

Rezoning Case C9-13-13 Schneider
Speedway Boulevard, RX-1 to R-2 (Ward 2)
City of Tucson Zoning Examiner Public Hearing 01/30/2014

ZONING MEMBERS PRESENT:

Linus Kafka, Zoning Examiner
Carolyn Laurie, Planning & Development Services
Delma Sanchez, City Recording Clerk

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1 ZONING EXAMINER: Next case on the agenda is Case No.
2 C9-13-13 Schneider, Speedway Boulevard RX-1 to R-2. Ms. Laurie.

3 MS. LAURIE: Mr. Kafka. Can everyone hear me? This is
4 a request by Michael Grassinger of the Planning Center on behalf
5 of the property owner, Ray Schneider, to rezone approximately
6 12.46 acres from RX-1 to R-2 zoning.

7 The rezoning site is located on the south side of
8 Speedway Boulevard adjacent to the east bank of the Robb Wash,
9 approximately 120 feet east of Button Willow Road.

10 The Preliminary Development Plan proposes a residential
11 subdivision consisting of 64 one- and two-story single-family
12 residences. The proposed lots range in size from 4,710 square
13 feet to 9,226 square feet, with a proposed density of 5.1
14 residences per acre. The Planning & Development Services
15 Department recommends approval of the R-2 zoning subject to
16 preliminary conditions.

17 Some background information on the case. The existing
18 land use is one single-family low density residential. The
19 zoning surrounding the parcel to the north is R-1 and R-2, and
20 RX-1, the majority being single-family residential with pockets
21 of multi-family residential development.

1 To the south, the parcels are zoned R-1, and are
2 primarily single story. To the east is zoned RX-1, which is
3 Magee Middle School. To the west is zoned OS, open space, R-1
4 and C-1. There have been no previous cases on this property.

5 The Applicant's request. The PDP proposes 64 units,
6 one- and two-story single-family subdivision on a 12.46-acre
7 site. The rezoning request from RX-1 to R-2, utilizing the
8 flexible lot development option, will allow for - will allow the
9 site to be developed with lot sizes ranging from 4,710 square
10 feet to 90- - 9,226 square feet.

11 The Land Use Policy direction for this area is provided
12 by the Pantano East Area Plan, and the newly adopted Plan Tucson.
13 The Pantano East Area Plan outlines residential policies for
14 reviewing proposed land use changes. Residential Policy Two
15 promotes residential infill of vacant land for adequate
16 provisions for street and utilities as available and
17 compatibility with existing land uses can be accomplished.

18 The plan supports medium to high density residential
19 development along arterial streets by promoting clustering of
20 lots and allowing for design flexibility. The plan also requires
21 that residential development be located outside of designated
22 100-year floodplain and goes further to promote the integration
23 of open spaces along washes.

24 The plan recommends new development preserve and

1 protect remaining natural riparian habitats along named water
2 courses. Designated trail corridors are to be recognized for
3 their multiple community values, including recreation, flood
4 control, wildlife habitat and open space. The Robb Wash is
5 identified on the Pima Regional Trail System Master Plan, and
6 Plan Tucson as an urban green way.

7 The proposed development is consistent with land use,
8 transportation and design - and urban design principles and
9 guidelines for development and review of Plan Tucson. Plan
10 Tucson also supports integrated site design and supports the
11 conservation and enhancement of natural habitats, and the
12 protection of healthy urban vegetation.

13 The City of Tucson Major Streets and Routes Plan
14 identifies Speedway Boulevard as an arterial street. The Pima
15 Association of Governments, Transportation Planning estimates.
16 For the proposed development, estimates at 640 vehicle trips per
17 day will generated from the site. The current use would generate
18 only ten trips per day.

19 The site is located within the City of Tucson Water
20 Service area. A two-year water service letter has been completed
21 for the site under the existing R-2 zoning - RX-2 zoning. A
22 letter shall be required during the development plan package
23 stage. The proposed development will connect to Pima County's
24 public wastewater system, and field inspection by Staff have

1 indicated that no billboards are on the rezoning site.

2 Design considerations. The proposed residential
3 density at 5.1 RAC will be greater than the established Carriage
4 Hill Subdivision to the south which consists of single-story and
5 split-level residential. To the west is a residential
6 development with a RAC of 3.73.

7 The center of the parcel contains a significant ridge
8 line which will - which will require earth-moving activities.
9 The native vegetation is of high quality, and contains large
10 strands of native plant species referred to as Sonoran Desert
11 scrub. Preservation or restoration of a percentage of this
12 vegetation will be required by a Native Plant Preservation
13 Ordinance known as the NPPO.

14 The west edge of the site is adjacent to City of
15 Tucson-owned parcel zoned open space. The Robb Wash, again, a
16 designated water course, amenities, safety and habitat ordinance
17 wash, also known as a Wash Wash (sic).

18 Road improvements and vehicular access to the site.
19 Speedway Boulevard, adjacent to the rezoning site, is eight lanes
20 with a median. To the immediate east of the rezoning site is a
21 pedestrian overpass which is generally used by students of Magee
22 Middle School, as well as Sun Tran passengers to safely cross
23 Speedway Boulevard.

24 Established Sun Tran bus stops are located on both

1 sides of Speedway within walking distance of the rezoning site.
2 The PDP shows internal pedestrian system circulation to Speedway
3 Boulevard, Sarnoff Drive, and two gated access points to Magee
4 Middle School. Staff recommends that the access gates follow
5 safe by design guidelines and be visible from adjacent lots,
6 contain a locking mechanism, and include security lighting for
7 after dark. The gates shall also meet ADA requirements.

8 The internal sidewalks will be five feet wide and shall
9 be located along both sides of the internal roadway system. An
10 emergency access is also propose - proposed to the southeast
11 corner of the site which will contain sidewalks along both sides.
12 This access point is not designated as a driveway or a regular -
13 regularly used area for transportation.

14 Conclusion. The proposed development is generally in
15 conformance with the Pantano East Area Plan and Plan Tucson,
16 subject to compliance with the attached preliminary conditions.
17 Approval of the R-2 request is appropriate.

18 To date, Planning & Development Services has received
19 zero approvals and nine protests for the site. The area of
20 protests within 150 feet, there are three protests. This is
21 significant because, per state law, if the protest level within
22 150 feet of the rezoning site exceeds 50% by area in one or more
23 of the four quadrants surrounding the site, a three-fourths
24 majority of Mayor and Council is required to adopt a rezoning

1 case. In this situation, the only quadrant that has met this
2 requirement is to the south and it is at 50.5%. Thank you.

3 ZONING EXAMINER: Thank you, Ms. Laurie. At this time,
4 I just want to make sure that I have in the record - or mention
5 that I have in the record - those protests, including ones that
6 were not on the protest form, and came by either e-mail or
7 handwritten letter, and maybe I'll just get the names of those
8 into the record.

9 One from the Olivares, Jennifer Dempsey, including an
10 additional page, the Wagners, the Waltons, Carriage Park
11 Neighborhood Association has several letters dated January 15th.
12 I thought I had another one in here. Carol Albright, Ray Bianci,
13 Lynn Koch, Ruth Ovidaro (ph.), and that's Ruth, that's the
14 separate letter. Derek Nelson. Those are all entered into the
15 record, as well as the memorandum and the response letter from
16 the Planning Center.

17 All right. Mr. Grassinger, are you gonna give the
18 presentation?

19 MR. GRASSINGER: Yes, Mr. Kafka. My name is Mike
20 Grassinger with the Planning Center, 110 South Church. With me
21 tonight is also Brian Underwood from the Planning Center, and Ray
22 Schneider, who's the owner of the property, as well as Ken Perry,
23 who's our engineer should there be any technical issues that need
24 to be addressed.

1 This, as I'm sure everybody's aware - and I'll go
2 through this quickly - is the location of the property. This is
3 Speedway Boulevard, Camino Seco, on this side, Pantano Road. And
4 you can see that generally this whole area is developed, with the
5 exception of a few parcels. This is the school here, so it looks
6 vacant, but it's not. So this is the last piece of property that
7 the - that the Robbs own, and is the subject of our request.

8 You can see here the existing zoning in the area, as
9 was stated, generally south of the property is R-1. To the east
10 and west are - is C-1, commercial or office development, DO-3.
11 Across the street is - although it's zoned R-1 - is an apartment
12 complex, and so we colored it to reflect that, and some other R-
13 2, R-3 and so forth along - along Speedway Boulevard.

14 As you see, along any of the arterials, like Pantano,
15 you'll see heavier density, or - or more intense uses. One of
16 the major concerns here is that the R-2 zone is inappropriate
17 because it isn't in conformance with the other zoning. But,
18 essentially, Pantano East Area Plan recommends properties along
19 arterials such as Speedway to be commercial office or high
20 density, or higher density residential. And that's how, when you
21 look back at the aerial again, you'll see a series of apartment
22 complexes and commercial development along the street.

23 My client decided that he didn't want to go in that
24 direction, although there would be considerable support through

1 both Pantano East Area Plan and the General Plan for a higher
2 density. Instead, he was looking at something that he felt was
3 more compatible with the school, with the wash and - and probably
4 also more marketable than those other uses at this point. So
5 that's where we've gone.

6 And I also want to point out that originally - although
7 Ms. Laurie said this - there are no other cases on the property,
8 technically, the property was all of this originally. That was
9 the Robbs' property. And so there have been two rezoning cases
10 on the Robb property; one for the apartments which are actually
11 zoned C-1, and another for this subdivision, which is zoned R-1.
12 So this is actually the third zoning on the original property, if
13 you will. Just wanted to make clear on that.

14 Again, looking at it a little closer, the Robbs' home
15 is still - I did it again. It won't stay. Well . . . here we
16 go. We're going back in the right -

17 ZONING EXAMINER: We're getting the fast version of
18 this?

19 MR. GRASSINGER: What's that?

20 ZONING EXAMINER: We're getting the fast version of it?

21 MR. GRASSINGER: Yeah, that's exactly right. Well, I'm
22 sorry. I did this at both neighborhood meetings. So the - our
23 friends here behind me are - are used to me being a klutz when it
24 comes to the computer. Brian, can you help? And I'm gonna put

1 this down and not use that pointer anymore.

2 Where I was going is that the - the - the original Robb
3 home is still on the site and is actually being - just recently
4 has a renter that has moved in, in order to kind of monitor the
5 site in terms of security. So - but, again, the - the - the
6 original Robb property was - was all of this, about 40 acres.
7 And the Robb Wash runs through what was the center of that and
8 has now been dedicated to the city by Mrs. Robb during the - this
9 re- - or as part of this rezoning. She also dedicated this
10 portion of property to the City, which has never been used for
11 anything.

12 So . . . now I'm going to try to go forward, and I did.
13 This is the proposed development plan that we have included.
14 There are 64 lots. There is only one access point; it is on
15 Speedway. We were asked to move - and this is our second
16 development plan, if you will. We - we showed one earlier to -
17 at a first neighborhood meeting, and it was - the entry was more
18 in the center over here, and this whole thing was a little
19 different. The lots were not so much lined up along the wash,
20 and these first three or four lots were sitting over here
21 somewhere, and that was more open space because there's a
22 floodplain issue up there.

23 So, we laid this out and basically the fire department
24 said, "If you do it that way without an emergence - without a

1 second access, we'll have to put sprinklers in the houses." And
2 that's always a tough one to sell to people because they're
3 afraid they're gonna set 'em off accidentally and ruin all of
4 their belongings.

5 So, what we did is we designed an emergency-only access
6 right here off of this cul-de-sac which ties into Sarnoff, and
7 that will be designed per the City's fire department and police
8 department standards so that it will be only accessible to them.
9 They will have the only keys to it, and it will be - the gate
10 will be designed to their standards, and I don't personally know
11 what those standards are right now.

12 But, when we - when we showed this the first time,
13 people were concerned because the lots on the south end came
14 right up to the alley. There's an alley that runs between these
15 homes and Mrs. Robb's property. And so we said, "Well, let's see
16 what we can do to - to give you a little bit of relief on that."

17 And so what we did is we redesign where this open space
18 was. We also met with Transportation, and they wanted us to move
19 the road as far to the west as we could, so that's why it's a
20 line here. There will also be a deceleration lane required right
21 along here, so people get out of the travel traffic and slow down
22 to make the turn in here.

23 The - as a result, I - we sort of took the open space
24 that was here and we moved it down along the bottom of - of the

1 site, ended up with about the same number of lots, and - but gave
2 a 20-foot buffer, landscaped area, for a separation between the -
3 the neighbor houses and the new homes.

4 We've also designed into the project two gates to the
5 school, and I'm not sure where they're at now. Think there's one
6 here and one here. The - but that'll be reviewed during
7 development per subdivision plat reviewing. But the school had
8 asked for that, and we were more than happy to accommodate that.

9 We'll also design a trail system between these open
10 spaces and the neigh- - and all the sidewalks through this
11 detention, slash, recreation area which will go to this Robb Wash
12 area. Now, what is important to note is that the wash itself -
13 you can see the bottom of it right here - and the wash actually -
14 the limits of the wash are right about in this direction.

15 But at the time - a while back, Mrs. Robb was nice
16 enough to dedicate 70 feet additional of land here for - for -
17 for the purpose of recreation, so the City could eventually
18 develop the Robb Wash green way along there. And as you note
19 dur- - in the conditions we'll - we'll be required to actually do
20 that building, or whoever develops this site will be required to
21 do that. So the city gets off both ways. They get the land for
22 free, and then they get the - the facility built for free.

23 So that's kind of the - the overview. I know I'm
24 missing something, but I hope you all catch it. So, what it

1 comes down to now is a lot of it is this edge right here. And
2 in, you know, most rezoning cases that's always kind of where the
3 focus is, is on the edges of the property, 'cause that's where
4 people interface with it. And so the - this - this is the only
5 edge where somebody is actually adjacent to the property,
6 although there an 18-foot alley that runs between their
7 properties and - and the - and the Robb property.

8 So, what we - and, as I mentioned, we designed this 20-
9 foot landscaped area here to give additional buffer. Then the
10 houses would sit another 16 or 17 feet back from - from there.
11 And to make it easier to understand, I did a cross-section, and
12 this shows the neighbor's house, their back yard, and wall. This
13 is the alley, 18 feet, and then there's 20 feet of - of landscape
14 buffer, the - the - that - the new wall for the new homes, and
15 then they're required a setback of 17 feet.

16 I'm showing here a two-story building - and I'll
17 explain why in a minute - because - well, I'll get right into it.
18 We've - we are proposing a mix of one- and two-story homes. I
19 don't know what homes will be built on this property. There is
20 not a builder involved at this point. So that's - that's the
21 reason we're in the subdivision plat process. You have checks
22 and balances, and the property is intended to be developed under
23 the flexible lot development option, which is pretty much what
24 everybody does now in the City of Tucson. And, during that

1 process, there will have to be privacy plan proposed as to how
2 these homes will be - will interface with the adjacent
3 properties. That could be a number of different types of things,
4 but to try to guess what those are, without knowing what design
5 the houses are is really premature at this point. So - but we
6 understand that that - even though it's not particularly a
7 condition, it's part of the code that you have to comply with.
8 So we - we understand that.

9 So, it could be that there are some two-story homes
10 proposed here. But, if so, they will have to do things like have
11 only clear story windows, no balconies, ways to protect the
12 privacy of - of the adjoining neighborhood, and also, hopefully,
13 mitigate any impacts on views and so forth. So, that's the idea.

14 The other option that has been talked about is to go to
15 single-story restriction along the south boundary of the property
16 with those homes, and this is what that would look like. So, on
17 the - on the first one, you have about 78 feet of distance from
18 house to house here. On the - on the single-story, it's about 58
19 feet. Obviously we took out the 20-foot buffer. So - and,
20 again, there'll probably be trees and so forth in here which will
21 help also screen any visual impacts from the home - from the
22 homes.

23 So, what we did then is we took both of those options -
24 and I know this is hard to see, particularly for people in the

1 audience - but those are the - these are the two options that I
2 just showed you. This is the one with the single-family - or
3 single-story, rather - home, and this is the two-story home.
4 And, as you noticed on those other ones, we had about a five- to
5 six-foot person standing in the back yard here, and what we're
6 showing is what the visual difference is between the two. With
7 the single-story that comes right up to the alley, that's -
8 that's kind of the - the view that's blocked with this red. You
9 still can see over it.

10 With the two-story home, which comes up to about here,
11 this is the - the - the - the impact in terms of visual. It's a
12 little bit more - blocks the views, but it's not a whole lot
13 different. So, just wanted to put that in the record.

14 So as to summary. What we're - what we're talking
15 about here is there will be only access from Speedway Boulevard.
16 There was some concern about Sarnoff being extended through.
17 We've talked with Transportation Department. There is no
18 intention for that. We're not being asked to provide right-of-
19 way for Sarnoff. And we don't want through traffic going through
20 this neighborhood any more than our adjoining neighbors do.

21 We're limiting - we've shown 64 single-family homes, a
22 centrally located park place for the people who live in this
23 property, and trail improvements that will be included along the
24 Robb Wash green way. The wash area will remain open space.

1 There will be a trail built in it; but, other than that, it will
2 continue to be open space, accommodate wildlife, people hiking
3 and - and so forth. The - and then it is - it is very much
4 consistent with and even under - being underdeveloped for
5 policies of the Pantano East Area Plan, and the City of Tucson
6 General Plan policies. I think that pretty much covers it,
7 unless you have any questions.

8 ZONING EXAMINER: Not at the moment.

9 MR. GRASSINGER: Okay.

10 ZONING EXAMINER: Do you want anybody else from your
11 team to come up and speak to specific issues or - okay.

12 MR. GRASSINGER: Not unless there's questions.

13 ZONING EXAMINER: I'll wait on mine. See what comes
14 up.

15 MR. GRASSINGER: Okay.

16 ZONING EXAMINER: All right. Thank you. At this time,
17 I'd like to call anybody else up who would like to speak in favor
18 of the project. Is there anybody?

19 (No response.)

20 ZONING EXAMINER: Okay. Anybody would like to speak in
21 opposition. Let me see hands, a show of hands. Okay. Got
22 three. Let me start over here. Ma'am, if you - in the red
23 sweater. Yes, you.

24 And, Mr. Underwood, if you could put the - I'm not

1 gonna ask Mr. Grassinger to do this. Can you put the aerial
2 photograph back up?

3 MR. GRASSINGER: Do you mind if I ask any questions?

4 ZONING EXAMINER: I - I do not. If I can get the - the
5 development plan, the one with the lots. Yeah. Thank you.

6 MR. WAGNER: Hello. My name is William James Wagner.
7 I'm the Vice-President of the Carriage Park Neighborhood
8 Association, and also the Chairperson of the Rezoning Committee.
9 My first - I'm also a property owner adjacent to the property,
10 but I'd like to first talk to you as a representative of the
11 Carriage Park Neighborhood Association.

12 Unfortunately, our President, Heather Lieber (ph.), was
13 unable to attend, so I'll be speaking on her behalf. I believe
14 you've already received a letter that was from her. Should I
15 read it or it's not necessary?

16 ZONING EXAMINER: I've entered it - is this the one on
17 January 15th?

18 MR. WAGNER: Okay. So - so it's on record. I'll save
19 everyone some time by not reading it line-for-line, but I would
20 like to highlight the major points that were the concerns of - of
21 the Neighborhood Association.

22 First of all, we understand that this in accordance
23 with the East Pantano area lot development; however, you know,
24 the - the majority of the surrounding area to the south of

1 Speedway is R-1 zoning currently, you know, with the exception of
2 the apartments, and so forth. Now the - the property to the west
3 there that they indicated was recently developed was also part of
4 the Robb estate. You know, you notice that was zoned R-1, and
5 they were able to fit 38 homes into that - into that lot on R-1
6 zoning.

7 And, because of this, you know, we just feel that the
8 density is too high for the area. Now, again, we realize that
9 it's - it's part of the - the plot - the plan, the Eastside Plan;
10 however, if anyone has been down Speedway in the morning or in
11 the afternoons during the highest traffic areas, it's a nightmare
12 for traffic going in and out of Magee Middle School. And to get
13 - what'd you say? - 640 more cars going in and out of that
14 property is - is really gonna congest that area a lot more than
15 it currently is. So we really don't feel that an R-2 is needed
16 for this area to achieve the type of density - or close to the
17 density anyway - that they're looking to achieve here.

18 I took the 64 homes that they're proposing, and
19 multiplied that by 5,000 minimum square foot lots, and came up
20 with a total number in square footage as being used by the lots.
21 If you divide that by 7,000, which is a minimum lot size for R-1,
22 you can still get 45 homes in there, you know, with - allowing
23 for roads and pathways and such. So, you know, for - for the
24 area to remain consistent with the existing adjoining

1 neighborhoods, R-1 is really more than they need to get close to
2 the density that they're looking for, and it would still preserve
3 the, the essence of the neighborhood that we currently have,
4 okay?

5 So, other reasons on the list are debatable such as it
6 would neg- - negatively affect surrounding property values. I'm
7 sure there's studies that'll show that that's - that's not the
8 case, but in reality, we all know that it does to some extent.

9 The congestion, the - the number of people going in and
10 out. I've already addressed the safety - safety on Speedway
11 Boulevard and around Magee Middle School. Also, on the fourth
12 point was that a suitable privacy mitigation plan, to our
13 knowledge, hasn't been submitted to ensure the privacy of
14 existing homes to the south of the property. The association
15 feels, and the maj- - and all of the neighbors adjoining the
16 property feel that only single-story structures be built on the
17 south border. Now, according to their plan that they currently
18 submitted, that only affects five lots, you know. So we're
19 talking five lots out of either 45 or 64 that we're requesting to
20 be limited to single-story to preserve the - the privacy of the
21 existing neighbors.

22 There's also a concern about a well that's currently on
23 the - on the property. The Neighborhood Association would like
24 to review the plans to ensure a fresh water well that resides

1 there is capped and sealed properly prior to construction. That
2 was a big concern because there have been other wells in the
3 Carriage Park Neighborhood that they were concerned with. So I'm
4 not sure that was brought up in any way.

5 ZONING EXAMINER: Do you know where that is on the
6 property?

7 MR. GRASSINGER: Yes.

8 ZONING EXAMINER: Okay. I'll wait then.

9 MR. WAGNER: Okay. So, again, that's my remarks as the
10 Vice-President of the Neighborhood Association, but now as a - as
11 a property owner. I'm sure anything that you hear tonight,
12 you've probably heard before from all the other NIMBYs that have
13 come before us. And for those who don't know, "NIMBY" stands for
14 "Not In My Back Yard."

15 But it's more than - than being in our back yard, it's
16 in our neighborhood. You know, the Carriage Park area is unique
17 in Tucson. At one point, it was the only area in - in Tucson
18 that you could walk to each of the - the schools, the elementary
19 school, the - Magee - or Shoemaker Elementary School, it's since
20 been closed down, TUSD closed it - but then you have Magee Middle
21 School and Sahuaro High School. You could actually walk to and
22 from any one of those schools from anywhere within that
23 neighborhood, and that was unique in Tucson, and that's slowly
24 going away.

1 The studies have shown that - that a more open walkable
2 neighborhood that encourages neighbors to walk and interact with
3 each other is - is more conducive of a friendly neighborhood or,
4 you know, people interacting and get together. I mean, this is
5 just gonna be a way to isolate the - the people that are in that
6 - in that area and not really be a part of our - or feel like
7 they're a part of our neighborhood.

8 So, he pointed out on the two-story homes the view that
9 would be blocked and - and the 20-foot buffer. Everyone along
10 that alleyway has agreed that we want to keep that 20-foot
11 buffer, and if we can get 'em to reduce to the limit of single
12 stories, that would eliminate the concern with the views and
13 stuff, although with the - the pitches of houses these days, I'm
14 sure whatever is built there is gonna impact us one way or
15 another.

16 So also you have statistics about the - the number of
17 people opposing. If - if you notice, the only people that are
18 able to oppose within the 150-foot distance are five or six
19 properties right there on the southern border. And I've - even
20 though some of 'em didn't submit an opposition, I've talked to
21 every single one of them and - and we're all opposed to this
22 rezoning. Now, again, that comes back - we realize that - that
23 something's gonna be built there, and we realize that we can't
24 prevent that, but if we can help limit the impact to the

1 neighborhood and to the existing neighbors, it would be much
2 appreciated. So - thank you.

3 ZONING EXAMINER: Thank you, Mr. Wagner. Ma'am?

4 MS. ROADS: Thank you, Mr. Examiner, and thank you,
5 William, and thank you, Mr. Grassinger. My name is Bridget
6 Roads, and I live at 826 North Kent Drive; it's on the southwest
7 corner of the property in question. I live on the west side of
8 the wash.

9 I want to point out that I - actually, first of all, I
10 wanted to clarify that Carolyn said that you did receive my
11 letter, but I didn't hear my name called. So I just wanted to
12 make sure that - otherwise, I have a copy here. You have it?
13 Okay. Thank you.

14 I wanted to point out that this is a beautiful piece of
15 property; it contains very large and very tall, old pine trees
16 along the edge of Magee. There's a large hill that I - is my
17 understanding is going to be leveled. I would like to see - I am
18 in protest of this rezoning because I'd like to see this property
19 maintained in - with more integrity to the existing
20 neighborhoods.

21 The open space that Mr. Grassinger pointed out that is
22 nothing is actually is a little piece of real desert. And the
23 wash, we've worked hard in the neighborhood to keep that in
24 natural state.

1 We've - I am in protest for the high density of this
2 plan. I understand the need of the City for revenue, and I
3 understand the developer's interest. And I would like to see
4 more collaboration with the neighborhood, and listening to the
5 neighborhood. I was disappointed to hear that the buffer's off
6 the table if the houses are single-story. I'd like to see more,
7 as I said, collaboration with the neighborhood.

8 I know that it's not required by the City to plan for
9 the wildlife, but there's a lot of wildlife in that area which
10 will very much impact the neighborhood. There are lots of
11 critters in there.

12 I don't - oh, and I - aside from the my letter, I'd
13 like to say that the neighborhood has problems trusting that this
14 plan would even be the plan, because the property - there is no
15 guarantee. And I wanted to point out that the open space that's
16 leading into the wash is extremely small, probably as wide as
17 this room, I think. And, again, I appreciate your time. Thank
18 you.

19 ZONING EXAMINER: Thank you, Ms. Roads. Sir?

20 MR. KOCH: My name is Ray Koch, and I live at 8251 East
21 3rd Place, which is one of the properties that is bordering the
22 south boundary of the developments. As a matter of fact, we're
23 the third one down the line. Our old neighborhood - our
24 neighborhood is old. We have old homes, carports, small

1 bathrooms. Our roofs are not very high; they're fairly flat
2 still. We still have overhead power lines. The one thing we do
3 have is we have a fairly nice lot size. Ours is approximately
4 10,000 square foot; it's on a cul-de-sac, so my back wall is
5 about 110 foot long, and it's bordering two of the properties
6 there.

7 We only have three properties showing there that are
8 actually affected by the homes on the south boundary. There's
9 six properties on the opposite side of that. So, for the lot
10 sizes - supposedly go up to 9,000, really are about 5,000 square
11 foot maybe.

12 Looking at the site, I would like to have the border in
13 there. My wall - my patio is 25 foot from the alley the way it
14 is right now. My bedroom faces the alley, and I have a deck that
15 is also the level of the wall. So I'm facing on top of that.
16 I'm going to be facing those houses. I understand that I'm going
17 to be losing the view of the mountain that I have from my
18 kitchen. I'm aware of that. But I would like to see that border
19 in there.

20 I would like to maintain the R-1 zoning so we have at
21 least a lower density. If nothing else, we're told at this stage
22 here - and I look at the lot size, it's approximately - the lot
23 sizes on the south border seem to be more than adequate to put
24 one-story homes. It's almost like we're told, "If you want us to

1 not put two-story homes there, you're gonna have to get rid of
2 that 20-foot buffer." And I don't see why we can't have the 20-
3 foot buffer and have single-story homes there which still leaves
4 the rest of the property for two-story homes.

5 The question I also have is that anything that could be
6 done so that if a different builder is going to be chosen on
7 this, that the City can make it binding that whatever happens on
8 the south side of the development will maintain certain standards
9 such as lot size, set back on the border, and maybe single-family
10 home - I mean, single-story homes. The single-story homes today
11 are much higher than what we have today - than what we have on
12 our properties. If you look at the roofs, because of the size of
13 the ceilings on the inside, they're almost as high as our multi-
14 level homes which are tri-level and part below ground.

15 So, we would like to - at least I would like to in my
16 case, anyway - and this is personal - see single-story homes
17 behind me at least, and see that border maintained of 20 foot,
18 rather than have this narrow 18-foot stretch of alley in between.
19 Thank you.

20 ZONING EXAMINER: Thank you, Mr. Koch. Anybody else
21 wishing to speak?

22 (No response.)

23 ZONING EXAMINER: All right. There'll be another
24 opportunity if somebody's swayed. Mr. Grassinger.

1 MR. GRASSINGER: Thank you, Mr. Kafka. I'll just touch
2 on a few of the points that were raised. The - I just wanted to
3 clarify on the concern about this 640 cars being generated; that
4 is a - over a 24-hour period. And so they don't all come and go
5 at the same time. I just want to make sure that it's spread -
6 that we're - understands that it's spread out over a 24-hour
7 period. And, you know, higher densities, such as apartments,
8 would certainly generate a lot more, but not - we're not asking
9 for apartments again.

10 There was a comment regarding the well. The well is
11 actually right about here on the property; it's right by the
12 house and up - you know, that would make sense. We would expect
13 that the City Water Department would either ask that it be
14 dedicated to them so they can use it, or that it be capped and
15 sealed. We have no intention of using it as part of this
16 project. So, as far as we're concerned, we have - we would agree
17 to capping it and sealing it.

18 There is - we talked about under R-1 being able to do
19 45 homes. That's probably true, but it probably doesn't allow
20 this project to go forward because then we'd have to start
21 looking at different options of different types of uses.

22 The 64 homes that we're proposing for R-2 is - is, you
23 know, is feasible financially. Forty-five would be very
24 difficult, and - 'cause there are a lot of costs involved with

1 this, deceleration lanes on Speedway, building a green way along
2 the Robb Wash, you know, giving up the 20-foot buffer to the
3 south, so on and so forth. So, we'd like to stick with the R-2;
4 it gives us, we believe, more options. There's also the
5 possibility that somebody might come in and want to do an R-2
6 under standard development rather than an FLD, but I - I
7 certainly doubt that, but we'd still maintain the 20-foot buffer
8 even if that happened.

9 The property values being affected is - is always a
10 concern. We hear that with every rezoning. These houses would
11 probably be in the 200,000 minimum range, I would think, Ray.
12 And so up to probably 300,000 or so with options and different -
13 different designs and so forth. So, I don't know how that
14 affects or how that compares with property values in the Carriage
15 Park Neighborhood, but I just want to give that as a - as a
16 comparison. Typically, new homes actually increase adjoining
17 property values rather than lower them. So

18 Privacy Mitigation Plan, again, was not submitted
19 because - two reasons; one, it's not required at this point in
20 the process; and the second is that until we have houses
21 designed, the Privacy Mitigation Plan can't be put together and
22 it certainly can't be reviewed. So, if we don't know what's
23 going to be built there, we can't do that Privacy Mitigation
24 Plan.

1 I - I don't know that there's anything else I need to
2 talk about. Wildlife is always a concern. Luckily, there -
3 there's a nice area of the Robb Wash, and this other City
4 property across the wash, that will accommodate a certain
5 population of that. You know, unfortunately, that's one of the
6 tradeoffs for providing homes for people, you sort of move homes
7 for - for wildlife. But, in our experience over the years, they
8 always find a place to live. So they'll find it. I know that
9 seems some heart - somewhat heartless, but it - unfortunately,
10 it's true.

11 And there was a question about trusting whether this
12 would be the plan. The way - as you're aware, the conditions of
13 rezoning require that we submit a subdivision plat in substantial
14 conformance with this PDP; and, if we don't do that, we have to
15 come back and go through this process again and get approval for
16 a change in development plan. So, substantial conformance is
17 just what it means. Typically, that's the - you know, the number
18 of lots that we've showed within a certain flexibility, maybe 10%
19 either side, and making sure the access points stay the same.
20 The internal circulation often is important. I don't know that
21 it would be in this case, as - again, as I said, edge development
22 is what's important, and you can't really see what's going on in
23 here from - once the houses are built on the edge.

24 So - and there was one other point and just lost it,

1 and -

2 ZONING EXAMINER: For me, one of the - sorry - for me,
3 one of the other points is related to that edge, and that's the -
4 I think a few people brought up the idea of the buffer and the
5 single-story restriction and maybe -

6 MR. GRASSINGER: I - I think it's something that, A,
7 could happen all by itself. Again, depending on who the builder
8 is, these - the way this is designed, these are some of the
9 biggest lots in the subdivision. So they certainly would
10 accommodate a single-story home. And that developer that comes
11 in might want to do a development that is all single-family
12 homes. We don't know that, what that builder would want to do at
13 that time. We're just like - we just like to keep the option
14 open or - for a mix of - of - of building heights, but, you know,
15 it's something we could consider.

16 ZONING EXAMINER: And - and I - I guess, perhaps, that
17 opens the door for flushing out maybe general principles that
18 would be addressed in a Privacy Mitigation Plan. I know that - I
19 understand specific criteria are difficult without an actual
20 plan, but -

21 MR. GRASSINGER: Right.

22 ZONING EXAMINER: - there might be general principles
23 that you could address.

24 MR. GRASSINGER: Well, you know, the - the 20-foot

1 landscape buffer is gonna be a significant - I lost my clicker?
2 Do you have it? (Inaudible). The - when you put the 20-foot
3 buffer in there and you - and you leave some of the existing
4 vegetation - but we're also gonna be adding to it - you - you end
5 up with this kind of thing. Now, granted, you're not gonna put
6 in a tree in that size from day one - it's gonna take a few years
7 to grow - but we would be willing to put in larger trees than
8 what normally are required by the City, and that is part of a - a
9 thing that really helps with a privacy plan as far as blocking.

10 The wall itself is also another feature of a privacy
11 plan. And, again, as I said, I would expect that no upper story
12 regular windows, they would all be clear story windows, which
13 would be above somebody's head. They would let light in, but you
14 couldn't look out. No balconies facing in that direction. Those
15 kind of things would be the obvious and - and most effective
16 kinds of things.

17 In some cases, actually tilting the house on the - on
18 the lot a little bit does the same thing, where the corner of the
19 house faces the - the - so, actually, you're not looking out any
20 window directly to the south. They're all sort of looking off in
21 an oblique - oblique angle. But that's something that would have
22 to be reviewed by the City at the time the development is
23 proposed.

24 I think one - I was gonna make a point about the edge

1 again. The one gentleman made a comment about there's only these
2 four or five houses -

3 MR. KOCH: (Inaudible) -

4 MR. GRASSINGER: Yeah. Well, yeah. Well, these are
5 the three that are affected the most heavily. But what I was
6 gonna say is - had to do with the protest area. And, because the
7 property is - is shaped the way it is, you know, it's 20 - was -
8 I think you said 50% for protest? I thought it was 20% in any
9 quadrant. But - but, anyhow, this is - because it's such a short
10 area, it only takes one or two of these homes protested to throw
11 it into super majority. So that's one of the advantages the
12 neighbors have in this - in that regard. You know, there - there
13 - as you can see, there's nobody on the other three sides.

14 ZONING EXAMINER: One of the - one of the recurring, I
15 guess, themes or trepidations that I've heard from people who
16 testified this evening is a certain level of uncertainty about
17 what an R-2 really means, and I think you talk about why R-1
18 doesn't pencil out for your client. What - what are the other
19 issues or the particulars about an R-2 here that are either more
20 disadvantageous or advantageous either to your client or the
21 community?

22 MR. GRASSINGER: But - I - I think mainly it's design
23 flexibility. There - there is some subtle differences in
24 development standards between R-1 and R-2 in terms of building

1 separation, internal - internal setbacks, and orientation to
2 streets, front yard depths and things like that, that give the
3 R-2 an advantage over R-1. Again, it's a design flexibility
4 issue more than anything else.

5 You know, one other thing - and I'm kind of - I'm not
6 sure how to say this - but I think my client would be more
7 amenable to a combination of 20-foot setback and single-story if
8 we knew that was going to be - if we would be reciprocated by a
9 withdrawal of the protests. But, my experience over the years is
10 we, on this side, keep giving up things and nobody ever withdraws
11 their protest.

12 ZONING EXAMINER: I think everybody on every side says
13 something equivalent, you know, "We give and" -

14 MR. GRASSINGER: Yeah.

15 ZONING EXAMINER: - but - but I understand.

16 Are there - what would be the maximum lot availability
17 under an R-2?

18 MR. GRASSINGER: Maximum lot?

19 ZONING EXAMINER: Yeah.

20 MR. GRASSINGER: Twenty-two homes per acre. I mean,
21 that's -

22 ZONING EXAMINER: I mean -

23 MR. GRASSINGER: - that's the density that's allowed -

24 ZONING EXAMINER: - under this -

1 MR. GRASSINGER: - under -

2 ZONING EXAMINER: - configuration, though, where it's -
3 (inaudible; voices overlap) -

4 MR. GRASSINGER: Yeah, under this configuration, we're
5 at 5.1 homes per acre. Now that's what we'd be restricted to in
6 - is my understanding. We're not looking to go to 22.

7 ZONING EXAMINER: By - by virtue of the FLD and the -

8 MR. GRASSINGER: Yeah.

9 ZONING EXAMINER: - substantial compliance with the -

10 MR. GRASSINGER: Right. Exactly.

11 ZONING EXAMINER: - the plan.

12 MR. GRASSINGER: Yeah. You can go to six and a quarter
13 with R-1. So, you know, it's kind of back and forth. The - the
14 zones are - are more and more overlapping each other.

15 ZONING EXAMINER: Yeah, that - that's kind of where I'm
16 - where I was aiming that question about. There's - there is a
17 balance here, because we're talking about a plan here that where
18 the overlapping criteria of R-1 and R-2 are kind of close -

19 MR. GRASSINGER: Uh-huh.

20 ZONING EXAMINER: - and I'm trying to figure out -

21 MR. GRASSINGER: Yeah.

22 ZONING EXAMINER: - what's -

23 MR. GRASSINGER: Well -

24 ZONING EXAMINER: - what are the disadvantages of the

1 R-2 here, and what advantages are there of an R-2 for -

2 MR. GRASSINGER: Uh-huh.

3 ZONING EXAMINER: - even if the community members - if
4 - if this were developed under the bi-right R-1 -

5 MR. GRASSINGER: Uh-huh.

6 ZONING EXAMINER: - where - would there be things lost
7 that could be gained in this proposal versus the alternative?

8 MR. GRASSINGER: Yeah, if I know exactly what was gonna
9 built here, I could give you a better answer. But, again, it
10 just goes back to that trying to leave flexibility of the design
11 open for whatever potential builder actually steps up to the
12 plate. The R-2 -

13 ZONING EXAMINER: With -

14 MR. GRASSINGER: - I believe, by the way, starts at a
15 higher density than what we're proposing.

16 ZONING EXAMINER: But the assumption here is that the
17 ultimate builder would rather have an R-2 FLD with conditions and
18 restrictions on it rather than an R-1.

19 MR. GRASSINGER: Right.

20 ZONING EXAMINER: Okay. Did you want to - did you want
21 to speak? I can't you speaking from the audience. I have to get
22 it on the microphone if you come up. Okay. Let me - let me have
23 Mr. Grassinger just sit down for a moment, and maybe you wanted
24 to address that.

1 MS. KOCH: My name's Lynn Koch. I live at 8251 East
2 3rd Place, and my husband's Ray Koch who spoke earlier, and we
3 are along the, the affected south border.

4 I - you were talking about the advantages and things
5 between R-1 and R-2, and I think that's a very significant
6 problem that we have and we said reservation for all of the
7 community is not so much can - can we get the restriction or
8 limitations, but one of the things that they talked about is,
9 well, a builder can do whatever they want and so if we - you
10 know, when you have the zoning you have some protection. We know
11 - okay, we have R-1 and we have certain protection, and this is
12 what they could do with R-1. If we give that up and go to R-2,
13 what's the worst case scenario? And I think that's what you were
14 asking, and you didn't get an answer, actually. And that's what
15 I'm worried about, and I believe that that's what most of my
16 neighbors are worried about is that they've done a nice job and
17 they're trying to do, you know, maximum houses, but also keep the
18 integrity. We feel that the lot sizes are too small. You know,
19 R-1, the whole point was to match what we have, which is, you
20 know, set back from the road and the way that the, the houses are
21 maintained.

22 And it was very - the new development that happened on
23 that portion of Robb that was sold and has stayed R-1 is - you
24 know, has those restrictions and - and it still had - you know,

1 the houses are much taller than we have, and, you know, there's
2 things that are significantly different. The houses seem to be
3 much closer together. So, even in using the existing zoning,
4 they were able to get much tighter than we had. But, if they'd
5 gone to R-2, or we go to R-2, how much significance? What - and
6 I call it the worst case scenario - would someone else that came
7 in be able to do, and we would - and we'd already lost that
8 zoning act - you know, action or (inaudible), and so we don't
9 have a recourse to say, "Wait," you know, "we really wanted R-1
10 and we want to go back." So, to give that up is to say, you
11 know, how - and I don't know how this works, I'll be honest with
12 you. Is there restrictions that can say you can't go more than a
13 certain number of houses? You know, maybe we'd come up to 22 or
14 -

15 ZONING EXAMINER: Yeah, there could be conditions like
16 that.

17 MS. KOCH: Okay. I think that that would be something
18 that - you know, you talked about the things crossing being
19 similar is to be sure that you're not looking at sort of a, you
20 know, crossing. We talked about it at the community meeting.
21 You know, you might - they might throw it up and start all over
22 again. But they're not starting all over again if you've already
23 rezoned it. And so I think that's our point is that, yes, the
24 builder could start all over again, but they've already got the

1 rezoning, so it's not the same. Thank you.

2 ZONING EXAMINER: All right. Thank you very much.

3 Mr. Grassinger, do you wanna . . . ?

4 MR. GRASSINGER: I'm - I'm not sure I -

5 ZONING EXAMINER: I just wanted to know if you wanted
6 to respond to anything?

7 MR. GRASSINGER: I - I don't - I don't think so. I
8 think we've pretty much said it all, unless there's any other
9 questions.

10 ZONING EXAMINER: Well, maybe you can help me out.

11 MR. GRASSINGER: Okay.

12 ZONING EXAMINER: What kinds of - I'll quote Ms. Koch -

13 MR. GRASSINGER: Well -

14 ZONING EXAMINER: - protections against the worst case
15 scenario would you envision as reasonable in a rezoning to an R-2
16 in this case?

17 MR. GRASSINGER: Wow. I would say the buffer should be
18 written in as a condition. I - I hesitate to - to limit the
19 number of lots to a certain number, because it's - it's just that
20 we haven't gotten to the level of design that we under- -
21 understand what the property could do.

22 So, if I said 64 and then, because the engineer's
23 creative - and - and I know he is, 'cause he's sitting right here
24 - and he - and he comes up with a design that gets 65, well, then

1 we've left something and nobody can tell the difference between
2 64 and 65, you know, visually or - or traffic-wise or anything
3 else. So, I - I -

4 ZONING EXAMINER: What if it were the maximum that
5 would be available under R-1, the RAC, not the -

6 MR. GRASSINGER: Under the - under the R-1 with the -
7 what do they call it? - the density bonus, we can go to 6- -

8 ZONING EXAMINER: 6.5, yeah.

9 MR. GRASSINGER: And 5.14, which is kind of where we're
10 at, is the normal R-1 FLD. So, technically, change it to R-1.
11 We're not gonna change if it's gonna look exactly the same as it
12 is right now.

13 ZONING EXAMINER: But there wouldn't be a worst case
14 scenario as severe as the worst case scenario, and I'm just - I'm
15 using that terminology. I - I don't - I'm not putting a value
16 judgment on worst case scenario. Could be the best case
17 scenario, depending on who you are. But the - the number under
18 the R-2 maximum would be higher.

19 MR. GRASSINGER: Actually, you know, I said 22 earlier,
20 and that was a misnomer. That's actually for attached units of
21 apartments. So, the - the single-family, an R-2, the detached
22 lots, is 8 - 8.71 is the maximum you can go. So I just wanted to
23 make sure we get that clear.

24 ZONING EXAMINER: So it'd be between 6.25 and 8.71?

1 MR. GRASSINGER: Yeah.

2 ZONING EXAMINER: And what about limiting the south
3 boundary to single-story and including the buffer?

4 MR. GRASSINGER: Again, I think we would prefer to - to
5 have the flexibility of doing a mix of heights there. If that's
6 something that you wanted to recommend, we would have to live
7 with it or evaluate it.

8 ZONING EXAMINER: I actually have a couple of notes I
9 want to get back to, and they're a little out of the continuum of
10 this conversation, but -

11 MR. GRASSINGER: But let me -

12 ZONING EXAMINER: Sure.

13 MR. GRASSINGER: - one more thought on that last
14 question. Just, again, I'm gonna go back to what - what do we
15 get in return if we limit it to single-story? I've heard that
16 there's - people are opposed to the rezoning, period. And, oh,
17 by the way, we also - if it goes through, we want these kinda
18 things. So, if we were all in agreement that this should be
19 rezoned and this is the best use for the land, I think we'd have
20 a different attitude about the single-story.

21 ZONING EXAMINER: Okay. Is Mr. Wagner still here? Do
22 you wanna - do you want me to take a break -

23 MR. WAGNER: (Inaudible) -

24 ZONING EXAMINER: - or do you wanna - do you feel

1 comfortable missing a couple of minutes?

2 MR. WAGNER: No, I would (inaudible) -

3 ZONING EXAMINER: Okay.

4 MR. WAGNER: - (inaudible) -

5 ZONING EXAMINER: Well, I would rather give you time to
6 get down there and get out. I mean, it could - it - it's gonna
7 take you seven minutes to get to there.

8 MR. WAGNER: (Inaudible).

9 ZONING EXAMINER: Okay. I got a request about
10 Condition 14. And, Mr. Perry, I don't know if you were . . .

11 MR. PERRY: (Inaudible).

12 ZONING EXAMINER: Okay. So can you - can you address
13 that for me and we'll . . . and then just for the community,
14 Condition 14 involved the drainage issue, and there is a request
15 to modify the condition on drainage. I just want Mr. Perry to
16 explain a little bit more in detail about that change.

17 MR. PERRY: Yeah. I'm Jim Perry with Perry Engineering
18 at 505 West Wetmore. I ask that that be changed. The - as you
19 know, the - the condition requires detention facilities. We're
20 not - the project's not in a designated area that would normally
21 require that. But I just ask that there is a criteria in the
22 storm water detention manual that if met, the detention can be
23 waived. So I just wanted that incorporated in there if it could.

24 So, if someone could - if someone could show that the

1 detention - really there's not a lot of benefit to it, and
2 there's no benefit to it by showing how the - the water goes down
3 the watercourse and they combine and the peak flows don't
4 increase; that's kind of what that criteria is based on. And I
5 just wanted to have that in there as an option.

6 ZONING EXAMINER: What kind of impact might that have
7 to any open space areas in the -

8 MR. PERRY: Not -

9 ZONING EXAMINER: - development as shown?

10 MR. PERRY: Really, it wouldn't have any out there.
11 It's - wouldn't be in the open space. It would probably require,
12 you know, maybe another couple lots be dedicated to just basins
13 that, you know, meter out the flow. And it's probably a 50%
14 chance, maybe, that you would need that criteria to waive that.
15 But I think it should be left open as an option if it's - if
16 there's no benefit to it and (inaudible) it.

17 ZONING EXAMINER: Okay.

18 MR. PERRY: But that would be, you know, a pretty
19 detailed study down - as the development occurred.

20 ZONING EXAMINER: All right. Thank you.

21 MR. PERRY: Okay. Thank you.

22 ZONING EXAMINER: Is there anybody else who wishes to
23 comment?

24 MS. DEMPSEY: I'm Jennifer Dempsey, and I live 8157

1 East 3rd Street, across the street from Bridget Roads. We have a
2 lot of water that comes down Kent, turns, goes down the alley and
3 goes into that wash. A lot of water when the water's moving.

4 I have a concern that the discussion, or the
5 presentation that's been made, is that the - all this property is
6 gonna be graded from Magee to Robb Wash in this way so that they
7 can level it and do it. I'm concerned about Robb Wash surviving
8 with the amount of water that moves through there, and the
9 destruction of that when we do have rain.

10 The second thing I would ask of you is for you - I was
11 part of when that other development went in 12 years ago.

12 ZONING EXAMINER: The one to the - on the Robb
13 property, the former Robb property?

14 MS. DEMPSEY: Yes.

15 ZONING EXAMINER: Okay.

16 MS. DEMPSEY: Yes. I would request that you come to my
17 house at Kent and 3rd, head north on Kent and turn down the alley
18 behind my house, and walk down that alley and see how those - the
19 heights of those houses affected the people that - that live on
20 3rd, and how that was built and how it didn't work out very well.
21 And it really - other than my house and the house directly to the
22 west, the rest of them lost all views, even though we got out
23 there and measured and we were guaranteed by the builder and all
24 kind of things that this wouldn't happen. The rest of the street

1 to - on the north side is not good. And I would seriously ask
2 you to look at it. It's - it truly is unbelievable what
3 happened.

4 Also, we've been made aware of how in that subdivision,
5 the parking, the access and all, is so tight with that one access
6 to Speedway, and that the - the - that the current people that
7 have bought those homes, that is not a happy place as far as
8 parking.

9 The concern of tradeoff, wildlife and birds, for this,
10 our neighborhood would much appreciate having it - I mean, I go
11 to State Wild, which is the other extreme - but certainly be much
12 more friendly to the wildlife. We have ravens, we have hawks, we
13 have a lot of - a lot of wildlife that - that comes and goes
14 through that, and that's a major concern.

15 There's a - also I read in the documentation that with
16 the R-2, they - these houses can be built within three foot - the
17 building can start within three foot of the property line, and
18 that there can six feet between the two built walls of the
19 houses. That's unacceptable. That's unacceptable all the way
20 through the subdivision.

21 With no builder at this point, I don't understand how
22 anyone can give anything. There's major concern of what we've
23 already experienced, what we've worked with and finally allowed
24 U.S. Homes to build in this, and then the disaster that they

1 made. And, again, it's quite clear in talking to the people on
2 the west side of the wash, and the people down Kent - and I don't
3 know what the name of the street is on the west side - but that
4 area was really - it needs some respect.

5 The other thing that I am terribly concerned about and
6 - is Sarnoff. There's words and words and words that that won't
7 go through. I've not seen anything at any point that has said
8 that will not happen. We had a scare again when we were
9 developing that, that the fire department decided that they could
10 not get into our neighborhood. There's one - one way in and out
11 to my house on Kent and - Kent and 3rd, and they said they needed
12 to put Kent through. Well, we were real happy when they didn't,
13 but we were told that Sarnoff would go through. I don't -
14 there's nothing in writing. There's nothing absolute, it's
15 words. And then we turn around and have a builder come in.
16 Again, U.S. Homes, was from out of state. We were lucky not to
17 have that happen. But I would certainly request that that be
18 very clear to all of us on the other side, because there would be
19 a whole lot more people here tonight if Sarnoff was going
20 through.

21 ZONING EXAMINER: Ms. Laurie, are you aware of any - of
22 the plans regarding Sarnoff?

23 MS. LAURIE: And - yes. We actually researched this,
24 and, currently, there's no plans for Sarnoff to go through. And

1 it's not listed on an MS&R Plan, and it's not in the RTA Plan.

2 MS. DEMPSEY: And that makes it absolute, or can it
3 change?

4 ZONING EXAMINER: I don't think if - if a road
5 improvement project or road-building project is - is not
6 identified, that there's any guarantee that it won't ever happen.
7 And I certainly wouldn't be in a position to say there's a
8 guarantee -

9 MS. DEMPSEY: Absolutely.

10 ZONING EXAMINER: - it wouldn't happen.

11 I'm trying to recall any new road construction in the
12 City. It's not - it's not a lot of extensions that I can think
13 of that are - that have not been identified.

14 MS. DEMPSEY: Again, we have - they're talking about in
15 this way of developing it, of having - at the end of Sarnoff
16 there where - where Mr. Wagner put - putting a gate in there.
17 Okay. So then you turn around and you go on up. Most of that
18 property has a road right there, right by Magee Middle School.

19 ZONING EXAMINER: Let me - let me ask Mr. Grassinger.
20 Maybe he can clarify something for me on - on this - this issue
21 of Sarnoff. I - without it being identified, I just - I - I
22 know, Ms. Dempsey, it's not an issue that I think we can put to
23 rest as a guarantee, but I think that on that issue, with the
24 school there, and if the properties were developed, and it not

1 being identified as a project with funds allocated to it, I don't
2 think the likelihood is . . .

3 MS. DEMPSEY: And we wouldn't have - we wouldn't have -

4 ZONING EXAMINER: I need - actually, if you're gonna
5 talk, I need you on the mic, because we need to have a
6 transcript.

7 MS. DEMPSEY: So, if you had a builder that came in and
8 said, "Well, this - it would be better for us to put something
9 else," you're saying it wouldn't happen? Couldn't happen?

10 ZONING EXAMINER: The Sarnoff extension?

11 MS. DEMPSEY: Uh-huh.

12 ZONING EXAMINER: No, I'm not saying that it couldn't
13 happen. I don't - I - and I'm not in a position to, but I'm -
14 what I'm trying to do is - is - is -

15 MS. DEMPSEY: The neighborhood is very concerned.

16 ZONING EXAMINER: - is actually take this issue and try
17 to identify what the cause of concern is, and whether that
18 concern can be alleviated to an extent that it's not as major a
19 concern; and - and to the extent that I can, I don't think the
20 likelihood is very high. And I think Mr. Grassinger has a lot of
21 experience in this area and can maybe address whether the - the
22 issues I just raised - I think there's - the - the right-of-way
23 would be right through the school -

24 MR. GRASSINGER: That -

1 ZONING EXAMINER: - if . . .

2 MR. GRASSINGER: Well, assuming that this pro- - that
3 the Robb property gets rezoned by somebody for something and
4 actually gets developed, then it would be extremely expensive for
5 the City to take the road through here and tear down houses and
6 so forth. And, on the other hand, that is the only - that is the
7 better option, it would go through the school, assuming - let's
8 say the school was - was closed by TUSD; that will always be an
9 option. But, before that could happen, the City would have to
10 amend the Major Streets and Routes Plan, and that's a public
11 process, and people can get involved in that as - as - as part of
12 that. So, you know, it's like everything else in a democratic
13 community like we have, everybody has an option - has a chance to
14 propose something, and everybody else has a chance to road test
15 it. So . . .

16 ZONING EXAMINER: Did you want to comment more on that,
17 Ms. Dempsey? I - I understand the fear's there. I - I'm -

18 MS. DEMPSEY: Well - and -

19 ZONING EXAMINER: - and I don't want to minimize it at
20 this . . .

21 MS. DEMPSEY: - and if Magee closed or not, that -
22 that's not the point. The point is that the - the road goes from
23 Speedway to Broadway, and the speed and all the people and
24 emergencies, and making that more of an active street, and that

1 is a concern of everyone south of this development. All the way
2 to Broadway. People are concerned about that. And so, therefore
3 - and that's why I'm looking for some kind of guarantee or
4 something. And, again, the builders that come in . . .

5 ZONING EXAMINER: Well, I think that the - what you can
6 get, which is not a guarantee, but it's a - I mean, we're talking
7 about very long-term processes - is that there's no identified
8 plan to extend Sarnoff; it's not in the Major Streets and Routes
9 Plan. The Department of Transportation hasn't identified it.

10 MS. DEMPSEY: So - excuse me.

11 ZONING EXAMINER: Sure.

12 MS. DEMPSEY: So we should continue to bring this up
13 through this time period just to be sure that everybody new that
14 comes onboard, or whatever, they're well aware that this is a
15 fighting point? One of the fighting points?

16 ZONING EXAMINER: I - I wouldn't tell you how to -
17 wouldn't give you advice on how to operate or what you should be
18 concerned about. I - I think it's a remote concern.

19 MS. DEMPSEY: Okay. All right.

20 ZONING EXAMINER: Mr. Grassinger, yeah.

21 MR. GRASSINGER: Let me - let me just make sure that
22 there's not two issues being talked about here.

23 ZONING EXAMINER: Okay.

24 MR. GRASSINGER: One is - as I understand, they don't

1 want traffic being able to go from this point to this point,
2 okay? And I'm not sure if it's a concern - one concern is
3 Sarnoff going through the school, but I think I've also heard or
4 read in some of the correspondence that there's a concern that
5 the traffic could do this through the project. And we wouldn't
6 have any problem with a condition that said no vehicular traffic,
7 other than emergency vehicles, allowed to Sarnoff from this
8 project. Be more than happy to have -

9 ZONING EXAMINER: And that's how I understood the - the
10 development plan, that that was a -

11 MR. GRASSINGER: That's right.

12 ZONING EXAMINER: - that the only access to that would
13 be emergency vehicles; and, in fact, I don't think the HOA would
14 be - even be able to (inaudible).

15 MR. GRASSINGER: Right.

16 ZONING EXAMINER: Okay.

17 MS. DEMPSEY: Then does that stand?

18 ZONING EXAMINER: That - that no vehicles, other than
19 emergency vehicles, could access north of that alley could
20 absolutely be a condition of a rezoning.

21 MS. DEMPSEY: No matter who the builder is?

22 ZONING EXAMINER: No matter who the builder is.

23 MS. DEMPSEY: 'Cause the City -

24 ZONING EXAMINER: Yeah.

1 MS. DEMPSEY: - of Tucson trumps the building?

2 ZONING EXAMINER: In that instance, yeah, that - that
3 absolutely could be a condition.

4 MS. DEMPSEY: Okay.

5 ZONING EXAMINER: And - and - and as I hear Mr.
6 Grassinger, there's actually no objection to that kind of
7 condition.

8 MS. DEMPSEY: Okay. Then also I have a question. Is -
9 was there - you have - I believe you said three openings there
10 along the border between Magee and your development?

11 MR. GRASSINGER: Well -

12 ZONING EXAMINER: Let me - let me have -

13 MS. DEMPSEY: Two -

14 ZONING EXAMINER: - have you ask the question of me so
15 - just for our record - no, Ms. Dempsey, you can keep up the
16 microphone. I don't mean to drop you. It's just that for the
17 record the question was being directed to Mr. Grassinger, looked
18 like - looked like on the record it's being directed to me. So,
19 I'm just -

20 MS. DEMPSEY: Yeah.

21 ZONING EXAMINER: - clarifying that Ms. Dempsey is
22 gonna ask Mr. Grassinger these questions.

23 MR. GRASSINGER: Yes, the - well, I think the school
24 required two connections, which is fine, and it could end up

1 being three. But I - and I can't remember. I think it was one
2 here and one here, and it might make sense to put a third one
3 here.

4 ZONING EXAMINER: But these are pedestrian connections.

5 MR. GRASSINGER: Pedestrian only. Keyed gates that -
6 that's not open to the public, just - just to the residents of
7 this subdivision. So there would card keys or some - some kind
8 of mechanism to keep 'em locked.

9 ZONING EXAMINER: Okay. Thank you.

10 MS. DEMPSEY: Excuse me. Again, I would just ask you
11 to come look at - come look down 3rd Street. Take a minute to do
12 that before you make -

13 ZONING EXAMINER: I will.

14 MS. DEMPSEY: - your decision.

15 And I'm, again, very concerned about the grade of the
16 property and the - and the movement of water, and also our
17 animals.

18 ZONING EXAMINER: Let me bring back Mr. Perry about the
19 - the grading issue.

20 MR. PERRY: Well, I think this side doesn't get runoff
21 from upstream, because this is sort of a hill and then slopes
22 back this way. and so anything that comes here comes down the
23 alley and gets into the wash. And that's - in the existing
24 condition, there's a little bit here that goes right out onto

1 Speedway down the existing driveway, but then it gets back into
2 the catch basins anyway, and goes right back into the Robb Wash.
3 So, we've gra- - it would be graded in our scheme that it all
4 gets draining this way right into Robb Wash before it gets out
5 into Speedway, pretty much like it does. I think that you - I
6 think that's - is this where you live, over here?

7 MS. DEMPSEY: Yes.

8 MR. PERRY: That's Kent?

9 MS. DEMPSEY: Yes.

10 MR. PERRY: So this - so you drain this way.

11 MS. DEMPSEY: North and -

12 MR. PERRY: Yeah, north.

13 MS. DEMPSEY: - and east.

14 MR. PERRY: Yeah, and so we drain like that. So this
15 is the low point, so we would not be draining your way at all.

16 MS. DEMPSEY: No, not my way. (Inaudible) -

17 ZONING EXAMINER: Oh, hold on. I - I can't be -

18 MR. PERRY: Oh.

19 MS. DEMPSEY: I've tried.

20 ZONING EXAMINER: It's difficult to have a
21 conversation. So let me - let me have - Ms. Dempsey, you stand
22 back there and I'll call you back when you - this - this is - I'm
23 very happy. Everybody's in a very - it's very polite and civil
24 tone, and it's very, very easy to work under those circumstances,

1 but we do have to sort of, for the record, and for my purposes,
2 keep one person speaking at a time.

3 And one of the things I heard Ms. Dempsey say was her
4 concern about actually the effect on the wash as well, that the
5 change in the drainage might have -

6 MR. PERRY: Okay.

7 ZONING EXAMINER: - is that -

8 MR. PERRY: But one - one of the conditions is the
9 pathway that will be along here. So we would drain out of our
10 basins here, and then all of these are little retention basins as
11 well, and -and then the other discharge point would be here.
12 And then under this path that's in the conditions, a paved
13 pathway along here, we would drain underneath that. So we would
14 keep that dry during the - you know, people could use it during
15 the - like the 10-year, 100-year. But we're still, you know,
16 putting the water back in there for the wildlife. This was - is
17 still gonna be like a corridor that's, you know, a pathway, a
18 green belt. So, I think it's - you know, we're not really
19 increasing the flow. We've got the de- - the retention.

20 ZONING EXAMINER: So, in lay terms, the - the impact on
21 the wash is -

22 MR. PERRY: Yeah.

23 ZONING EXAMINER: - a wash?

24 MR. PERRY: Right.

1 ZONING EXAMINER: I mean, it's kind of - it's balanced.

2 MR. PERRY: That's - that's pretty much it. Now - and
3 then we go back to that condition that I talked about, that
4 Condition 14 about the detention basin. If it can't be shown
5 that there's no benefit with not having them, they would be in,
6 too. So, it would really reduce the flow down to below the
7 existing condition, and that's - that's a condition in the
8 rezoning.

9 So, I don't - I don't see any really effect on the wash
10 at all. I mean, not increased runoff that that condition is -
11 we're gonna have to do the study to show that there's - there's
12 no increased runoff there. And, if there is any impact, then
13 they're gonna have to put in that detention per that condition.

14 So, I think with the green belt and the flows from -
15 from here going underneath the paved path into the wash, I think
16 it'd be a nice environment.

17 ZONING EXAMINER: Well, I have a question to ask about
18 the overall grading plan, but it would be very speculative based
19 on - on other things we discussed. So . . .

20 MR. PERRY: Yeah. I think that - I think the main
21 thing is, you know, none - none of the site flows south; it
22 doesn't impact in the existing or the developed condition.
23 Everything's gonna flow really this way, 'cause that's the way
24 it's - generally slopes. And, just in the existing conditions,

1 some of this goes down the existing driveway out into Speedway,
2 but it really gets caught, flows this way in the catch basins and
3 - and dumps in at the bridge. So, the overall, the patterns of
4 the drainage are all the same, and there's really no impact to
5 any adjacent off-site properties.

6 ZONING EXAMINER: Okay. Thank you. Ms. Dempsey?

7 MS. DEMPSEY: Okay. Back to our - when we did this
8 other development. City of Tucson came out and kinda rebuilt
9 that wash so that the water could move down that direction.
10 There's a retention pond there that was built, and then the wash
11 was constructed kind of around it to allow the water to move
12 down; it is south of where they have the one marked there. I
13 don't know. I'm just concerned about the movement of the water
14 through there. Again, we get a lot.

15 ZONING EXAMINER: Okay.

16 MS. DEMPSEY: It's a - it's a major concern of mine,
17 and especially if you grade - grade that much of it and remove
18 all the natural ways and gullies and ways of - of allowing the
19 water to move.

20 ZONING EXAMINER: All right. So, I just wanna make
21 sure that I've got your concern noted, and it's a - that the -
22 your concern is that . . . drainage from that site be no
23 different or better than it's - than it is currently, 'cause you
24 don't -

1 MS. DEMPSEY: Yes.

2 ZONING EXAMINER: - want an impact from the water?

3 MS. DEMPSEY: No, and I - no one does in the area and
4 couldn't - you could mess it up. You could mess it up. We -
5 again, the word - word I'm gonna use is "we rebuilt the wash," a
6 good part of it when that other development went in. So, there
7 we go again. The vegetation has grown up, it's a pretty area now
8 again after ten years.

9 Also, it was pointed out to me that the ar- - the -
10 where you've got the gate for the emergency vehicle - vehicles to
11 get into the property, we also have fire and police at east side
12 City Hall, which is, what, a mile? So they could easily come in
13 the front.

14 ZONING EXAMINER: Yeah, I think that the emergency
15 access is - there's a requirement for two.

16 MS. DEMPSEY: For what?

17 ZONING EXAMINER: For two accesses -

18 MS. DEMPSEY: Oh.

19 ZONING EXAMINER: - or access points. I would - I
20 would guess the primary access point for emergency vehicles would
21 be Speedway.

22 MS. DEMPSEY: On Speedway.

23 ZONING EXAMINER: Yeah.

24 MS. DEMPSEY: Okay. I'm complete. Thank you.

1 ZONING EXAMINER: Thank you very much. Thank you for
2 digging at it. It's -

3 MS. DEMPSEY: What?

4 ZONING EXAMINER: Thank you for digging into it.

5 MS. DEMPSEY: (Inaudible).

6 ZONING EXAMINER: Okay. Anybody else? Is ev- - yeah,
7 Mr. - oh, yes, ma'am.

8 MS. OLVERA: Yes. My name's Gloria Olvera, and I live
9 at 8301 East 3rd Street. I'm the house right to the right of the
10 parking lot that goes back into the school.

11 I've been listening and I wasn't gonna say anything as
12 I'm not one of the houses directly behind it, but the job that I
13 do during the day, I deal with plans, reviewing plans, and the
14 thing that scares me the most about this - I hear this gentleman
15 - and the gentleman is over there - I know your interest is
16 money, making money, that's what you're in business for, that's
17 what you're there for. Our interest is our homes where we've
18 raised our children, our grandchildren.

19 ZONING EXAMINER: If you could make sure to speak into
20 the mic.

21 MS. OLVERA: You bet. Where we've raised our children
22 and our grandchildren. It is a nice neighborhood. All of a
23 sudden, we're getting - growth happens, progress happens. We
24 knew it was gonna happen. Next it's gonna be Magee will shut

1 down and I'll be going through this same thing. I'll be talking
2 because something's gonna go into Magee. What scares me is the
3 plans that I see come across my desk. Three months down the
4 road, that plan has been revised so many times it looks nothing
5 like that.

6 We're being asked to drop a protest against this
7 rezoning. We're being asked to let it become a zone - a
8 different zone. But we have nothing in our court to say - like
9 they did say, once we give it up, we're dust. Anything can
10 happen. And I see this happen on plans every day. What's gonna
11 stop this from going into - say, you wanna throw in, yeah, five
12 or six more. Let's throw in some more.

13 A minute ago, this lady mentioned about the emergency
14 access. What has me concerned there - and yesterday and today I
15 have been on the phone with the principal of Magee Middle School
16 - 'cause when that parking lot went in back there, I personally
17 was upset about it because I knew what was gonna happen. I am
18 constantly going out there and having to scare people out of that
19 parking lot. I'm known as the "really mean lady." They will sit
20 back there drink and whoop it up -

21 ZONING EXAMINER: That can't possibly be true.

22 MS. OLVERA: - believe me, it is - sit back there and
23 drink and whoop it up in that parking lot because the school is
24 not doing what they agreed to do: lock the gate. Now I'm

1 hearing there's gonna be an emergency exit through there. Well,
2 if that gate is there, where are you putting your emergency
3 entrance/exit. So, is that doing away with my gate totally? I
4 mean, to look at this plan - I know we have to start somewhere -
5 but we're looking at something that really won't be like that; it
6 just - it's gonna be revised a billion times over. And the more
7 we give, the more changes you're gonna see. We have to have
8 something to hold on to.

9 ZONING EXAMINER: I asked Mr. Grassinger - I think he
10 was a little uncomfortable when I asked him that - what were the
11 restrictions that he would see -

12 MS. OLVERA: Right.

13 ZONING EXAMINER: - as reasonable on - on an R-2 with
14 this FLD as proposed. Let me ask you the same question, 'cause
15 it seems to be one of the concerns, is the uncertainty of changes
16 that might come down the road, and let me ask you the same
17 question. What are the - what kinds of standards would you like
18 to see if this were to be R-2?

19 MS. OLVERA: Myself personally it would be everything
20 everybody here has mentioned tonight. But, basically, keeping in
21 mind you're coming into an existing neighborhood. You're coming
22 into a neighborhood of families that have lived there a lot of
23 years. And I understand you wanna make money. I understand you
24 wanna put in development. But we were there first. I feel like

1 I'm like the American Indian right now. We were there first and
2 we need to be given some thought. This is our home. This isn't
3 - this is our home. You're messing with our home. You're
4 messing with our daily lives.

5 And I don't like the idea - I hear it's gonna be
6 midnight and all of a sudden coming through there is gonna go
7 blasting some fire engines every night, or however - hopefully,
8 it's not every night. Hopcfully not. But it's like we're being
9 impacted from - in so many ways.

10 And then the lovely lady spoke about the animals. Oh,
11 you have no idea. That breaks my heart. I - that place is
12 filled with coyotes, filled. Mommas, babies, you name it.
13 Quails, rabbits, birds, everything possible. I mean, I know -
14 like the gentleman said - well, they'll die. They're not gonna
15 find a place. We all know they're gonna die. New ones may come,
16 or lesser ones will be there. So we're being asked to overlook
17 that, too.

18 It's - it sounds stupid to say it's all about money,
19 because that is what it's about. The land's vacant now. It's
20 become available. Something's gonna happen to it. What I take
21 offense at is having something dangled in front of us, "Well, if
22 you will agree to - we might be able to do two-story, I'll give a
23 20-foot," you know, "If you won't agree, I'm taking that 20 foot
24 back." I mean, it's getting ridiculous and - which puts us on

1 the defensive. Why take back the 20 feet? Why? What was that
2 purpose? That - that's a bargaining thing, and, I mean, that's
3 dirty. It really is.

4 Anyway, I think I've said enough. Probably haven't
5 made much sense. But, please keep in mind it's our home. It is
6 our home.

7 ZONING EXAMINER: Thank you, Ms. Olvera. I saw a lot
8 of hands go up the last time I asked. Mr. Koch, right?

9 MR. KOCH: Yeah.

10 ZONING EXAMINER: Okay.

11 MR. KOCH: Well, my glasses broke. We've been told
12 about flexibility here. The building's flexibility, but then to
13 say (inaudible) developer has no say what the builder wants. So
14 what guarantee, guarantees can they give us? It doesn't sound
15 like they can give us any guarantees.

16 If we don't get rezoning, we're gonna put two-story
17 homes there is what we're told, which sounds like a threat to me,
18 and I don't know how else I can put it. We're - I'm concerned
19 about the veracity of everything you have - people have told me,
20 and the reason is in part because - things like this. We were
21 sent this note here, "Why the concern about the 20-foot buffer?
22 Why do we need to get rid of it?" "We feel it will create a
23 large area for individuals to conceal a presence." So it's a
24 safety concern. It's open desert. You've got a wash right there

1 that has tall, mature trees and they're gonna go in open desert
2 that's 20-foot wide in the valley behind me? My wife grew up
3 there. She's been there for 50 years. There haven't been any
4 vagrants back there.

5 ZONING EXAMINER: Mr. Koch?

6 MR. KOCH: I'm sorry. I apologize.

7 ZONING EXAMINER: That's okay.

8 MR. KOCH: You know, I'm being told that a homeless
9 encampment may be (inaudible) homeless encampment. Is their
10 development to bring in the homeless people? Because they're not
11 there now. They haven't been there for the last 50 years.

12 Additional illegal dumping with garbage and grease
13 (inaudible). When they dump, they dump along the alley down
14 there. Twice I've had things behind my place where someone
15 dumped trees. Basically, they put a pickup truck - and that
16 happened twice in the last 15 years that we've been there. I
17 pick it up when it happens, or if it's too much I'll call the
18 City on it. There's not gonna be change on that.

19 And then it says proposed single-story structure for
20 the last - along the south border. So, when I hear this, I have
21 a difficult time believing anything I'm being told. We're
22 talking about flexibility all the way down the line, what's
23 proposed.

24 What is proposed for right now can't be done in

1 (inaudible). What we have right there can't be done under the
2 current zoning. Why do we need R-2? We're saying, well, it can
3 go up to 22 per acre. Well, obviously, you're not gonna put a
4 two, three hundred thousand dollar house on something that has 22
5 lots per acre, which is ridiculous.

6 I don't know. Does the zoning include room for
7 streets, or is that included in that zoning?

8 ZONING EXAMINER: I - I think that Mr. Grassinger
9 pulled back from the 22 and amended his -

10 MR. KOCH: I know. But - so there are no guarantees
11 because it's up to the builder, to give the builder flexibility.

12 Where it says - well, what if we give up, what do you
13 give up? Well, what if I agree to this plan right now? The way
14 it's proposed right there, I'll agree to that if they can give me
15 100% assurance that it'll be followed to the letter the way it's
16 proposed there with the 20-foot border and the single-story home.
17 I'll do that right now. I'll put it in writing if they're
18 willing to put it in writing and guarantee me legally that that's
19 what's going to happen, but I don't think it's gonna happen
20 because we're told they need the flexibility.

21 And when I hear "flexibility," I hear, "We're going to
22 do whatever we need to when we get someone else, and (inaudible)
23 right now, we'll tell you what you need to hear in order to try
24 to get this." Can this development be done under R-1 zoning as

1 it is? If it is, then why are we even talking about changing the
2 zoning on this? Thank you.

3 ZONING EXAMINER: Thank you, Mr. Koch. Mr. Wat- -
4 Wagner. About to say "Watson." I try to remember, but . . .

5 MR. WAGNER: I'm surprised you forgot - or not
6 surprised you forgot, it's been so long since I've been up here.
7 I'd like to address a few things that Mr. Gra- - Grassinger
8 stated.

9 First of all, the point about opposing it altogether.
10 Opposing any sort of rezoning and keeping it RX-1. That stems
11 from the people in the neighborhood that knew Mrs. Robb, okay? I
12 heard from several people - I didn't know her directly - but I
13 heard from several people who have - who had known her directly
14 and that - that land was always promised to be open and to be
15 donated to a place and never developed. So this was the
16 assumption that people were under for years. Ev- - I've been
17 there almost 20 years and that's what, you know, we had heard
18 from - indirectly from Mrs. Robb. The people - there was a
19 couple people that know - know of her or know people that did
20 know her. So that's where that opposition comes from. And we
21 know that that's the only recourse we have at this point is to
22 oppose the rezoning altogether.

23 And I'm not sure how the process works. I mean, I
24 don't know if we can sit here and say, yeah, we'll agree to an R-

1 1, or something lesser, or if it has to go through the whole
2 process again and resubmitted. I - I don't know what that
3 process is. But, you know, we feel that our only recourse at the
4 moment is to oppose it altogether, okay?

5 All these other things, you know, if it was an R-1, we
6 might agree to that, or conditions on an R-2, that's secondary,
7 you know. We realize that we're not gonna prevent something from
8 being developed. Now that Mrs. Robb is gone it doesn't have the
9 sameness longer, you know. The property's been put into a trust
10 and they wanna sell it. We understand that. We get that.

11 So then comes the second phase, you know. What can we
12 negotiate to ensure that our privacy is protected? Our
13 neighborhood and integrity is protected. The wash is protected.
14 The environment's protected, all those things. I mean, that's
15 kinda the stage that we're in.

16 The second comment that Mr. Grassinger made was about
17 cooperation. Now, we originally had a neighborhood meeting - or
18 the planning center held a neighborhood meeting. We all got
19 together and we addressed - and we brought up a lot of these
20 concerns about the density, about the open space or the buffer.
21 There's not enough. And at that time we were told, oh, there's
22 nothing I can do about it, you know. This is - this is - most of
23 that's up to the developer or we're going for an R-2 and this is
24 what it's gonna be.

1 But they did come back and - and have a second meeting
2 to address some of the concerns, some of the open space. That's
3 when they put in the 20-foot buffer along the south border and
4 rearranged things. But something mysteriously happened: They
5 went from 63 proposed lots to 64. They figured out how they
6 could squeeze in one more lot in - in the redesign of this by
7 taking away green space. You know, that sent out a flag to us
8 right there that, yeah, you're right, this is all about money.
9 How much money can they get - get for this property. They were
10 able to squeeze in one more.

11 So, this is where the concerns of trust go, you know.
12 We brought up the - the condition of single-story homes along the
13 south border at that time. Nothing I can do about it. That's -
14 that's up to the developer. If it's zoned for that, they could
15 put in there - nothing I could do about it.

16 But then we get this email that Mr. Koch mentioned
17 stating, "We reviewed the plan and we feel that the 20-foot
18 buffer is going to be a security risk, homeless people," all
19 these ridiculous reasons why they wanted that buffer back. And
20 at that point in the email he said in exchange we'll make it to
21 where only single-story homes would be built there. Like, "Wait
22 a minute. I thought you said you couldn't promise that. You
23 couldn't - you couldn't give us that." And then - so we - we
24 rebutted and said, you know, "We don't feel your concerns are

1 justified. Homeless people aren't gonna live back there. We
2 travel that alley daily," you know, so on and so forth. And he
3 comes back and says, "Okay. Well, we're not gonna request the
4 20-foot buffer, but we'll probably put two-story homes there just
5 to be clear," you know. So this is where the trust issues come
6 in.

7 And this is why - you see we're getting more and more
8 infuriated as the night goes on because we can't - we don't have
9 any idea what's gonna happen in the end, and our only recourse
10 right now is to say, "Stop it altogether," you know, until we can
11 come to some sort of agreement on a plan that would work better
12 for the existing neighborhood and that would work for the people
13 who want progress, or the people that want to develop this
14 property. We - we wanna get there. But, from what we're
15 hearing, we just don't have the confidence that - that anything
16 we say tonight is gonna be adhered to. Som we're gonna have to
17 stand up and say, "Oppose it altogether, until we can work out
18 those details." Thank you.

19 ZONING EXAMINER: Thank you. Anyone else? Mrs. Koch.

20 MRS. KOCH: I'm Lynn Koch, and my only - and I - this
21 is a question because you inadvertently, accidentally, the
22 gentleman from - and I don't remember his name -

23 ZONING EXAMINER: Mr. Grassinger?

24 MRS. KOCH: Yes, Mr. Grassinger. You accidentally

1 said, "multi-family," to maintain multi-family, and I think you
2 meant "single-family," and it - it - we're - I was like, "Oh, my
3 God." I know you didn't mean to say it, but then I thought - I
4 know R-2, we have - one of the things on the other side of
5 Speedway are townhomes, and, you know, attached, multi-attached
6 homes, and if - you'd asked what some of the restrictions - if
7 you did it. Well, some - single-family home, that's the - so
8 nobody said it, so I'm gonna say it - single-family home would be
9 a restriction, because one of the things R-2 does is open it up
10 to all the - all the other alternatives that a builder could come
11 in to - and I think that's what everyone saying is if we could
12 figure out a way to do what we want with - with R-2 and have the
13 restrictions, and we know they would stay there for whatever
14 builder came, and we wouldn't come in and - but, you know, we do
15 know that if you have R-2, they'll come in and say, yes, you had
16 this, but we want to tell the City why you need to change it to
17 townhomes because you love us and you want to make, you know,
18 revenue.

19 And we don't - by giving up the R-1, we give up that
20 bargaining chip with - with the City and - and with the City
21 Council, because we don't have any - you know, it's R-2 now, and
22 so we can say it, we don't want multiple homes, you know, and we
23 end up giving - you know, just to get single-family homes we give
24 up everything.

1 So, that's - that's my concern. You're not just saying
2 that they're similar or that they overlap, because it's not
3 really true. They overlap in one small area in restriction, but
4 R-2 goes way over here, you know. R-1 is a restricted area; it
5 says single-family, and then you get much more. There's a reason
6 to go to R-2, obviously, because you can go much - a higher
7 density. And so for me that's one of the biggest concerns.
8 Thank you.

9 ZONING EXAMINER: Thank you. Anyone else? Mr.
10 Schneider?

11 MR. SCHNEIDER: I'm Ray Schneider, and the proposed
12 developer, not the builder, but the developer of the property for
13 the lots.

14 I've heard a lot of the neighbors talk and I've been
15 through this. This is the third time. I was involved with Mrs.
16 Robb - let's see - it'll be 36 years right now, going on 37
17 years. They contacted me through a reference from a title
18 company of somebody they could work with that would be honest.
19 I've done business with them. I've been a friend with them. And
20 - and I understand change is hard.

21 I have a picture of Mrs. Robb standing on her back
22 porch overlooking their houses. There's not one rooftop visible.
23 And so they went through a lot of change. Every time - and I'm
24 sure they opposed it. I - I know Mr. and Mrs. Robb loved their

1 desert, but they also understand Mr. and Mrs. Robb did sell the
2 front portion and had apartments built there. I sold that for
3 them. They sold the back portion for houses. When I say "they"
4 - Mr. Robb is dead by that time - Mrs. Robb sold it. So they
5 were active in the property being developed. It was all 40 acres
6 of desert.

7 The rest of the property in her Will was given to U of
8 A, Carondelet Nursing, and two nieces. So there - the intent -
9 and I, like I said, I've known Mrs. Robb longer than anybody
10 here. I've had more personal contact, I'm guessing, than anybody
11 here with Mrs. Robb. We were friends and - and good friends. So
12 I'm a little sensitive about, you know, what Mrs. Robb was gonna
13 do with the property. In her Will, she stated what she wanted to
14 do with the property and what the proceeds were going to. I had
15 no right to any proceeds of the property. She did mention that I
16 had a right to buy the property, first right to buy the property,
17 and I did buy the property, so - through the bank - Mrs. Robb had
18 died.

19 So, in that regards (sic), you know, I understand. I'd
20 love to see all desert, you know, things left in the desert type
21 of thing, but Mrs. Robb and - and - and Mrs. Robb were (sic)
22 very, I think, patient people, 'cause people were using her
23 property for walking dogs. The - there has been vandalism in the
24 wash. Right now I have a person renting the house because of the

1 fact we've had trespassing on the property, and it's enough that
2 I'm concerned about more of the liability of what's gonna happen
3 there on the property if somebody comes in and - you know,
4 somebody gets hurt or something like that. So it's more of a
5 concern for me.

6 But, right now I can tell you I understand. And I'll
7 look at the neighbors and look you in the eye. I understand your
8 concerns, believe me. I'm not sitting here - I can make more
9 money on the property by developing it in a different way than -
10 than putting it with multi-family. There's other possibilities.
11 I've been contacted. And so if it's a money issue, I do plan on
12 making money on the property, and I am - I am a businessman.
13 I've been in real estate since the '70s, commercial real estate.
14 So that is my business. But, at the same time, what we're doing
15 here is more in line with what Mrs. Robb wanted with single-
16 family housing than - but she did sell the property for
17 apartments. She did sell them - you know, her property for - for
18 residential development. So I'm trying to do that in my honest
19 and best faith effort.

20 Looking at the property on the south saying, okay, 20-
21 foot setback, single - single-story on those five lots. I can
22 probably - and I'll say probably -

23 ZONING EXAMINER: Can we have you - yes.

24 MR. SCHNEIDER: - tell you that, yes, I can probably do

1 that. At the same time, I'm sitting here and I can understand
2 that we're gonna have another meeting with the public and Mayor
3 and Council, and I'll probably hear a lot of the same things
4 coming back. And I - I've - like I said, I've been through it
5 before, so I know, you know, how it works.

6 But, I can look you in the eye and tell you what I
7 would do and honor that tonight in regard to that. The number of
8 lots on the property is important to the financial issue, and,
9 again, if, you know, I wanna lose money and do it - and - for
10 free, you know, then we could cut - cut it way back on lots, but
11 that's not what I wanna do. At the same time, I'm trying to make
12 something that works for the neighborhood as well.

13 ZONING EXAMINER: Let me - let me have you keep -

14 MR. SCHNEIDER: I - I - I'm sorry.

15 ZONING EXAMINER: That's quite all right. I apprec- -

16 MR. SCHNEIDER: Again, I - I -

17 ZONING EXAMINER: I appreciate -

18 MR. SCHNEIDER: Yeah.

19 ZONING EXAMINER: - that you wanna -

20 MR. SCHNEIDER: So -

21 ZONING EXAMINER: - look the neighbors in the eye and
22 have that -

23 MR. SCHNEIDER: So, one bottom line is, you know, what
24 we're doing I don't think is outrageous. I understand concerns.

1 The road issue. As I've told the neighbors before in a
2 previous meeting when we met with them, that on my title report
3 there's no Sarnoff Road. There's nothing. There's not an
4 easement. There's not a mention that that's anything that I have
5 on my title report. So, if something happened, then the City
6 would have to come in and purchase it.

7 The secure neighborhood - and I've done it before in
8 other rezonings with offices and that - the secure neighborhood,
9 that's probably your weakest link in the neighborhood right now.
10 Potentially the weakest link in the neighborhood as it remains
11 vacant. Once houses are built and things like that, the school
12 there, that Sarnoff - I - you know, if I could say, "Can you
13 guarantee anything?" I don't know. But Sarnoff would not go
14 through there. And you look at it, the concerns they have right
15 now, where is Sarnoff gonna go and how's it gonna feed into
16 Speedway? It's just not gonna happen, and it's not gonna happen
17 on that property, and I can't see, you know, them knocking down
18 the school buildings to put Sarnoff in there as well. The only
19 thing I can go by is my title report has no mention of Sarnoff.
20 So that's important. I think it should be important for the
21 neighbors. I know it's important for me.

22 So, I do wanna work with the neighbors. I do wanna,
23 you know, give as much as we can. At the same time, it is a
24 business situation, and so . . .

1 ZONING EXAMINER: Well, let me ask you if you have -
2 I'll ask you the same question I asked Mr. Grassinger and Ms.
3 Olvera. I - I apologize if it's "Mrs." or "Doctor" or anything.
4 I'm - I just stick with "Ms. - Ms. Olvera." What - what do you
5 think are - one of the things that we're dealing with here is -
6 is - I sense uncertainties; that the Devil -

7 MR. SCHNEIDER: Sure.

8 ZONING EXAMINER: - is in this transaction - and what
9 kinds of things would alleviate uncertainty that you think are
10 reasonable?

11 MR. SCHNEIDER: Well, again, this is our plan, where it
12 changes from 64 lots, we lose three lots, it goes to 61 or it
13 goes from 64 to 65. And that just happened to be the - we've -
14 we've played with I don't know how many layouts with - with -
15 with Mike's firm, and - and to get this. So it's always stayed
16 in that 63 range we'll say. We didn't know exactly where it was
17 gonna go. So we haven't changed it - any dramatic changes on it.
18 Took a lot of houses that were next to the school and tried to
19 put 'em on the wash, 'cause that's a better area for a house to
20 have a back yard is along the wash, things like that. So, just
21 different things, but - so I don't see us changing.

22 As - as you understand, if we get this zoning - and if
23 it were R-2 - and this is our plan, okay, for somebody else to
24 come back in and say, okay, well, it's R-2 zoning and we wanna

1 put in another 50 lots, or whatever. You come back in and you do
2 a single-story apartment complex, which I've been approached by
3 the people that do things like that, to sell the land for that
4 purpose. Well then, they - they can't do that on - on what we
5 have here once that's in place. Now, I'm - can't tell you they
6 can't come back in and get it rezoned if they wanted to, that's -
7 but they would go through this process with you again, and I
8 think it would be a much harder process if we had this in place.
9 If we don't have this in place, and - and that - that becomes an
10 option then that I may have to explore, is that then we look at
11 that from the standpoint if we can't do something very close to
12 this, then, you know . . .

13 ZONING EXAMINER: Correct me if I'm wrong. You're -
14 you're saying you're comfortable with a - between the five and
15 six RAC restriction and that? I mean, it would be over five and
16 -

17 MR. SCHNEIDER: I'm comfortable with -

18 ZONING EXAMINER: - 6.25.

19 MR. SCHNEIDER: - what we have here, and I'm
20 comfortable with dealing with the neighbors with the 20-foot
21 setback, and we have that height limitation on a single-story. I
22 - I can tell you that we've - we probably can come to an
23 agreement, okay, with that. So . . .

24 ZONING EXAMINER: Okay.

1 MR. SCHNEIDER: And so, anyway, if there's any
2 questions from them, I'd be more than happy to answer 'em. But -

3 ZONING EXAMINER: Well -

4 MR. SCHNEIDER: - let you . . .

5 ZONING EXAMINER: - let me - you know, rather than. . .
6 why don't we take a break for a few minutes? Would you - you -
7 Mr. Grassinger, if you could . . .

8 MR. GRASSINGER: I was just gonna mention your sign-in
9 sheet has disappeared. I -

10 ZONING EXAMINER: Oh, my.

11 MR. GRASSINGER: - don't know where it is. So . . .

12 ZONING EXAMINER: What happened? Who stole it? Who
13 stole my sign-in sheet? Oh, Ms. -

14 MR. GRASSINGER: I just saw my initials on the - the

15 ZONING EXAMINER: - Ms. Dempsey . . . it's Ms. Roads,
16 right? You had your hand up, right, that you wanted to speak,
17 also? But I'm proposing a short break. Do you wanna - do you
18 wanna make a brief comment before the - I do that?

19 MS. ROADS: (Inaudible).

20 ZONING EXAMINER: Okay. If you wanna make a brief
21 comment. But then I'm gonna propose a brief break. So you come
22 forward, give me your comments, and then . . .

23 MS. ROADS: Say my name again, Bridget Roads.

24 I just wanted to say that we're not here for fun and

1 we're not here for money. This is a concerned neighborhood of
2 really good people, and I've lived in the neighborhood for almost
3 24 years. We care about what's going on. We're not here to have
4 a fight. We want our voices heard, and we want our ideas
5 considered, and we care about what's going to happen to this
6 piece of property and we've cared for a long time. Thank you.

7 ZONING EXAMINER: Thank you. And I appreciate that.
8 It highlights why this is an important process. Why - why this
9 meeting is important.

10 Mr. Grassinger, would - would you like the opportunity
11 for a few minutes to maybe talk from the - yeah, because there
12 was something on the table that you were interested in and I
13 don't wanna broker that.

14 MR. GRASSINGER: Yeah. Okay.

15 ZONING EXAMINER: And, perhaps, if you had an
16 opportunity to talk with some - rather than continuing.

17 MR. GRASSINGER: Rather than . . . ?

18 ZONING EXAMINER: Rather than continuing this -

19 MR. GRASSINGER: Right.

20 ZONING EXAMINER: - just take a break and -

21 MR. GRASSINGER: (Inaudible) talk to me, yes.

22 ZONING EXAMINER: Okay.

23 MR. GRASSINGER: I would appreciate that.

24 ZONING EXAMINER: Let's take a few minutes. All right.

1 So let's - let me be realistic. Let's give - do 15 minutes, if
2 that's okay. Is everybody all right with that? We'll take a 15-
3 minute break, and Mr. Schneider and Mr. Grassinger might talk to
4 some of you individually or as - in a group. We'll come back at
5 8:50.

6 (Break taken at this time.)

7 ZONING EXAMINER: If we're about ready. All right.
8 Mr. Grassinger, resume our proceedings.

9 MR. GRASSINGER: Thank you, Mr. Kafka. I think we have
10 come to pretty much an agreement, besides getting to know each
11 other a little better. So . . .

12 What we have agreed to is that we would agree to change
13 the request, or ask you to recommend that the - the rezoning be
14 permitted as R-1, as opposed to R-2; that we would limit one,
15 two, three, four, five lots along this - along the southern
16 boundary to single-story homes; and we would make the 20-foot
17 setback landscaped area a condition. In addition to that, we
18 would al- - it also is - we're in agreement that - the other
19 things that we agreed to would also be part of this, which would
20 include only emergency vehicles on the - on the (inaudible).

21 And then in the side discussion, I've agreed that what
22 we would do is explore the possibility of changing the emergency
23 access to go east to the parking lot of the school - of the
24 school, if the school district would permit that, and then we

1 would add that 20 feet to the lots along the southern boundary.
2 But that - that one is - you know, it's up to the school district
3 on that. and I'll have to work that out with them.

4 And I'm not sure, maybe Mr. Wagner would wanna talk
5 about the - his concern about the neighborhood association,
6 because they - they can't really represent their position. What
7 we were hoping is that - to understand that it's - there's two
8 weeks between now and when you make your final recommendation,
9 which they can weigh in before that; and, secondly, that there's
10 another probably six weeks until it goes to the Mayor and
11 Council, so they could communicate directly with the Ward 2
12 Council Office if there is still a major concern on their part.

13 ZONING EXAMINER: Okay. Thank you. Do you actually
14 wanna speak to that, Mr. Wagner, or do you just - are in
15 substantial agreement with what Mr. Grassinger said?

16 MR. WAGNER: Yes. This is William Wagner and we did
17 reach the - at least the property owners that are present, you
18 know, reached this agreement with Mr. Grassinger about the
19 conditions that he stated.

20 And - but I also represent the neighborhood
21 association. And, on their behalf, we would like the opportunity
22 to go back and present the - the items that we discussed, the
23 agreements that we've reached. But, from previous discussions
24 with the group, I believe that there's a good chance that that's

1 going to - to be acceptable to the neighbor- -

2 ZONING EXAMINER: It seems to me to be consistent with
3 the things that you - that the neighborhood association, through
4 Ms. Lieber, had - had mentioned in their letter.

5 MR. WAGNER: Yes.

6 ZONING EXAMINER: So . . .

7 MR. WAGNER: Yes. So - so, yes, I think those - those
8 are the agreements. As a property owner, that would be more to -
9 to our liking. Again, you know, you hate to see anything go in,
10 but we understand that progress needs to be made. The City wants
11 to infill, and we're just trying to limit the - the amount of
12 impact, you know, 'cause we know that anything that's gonna be
13 built there is gonna impact us, you know. There's just no ifs,
14 ands, or buts about it. Yeah, so -

15 ZONING EXAMINER: All right.

16 MR. WAGNER: - thank you.

17 ZONING EXAMINER: Thank you. Mr. Perry, did you wanna
18 address anything that had to do with the . . . ?

19 MR. PERRY: I . . . well, just the drainage concerns
20 that you brought up a little bit, and maybe I wasn't quite
21 understanding. But, you know, the - if you're concerned about -
22 like erosion and things - we're going to - we do slow down the
23 water before it hits the wash. And, also to keep the - the
24 vegetation alive back here, these lots would just drain straight

1 out to keep this - you know, the habitat back there. And then -
2 and then I think I explained the detention, how the timing works
3 on the channel and - and that condition.

4 ZONING EXAMINER: Okay.

5 MR. PERRY: Did I address that correct then?

6 ZONING EXAMINER: Thank you.

7 MR. PERRY: Okay.

8 ZONING EXAMINER: Yeah. Mr. Schneider, do you want a
9 last word or - okay.

10 MR. SCHNEIDER: (Inaudible; not speaking into
11 microphone.)

12 ZONING EXAMINER: All right. For the record, Mr.
13 Schneider is thanking the community that's here tonight.

14 Anybody else wish to speak before I close the hearing?

15 (No response.)

16 ZONING EXAMINER: Mr. Prezelski, anything from Ward 2?

17 MR. PREZELSKI: (Inaudible).

18 ZONING EXAMINER: Okay. All right. Let me just make
19 sure that I've recorded the recommended - or changes that you
20 want me to recommend to the conditions or the application as to -
21 recommend that the request be amended to an R-1 or . . . I'll
22 have that in a recommendation. I'm not gonna have you request
23 that it come back amended. I'll just put that in there. A
24 limitation of the five lots along the southern boundary to one-

1 story; maintaining the 20-foot landscape boundary along the
2 southern boundary; including all the other . . .

3 MR. WAGNER: I have one more comment. William Wagner
4 again. About the five - limiting it to five lots on the southern
5 boundary, can we have that stated as -

6 ZONING EXAMINER: Whatever lots are on the southern -

7 MR. WAGNER: - eight lots on the southern boundary?

8 ZONING EXAMINER: Yeah.

9 MR. WAGNER: Okay. So that way if the plan does
10 change, nobody's held to, you know, that five-lot restriction.
11 Thank you.

12 ZONING EXAMINER: Is that reasonable? Limit the lots
13 along the southern boundary to one-story; 20-foot landscape
14 boundary to be included regardless; all other applicable
15 conditions - and I think they're all still applicable, but -
16 unless some of them need to be tweaked, those would be
17 incorporated; explore the possibility of changing the emergency
18 exit to egress through the parking lot of Magee Middle School.
19 And then the - you may not have an opportunity before the
20 preliminary report, but I will note that the - these changes are
21 being brought to the neighborhood association as well. All
22 right.

23 If there's no more comments, I will close the public
24 hearing. I do appreciate everybody's input. I'm - I appreciate

1 that you've come out, stayed till after 9:00 on a week night, not
2 that it would be any more pleasant on the weekend, but I do
3 appreciate this. I appreciate your input and the passion you
4 have for your homes and properties and for making the process
5 work, and making sure that the process works. It's - it's very
6 good for me to see that. Thank you. All right.

7 (Public meeting adjourned.)

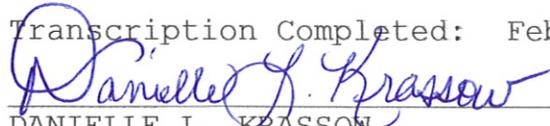
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CERTIFICATE

I hereby certify that, to the best of my ability, the foregoing is a true, accurate, and verbatim transcription of the audio-recorded City of Tucson Zoning Examiner Public Hearing held on January 14th, 2014.

Transcription Completed: February 9th, 2014.



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