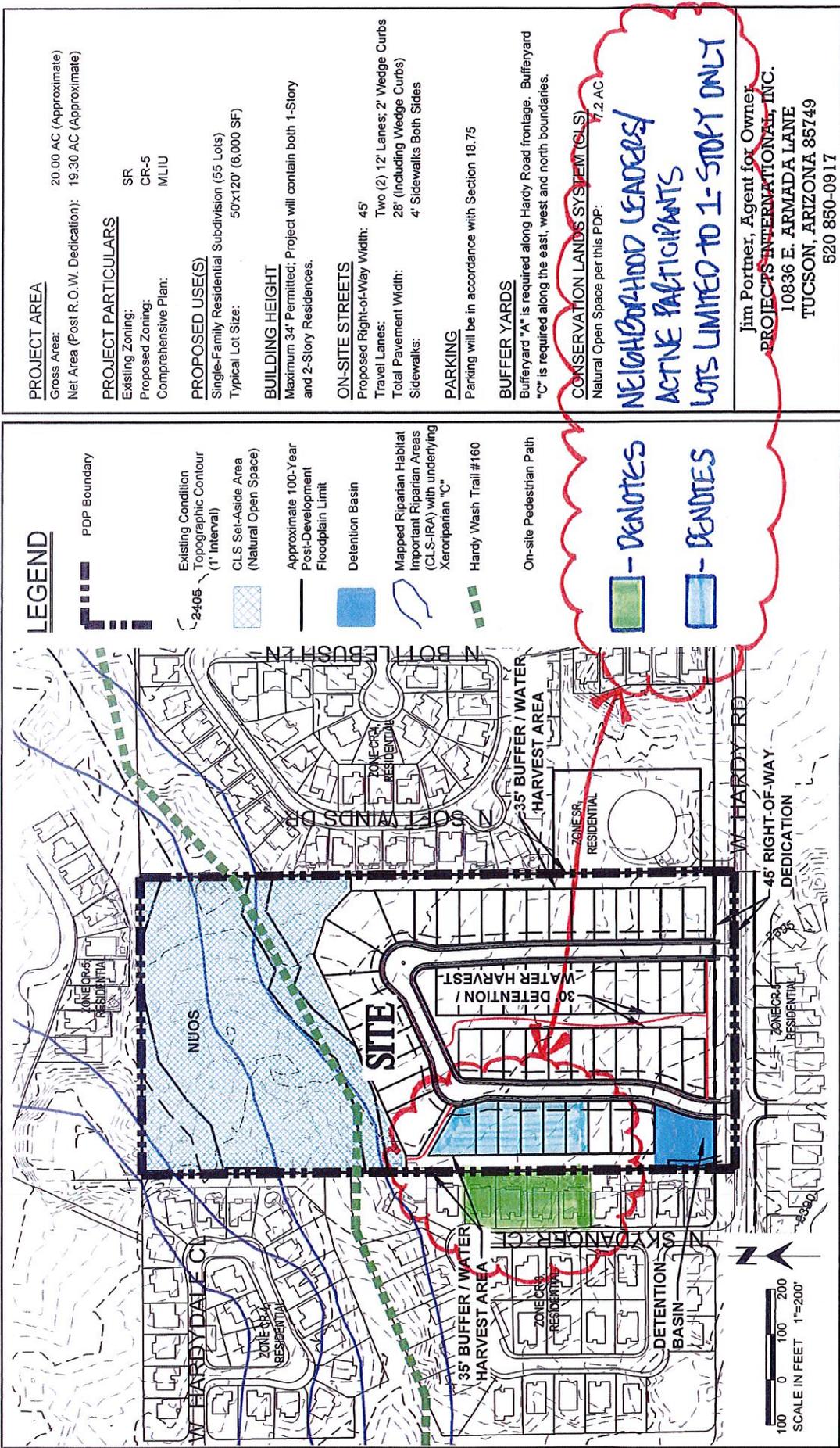
CONSERVATION LANDS SYSTEM (CLS)

Natural Open Space per this PDP:

Jim Portner, Agent for
 PROJECTS INTERNATIONAL
 10836 E. ARMADA L
 TUCSON, ARIZONA 85718
 520 850-0917

EXHIBIT
 PRELIMINARY PLAN

The following two preliminary development plans demonstrate the proposal that the owner/applicant have proposed in response to the letters of concern that have been received.



LEGEND

- PDP Boundary
- Existing Condition Topographic Contour (1' Interval)
- CLS Set-Aside Area (Natural Open Space)
- Approximate 100-Year Post-Development Floodplain Limit
- Detention Basin
- Mapped Riparian Habitat Important Riparian Areas (CLS-IRA) with underlying Xeroriparian "C"
- Hardy Wash Trail #160
- On-site Pedestrian Path

PROJECT AREA
 Gross Area: 20.00 AC (Approximate)
 Net Area (Post R.O.W. Dedication): 19.30 AC (Approximate)

PROJECT PARTICULARS
 Existing Zoning: SR
 Proposed Zoning: CR-5
 Comprehensive Plan: MILU

PROPOSED USE(S)
 Single-Family Residential Subdivision (65 Lots)
 Typical Lot Size: 50'x120' (6,000 SF)

BUILDING HEIGHT
 Maximum 34' Permitted; Project will contain both 1-Story and 2-Story Residences.

ON-SITE STREETS
 Proposed Right-of-Way Width: 45'
 Travel Lanes: Two (2) 12' Lanes; 2' Wedge Curbs
 Total Pavement Width: 28' (Including Wedge Curbs)
 Sidewalks: 4' Sidewalks Both Sides

PARKING
 Parking will be in accordance with Section 18.75

BUFFER YARDS
 Bufferyard "A" is required along Hardy Road frontage. Bufferyard "C" is required along the east, west and north boundaries.

CONSERVATION LANDS SYSTEM (CLS)
 Natural Open Space per this PDP: 7.2 AC

**NEIGHBORHOOD LEADERS/
 ACTIVE PARTICIPANTS
 LOTS LIMITED TO 1-STORY ONLY**

- DENOTES

- BENEFITS

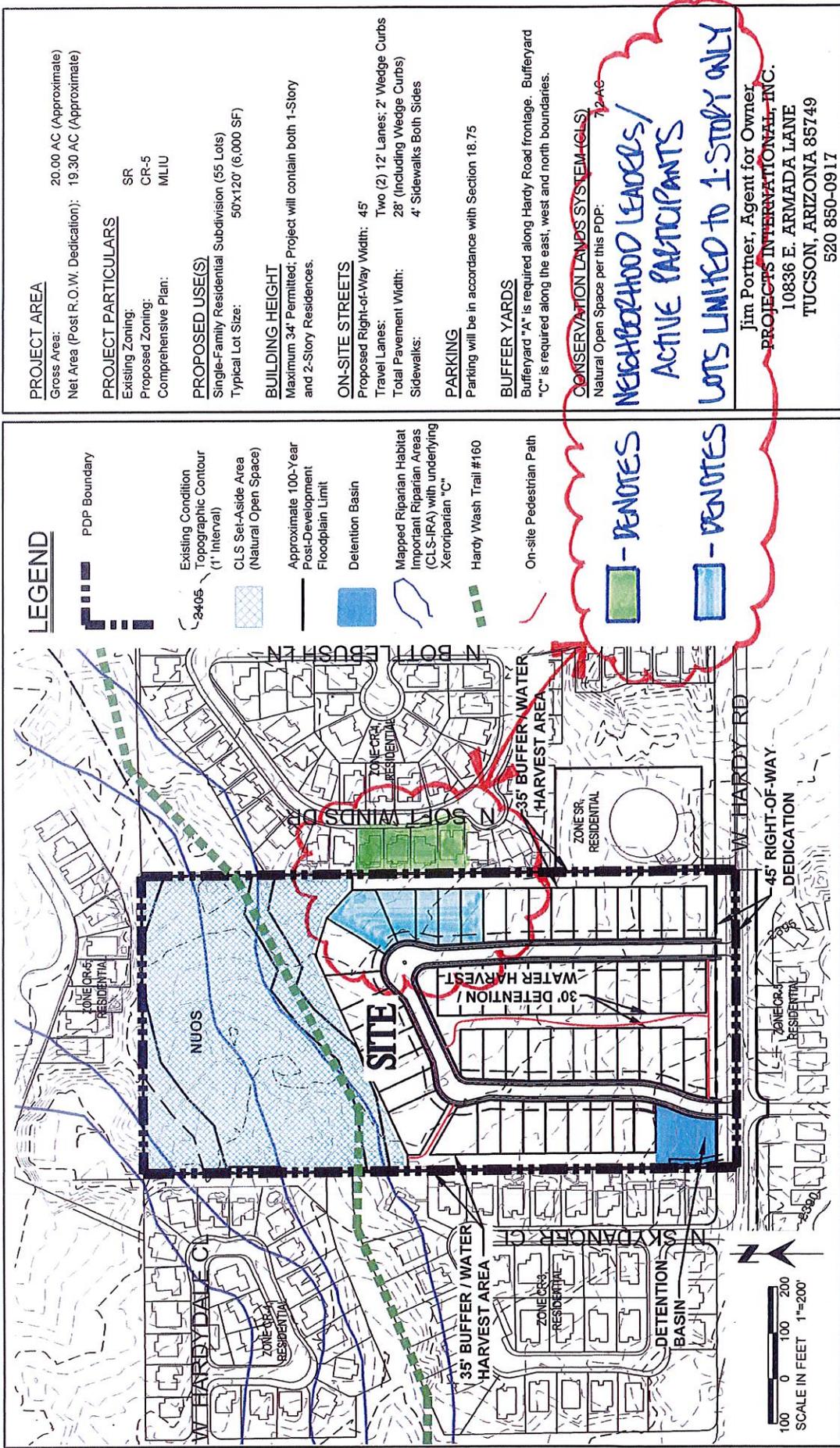
Jim Portner, Agent for Owner
PROJECTS INTERNATIONAL, INC.
 10836 E. ARMADA LANE
 TUCSON, ARIZONA 85749
 520 850-0917

Hardy Estates
 NORTH SIDE HARDY RD, EAST OF THORNYDALE RD
 (Ownership Entity: Whisper Canyon Holdings, LLC)
 REZONING: SR to CR-5

GRS
 LANDSCAPE ARCHITECTS/LLC

PROJECTS INTERNATIONAL, Inc.
 STRATEGIC GUIDANCE
 ENTITLEMENT PROCESSES
 LOCAL ADVICE & COUNSEL

EXHIBIT II-B.1a-p
 PRELIMINARY DEVELOPMENT
 PLAN
 PAGE 53



Hardy Estates
 NORTH SIDE HARDY RD, EAST OF THORNYDALE RD
 (Ownership Entity: Whisper Canyon Holdings, LLC)
 REZONING: SR to CR-5

GRS
 LANDSCAPE ARCHITECTS

PROJECTS INTERNATIONAL, Inc.
 STRATEGIC GUIDANCE
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EXHIBIT II-B.1a-p
 PRELIMINARY DEVELOPMENT
 PLAN
 PAGE 53

**PIMA COUNTY PLANNING DIVISION
APPLICATION FOR REZONING**

Whisper Canyon Holdings, LLC 4727 N. Camino Ocotillo
c/o Steve Quinlan, Member Tucson, AZ 85718 sequinlan@aol.com

Owner Mailing Address Email Address/Phone daytime / (FAX)
Jim Portner, Principal 10836 E. Armada Lane Cell 520.850.0917
Projects International, Inc. Tucson, AZ 85749-9460 jportner@projectsintl.com
Applicant (if other than owner) Mailing Address Email Address/Phone daytime / (FAX)

19.81 acres on Hardy Road, east of Thornydale Road 225-02-029c

Legal description / property address Tax Parcel Number

19.81	SR	CR-5	Northwest Sub-region / MLIU / RP-142
Acreage	Present Zone	Proposed Zone	Comprehensive Plan Subregion / Category / Policies

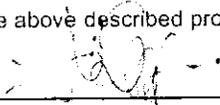
The following documentation must be attached:

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.

May 4, 2016

Date


 Signature of Applicant
 Jim Portner, Principal
 Projects International, Inc.

FOR OFFICIAL USE ONLY

Co9-

Case name

Rezoning from	Rezoning to	Official Zoning Base Map Number	Fee	Supervisor District
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Conservation Land System category

Cross reference: Co9-, Co7-, other	Comprehensive Plan Subregion / Category / Policies
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Received by _____ Date _____ Checked by _____ Date _____