



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

May 31, 2018

*Revised June 4, 2018

C9-18-07 Meyer and Pearson – E. Magdalena Road - SR to RX-1 (Ward 2)

BACKGROUND

This is a request by Michael Marks, AICP, of MJM Consulting, on behalf of the property owner, Meyer and Pearson Trust, care of Susan Meyer, Trustee, to rezone approximately 4.55 acres from SR to RX-1 zoning.

The rezoning site is located on the north side of E. Magdalena Road and is approximately 300 feet east of Gollob Road and 2,000 feet west of S. Harrison Road (see Case Location Map).

The preliminary development plan proposes re-subdivision of Lot 31, Halcyon Acres Annex, into four (4) lots.

Applicant's Request

“The owner wishes to divide the parcel into four lots of at least one acre in size each, with one home on each. That would amount to a total of four homes. This would comply with the Pantano East Area Plan and the developed nature of the neighborhood.”

PUBLIC HEARING SUMMARY (Minutes Attached)

At the Zoning Examiner's Public Hearing held on May 17, 2018, Mr. John Beall (PDSD Staff) reported that they had received one (1) written approval and one (1) written protest. The protest was within the notification area.

Meeting Summary:

The applicant, Mike Marks, presented the case. He explained that there have been many similar rezoning cases in this area as stated in staff's report. He talked about the overall rezoning request including discussing the surrounding areas.

The applicant is requesting a similar rezoning on a nearby parcel which is extremely similar to this request. Because of the similarities in the cases and the proximity of two requests, the applicant held one (1) combined meeting with all of the neighbors for both cases. He said that nobody who attended the meeting had any objections to the rezoning requests, nor has he received any objections since.

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He talked about how both project sites currently have one (1) existing single family residence (SFR) on each of the lots and that they were only proposing adding three (3) single family residences on each parcel.

In addition, he pointed out that each newly created lot, if approved, will be at least one (1) acre in size.

He clarified that this proposed rezoning request conforms to all existing area plans and that each new lot will confirm with all codes.

Nobody spoke in **favor** of this rezoning request.

Nobody spoke in **opposition** of this rezoning request.

One (1) person who lives next door to the subject property was **neutral** on this matter; however, he wanted to share his support while expressing his concerns. (This person owns the property which is located between the two similar rezoning sites.)

His main concern was about drainage and hydrology. He wanted to know more about the details concerning how the applicant proposed to keep the driveway along the east side of the property from soil erosion and how they would address all of the water which leaves his property and drains onto their site. He was not happy that the City would not give him this information and that there were no plans available to review.

I explained to this person that this was a rezoning request based on a very preliminary development plan. I told him that when the new properties are developed, they will individually be required to prepare and submit the engineering and design to the City for permit review. After the City approves all of the design and engineering drawings, they will all be available for review on the City's web site.

This property owner was also very concerned about how tall the proposed new houses were going to be, especially since the finish elevation grades had not been established for each of the three (3) new houses. He stated that there were no 2-story homes in the area and he wanted to maintain that.

After this person spoke, hearing and seeing that nobody else wanted to give any further testimony, I asked the applicant to address this neighbor's concerns.

Mr. Marks said that the subject property is lower than the neighbor's property and that there will be no adverse impacts created by these new proposed additional houses. He confirmed my statement regarding the City's review process and assured the neighbor that any new development will be required to submit for permits and meet all drainage and grading requirements.

He then addressed the neighbor's concern regarding the heights of each of the new houses. (I gave the applicant and the affected neighbor time to discuss this.) The applicant then told me that they both agreed that they would be okay with me placing a special condition which

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prohibits 2-story construction on the subject property. Staff then asked me to revise that condition to be a specific height in feet as measured from finished grade at each house. I asked the applicant if he would agree to that. Both the applicant and the adjacent home owner agreed to me placing a specific height in feet restriction on the subject property.

I asked the applicant what specific building height they would agree to. After another short discussion between the two, the applicant replied, “Twenty (20’) feet”. I clarified that the measurement shall be measured from finished grade to the highest point of the roof or parapet, not including a chimney.

I closed the public hearing and said that I would have my preliminary report completed within five (5) working days.

FINDINGS OF FACT

Existing and Surrounding Land Uses

Existing Land Use:
Single-family Dwelling

The existing surrounding zoning and land uses are:

North:	Zoned RX-1; Single-family dwellings
South:	Zoned RX-1; Single-family dwelling
East:	Zoned R-1; Single-family dwelling
West:	Zoned SR; Single-family dwellings

The subject parcel is rectangular in shape with a north-south orientation, and consisting of 4.55 acres. As stated above the subject parcel is lot 31 of the Halcyon Acres Annex. Halcyon Acres Annex includes lots of significantly different sizes. The subject parcel appears to be one of the three largest lots in the subdivision.

The surrounding land uses are all single-family residences (SFR). To the north and west are SFR on RX-1 zoned lots of various sizes, ranging from approximately one-acre to 3.5 acres. The property to the east is a 4.5 acre parcel, zoned SR. Immediately south of the subject site, south of Magdalena Road, is a SFR on 3.05 acres. The proposed density of less than one residence per acre complies with policies in both *Plan Tucson* and the *PEAP*.

Field inspection by staff indicates there are currently no billboards on the rezoning site.

Previous Rezoning Requests in this Area

The general area extending east of Gollob Road, to Harrison Road, between Broadway Boulevard and 22nd Street, has seen numerous rezoning requests from SR to RX-1 for the purposes of land division and infill development. Several of these rezoning took place approximately 10 years ago and are listed in the staff’s report; however, these types of rezoning have occurred over the last 30 years in this area.

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Land Use Plans

Land use policy direction for this area is provided by the *Pantano East Area Plan and Plan Tucson*. The rezoning site is located within an Existing Neighborhood Growth Scenario Building Block as identified on the Future Growth Scenario Map of *Plan Tucson*.

Plan Tucson

Existing neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. Within, Existing Neighborhoods, the *Plan Tucson* goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability.

Pantano East Area Plan (PEAP)

Policies support preserving the integrity of established neighborhoods, and promote low-density residential developments within the interior of established low-density neighborhoods. The PEAP defines low-density residential as six (6) residences per acre or less. The proposed request meets the density requirement.

DESIGN CONSIDERATIONS

Land Use Compatibility

The property is currently developed with a single-family dwelling. Three additional single-family dwellings are proposed if the rezoning is approved. Each of the lots will exceed one acre, in character with the surrounding neighborhood. RX-1 allows a maximum building height of 30 feet, same as the maximum in SR and compatible with the 25 foot maximum in R-1. Due to the proposed lot sizes, extensive vegetation on the site and the overall moderate grading needed for development, staff does not foresee privacy issues due to development. No specific privacy conditions are proposed.

Road Improvements, Vehicular & Pedestrian Traffic Circulation

The property only has frontage on East Magdalena Road, consequently, all vehicle trips will begin on Magdalena Road. Lots 3 and 4 will have access by way of a new driveway along the east boundary of the site. Lots 1 and 2 will share the existing driveway. Three hundred (300') feet west of the parcel is Gollob Road which runs north-south and connects with Broadway Boulevard and Old Spanish Trail, respectively. Depending on the trip split, the traffic impact on Magdalena Road east of the rezoning may not be 100%. No trip split information has been made available.

It should be noted that the owners of the lot, two properties east of the subject parcel, have also submitted a rezoning request (C9-18-08) for RX-1 zoning, to create 4-lot subdivision from a 4.62 acre parcel. These proposals, taken together, may generate 57.3 additional vehicle trips per day (approximately eight (8) additional peak-hour trips) in this immediate area, however, there is no indication the additional traffic will create significant problems.

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Drainage/Grading/Vegetation

The rezoning site is relatively flat and is fairly heavily vegetated. An unmapped wash crosses the south one-half of the property, flowing from the southeast to the northwest, and bisecting proposed Lots 1 and 2. The area inundated by the wash appears to be riparian in character. The wash enters the site at 108 c.f.s in a 100 year event and leaves the site at 152c.f.s. Due to the flow exceeding 100 c.f.s., the wash is a regulated 100-year floodplain. The existing driveway that will serve Lots 1 and 2 crosses the wash. Staff is recommending a condition that the existing driveway and the proposed easement along the eastern property line will be the only wash crossings allowed in development of the site. A hydrology and hydraulic report, substantiating the information shown on the preliminary development plan, will be required at the time of Development Package review.

CONCLUSION

The rezoning and subsequent development proposal is in compliance with the planning polices of *Plan Tucson* and the *Pantano East Area Plan* which support infill development that preserves the character of the neighborhood. Subject to compliance with the attached preliminary conditions, approval of the requested RX-1 zoning is appropriate.

RECOMMENDATION

*The Zoning Examiner recommends **approval** of the RX-1 zoning subject to the attached conditions.

Respectfully Submitted,

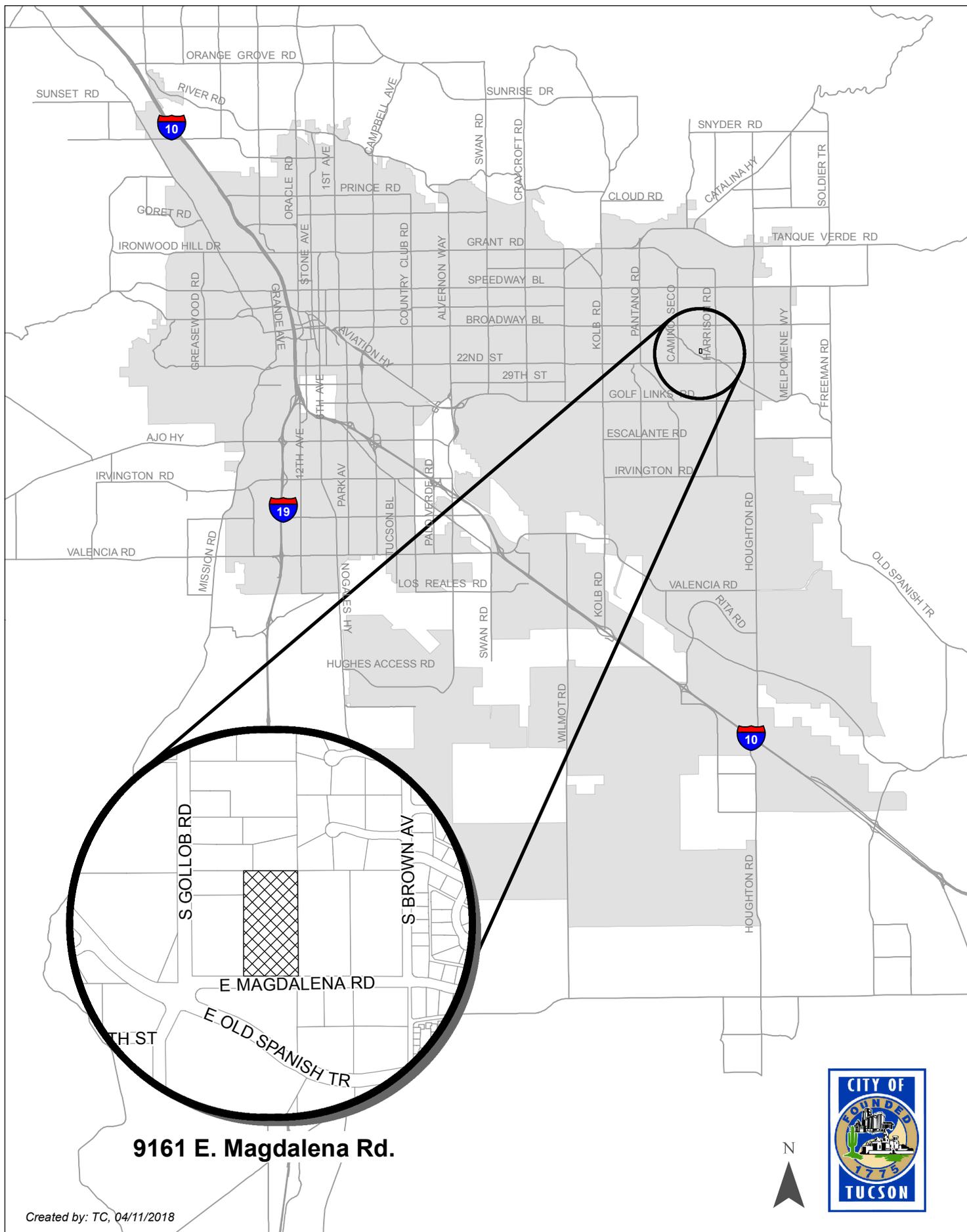


Steven C. Shell
Zoning Examiner

ATTACHMENTS:

Case Location Map
Case Aerial Photo
Zoning Examiner's Final Conditions
Public Hearing Minutes

C9-18-07 Meyer and Pearson - Magdalena Road Rezoning Request: From SR to RX-1

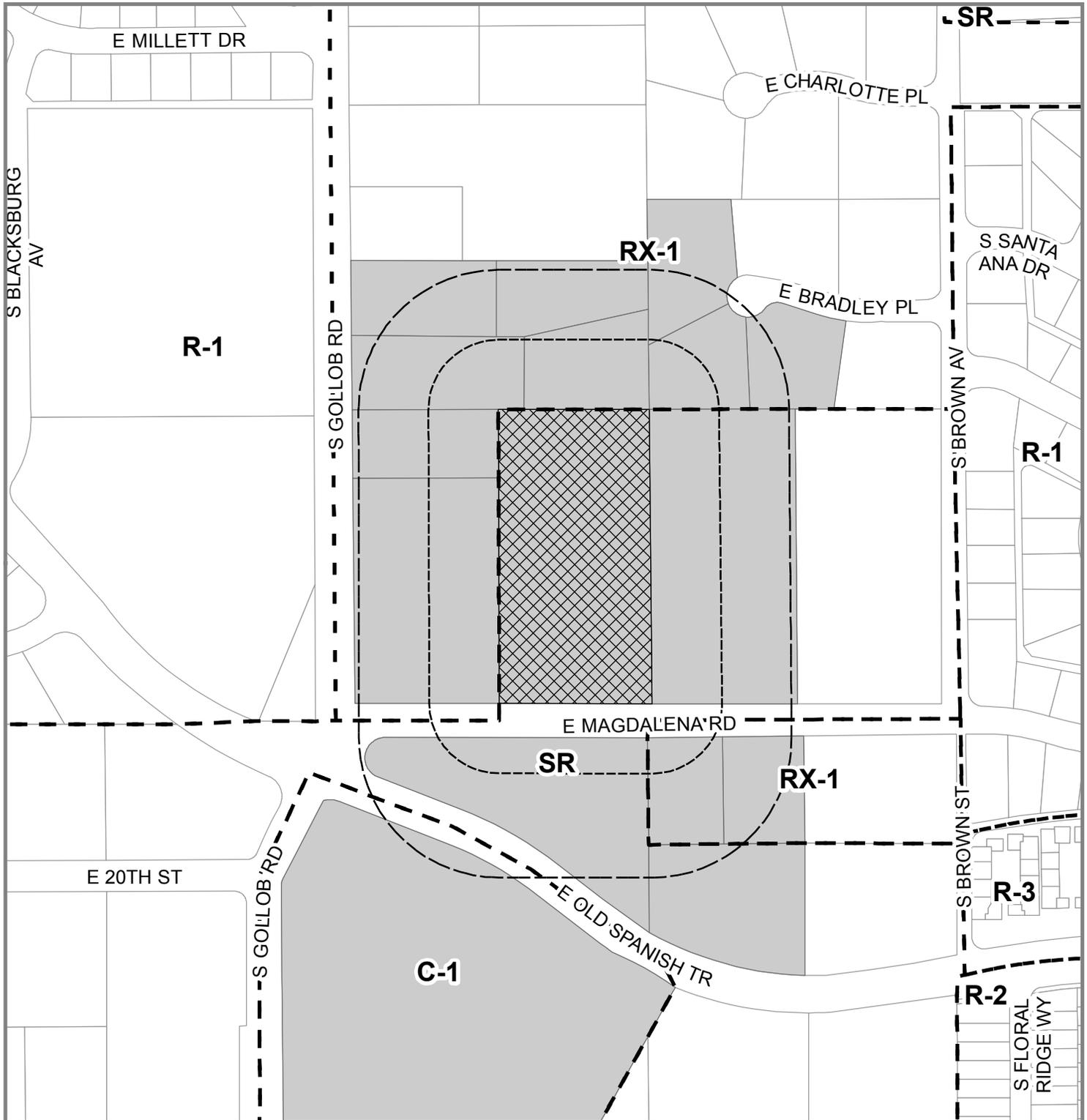


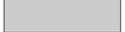
9161 E. Magdalena Rd.



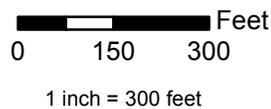
C9-18-07 Meyer and Pearson – Magdalena Road

Rezoning Request: From SR to RX-1



-  Subject Property
-  Notification Area (300-foot Radius)
-  Protest Area (150-foot Radius)
-  Zone Boundaries
-  Properties Notified

Address: 9161 E. Magdalena Rd.
Base Maps: Twp. 14 R. 15 Sec. 15
Ward: 2



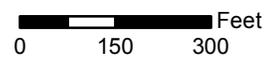
C9-18-07 Meyer and Pearson - Magdalena Road
Rezoning Request: From SR to RX-1



 Area of Rezoning Request



Address: 9161 E. Magdalena Rd.
Base Maps: Twp. 14 R. 15 Sec. 15
Ward: 2



1 inch = 300 feet



PROCEDURAL

1. A development package in substantial compliance with the preliminary development package and required reports dated March 29, 2018 is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (l) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
6. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

7. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall

surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.

8. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
9. The maximum building height for any structure shall be twenty (20') feet, as measured from finish grade to the highest point of any roof or parapet, not including a chimney.

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

10. A hydrology and hydraulic report, substantiating the information shown on the preliminary development plan, will be required at the time of Development Package review.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

11. Wash crossings shall be limited to the existing driveway and the proposed easement along the eastern property line.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case _____ and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case _____.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify

ZONING MEMBERS PRESENT

Steven Shell, Zoning Examiner
Michael Wyneken, Planning & Development Services
Rick Guerra, City Recording Clerk

=====

1 ZONING EXAMINER: Could we get our next case then, Mr.
2 Wyneken? While we're crossing T's and dotting I's up here, I'll at
3 least announce what the next case is. It's C9-18-07 Meyer and
4 Peterson (sic) - Pearson on Magdalena Road. So, as soon as you're
5 done, you can announce the case.

6 MR. WYNEKEN: Okay. This is Case: C9-18-07 Meyer and
7 Pearson-East Magdalena Road. This is a request by Michael Marks of
8 MJM Consulting on behalf of the property owner, Meyer and Pearson
9 Trust, care of Susan Meyer, Trustee, to rezone approximately 4.55
10 acres from SR to RX-1 zoning.

11 Rezoning site is located on the north side of East
12 Magdalena Road approximately 300 feet east of Gollob Road and
13 2,000 feet of South Harrison Road. The Preliminary Development
14 Plan proposes re-subdivision of Lot 31, Halcyon Acres Annex into four
15 lots.

16 Land use policy direction for this area is provided by the
17 Pantano East Area Plan and Plan Tucson. Rezoning site is located
18 within an existing neighborhood growth scenario building block as
19 identified on the Future Growth Scenario Map of Plan Tucson.

20 Existing neighborhoods are primarily developed and largely
21 built-out residential neighborhoods and commercial districts in which
22 minimum new development and re-development is expected in the next

1 several decades. Within existing neighborhoods, the Plan Tucson goal
2 is to maintain the character of these neighborhoods while
3 accommodating some new development and re-development and encouraging
4 re-investment and new services and amenities that contribute further
5 to neighborhood stability.

6 Pantano East Area Plan policy support preserving the
7 integrity of established neighborhoods and promote low-density
8 residential developments within the interior of established low-
9 density neighborhoods.

10 Pantano East Area Plan defines low density residential as
11 six residences per acre or less. The proposal meets the density
12 requirement.

13 In the general area extending east of Gollob Road to
14 Harrison Road between Broadway Boulevard and south to 22nd Street, has
15 seen numerous rezonings from SR to RX-1 for the purposes of land
16 division and in-fill development.

17 Several of these rezonings took place approximately ten
18 years ago and have been listed in the report. However, these types of
19 rezonings have occurred over the last 30 years in this general area.
20 The surrounding land uses are all single-family residences on lots
21 ranging from approximately one acre to 3.5 acres in size.

22 The, the proposed subdivision, each of the lots would
23 exceed one acre in size and would be in character with the surrounding
24 neighborhood. There is an unmapped wash crossing the south half of

1 the property flowing from the southeast to the northwest, bisecting
2 proposed Lots 1 and 2.

3 Due to the flow exceeding 100 CFS, cubic feet per second,
4 the wash is a regulated 100-year flood plain. The existing driveway
5 that will serve Lots 1 and 2 crosses the wash. Staff is recommending
6 a condition that the existing driveway and the proposed easement along
7 the eastern property line to serve Lots 3 and 4 will be the only wash
8 crossings allowed in the development of this site.

9 A hydrology and hydrologic report substantiating the
10 information shown on the Preliminary Development Plan will be required
11 at the time of development package review. No road improvements are
12 required as part of this subdivision. The, the lots would generate
13 approximately 28 additional - 28 to 30 additional trips per day and
14 the Magdalena Road can handle that.

15 It should be noted that tonight we also have another
16 rezoning for a very similar type of case on a similar-size property
17 that's just east of this property that would also create a similar
18 amount of traffic. But that traffic is divided between Magdalena and
19 Brown and should not put that much additional traffic on this part of
20 Magdalena Road.

21 The rezoning and subsequent development proposal is in
22 compliance with the policies of Plan Tucson and the Pantano East Area
23 Plan which support in-fill development and preserve area of the
24 neighborhood. Subject to compliance with the proposed Preliminary

1 Conditions, approval of the requested RX-1 zoning is appropriate.

2 That concludes the report.

3 ZONING EXAMINER: And how many protests and approvals do we
4 have?

5 MR. WYNEKEN: We have one - let me get this one. Oops.
6 Sorry about that.

7 ZONING EXAMINER: Uh-huh.

8 MR. WYNEKEN: We have one approval and one protest on file.
9 The protest is within 150 feet of the property within the 150-foot
10 protest area. And it constitutes a 10% protest by the lots and 1.6%
11 protest by area.

12 State statute requires 20% protest by lots and a 20%
13 protest by area to force a super majority vote of the Mayor and
14 Council to adopt an ordinance. So, at 10% and 1.6% respectively, a
15 simple majority vote would be required of the Mayor and Council to
16 adopt an ordinance rezoning the property.

17 ZONING EXAMINER: Thank you very much. Is the Applicant,
18 or the Applicant's representative present?

19 MR. MARKS: Okay. Mr. Shell, good evening. Name is Mike
20 Marks MJM Consulting, 6401 East Shepherd Hills Drive.

21 ZONING EXAMINER: And you'll have to forgive me, but I
22 don't remember you swearing in. I'm pretty good about seeing
23 everybody and I didn't see you standing.

24 MR. MARKS: Let me do it, then.

1 ZONING EXAMINER: Do you swear or affirm to tell the truth,
2 the whole truth, and nothing but the truth?

3 MR. MARKS: I do.

4 ZONING EXAMINER: Wonderful. Thank you. Even with
5 (inaudible)

6 MR. MARKS: I apologize for that.

7 ZONING EXAMINER: That's quite all right. I figure you
8 were distracted.

9 MR. MARKS: Okay. So, I'm here representing the ownership
10 and the two Trustees of that ownership, Susan Meyers and Don Pearson
11 are here with me tonight. And I'm here today, tonight also
12 representing the owner of the other parcel associated in the
13 neighborhood up for rezoning.

14 The conditions are very similar for the two pieces. So,
15 maybe some of my preliminary comments I will apply to both and I'll
16 then emphasize the Meyer-Pearson property at this point and then come
17 back on the Clausen property and emphasize the conditions there.

18 But I know you have an aerial photo and so maybe this is
19 unnecessary. But you can tell the - how close the two parcels are.
20 The Meyers property is about 300 feet east of Gollob. The - then to
21 the east of Meyers is a parcel that is zoned SR. To the east of that
22 is Clausen parcel.

23 So, the two parcels are separated by about 300 feet. You
24 can see in the aerial photo the existing conditions in the
25 neighborhood. They're all residential. They're either R-1

1 residential at 7,000, 10,000 range square foot per lot to the east of,
2 of Brown or to the north and south of these properties they're an
3 acre, or thereabouts. Or they're the 3.3 acres as a subject property.
4 The two parcels are currently in addition to the one in between.

5 The zoning in the area, as I just made reference to, is all
6 R-1 to the east of Brown. And then west of Brown, between Brown and
7 Gollob, everything is RX-1 currently, as we wish for this piece of
8 property with the exception of the parcel between the Meyer-Pearson
9 parcel and the Clausen property that's a piece owned by the Spohn
10 family.

11 And then directly south of the Meyer-Pearson property is a
12 parcel owned by the Scalpone (ph.) family. Otherwise, everything in
13 the immediate area is zoned RX-1. The point being, we're not
14 introducing anything new. We're complying with the development -
15 developing trend in the area, the trend in terms of the zoning.

16 We had a joint neighborhood meeting for the two parcels.
17 We had a good show-up of neighbors, maybe 20 people, something of that
18 nature. We had nobody at the neighborhood meeting that opposed the
19 project that indicated opposition and nobody that attended that
20 meeting has since objected to the, to the project.

21 There is one protest of record, somebody we've never seen,
22 somebody we've never talked to. And I can go into the reasons of that
23 protest if you wish, but I'll forego that and, and wait for your, your
24 request.

1 The, the properties are both in the Halcyon Acres
2 Subdivision. They're both currently about four and a half acres in
3 size. And they both have one residence on them currently.

4 With respect to the, the Meyers-Pearson property, as Mr.
5 Wyneken has indicated, and I - as you, I'm sure, have a copy of,
6 there's four lots proposed, two that abut Magdalena and two that are
7 remote.

8 The two that are remote include the parcel that contains
9 the existing house. Both of those will be accessed off an easement or
10 a flag lot along the east boundary. And then the two that abut
11 Magdalena will both take access off of the existing driveway, the
12 driveway that serves the existing house, but will be converted so it
13 serves merely Lots 1 and 2. All of these lots are over a full acre,
14 43-560, larger, I should add, than the size of the lot of the
15 protester to the south.

16 We think the request is appropriate and it warrants a
17 action of recommendation for approval based on the fact that it
18 conforms with the plan, conforms with the developing nature of the
19 area, conforms with the zoning in the area and that it is an in-fill
20 property.

21 That's all I have at this juncture. If there's any
22 questions you've got, I'd be more than happy to respond. Otherwise,
23 if there's any comments from the neighbors, I'd like the opportunity
24 to come back and provide some rebuttal.

1 ZONING EXAMINER: Absolutely. I just had a, a real quick
2 question actually, 'cause I'm still a little bit confused. And, and I
3 guess I'll just show you the drawing I'm looking at. It's kind of a
4 detailed view of your lot layout that you actually call Map 15 Grading
5 Plan.

6 MR. MARKS: Oh.

7 ZONING EXAMINER: But what it does is it was the only
8 drawing I saw that kind of laid out the PAD site -

9 MR. MARKS: Uh-huh.

10 ZONING EXAMINER: - for each lot.

11 MR. MARKS: Uh-huh.

12 ZONING EXAMINER: And at the same time identified the
13 driveways.

14 MR. MARKS: Yes.

15 ZONING EXAMINER: Identified the drainage. It, it was
16 actually a very helpful drawing. But on it, there's a dash line that
17 appears, and you have it labeled a driveway on Lots 3 and, and 4. But
18 it appears to be another driveway interconnecting Lots 1 and 2.

19 And then I kind of get confused. It's page 26 in your
20 report, I believe. There's a little dash line that's right
21 interconnecting, and it's a little confusing as to what that is.
22 But it's labeled a driveway up on Lot 3, 'cause -

23 MR. MARKS: Uh-huh.

24 ZONING EXAMINER: - it's the same dash line.

1 MR. MARKS: That's the driveway to the, to the house from
2 the, the proposed driveway along the east boundary. So, Lots 3 and 4
3 will both take access off that (inaudible) driveway. And then Lot 3
4 will have its own driveway from that easement to the PAD area of
5 Lot 3.

6 ZONING EXAMINER: Okay. So, Mike's nodding that he
7 understands. I understand where the easement is along the east lot
8 line, and I understand you're coming up that driveway and that'll,
9 that'll get the driveway to Lot No. 3.

10 MR. MARKS: And that, that driveway extends all the way to
11 Lot 4. But then there's a -

12 ZONING EXAMINER: (Inaudible)

13 MR. MARKS: - spur off of that directly to the PAD on
14 Lot 3.

15 ZONING EXAMINER: Okay. And then you're saying there's
16 also a driveway off of that easement coming near the street near
17 Magdalena that kind of angles off and, and will service Lots 2 and 1
18 to get to each PAD.

19 MR. MARKS: That's correct. The dash line that you see -

20 ZONING EXAMINER: That is where the, the crossing of the
21 wash (inaudible)

22 MR. MARKS: That, that's the existing driveway -

23 ZONING EXAMINER: Okay.

24 MR. MARKS: - that currently extends all the way to the
25 house, but it'll be cut off and only serve Lots 1 and 2.

1 ZONING EXAMINER: That makes sense.

2 MR. MARKS: Do, do you understand it completely now?

3 MR. WYNEKEN: 'Cause this, this line is the flood

4 (inaudible)

5 ZONING EXAMINER: Well, that's the flood plain, right?

6 This is the driveway right here.

7 MR. WYNEKEN: Right.

8 ZONING EXAMINER: Okay.

9 (Inaudible discussion.)

10 MR. MARKS: May- -- maybe you don't.

11 ZONING EXAMINER: Yeah. I guess, I guess - and then the
12 other thing, Mr. Marks, that I'm a little confused. You said it's an
13 existing driveway, but yet when I look at the aerial photo, which is
14 actually page 7-A, -

15 MR. MARKS: Uh-huh.

16 ZONING EXAMINER: - I don't see an existing driveway there.

17 MR. MARKS: Oh, it's there.

18 ZONING EXAMINER: Okay.

19 MR. MARKS: I think he's referring - on page 7-A?

20 ZONING EXAMINER: Oh, I see what you - okay. Never mind.

21 I just saw the other dash line coming up from the west end of the site
22 angling up towards the northeast.

23 MR. MARKS: Uh-huh.

24 ZONING EXAMINER: That's what you're referring to. And I

25 see the -

1 MR. MARKS: Yeah.

2 ZONING EXAMINER: - existing drive in the aerial photo
3 clear as a bell.

4 MR. MARKS: Okay. So, it's all clear to you?

5 ZONING EXAMINER: Okay. Yeah. Blondie just figured it
6 out. May be an architect, but this is still confusing.

7 MR. MARKS: Well, I tried to make it easy.

8 ZONING EXAMINER: No, it, it's all there. It just needs to
9 be explained sometimes.

10 MR. MARKS: Okay. Okay. Good.

11 ZONING EXAMINER: I appreciate it. And then, obviously
12 because we're having two separate hearings on two separate cases -

13 MR. MARKS: Uh-huh.

14 ZONING EXAMINER: - I'm gonna want you to repeat some of
15 this for the second case for that record. But other than that, the
16 only other question I had for you, you talked about the lot layout and
17 what some of the surrounding zonings were.

18 MR. MARKS: Uh-huh.

19 ZONING EXAMINER: And you referred to everything else
20 pretty much as either RX-1 or R-1, but you said there's a different
21 zoning for a centerpiece that's in between the two lots. You didn't
22 actually say what zoning (inaudible)

23 MR. MARKS: Oh, that's SR.

24 ZONING EXAMINER: That's SR. Okay.

1 MR. MARKS: And that, the owner of that parcel is not
2 objecting to this rezoning.

3 ZONING EXAMINER: Okay.

4 MR. MARKS: He and his wife were present at the
5 neighborhood meeting. We had a conversation, and there's no
6 opposition there.

7 ZONING EXAMINER: Yeah. I'm looking at the protest map and
8 that isn't one of the lots. Okay. That's all I have for you.

9 MR. MARKS: Okay. Very good.

10 ZONING EXAMINER: Thank you very much.

11 MR. MARKS: (Inaudible)

12 ZONING EXAMINER: Who else here is wishing to speak in
13 favor of this? Who else here is in favor of this? Are you in favor?

14 MR. SPOHN: I'm neutral, sir.

15 ZONING EXAMINER: Well, I'll get to you then. Is there
16 anybody here in favor? Hearing none, is there anybody in opposition?
17 Seeing and hearing none, is there anybody here who's neutral on this?

18 MR. SPOHN: Yes.

19 ZONING EXAMINER: Oh. We'll give you time to sign in and I
20 know you did swear in.

21 MR. SPOHN: I'm sandwiched in the middle of this situation
22 right now.

23 ZONING EXAMINER: So, you have the property in between the
24 two?

1 MR. SPOHN: Yes, sir. My name is Edward Spohn, this is my
2 wife Michelle. We've owned this piece of property for about two years
3 now.

4 My biggest concerns would probably be now after I look at
5 the map a little closer, we do have a large amount of water that sheds
6 off from the lot to the east of us, across our lot and then goes into
7 this wash. And that's (inaudible) there's quite a significant amount
8 of water that does run through this wash, as he had indicated.

9 And it comes off the road and south of us also. We get
10 quite a bit of water that runs through that area. You can kind of
11 tell by (inaudible) detail map. It comes off the driveways, off the
12 neighbors, it comes down Magdalena, any place that's a high point,
13 it's (inaudible) Sorry. It's moving (inaudible)

14 ZONING EXAMINER: I do it all the time.

15 MR. SPOHN: It's moving it into that area, basically, it's
16 all shedding into it. Even from Gollob, it's coming down to that
17 area, too. But my biggest concern, I see he has this driveway here
18 and I'm sure that's gonna - something he's gonna have to deal with
19 because the wash is gonna run through that area.

20 And I've been told there's probably gonna be a concrete pad
21 connecting it to, to Magdalena there to eliminate some of the probable
22 washouts, things like that because (inaudible)

23 But my main concern is my property does shed the water onto
24 that property only about probably halfway from - my high point is
25 probably about halfway, and probably 300 and some feet in. And then

1 it sheds down towards the south. The other drops down towards the
2 north. And, and my biggest concern is, I'm looking at this and I see
3 that the driveway's gonna be here, but I don't know if they're come in
4 and just chop it off where I'm gonna just start losing my land from
5 the water shedding down. I haven't been given any engineering on
6 anything.

7 My other concern is how high the pads are gonna be in front
8 of me once they start building. There's no set - from what I
9 understand, we're not dealing with a builder, we're just dealing with
10 selling lots and dealing with individuals building lots.

11 At that point, my concern is, you know, this house was
12 built in 1947. It's a beautiful little ranch house, beautiful
13 (inaudible) and it's an unbelievable spot. I'm really concerned I'll
14 lose a lot of my views and when I look at the, the layout, it's not
15 really that intrusive on me with Lot 1 and 2, but some of the other
16 lots, by looking at it, it definitely has to be built close to me
17 because that's the higher part of the, of the land there.

18 So, I'm kind of concerned about what kind of elevation
19 we're gonna be dealing with either in the size of the houses or how
20 much of a build-up they're gonna do to build up the lots because
21 they're gonna probably try to eliminate, you know, in most cases you
22 have the engineer the lot. I've done this a number of times myself,
23 too. And it takes quite a bit and there's, you know, you don't have a
24 huge amount of space on an acre to develop pads. So, it's probably

1 gonna end up being something where they're gonna come in with - and do
2 three pads at one time or something like that.

3 So, I'm kind of wanting to get a little more of my input
4 into the hydrology situations, the, the height build-up and maybe even
5 if I can get an input into the height of the houses, too, you know.
6 I mean we only have single residence, single-story houses there right
7 now.

8 I'd hate to have everybody (inaudible) down on me, 'cause
9 everybody's gonna be right up against that property line. If you look
10 at the elevation, it's almost obvious that those two lots are gonna
11 stay with the, with the structures closer on the east side right
12 there.

13 And I've never met these individuals that own this lot. I
14 don't have any problems with them or anything like that. Just that we
15 haven't crossed paths to be able to talk to each other, per se, and
16 probably tonight might be the night, I think.

17 But that's my main concerns. And my neighbors behind me
18 have talked to me and asked me to bring these things up, too, that
19 their concern is, is it's gonna be a hodgepodge of builders coming in,
20 throwing stuff around and things being half done and not completed in
21 the neighborhood. And then actually degrading the neighborhood around
22 them at the same time.

23 (Inaudible) need some kind of structure, some kind of
24 guarantee that there's gonna be a set standard of what the homes are
25 gonna be like. Are they gonna be similar to the ones in the

1 neighborhood? Are they gonna be - they're not gonna be bringing in,
2 you know, some modulars that people don't want to look at or don't
3 want to deal with or, or bring the property value down in that area.

4 Of course, my property is gonna be a prime property at this
5 point (inaudible) you know? I'll wait for some guy from California
6 (inaudible) I'm out of there if that happens, but, you know, but
7 that's not my plan. My plan is to live there and that's why I have a
8 (inaudible) concern in this whole thing.

9 Now the lot to the east of me, I don't have (inaudible)
10 with that, a problem with that because (inaudible) I'd only have two,
11 I'd have one new neighbor basically. I know the family and I'm just
12 gonna stay(inaudible)

13 And so, that really doesn't have - that really doesn't
14 create an issue with me. I have been in these issues before where
15 I've had to stand up for myself and fight for my rights to property
16 and encroachments, setbacks and all these kinds of things, too.

17 Another questions I have is if there's a driveway that runs
18 right - is it gonna run right on the property line? Is that - that is
19 feasible then, that is, there's no restrictions on anything like that?
20 Is that possible?

21 MALE SPEAKER: (Inaudible)

22 MR. SPOHN: Okay. And if that's the case, -

23 ZONING EXAMINER: Yeah.

24 MR. SPOHN: - is the, is the ability for something to be
25 done where it would be (inaudible) or something to, you know, like a

1 condition or something so we could eliminate any chance of a massive
2 amount of water just rushing across and just eating everything out,
3 (inaudible) create a lane, 'cause that might create a lane for the
4 water just to keep moving. I mean that, -

5 ZONING EXAMINER: Uh-huh.

6 MR. SPOHN: - that's (inaudible) so the water doesn't rush
7 down across that wash. That's what I'm questioning. Engineering, all
8 these kind of things, I really want to know more about it. I mean
9 I've been through this, I built my, my last two houses myself out in
10 Vail and I really understand a lot about this stuff. But I really
11 want to know if I can get some input into what I'm seeing out my
12 window (inaudible)

13 ZONING EXAMINER: Okay. Well, let me, let me see if I can
14 address just a couple of your concerns. Then, obviously, we'll get
15 the Applicant up here to talk about some others.

16 As, as far as putting a driveway on a property line, yes,
17 it is legal to do that. But also, the City knows there's hydrology
18 issues out here. That's why there's already conditions on one or the
19 other of these two properties that they're asking for.

20 So, one of the conditions is the City doesn't let people
21 just drain onto other people's properties. So, everything's gonna
22 have to be addressed at least for how they're contain water on their
23 property.

24 And if they're providing a driveway up against a property
25 line, it would be on their responsibility to show the City how they're

1 containing that water, whether it be a curb or whatever they're doing
2 so that, you know, obviously, it protects the bank erosion, but also
3 it just prevents water from coming off their driveway onto your
4 property.

5 MR. SPOHN: Well, you know, in addition, you know what
6 happens when you have ledge and water rushes. It just basically eats
7 the whole ledge off.

8 ZONING EXAMINER: Yeah, it undercuts it.

9 MR. SPOHN: And that's my concerns, too. If we have a
10 driveway, is it gonna be engineered so it's (inaudible) you know,
11 addresses those or are we gonna just have a slot that everything
12 rushes in?

13 ZONING EXAMINER: That would be something the engineers and
14 Development Services -

15 MR. SPOHN: That's -

16 ZONING EXAMINER: - would obviously be concerned about.

17 MR. SPOHN: Yeah. And that's where, that's why I'm, I'm
18 bringing these concerns because I'm not getting this information.

19 ZONING EXAMINER: Well, it hasn't been designed yet.
20 That's why you're not getting it. I'm not getting it either.

21 MR. SPOHN: Okay.

22 ZONING EXAMINER: I'm getting a very conceptual layout -

23 MR. SPOHN: Right.

24 ZONING EXAMINER: - as to roughly where on the property
25 these are.

1 MR. SPOHN: This is -

2 ZONING EXAMINER: But no real specifics. And -

3 MR. SPOHN: And this is just the rezoning process.

4 (Inaudible)

5 ZONING EXAMINER: That's correct. And what's gonna
6 ultimately happen is he's gonna - the Applicant's gonna have to come
7 in with each individual home and under that permit they'll go through
8 whatever process the City drags them through as far as, you know,
9 complying with all of these issues.

10 The only thing I can look at right now to try and mitigate
11 maybe a few of the issues you have concerns about is possibly the
12 heights, because I know in certain rezonings, if there's a need, we
13 can come in with certain height restrictions or something, you know,
14 depending.

15 But the Applicant sometimes will come back and offer these
16 kinds of things to make it a little bit easier for me to approve
17 something. You know, if I know there's objections to height,
18 sometimes an Applicant will come in on his own and, and offer to match
19 whatever's in the neighborhood, or whatever. I'm not, I'm not gonna
20 obviously design it for the client. He's, he's gonna come back and,
21 and tell me how he's gonna address your concern.

22 But a lot of this will come out as the project gets
23 developed. Unfortunately, we are dealing with very vague overall
24 concepts, you know, because basically they're here to meet the code
25 and then, you know, things like that. And then I, I would dare say

1 there's probably some CC&R'S in the neighborhood that I can't rely on,
2 nor can the City because they don't take those into account.

3 But obviously you all do. And if there are CC&R's for the
4 neighborhood, there might be height restrictions already laid out for
5 what can and can't be done, minimum setbacks.

6 I know, I live right around the corner from you all. I'm
7 right - I'm in Halcyon, I'm, I'm actually in the neighborhood as well.
8 So, for me, I know when I did my place, I had to meet certain CC&R's
9 and, and it was very restricted on what on what I could do.

10 MR. SPOHN: Right.

11 ZONING EXAMINER: So, maybe there's some other, you know,
12 instruments that are already in place that we don't know about.

13 MR. SPOHN: Well, that's why I was bringing it up, you
14 know. If there's any conditions that can, you know, maybe, you know,
15 get us involved with height, the height, you know, that they're gonna
16 do.

17 But I don't, it doesn't sound like we're doing more than
18 stating how we feel about this. And at this point, there's another
19 point, and at that point, I don't think the homeowners in the
20 neighborhood are gonna be involved in it.

21 ZONING EXAMINER: No, you're, you're absolutely correct.
22 And a lot of times what happens is, if, if I feel that there's a real
23 conflict here that needs to be resolved before I move this forward,
24 then sometimes I'll ask for the parties to meet privately and I'll
25 continue this hearing and allow you to actually meet with the owners

1 and come up with maybe, you know, gentlemen's agreements on what, what
2 everybody can live with, you know, -

3 MR. SPOHN: Maybe that can be written, -

4 ZONING EXAMINER: - what you feel -

5 MR. SPOHN: - it can be written into, to the, the
6 (inaudible)

7 ZONING EXAMINER: Yeah. 'Cause then that can all be
8 written into the rezoning conditions.

9 MR. SPOHN: So, my two primary concerns with a neutral
10 situation that I'm in is the hydrology and the heights.

11 ZONING EXAMINER: Okay.

12 MR. SPOHN: There's plenty of room on an acre to put a
13 really nice one-story home.

14 ZONING EXAMINER: I can almost assure you the hydrology
15 should not be an issue. If it's done correctly through code, -

16 MR. SPOHN: Uh-huh.

17 ZONING EXAMINER: - that should be taken care of on its
18 own. The code -

19 MR. SPOHN: Are any of these homes gonna be set in a flood
20 plain area then?

21 ZONING EXAMINER: It, you know, I don't do residential
22 architecture, but I can tell you now, we have a wonderful person who
23 does this named Loren over at PDSO, and he's the best there is. And I
24 know that he'll work with the Applicant and they'll come up with

1 whatever needs to be done to make sure that you're protected as well
2 as they are protected.

3 What we can talk about here are building heights.
4 Setbacks, building heights, color. I mean, those are issues that are
5 design issues that, yes, they are subject to conditions sometimes and,
6 and if I feel it's warranted, then maybe we will continue it let you
7 talk to them and work something out on whether maybe a single-story
8 building becomes a condition of the rezoning.

9 Or if they're gonna propose something else, it's something
10 that, you know, you'd be willing to accept. But that's all something
11 that we can talk - I'm dying to hear from the Applicant and see what
12 he has to say about what you just brought up.

13 MR. SPOHN: Sure.

14 ZONING EXAMINER: So, thank you very much.

15 MR. SPOHN: Thank you for your time.

16 ZONING EXAMINER: I appreciate it. So, Mr. Marks, care to
17 address the comments?

18 MR. MARKS: I will. Let me start with the hydrology and
19 just point out that the Spohn property is uphill from our property.
20 So, whatever we do is not gonna cause a drainage problem with their
21 property. The flow comes from their property onto ours, into that
22 wash and then it travels to the northwest.

23 We will comply with all the flood plain management
24 ordinance requirements. I have already submitted material directly
25 to the engineering division that was generated by our hydrologist.

1 He's looked it over and I would point out, it wasn't even submitted
2 officially through Planning. I just showed him the work. He found it
3 to be acceptable. He found it to be sufficient at - to submit at the
4 time we get into the subdivision work.

5 So, I can assure Mr. and Mrs. Spohn there won't be a
6 negative impact on their property from a hydrology standpoint. And I
7 can assure them that the City will make sure that that does not
8 happen.

9 The normal process is that there be a hydrology report.
10 It demonstrates compliance with the flood plain management ordinance.
11 And it demonstrates that there's no negative impacts on any of the
12 surrounding properties. And that will be accomplished.

13 On the height, we did not indicate in any formal manner any
14 limitation on the height. It has always been our expectation that the
15 buildings would be most likely one-story. The RX-1, as the R-1, as
16 the SR zones allow building height which would allow two stories.
17 Actually, the zone doesn't really indicate one or two-stories, it just
18 indicates numbers of feet. And I believe it's 30 feet that is allowed
19 in, in these zones.

20 But to move this along, and I've just had the opportunity
21 to talk to Ms. Meyer and Mr. Pearson, we would be agreeable to a one-
22 story height limitation to the, to the homes. And I want to point
23 out, and one point which may not have been as clear as it should have
24 been, we're talking about three new homes. We have four lots, but we
25 have one of those lots with a home on it already.

1 So, when we talk about future development, we're talking
2 about three new homes. We would be agreeable to a one-story if that
3 meant we could move forward as our current schedule is without any
4 objection, any further objection from the Spohn family.

5 ZONING EXAMINER: I think that would be more -

6 MR. SPOHN: (Inaudible)

7 ZONING EXAMINER: If you're gonna speak, I'm gonna go ahead
8 and let - actually, I'm gonna - why don't you both come up and, and
9 just announce yourselves before you speak so the record shows this.

10 MR. SPOHN: Edward Spohn.

11 ZONING EXAMINER: Yes, Mr. Spohn.

12 MR. SPOHN: If that was the case with one-stories, I'd be
13 more than willing to accept that offer.

14 ZONING EXAMINER: Wonderful. I'll make a note of that and
15 I will probably then add a single-story to the new buildings. And
16 Staff here - hang, hang on one second. Mr. Wyneken just handed me
17 something and luckily, I depend on, on Staff a lot, because I don't
18 have to approve plans later.

19 He was - he just wrote me a note saying he would rather, if
20 I'm gonna set a condition, that it be set in feet rather than stories
21 because stories get really confusing. So, -

22 MR. SPOHN: Uh-huh.

23 ZONING EXAMINER: - if maybe as long as Mr. Spohn is
24 acceptable to that, I can set a maximum height of whatever the, the
25 buildings are in feet. And probably I would go off of your

1 recommendation, Mr. Marks, and you tell me how tall you would like it
2 to be probably based on the existing heights above finished grade.

3 MR. MARKS: So, so, if we were talking in those terms, I'd
4 recommend 20 feet.

5 ZONING EXAMINER: Okay.

6 MR. MARKS: Now 20 feet might not be the entire structure.
7 It may not be any portion of the structure. Oftentimes, a single-
8 story is 14 feet, 15, 16 feet. But if you've got a elevated ceiling
9 for a section of the house, the living room, that may get you up to 20
10 feet.

11 ZONING EXAMINER: And that would preclude two-story
12 construction?

13 MR. MARKS: That's correct.

14 ZONING EXAMINER: So, if that's something -

15 MR. MARKS: You'd want about - you could get two stories in
16 20, to be honest. But most are in the order of 24.

17 ZONING EXAMINER: Yeah. I'm more concerned with setting a
18 limit that Staff can enforce.

19 MR. MARKS: Uh-huh.

20 ZONING EXAMINER: I, I understand where that's coming from.
21 And maybe what we could do is I personally don't care if they're two-
22 story, as long as they're not taller than a certain height. And
23 that's, I think, what we're trying to protect you from, -

24 MR. MARKS: Uh-huh.

1 ZONING EXAMINER: - 'cause we don't want to deal with
2 semantics and, and what is - so, if 20 feet is agreeable to you, Mr.
3 Marks, I'll ask Mr. Spohn if that's okay with him.

4 MR. SPOHN: I feel like a 20-foot height to be a signi- --
5 sufficient, especially if you wanted like 12-foot ceilings and
6 everything like that. So, I mean, as a builder myself, I can
7 understand that part of it. And, and -

8 ZONING EXAMINER: Okay.

9 MR. SPOHN: - we're talking 20-foot at the (inaudible)

10 ZONING EXAMINER: Twenty-foot to the maximum of any roof.

11 MR. SPOHN: - height of a, of a (inaudible)

12 ZONING EXAMINER: Yeah. That's the way I would word it.

13 MR. SPOHN: All right.

14 ZONING EXAMINER: So, I would, I would make a definition
15 towards, to the ridgeline of any peaked roof or -

16 MR. SPOHN: Peaked roof.

17 ZONING EXAMINER: Mr. Marks, wanted to say something?

18 MR. MARKS: Yeah. We further clarify it, so, that is
19 measured from finished grade.

20 ZONING EXAMINER: Finished grade at that house, whatever
21 the finished elevation is, -

22 MR. MARKS: Correct.

23 ZONING EXAMINER: - that's correct.

24 MR. MARKS: With what buildup of the elevation?

1 ZONING EXAMINER: That's something, to be honest with you,
2 we don't - we can't control at this point. And I don't think anyone's
3 gonna try and second-guess, 'cause that's all based on, on drainage.

4 MR. MARKS: Yes. (Inaudible)

5 ZONING EXAMINER: But they're not gonna try to build these
6 on pedestals 'cause you can't get up to them.

7 MR. MARKS: (Inaudible) We don't anticipate the, the
8 finished grade to be much more than a foot, you know, or something of
9 that order, a short, short amount of fill to just level out. I mean
10 it could be even at one end of the house, and then it could be a foot
11 and a half, or two feet at the other end of the house.

12 ZONING EXAMINER: Right. And I don't want to design this
13 here. But I can tell you now, Mr. Spohn, I've - the fact that he's
14 willing to set a limit right now during the hearing is pretty dang
15 good.

16 So, I might consider ourselves lucky and we don't have to
17 continue it. And at this point, I doubt they're gonna messing with
18 grades so radical that it's gonna build these on pedestals, 'cause
19 that obviously isn't the point.

20 MR. SPOHN: Twenty-foot height is great with me.

21 ZONING EXAMINER: Wonderful. So, I'm gonna go ahead and
22 add a condition then that based on finished grade at each unit, we'll
23 have a 20-foot maximum building height measured to any point on the
24 building, excluding a chimney. I'll give you that one. Is that all
25 you needed to address as far as rebuttal, Mr. Marks?

1 MR. MARKS: That is it. If you have any other questions,
2 I'll be happy to answer them. Otherwise, I think that that should
3 wrap it up.

4 ZONING EXAMINER: Yeah. No, that was it. That's all I
5 had. So, thank you very much. Appreciate your time and your patience
6 and your eloquent explanation and your willingness to set a compromise
7 here and now so we don't have to continue the hearing. Thank you.

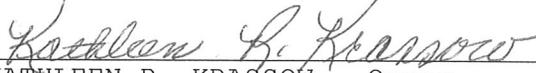
8 MR. MARKS: Thank you very much.

9 ZONING EXAMINER: At this point, is there anybody else who
10 wishes to speak on this matter? Hearing none, I'm gonna go ahead and
11 close the public hearing on this case. I will announce my decision in
12 five working days from today. And we'll wish you all good luck and
13 thank you all for working and playing well together. We appreciate it
14 up here - trust me.

15 (Case: C9-17-07 was closed.)

I hereby certify that, to the best of my ability the foregoing is a true and accurate transcription of the original tape-recorded conversation in the case reference on page 1 above.

Transcription Completed: 05/26/18



KATHLEEN R. KRASSOW - Owner
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