



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

**C9-18-10 La Roca Vista
SR to R-1 Zoning
October 25, 2018**

BACKGROUND

This is a request by Brian Underwood of the Planning Center, on behalf of the property owner, Francis Hart, to rezone approximately 4.58 acres from SR to R-1 zoning. The rezoning site is located on the south side of Tanque Verde Road; approximately 0.63 miles east of Catalina Highway (see Case Location Map).

Land use policy direction for this area is provided by *Plan Tucson (PT)* and *Bear Canyon Neighborhood Plan (BCNP)*.

PUBLIC HEARING SUMMARY (Minutes Attached)

At the October 11, 2018, Zoning Examiner's Public Hearing, staff reported one (1) written approval and nineteen (19) written protests. The protests, all within the 150-foot notification area, constituted 27.2% of lots and 23.8% by area; hence, a super majority vote is required at Mayor and Council.

FINDINGS OF FACT

There have been four public hearings for this case and five continuances:

- June 21, 2018 – Public Hearing; continued to July 12, 2018
- July 12, 2018 – Continued to August 2, 2018 (no hearing)
- August 2, 2018 – Public Hearing; continued to August 30, 2018
- August 30, 2018 – Continued to September 27, 2018 (no hearing)
- September 27, 2018 – Public Hearing; continued to October 11, 2018
- October 11, 2018 – Public Hearing

The Zoning Examiner can only continue a case for up to 30 days. A case that requires a continuance of more than 30 days can be accommodated by simply continuing the case every 30 days until a hearing can be held.

Following is a summary of events leading up to the October 11 hearing.

Between June and October, Staff received many emails and letters from the neighbors that included copies of correspondence between the applicant and neighbors, letters from hydrologists, and detailed concerns about various aspects of the proposed development. The correspondence from hydrologists regarded an existing drainage structure at the south end of

C9-18-10 La Roca Vista

Rezoning: SR to R-1

the rezoning property constructed during development of Castle Rock subdivision. Drainage flow from this structure has been problematic for the neighbors south of the rezoning property and is the focus of concerns about potential drainage issues after development of La Roca Vista. All correspondence received is part of the record for this case. During this time, the proposed development changed from a request for 19 lots to 16, a change from 33% to 87.5% single story houses, and clarity was provided on building setbacks.

At the June 21 hearing, the applicant proposed a 19-lot single family residential (“SFR”) subdivision. Due to the number of protests and the recommended Staff conditions, the applicant requested a continuance to allow time to regroup with the owner and address neighborhood concerns. The Zoning Examiner agreed that a continuance would be necessary and opened the floor to those wishing to speak. The applicant responded to the comments after the neighbors spoke and before a date for the continuance was announced. The general concerns that neighbors expressed included:

- Density of the proposed development;
- Number of 1-story and 2-story homes proposed;
- Size and maintenance of buffer yards and common landscape areas;
- Effect on property values;
- Drainage design;
- Effect on views from existing development;
- Street and building lighting (no street lights wanted);
- Screening of proposed homes from existing;
- Impacts on “quiet and peaceful” neighborhood;

The case was continued to July 12. On that date, it was continued again to August 2 without a hearing as agreed at the June meeting.

At the August 2 hearing, the applicant again requested a continuance because he had not been able to meet with his client who was out of town. He had also not met with the neighbors during this time. Several neighbors showed up for the hearing and were given an opportunity to speak. The general concerns that neighbors expressed included:

- Density of the proposed development;
- Number of 1-story and 2-story homes proposed;
- Maintenance of buffer yards and common landscape areas;
- Effect on property values with consideration for high association fees;
- Drainage design;
- Effect on views from existing development;
- Street and building lighting (no street lights wanted);
- All existing overhead electrical wiring should be buried;
- Lack of communication from the applicant.

C9-18-10 La Roca Vista

Rezoning: SR to R-1

The case was continued to August 30, 2018, which the applicant said would not be enough time because their client was still be out of town. The case was continued on August 30 without a hearing.

At the September 27 hearing, Staff reported that a super majority was still required at Mayor and Council. The applicant presented a revised plan. The most significant changes were a decrease in the number of lots from 19 to 16 and the number of houses shown to be two-story was reduced to two. The Zoning Examiner expressed concerns about the lack of clarity about setbacks, the buffer yard design, and the impact of the new development on views from the adjacent neighborhood. These two houses are located adjacent to two other residential lots with two-story houses.

Six people from the adjacent neighborhood spoke. The general concerns that neighbors expressed included:

- Drainage design;
- Style of new houses. Some of the neighbors discussed wanting to see single-story Territorial-style homes with flat roofs at a maximum height of 15-feet and with no 2-story homes, while others asked that 2-story residences be limited to the south end adjacent to existing 2-story homes;
- Density of the proposed development and lot width;
- Adequacy of the right turn lane from Tanque Verde;
- Visual privacy from 2-story homes;

The Zoning Examiner continued the case to October 11 to give the applicant another opportunity to meet with the neighbors to reach an agreement. He also requested that the applicant illustrate the relationship of the existing development with the proposed by way of a site section and asked that a clear commitment to setback dimensions be made.

At the October 11 hearing, the Zoning Examiner advised that he was not inclined to continue the hearing again. The applicant gave a power point presentation. The current proposal for this rezoning provides for:

- Flexible lot development for 16 approximately 50' x 110' lots with 1.14 acres of functional open space;
- Minimum fourteen 1-story residences and maximum two 2-story residences. The 2-story residences are at the south end of the property adjacent to two existing 2-story homes;
- Minimum setbacks as described on a Preliminary Development Plan requested by the Zoning Examiner, dated October 12, 2018.
- A 10-foot landscape buffer and 5-foot high decorative wall along the east property line and a minimum 17-foot deep landscape buffer with a 5-foot high decorative wall adjacent to the RX-1-zone properties to the west. The decorative wall on the east property line extends from the north of lot 3 to the south of lot 14. It also extends across the south side of lots 14, 15, and 16.
- Maximum residence areas as illustrated on a Proposed Site Plan presented in the October 11 power point;

C9-18-10 La Roca Vista

Rezoning: SR to R-1

- Territorial-style parapet or tile roofs;
- Natural desert colors;
- The existing drainage issues will be corrected;
- Lot areas as illustrated on the Lot Size Comparisons plan presented in the October 11 power point.

Five neighbors spoke at the hearing.

The first speaker requested that setback dimensions be locked in based on what was presented in the power point and not “fluid”.

The next speaker wanted clarification of the location of the decorative screen wall at lot 14. The applicant noted that the wall would be along the east and south property lines of the lot.

The next speaker stated that lowering the density of the development further than what is proposed is his priority. His preference was for there to be no more than 14 lots with 1-story homes. He noted that he was confused about what will be visible from adjacent properties because it was not clearly shown in the presentation. He also requested that no financial burden be placed on the Lakes at Castle Rock homeowner’s association for correcting the existing drainage issues.

The next speaker reiterated concerns she expressed at other meetings about drainage issues and stressed that the Lakes at Castle Rock is technically a 2.5 per acre density even though the density of the lots along the east boundary of the rezoning site are denser. She read a letter from another neighbor that expressed that she wanted the architecture to be Territorial-style with parapets that hide pitched roofs and expressed concern that she has no idea what the design of the proposed houses is.

The last speaker spoke on behalf of another neighbor living along the west boundary of the rezoning site who was concerned about setbacks. Setbacks along this side of the site will meet COT standards for R-1 zones (6-feet or 2/3 nearest wall height, whichever is greater). He called for lots 1 and 2 to be combined to more closely match the RX-1 properties to the west, thus reducing the total number of lots to 15. He was also concerned about the heights of the proposed houses and the actual design of the houses. The preliminary plans just show rectangles for building footprints.

The Zoning Examiner closed the public hearing and requested that the applicant submit a Preliminary Development Plan that could be referenced in his report that clearly noted setback dimensions and other commitments addressed in the hearings.

Existing and Proposed Land Use and Zoning –The rezoning site has a single-family residence and is zoned Suburban Ranch (SR). This zone provides for very low density, large lot, single-family, residential development and suburban ranch uses. Uses that would adversely affect the open space, agricultural, or natural characteristics of this zone shall not be permitted.

C9-18-10 La Roca Vista

Rezoning: SR to R-1

Surrounding Zones and Land Uses:

North: Zoned CR-1; SFR (North of Tanque Verde Road)

South: Zoned R-1; SFR

East: Zoned R-1; SFR

West: Zoned RX-, R-1; SFR

Proposed zoning: Residence Zone (R-1). This zone provides for urban, low density, single-family, residential development, together with schools, parks, and other public services necessary for a satisfactory urban residential environment. Certain other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses. The applicant proposes to develop 16 single-family residential lots with landscape borders, screening, and setbacks.

Land Use Plans –

Policies in the *BCNP* support preservation of the integrity of established neighborhoods, promotion of high-quality residential in-fill development, compatible new development and a mix of housing types. The Bear Canyon General Development Map calls for low-density residential uses (up to 6 residences per acre) for the subject property. Policies also support buffers (walls, berms, setbacks and vegetation) where necessary to mitigate impacts of the new development on existing residences. Flexible lot designs are encouraged, and new developments are encouraged architecturally designed to enhance and be compatible with the visual character of the neighborhood. New utility wires should be located under-ground and developers are encouraged to place existing overhead wires underground.

The rezoning site is located within an Existing Neighborhood as identified on the Future Growth Scenario Map of *PT*. 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. The 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.

PT supports the retention and expansion of existing businesses as well as infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines. *PT* policies protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses.

The project site is a 4.58-acre trapezoid-like property with approximately 242 lineal feet of frontage on Tanque Verde Road and extending south of Tanque Verde Road nearly 1000 feet. The property is bordered on the west, south and east sides by single-family residences, with lots ranging in size from 4,700 square feet (SF) in the Lakes at Castle Rock (“LACR”) to 35,000 square feet within Tanque Verde Acres to the west. The LACR density in the vicinity of the rezoning site is approximately 4.4 units per acre, while the density of Tanque Verde Acres is approximately one. All homes in the Tanque Verde Acres are one-story. No

C9-18-10 La Roca Vista

Rezoning: SR to R-1

two-story homes were identified along the east boundary of the subject property. Two-story structures are adjacent to the extreme southwest corner of the site.

Vehicular access to the rezoning site is proposed from Tanque Verde Road, identified as a Scenic Route and an arterial roadway with a future right-of-way of 150 feet on the *Major Streets and Routes Plan* map. It is estimated that the proposed development will generate 115 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

The current rezoning will make use of the Flexible Lot Development Option, which exchanges functional open space for flexibility in lot sizes. The subject property is an infill site. Existing walls and lack of physical access would make connectivity to adjacent neighborhoods difficult. However, bicycle lanes and sidewalk on the south side of Tanque Verde Road provide alternative transportation options, with ample retail and other services (library, bus stops) available less than a mile away at the Tanque Verde and Catalina Highway intersection. A number of schools are about 2 miles away, and recreational trails in the Tanque Verde Wash are about a quarter-mile to the south but lacking direct access. The applicant's property is surrounded by existing established residential neighborhoods and is a good candidate location for a transitional density residential subdivision.

Site Plan Considerations

Land Use Compatibility – Currently, the subject property contains a single-family dwelling and out-buildings, near the south end. These will be removed with the new development. Other than the driveway and the area adjacent to the existing structures, the vegetation on the site is relatively undisturbed.

The proposed development consists of a row of lots along the east side of a cul-de-sac extending nearly the length of the property. Eleven lots are proposed for the east side of the driveway, adjacent to lots in LACR. Two lots, near the entrance from Tanque Verde Road, are proposed for the west side of the driveway. Three lots will use the cul-de-sac ball at the south end of the development.

West of the driveway, except for the two lots previously mentioned, is proposed for open space, detention/retention and water harvesting. The open space is appropriate to the existing low-density development in Tanque Verde Acres.

The Design Compatibility Report (“DCR”) shows a maximum of two 2-story homes to be located on lots 15 and 16. The City has a long-standing policy of conditioning rezoning cases to limit two-story homes adjacent only to existing two-story homes. An existing 2-story home exists adjacent to each of lots 15 and 16; therefore, the proposed placement of 2-story homes on these lots is appropriate. The 2-story houses should be limited to a maximum 25-foot high measured to the top of parapet or 22-feet to the middle of a sloped roof. Single-story homes should be limited to a maximum height of 18 feet measured to the top of parapet or 15-feet to the middle of a sloped roof

C9-18-10 La Roca Vista

Rezoning: SR to R-1

In 2005, the City approved a rezoning case for this property for 12 single-family lots. The current 16-lot proposal calculates to about 3.5 units per acre, which is within the *BCNP* range. The pure density numbers do not convey, however, that with the one-side-loaded driveway, the linear design creates a sense of greater density along the east boundary. The impact on the properties to the east is recognized, and the PDP shows a 10-foot wide buffer along the east side of the development. The shortcoming of the buffer is that there is no workable plan for how this buffer will be maintained – both the space itself as an open space buffer and the mature landscaping within the buffer. A 5-foot high decorative screen wall is proposed on the east property line along this buffer yard.

The 10-foot buffer yard identified as the “landscape border” on the PDP should be incorporated in the rear yard setback for those properties as shown on the PDP. This can be accomplished on the plat.

The 3.5 unit/acre density represents a reasonable transition from the higher density of homes in LACR bordering the east of the property and the low density of Tanque Verde Acres to the west.

The *BCNP*, Residential Implementation Technique #8 requires new utility wires to be underground. Staff has proposed such a condition for any new utility wires required by the subdivision, unless TEP objects in writing to the City. TEP will review the Tentative Plat and will have the opportunity to comment on the utility design.

Drainage/Grading/Vegetation – The property generally slopes from north to south. Drainage is characterized as sheet flow that concentrates at the south end of the property, flows through a channel and discharges through a wall opening. There are no regulatory drainageways on the site, and it is not subject to the Floodplain Ordinance. The drainage design will be required to retain 100% of a five (5)-year storm event.

The onsite vegetation has been mapped by Pima County, and the majority is classified as Agriculture/Developed/Water/Bare Ground, with less than two acres identified as Sonoran Desert Scrub. Preservation of viable vegetation and any required mitigation due to plant removal will be governed by the Unified Development Code (UDC) Section 7.7 Native Plant Preservation.

Road Improvements/Vehicular Access/Circulation – The site will be accessed from Tanque Verde Road via a new 46-foot wide cul-de-sac. The DCR indicates that a deceleration lane will be provided for eastbound traffic entering the site.

CONCLUSION

The *Bear Canyon Neighborhood Plan* and *Plan Tucson* support infill development at this location. Subject to compliance with the attached preliminary conditions, approval of the requested R-1 zoning is appropriate.

C9-18-10 La Roca Vista
Rezoning: SR to R-1

ZONING EXAMINER'S RECOMMENDED CONDITIONS

PROCEDURAL

1. A development package in substantial compliance with the Preliminary Development Plan ("PDP") dated October 12, 2018 and required reports dated May 04, 2018, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06. Note also condition 20 below.
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 (I) 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

C9-18-10 La Roca Vista

Rezoning: SR to R-1

7. Lots 1-14 as shown on the PDP shall be one-story residences with a maximum height of 18 (eighteen) feet measured to the top of parapet or 15 (fifteen) feet measured to the middle of a sloped roof.
8. Two-story residences are allowed on lots 15 and 16 with a maximum height of 25 (twenty-five) feet measured to the top of parapet or 22 (twenty-two) feet measured to the middle of a sloped roof.
9. Houses shall have Territorial-style parapet walls and/or clay tile roofs.
10. The 10-foot wide buffer yard on the east property line shall be incorporated into those lots and established by the plat. This buffer yard shall be part of the common area.
11. Minimum building setbacks from the property lines shall be provided as described on the PDP.
12. 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.
13. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
14. All new utility wires required by the proposed subdivision shall be installed underground unless TEP has an objection to undergrounding.

DRAINAGE/GRADING/VEGETATION

15. Developer shall provide 100% retention of a five-year storm event.
16. Canopy trees shall be provided at an interval of 33 (thirty-three) feet on center in the east buffer yard. Integrate with existing salvageable trees within the 10-foot buffer yard.
17. Drought-resistant trees, ground cover and shrubs shall be planted in all common landscape areas and landscaped basins along with inert ground cover.
18. Common area grounds and landscaping shall be maintained by a Home Owners Association established by the new development.
19. Applicant/Developer/Owner shall notify the Bear Canyon Neighborhood Association and property owners within 300-feet of the rezoning/development site, in writing, of a pending Development Package submittal. The notice shall be made at least 30 days prior to the submittal of a Development Package to the City. As part

C9-18-10 La Roca Vista

Rezoning: SR to R-1

of the notice, the Applicant/Developer/Owner or other representative shall offer to meet with the Neighborhood Association and the neighbors to review the proposed Development Package.

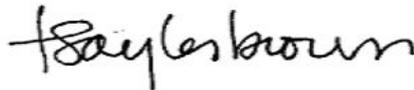
ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

20. A deceleration lane shall be installed for eastbound traffic entering the subdivision.

RECOMMENDATION

The Zoning Examiner recommends approval of the rezoning to the R-1 zone subject to the Zoning Examiner's recommended conditions.

Respectfully Submitted,



Thomas Sayler-Brown, AIA, NCARB
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes

ZONING MEMBERS PRESENT

Thomas Sayler-Brown, Zoning Examiner
Michael Wyneken, Planning & Development Services
Cindy Leyba, City Recording Clerk

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1 ZONING EXAMINER: We're gonna move on to the next case
2 which is C9-18-10. Mr. Wyneken.

3 MR. WYNEKEN: This is Case: C9-18-10 La Roca Vista-Tanque
4 Verde Road. This is a request by Brian Underwood of the Planning
5 Center on behalf of the property owner, Frances Hart, to rezone
6 approximately 4.58 acres from SR to R-1 zoning.

7 Rezoning site is located on the south side of Tanque Verde
8 Road approximately .63 miles east of Catalina Highway. The
9 Preliminary Development package proposes a 19-lot, single-family
10 residential subdivision.

11 Just for a note, there was a previous rezoning case on this
12 property, C9-05-24 Young (sic) Tanque Verde Road, also from SR to R-1
13 for a 12-lot, single-family residential subdivision. Mayor and
14 Council authorized the rezoning in 2006, granted a five-year time
15 extension in 2011. And the project was never built and the rezoning
16 expired in April of 2016.

17 The Bear Canyon Neighborhood Plan and Plan Tucson provide
18 land use policy direction for this area. Policies in the Bear Canyon
19 Neighborhood Plan support preservation of the integrity of established
20 neighborhoods, promotion of high-quality residential in-fill
21 development, compatible new development and a mix of housing types.

1 Bear Canyon General Development Map calls for low-density
2 residential uses up to six units per acre for the subject property.
3 Policies also support buffers such as walls, berms, setbacks and
4 vegetation where necessary to mitigate impacts of the new development
5 on existing residences.

6 Flexible lot designs are encouraged and new developments
7 are encouraged architect- -- to be architecturally designed to enhance
8 and to be compatible with the visual character of the neighborhood.
9 New utility wires should be underground and developers are encouraged
10 to place existing overhead wires underground.

11 The rezoning site is located with an existing neighborhood
12 as identified on the Future Growth Scenario Map of Plan Tucson.
13 Existing neighborhoods are primarily developed and largely are built-
14 out residential neighborhoods and commercial districts in which
15 minimal new development and redevelopment is expected in the next
16 several decades.

17 The goal is to maintain the character of these
18 neighborhoods while accommodating some new development and
19 redevelopment and encouraging reinvestment and new services and
20 amenities that contribute further to neighborhood stability.

21 Plan Tucson policies protect established residential
22 neighborhoods by supporting compatible development which may include
23 other residential, mixed-use in-fill and appropriate non-residential
24 uses.

1 The project site is a trapezoid-like-shaped property with
2 approximately 242 feet of lineal frontage on Tanque Verde Road and
3 extends south of Tanque Verde Road nearly a thousand feet. Property
4 is bordered on the west, south and east sides by single-family
5 residences, with lots ranging from approximately 4700 square feet in
6 the Lakes of Castle Rock to approximately 35,000 square feet within
7 Tanque Verde Acres to the west.

8 Lakes of Castle Rock density in the vicinity of the
9 rezoning site is approximately 4.4 units per acre, while the density
10 of Tanque Verde Acres is approximately one. All homes in the Tanque
11 Verde Acres are one-story and no two-story homes were identified along
12 the east boundary of the subject property. Two-story structures are
13 adjacent to the extreme southwest corner of the rezoning site.

14 The current rezoning will make use of the flexible lot
15 development option which exchanges functional open space for
16 flexibility in lot sizes. The proposed development consists of a row
17 of lots along the east side of a cul-de-sac extending nearly the
18 length of the property.

19 Thirteen lots are proposed for the east side of the cul-de-
20 sac adjacent to the lot - the Lakes at Castle Rock. Two lots near the
21 entrance from Tanque Verde Road are proposed for the west side of the
22 cul-de-sac. Four lots will use the cul-de-sac ball at the south end
23 of the development.

24 West of the cul-de-sac, except for two lots previously
25 mentioned, is proposed for open space, detention-retention of water

1 harvesting. The open space is appropriate being adjacent to the
2 existing low-density development in Tanque Verde Acres. The design
3 compatibility report states that at least 33% of the lots will be
4 limited to single-story, including Lots 1 through 3, with 19 proposed
5 lots. That leaves an additional three to four lots reserved for
6 single-story.

7 As stated above, Staff has not identified any two-story
8 structures along the east boundary of the site, and the City has a
9 longstanding policy of conditioning rezoning cases to limit two-story
10 homes adjacent only to existing two-story homes. Therefore, the lots
11 shown on the PDP as 3 through 17 should be limited to single-story
12 homes with a maximum height of 18 feet.

13 In 2005, the City approved a rezoning case for this
14 property for 12 single-family lots. The current 19-lot proposal
15 calculates to about 4.2 units per acre which is within the Bear Canyon
16 Neighborhood Plan range. The pure density numbers do not convey,
17 however, that the one-side loaded cul-de-sac linear design creates a
18 sense of greater density along the east boundary.

19 The Applicant recognizes the impact on the properties to
20 the east and the PDP offers a ten-foot wide buffer on the east side of
21 the development. The shortcoming of the buffer is that there's no
22 workable plan for how this buffer will be maintained, both the space
23 itself as open space buffer and the mature landscaping within the
24 buffer.

1 Experience has shown that such buffers, or open-space area
2 confined between two walls as is proposed are often not maintained as
3 anticipated and may attract individuals looking to conceal their
4 activities. Due to this experience, Staff does not accept the
5 proposed ten-foot buffer as a workable buffer for the properties to
6 the east.

7 The proposed restriction of single-family structures helps
8 to mitigate the density impression. However, the sense of greater
9 density remains and Staff is proposing a solution to reduce the number
10 of units along the east boundary and increase the lot sizes to reduce
11 the density and the density impression.

12 Staff recommends condition that Lots 14 by - 14 through - 4
13 through 17 be reduced by four lots, and that the remaining ten lots be
14 widened to mitigate the density impression created by the design.
15 The recommended lot reduction to 15 lots total reduces the overall
16 density to proposed subdivision to approximately 3.3 units per acre.

17 The Bear Canyon Neighborhood Plan, Residential
18 Implementation Technique 8, requires new utility wires to be
19 underground. Staff has proposed such a condition for any new utility
20 wires required by the subdivision unless TEP objects to the
21 undergrounding in writing to the City. TEP is a review partner of the
22 tentative plat, and they will have an opportunity to comment on the
23 design then.

24 There are no regulatory drainageways on this site and is
25 not subject to the flood plain ordinance. The drainage design will be

1 required to retain 100% of the five-year storm event and the, the
2 drainage will be reviewed at the time of tentative plat review.

3 Preservation of viable vegetation and any required
4 mitigation to plant removal will be governed by the Unified
5 Development Code, Section 7.7, Native Plant Preservation.

6 The site will be accessed from Tanque Verde Road via a new
7 46-foot wide cul-de-sac. Design compatibility report indicates a
8 deceleration lane will be provided for eastbound traffic entering the
9 site.

10 The Bear Canyon Neighborhood Plan and Plan Tucson support
11 in-fill development at this location. The development, as proposed,
12 has fully embraced the guidance of the Bear Canyon Neighborhood Plan
13 to maintain the integrity of existing neighborhoods.

14 However, subject to compliance with the Preliminary
15 Conditions, approval of the requested R-1 zoning is appropriate. To
16 date, we have received no written approvals. One, two, three, four.
17 And we have 15 protests on file.

18 Now we received four of them here, so, these are not
19 calculated into the calculations. Ten of the eleven protests that we
20 previously received are within the 150-foot protest area, constituting
21 a 23.3% protest by lots, and a 13.6% protest by area.

22 Under the Arizona Revised Statutes, if there are greater
23 than 20% protests by lots and by area, a super majority vote of the
24 Mayor and Council is required to adopt an ordinance rezoning the
25 property. At this point in time, it's without calculating the ones

1 received tonight. It's still a simple-majority vote. That concludes
2 the report.

3 ZONING EXAMINER: Okay. Thank you. Mr. Underwood, state
4 your name and address, too, again.

5 MR. UNDERWOOD: Thank you, Mr. Wyneken, Mr. Zoning
6 Examiner. My name is Brian Underwood, 2 East Congress here in Tucson.
7 And I'd just like to, I'd like to start by saying that I'd like to
8 request a continuance to this hearing.

9 There's clearly some, some, some issues, some issues that
10 we're still working on, some privacy mitigation that, that we'd like
11 to work out with adjacent neighbors along the eastern boundary. And,
12 and so, I, I think it, it'd be in our best interest in light of the
13 protests that have been received today to request a continuance when
14 the property owner can also be present as well.

15 ZONING EXAMINER: And, and with that continuance, your plan
16 would be to go back and talk to the neighbors?

17 MR. UNDERWOOD: Yes. Again.

18 ZONING EXAMINER: Okay. I'm gonna be granting you the
19 continuance. I think it was gonna happen anyway -

20 MR. UNDERWOOD: Yes.

21 ZONING EXAMINER: - quite honestly. However, because we
22 have quite a lot of people who've come all the way over here, I am
23 gonna want to hear what people have to say tonight.

24 MR. UNDERWOOD: Okay.

1 ZONING EXAMINER: What the residents who have come here
2 have to say. And then I'll get back to you and talk about the
3 continuance.

4 MR. UNDERWOOD: Okay.

5 ZONING EXAMINER: So, thank you for that.

6 MR. UNDERWOOD: Thank you.

7 ZONING EXAMINER: Do I have a list? Ma'am, you came in
8 after. Are you planning to talk tonight? (Inaudible), yes?

9 FEMALE SPEAKER: (Inaudible)

10 ZONING EXAMINER: Are you on this case?

11 FEMALE SPEAKER: Yes, I am. (Inaudible)

12 ZONING EXAMINER: Oh, you're on 10th Street. Okay. You
13 didn't want to talk about 10th Street?

14 FEMALE SPEAKER: (Inaudible)

15 ZONING EXAMINER: Well, I can't - I, I - you'd have to come
16 up here. I'd actually - I had closed the public hearing. I didn't
17 realize that you were here for that. So, have you sent us a letter?

18 FEMALE SPEAKER: No, I haven't.

19 ZONING EXAMINER: Could you do that?

20 FEMALE SPEAKER: (Inaudible)

21 ZONING EXAMINER: I'd appreciate that. Thank you for that.
22 Okay. So, I'm gonna take these in order of how you've signed in. We
23 have seven people who would like to talk. I'm gonna start with Lisa
24 Olson. If you could state your name and address for the record,
25 please.

1 MS. OLSON: My name is Lisa Olson.

2 ZONING EXAMINER: Oh. And also fill your name in on the
3 sheet.

4 MS. OLSON: My name is Lisa Olson. I live at 2415 North
5 Creek Vista Drive. I've lived in the Lakes at Castle Rock for 22
6 years. I've, I've owned three homes and lived in there, and my most
7 current home at 2415, I've been there 11 years. I do have concerns,
8 and they were stated, and some were addressed. And I'm glad to hear
9 that they're being addressed.

10 The first is the population density for the area. And I, I
11 just feel that 19 homes is too many. And I heard you say the City is
12 considering other recommendations for that. So, that is - I'm in
13 support of considering that.

14 I also have requests because I am in the southeast end of
15 the, the development. And so, basically, I am concerned about that
16 drainage which will be right next to my back yard. So, I am, you
17 know, very concerned about how that is going to be planned. And I
18 heard you say that basically that was going to be further determined
19 and give more definition to that.

20 Also, concerned about two-story homes. I heard you say
21 that you're gonna put restrictions on that, the recommendation to do
22 that. I'm in support of that, putting recomm- -- restrictions so that
23 two-story homes are not looking onto the east side of the property.

24 Other concerns are the green areas, who will maintain them.
25 If they're - in particular, the ones on the south, south side of the

1 property, it looks like, from the drawings that the actual lots go
2 pretty far back. And that the green area isn't really that much. And
3 my concern is who's gonna maintain that?

4 And, you know, it can get quite messy if nobody is
5 maintaining that and certainly have concerns because the, the
6 vegetation that currently is there, there is some nice, large trees.
7 But they also are being overtaken by mistletoe, so, it is killing the
8 trees. And so, my concern is those will probably die soon. And then,
9 what will be done to replace them and the green there?

10 Also, being on the south end, I'm very concerned about the
11 four lots at the end. I would rather see three lots at the end rather
12 than four. Knowing that I can see the space right out my back yard,
13 I'm trying to imagine four homes being there with the noise density
14 coming into that. And basically, the sound of cars and so forth is
15 gonna greatly impact, I think, the property value of my place.

16 And, you know, I live in the Lakes at Castle Rock, and have
17 lived there a long time. And the reason I enjoy the Lakes at Castle
18 Rock is because it is quiet and it's a peaceful place to live. And I
19 would like maintain the property value of my place as well. And
20 that's about it.

21 ZONING EXAMINER: Okay. Thank you very much. Next speaker
22 will be Debbie Yoder.

23 MS. YODER: Good evening. And thank you for speaking with
24 us tonight. My name's Debbie Yoder and I live at 2419 North Creek
25 Vista Place (sic).

1 ZONING EXAMINER: Is, is your light still on on that - the
2 green light on the -

3 MS. YODER: Yeah. (Inaudible)

4 ZONING EXAMINER: Okay. You're just a soft speaker. Okay.

5 MS. YODER: I guess I would ask, Alissa (sic) Olson and my
6 husband, George and I have submitted correspondence to John Beall
7 dated May 21st, and that details a lot of the concerns. And I hope
8 that that's part of, part of your record so I don't need to go over
9 all of that tonight.

10 ZONING EXAMINER: I do appreciate it. It is in our record.

11 MS. YODER: Okay. So, I think I'll just talk about my
12 concerns as far as the attachment that we sent in with our protest.
13 The - as the City has stated, the 19 lots proposed on a trapezoid-
14 shaped lot loaded on one side is, is really dense. And we're very
15 concerned about that.

16 We - the proposal also stated 33% of the lots would be one-
17 story homes, meaning the rest would be two-story. And we support the
18 City's recommendation, or condition, that the number of two-story
19 homes be limited to two.

20 The - again, the four lots at the bottom of the cul-de-sac,
21 our house is also on the east side, but on the southeast side. And we
22 would essentially be looking out the back of our house to the side of
23 four two-story homes at that point. And, you know, we understand the
24 need for development, but that will be a big change in what we're
25 experiencing now.

1 I have concerns about the ten-foot buffer. I think the
2 buffer should be more than ten feet, because ten feet really does not
3 allow for much of a buffer. I also have concerns about the City's
4 recommendation that that buffer be incorporated into the property
5 owner's back yard.

6 I understand the maintenance issue of a walled-off buffer,
7 but I referred in my attachment to the protest a discussion of a
8 covenant. And - or the City condition that was at, at a prior
9 hearing, C9-01-25 in which if it's a covenant or in somebody's back
10 yard, as I under- -- and I could be wrong about this, that it then
11 becomes a private matter.

12 So, in my mind, the lot owner could take down all of the
13 green protective space. And then would, would I, as a property owner,
14 have to file a private lawsuit against them as opposed to if the City
15 makes it a condition, then it's a zoning matter. So, I guess I would,
16 I would just like - you're the knowledgeable person in that aspect.
17 And, and I just bring that to your attention.

18 Now, and I, I, too, have concerns about the drainage. If
19 there's drainage running along the southeast portion, you know, is
20 that - how is that going to affect the wall that sits back of our
21 property? So, I, you know, would like that addressed.

22 And the condition that the City recommended that Lots 4
23 through 17 be reduced from 14 lots to 10 lots. And that was, I guess,
24 based on the fact that the density is - Lakes of Castle Rock density
25 is 4.4 units per acre in that area. But the prior report that the

1 City made talked about that the overall density of the Lakes at Castle
2 Rock properties are 2.5 per acre.

3 So, you know, I don't quite understand how you can segment
4 out just the properties that are adjoining this proposed development
5 and not look at the lots as a whole for our whole community. We
6 purchased our home in this community because of the amount of green
7 space.

8 And our lot might be smaller than some of the other lots in
9 the community, but we benefit, you know, as a whole by being part of
10 that community. So, to look at the, the density of this proposed
11 development and only look at the size of our lots, I don't think
12 that's very fair.

13 So, again, I just - that's, you know, another concern and I
14 would, I would say that, you know, 12 lots were approved in 2005. And
15 when you look at the drawing of what that looked like compared to the
16 drawing of what the proposed development is, it's night and day. And
17 I wouldn't be up here talking tonight if that would have been
18 resubmitted. So, thank you for your time.

19 ZONING EXAMINER: Thank you. Our next speaker will be
20 George Yoder. Okay. Steven Randles. Do you want to sign your name
21 in and address? And they need your name and address for the recording
22 as well.

23 MR. RANGLES: Are you ready?

24 ZONING EXAMINER: Oh, yeah.

25 MR. RANGLES: Okay.

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ZONING EXAMINER: State - I'm sorry.

MR. RANGLES: Well, okay. I'm in a unique position because
I'm a -

ZONING EXAMINER: You need to state your name and address.

MR. RANGLES: Oh, yeah. Okay. Steven H. Randles, 7324
East Calle Hospedero, Tucson, 85715.

ZONING EXAMINER: Okay. Now you can speak.

MR. RANGLES: Okay. Thank you. Mr. Zoning Examiner, and
to the Board, and also to the Mayor and Council when they review this,
I have a unique perspective of this because I'm the real estate
professional that sold the property to Debbie and George Yoder, not
quite a year, not quite a year ago? No.

Anyway, of course, one of the comments that came up was,
"What's gonna happen to that land behind? We have such a beautiful
view and we love it." And I said, "Well, it hasn't been developed in
all these years, but you never know. Contact the owners."

And there really wasn't sufficient time for them to get all
the answers that they had, and even now, you can see there wouldn't
have been time even months later for them to get all their questions
answered.

But they loved the home, they loved the land. And I
believe that all the people, including you and many others that have
bought or lived in for a very long time, we, we realize that they

1 don't own the land, but part of the process of buying a property is to
2 understand what surrounds it and how does it feel?

3 And unfortunately, in the effort to make money, developers
4 want to squeeze in as many homes as possible 'cause that makes it
5 economically a boon to the owner and to the developers. And I get
6 that because I've been on both sides of the fence. I started real
7 estate 24 years ago developing land. So, I know about this. Mostly
8 County, but some City.

9 And I'm understanding that this buffer zone that's
10 proposed, I believe, of ten feet, is that right? Ten feet is clearly
11 not enough of a buffer when you've got that number of homes butted up
12 against another potential subdivision.

13 So, another subdivision that I'm very familiar with, sold
14 more than 60 homes in the subdivision, was Rancho Esperero, which is
15 just a few miles west of this location east of, of Sabino Canyon and
16 north of Tanque Verde, about the 7200 block. And they have 20-foot --
17 and that's City, and they have 20-foot buffers on every side of that.

18 And that seems to be more adequate. It allows for drainage
19 areas which are always a problem because of mosquitos and things when
20 water collects. So, I believe that as a con- -- as a condition of
21 approving anything for this subdivision, a bigger buffer would be
22 needed.

23 I believe that who's responsible for maintaining it may be
24 the HOA or whoever you're gonna designate as a condition. Please make

1 that a condition so that what surrounds Debbie and George Yoder's
2 place and your place will be maintained nicely.

3 Now there's some big trees all along that corridor there to
4 the east of this property which is where the Yoders live. And two of
5 the trees are dead. And one of the things that they were trying to
6 get before the closed on the property was permission to cut down the
7 dead trees. But then there's this liability issue. There's a lot of
8 issues that come up and go beyond the scope of what one neighbor can
9 do to another neighbor's property.

10 And with that in mind, it's clear that your best approach,
11 at least from my 24 years' experience, is to assign someone clear
12 responsibility for maintenance of the trees, maybe a vegetative screen
13 so that they're not looking - the homes on either side aren't looking
14 into the backs of the other homes. That'll create a nicer feel.

15 The Lakes at Castle Rock is an extremely unique community
16 compared to almost any other gated community in Tucson, especially
17 north, northeast Tanque Verde Valley. And one of the appeals to the
18 Yoders was they have lakes, there's seven main lakes.

19 And there's one gigantic lake where birds from Canada come
20 and they migrate into this beautiful lake. And there's all these
21 things that the HOA offers, including a lot of common area and common
22 space. That's not being seen in this new proposed subdivision. This
23 is really gonna be a tight little community. I understand you're
24 downsizing it from 19 to maybe 15, and that there was approval before
25 at 12.

1 In my view, the 12 number makes the most sense. Maybe not
2 economically to the owner and to the developer, but in terms of the
3 general enjoyment of the property to not only the new purchased owners
4 of that - those, those houses when they're built, but also to the
5 people that are surrounding it.

6 So, what's the argument of why a - on the east side we have
7 a higher density, and they're asking for a lower density? Well, it
8 makes sense because if you look at the streets of Lakes at Castle
9 Rock, they're super-wide streets. They're big.

10 And if you look at all the setbacks and all the things that
11 surround the Lakes, there's a lot of room and a lot of open space for
12 people. Now, what little open space is, is to the west of the, of the
13 Yoders, you know, that's gonna be packed in with houses.

14 So, 15's still a tight number. I, I would really ask you
15 to search your heart and mind as to if that's really a good plan for
16 such a small space because putting in a little bit more natural space,
17 a little bit more buffer space could really benefit both communities,
18 not just the people in the Lakes, but also the new purchasers of the
19 land.

20 And maybe the builders will actually build bigger homes on
21 fewer lots and get the same amount of revenue that they would have
22 gotten if they'd packed in a bunch of littler homes on smaller lots.
23 So, it's really - economically, it can be made to work the other way.
24 It's just that their, their price point on these houses might be

1 higher, which is only gonna benefit everyone in the neighborhood, make
2 everybody happy.

3 So, my main points are buffer space needs to be at least 20
4 feet. We need to have clear conditions on approval of this thing to
5 say it's gonna be the HOA of the new subdivision that's gonna be
6 responsible for the maintenance of existing trees that are up against
7 the walls of some of these homes in the Lakes.

8 The Yoders have a couple of really big trees, and they're
9 not technically allowed to do anything with them. So, somebody has to
10 do that, and we would hope that you would, you know, take that into
11 consideration.

12 And the final thing that I just want to say is that these
13 com- -- these situations are complex because there's so many moving
14 parts to it. But I would say this, think of the people right now that
15 are living all along the east side of this, this new proposal.
16 They've enjoyed it. Yes, they don't own it, they didn't pay taxes on
17 it. I get that.

18 But it's still part of the general ambiance that they've
19 enjoyed or, or thinking they were gonna enjoy for years. And all you
20 have to do is simply reduce the number of housing projects, like
21 Debbie Yoder had already mentioned, and bring it down to maybe 12 or
22 13 homes. Well, I guess 13's not a lucky number, so, maybe, maybe
23 not.

24 But 12 homes, something like that. And that way, I think
25 everybody will benefit on both sides, and the new builder-developer

1 can simply just, on the fewer lots, build bigger homes, but no higher
2 than, I think you have 18 feet, is that correct? Is that right?

3 ZONING EXAMINER: That's what I wrote.

4 MR. RANGLES: Okay. Yeah. And that's similar to yours
5 (inaudible) Okay. So, I think you guys will see to that? I think
6 that's pretty well concluding it. I didn't mean to take up this much
7 time. Thank you and I appreciate the chance to speak.

8 ZONING EXAMINER: Yeah. Well, thank you for speaking.

9 I have Jill, Jill Ronsman.

10 MS. RONSMAN: Good evening. My name is Jill Ronsman. I'm
11 at 9544 East Shadow Lake Court. And Debbie and Lisa have done a great
12 job in saying exactly what I really wanted to say. My concern is,
13 right now is the density, as also the two-story and the buffer zone.

14 My house is at - in the cul-de-sac and my back yard would
15 be looking into three homes. Six, seven and eight. It was, at one
16 point, there were four homes that were gonna be looking into my back
17 yard. And the concern that I have is I bought this house four years
18 ago, plan on being there for quite a while. I have a great view.

19 But if I have three to four homes looking into my back
20 yard, I have concerns. I'm a single person. I bought into this
21 neighborhood for safety reasons. So, those are my main concerns, is
22 the density, the buffer and the, the two-stories.

23 You know, one-story home, you know, I can handle that. But
24 with the decent amount of buffer and also, I think 12 homes, 14 homes
25 in that neighborhood would be great. Thank you.

1 ZONING EXAMINER: Thank you. I have two more speakers, but
2 before I do, is there anybody else who'd like to speak in opposition?
3 You would? Have you - did I swear you in?

4 MS. OLIVA: I'm sorry?

5 ZONING EXAMINER: Did I swear you in before? Yes?

6 MS. OLIVA: (Inaudible)

7 ZONING EXAMINER: Okay. Go on up, state your name and
8 address and sign in, please.

9 MS. OLIVA: My name is Maria Luisa Oliva. I am the owner -

10 ZONING EXAMINER: I'm gonna take - I have to write it down
11 up here, so -

12 MS. OLIVA: I'm sorry?

13 ZONING EXAMINER: I'm gonna have to write this down, so -

14 MS. OLIVA: Okay.

15 ZONING EXAMINER: Maria?

16 MS. OLIVA: Sure. It's M-A- --

17 ZONING EXAMINER: Yeah. I know how to spell that.

18 MS. OLIVA: -R-I-A.

19 ZONING EXAMINER: It's the last name I'm gonna have the
20 trouble -

21 MS. OLIVA: L-U-I-S-A. Okay. Oliva, O-L-I-V, as in
22 Victor, A.

23 ZONING EXAMINER: Very good. Thank you. What's your -

24 MS. OLIVA: Thank you very much.

25 ZONING EXAMINER: Tell me your address so I can (inaudible)

1 MS. OLIVA: It's 2461 North Creek Vista Drive that I am the
2 owner of.

3 ZONING EXAMINER: Okay. Thank you.

4 MS. OLIVA: Just wanted to thank you very much for the
5 opportunity to come and speak on this proposed development. I'd also
6 like to thank Debbie and Lisa for all the work that they have done.
7 My concerns mimic each of the concerns that were mentioned this
8 evening.

9 In addition, I don't believe it has been addressed if there
10 will be a wall that will be the actual barrier, if there is going to
11 be a wall, at that ten-foot separation. Or is it just gonna be ten
12 feet and then (inaudible) future neighbors maybe having the property.
13 I just don't know if there's any separation. And if there is going to
14 be a wall, which my property is surrounded by walls correctly, how
15 high that wall would be.

16 ZONING EXAMINER: Okay.

17 MS. OLIVA: So, I don't know if that has been addressed at
18 all.

19 ZONING EXAMINER: I believe it has and you'll have a chance
20 to talk with the -

21 MS. OLIVA: Okay.

22 ZONING EXAMINER: - Applicant again.

23 MS. OLIVA: All right.

24 ZONING EXAMINER: You can get really good clarification
25 when they -

1 MS. OLIVA: Okay.

2 ZONING EXAMINER: - come back to present to you.

3 MS. OLIVA: I have owned this property for ten years. My
4 real estate agent happens to be here as well, too. If it were to be
5 built as proposed, I would have three neighbors that are behind me.

6 Part of the reason why I brought (sic) that - bought that
7 specific piece of property, I had the opportunity to buy other
8 property in there, but I specifically wanted that piece of property
9 because of the space that was open behind.

10 And my real estate agent did tell me that there was a
11 potential for it to be redeveloped and that potential would be for,
12 she believed, 12 homes, single-family homes. And she said that, you
13 know, one-story. And that, that is what I could potentially be
14 looking at.

15 And I told her I didn't think I would have much of an issue
16 with that as long as those homes, or whatever, how many go in there or
17 how many stories or how many properties be put in there, as long as
18 those were maintained like the Lakes of Castle Rock.

19 So, I don't know what - if they're gonna have property
20 managers as well either. And it's also very peaceful and quiet in
21 that neighborhood. And that was also very appealing. I don't have
22 anything else to add.

23 ZONING EXAMINER: Okay.

24 MS. OLIVA: Thank you.

1 ZONING EXAMINER: Thank you very much. So, I have two
2 people who have indicated that they are neutral. One is a neutral
3 with a question mark. Holly Hope?

4 MS. HOPE: Hi. I'm Holly Hope and I live, I own and live
5 at 2485 North Tierra Verde Place. I also own 9435 East Paseo Tierra
6 Verde. So, I don't know how you count that, and I have to apologize
7 for my ignorance in matters of zoning.

8 I wrote "neutral" because I wasn't sure whether my opinion
9 was being asked on that rezoning request as it stood, or on the, the
10 opinion that was done by, by the City Planners which was - which I'm
11 much less opposed to. Can you clarify that for me, or am I just
12 speaking?

13 ZONING EXAMINER: Yeah. I - what I'm hearing already is
14 you're opposed to the way it's been presented. But you probably are -
15 yeah.

16 MS. HOPE: Much less opposed.

17 ZONING EXAMINER: Much less opposed. So, that makes you -

18 MS. HOPE: Still opposed?

19 ZONING EXAMINER: - neutrally opposed.

20 MS. HOPE: Okay. It's like - I, I wanted to write
21 "confused", but that wasn't an option, okay?

22 ZONING EXAMINER: I'll take that, too.

23 MS. HOPE: The speakers who've gone before me have
24 addressed most of my concerns in that I looked at it and the first

1 time I saw it and I said, "Hmm. I wonder what other neighborhoods
2 look like that have been developed like this?"

3 And I drove around to some that had similar layouts where a
4 long piece of property had been developed with all of the houses on
5 one side and my general impression was that was ugly. So, that's my,
6 my personal opinion. I don't know that it holds any weight in this.

7 I also spent a lot of time looking at the, the 12-unit plan
8 that, that had been proposed earlier. And I don't remember if it was
9 approved without two-story houses, but it didn't have that shotgun
10 look to it. And I also found that more favorable.

11 You addressed my concerns of the vegetation because for the
12 last 15 years, I've really enjoyed watching those sahuaros grow
13 taller, and watching the sun come up behind them, etc. And the
14 drainage. I may be bragging to say my low-tech rain gauge got 2.2
15 inches in hurricane mud, you know, the remnants Friday night. It's
16 not an unusual event.

17 But I looked, I took out my ruler and I looked at the size
18 of the, the retention basins. And I said, okay, they're odd-shaped
19 but I could something about twice as big, and of the three basins that
20 I saw, I saw that they covered what amounted to be about, what, I
21 don't remember - seven percent is I think what, what I calculated as
22 a, as a twofer (sic) as, as making them bigger.

23 So, about three or four percent seemed to be the, the
24 percentage of the area that they covered. And I don't know if this
25 has been analyzed, but I, I said, "Okay. If you have 2.5 - 2.6, 2.5

1 inches and you, you narrow that down to seven percent of the area,
2 that's 35 inches deep. And I said, "I'm not sure that's gonna take
3 our average." And that's, that's for twice as, twice as big as I
4 think they actually are the way they're drawn.

5 So, that would make it about 70 inches deep. I thought
6 that that was inadequate. It wasn't a scientific study, it was a
7 ballpark study, but that's generally what I do before I do a detailed
8 calculation.

9 And, and so that, you know, I wanted to offer that to you
10 and I don't know if that was done. The, the, the website that the
11 City Planners did, you know, that looked like they were very thorough,
12 but I didn't see that addressed.

13 The other things, the buffer, the, the four houses at the
14 end of the, the street, I was very concerned about that. I was also
15 concerned about the way that Castle Rocks couldn't use part of their
16 area, and that could be due to a increased retention for, for this
17 piece of property.

18 And so, they made things, they, they shoved everything over
19 into usable land. And I don't want that to happen with those houses
20 shoved up more toward where I'm looking across toward Micah Mountain
21 (sic). But I just don't want it to happen in general.

22 I would like to ask the Council to consider the average as
23 a buffer between what exists in Castle - the, the average in Castle
24 Rock of 2.5 as something that would be a goal for this transition zone
25 between the one and the four point - 4.4, 2.5 houses per lot. And

1 that would get you to about the 12 that were approved before. That is
2 all I have to say. Thank you very much.

3 ZONING EXAMINER: Thank you. I'm very impressed with your
4 math. The last person I have here is Sally Dickinson.

5 MS. DICKINSON: My name is Sally Dickinson. I live at 2470
6 North Tierra Verde Place. And, by the way, we've lived there for 39
7 years. So, we've enjoyed this property behind us for a very long
8 time.

9 We're on the west side of the property in question, and I
10 know that I don't own it and I cannot control, ultimately, what's
11 going to be developed there. But I do have some ideas about what I
12 might like to see there.

13 When we submitted our form to the City to John Beall, it
14 actually said we approved with the provision that the City
15 recommendations of reducing the number of lots from 19 to 15 would be
16 put in effect and that the homes would be limited to single-story with
17 an 18-foot height. So, you do have one that says "approve". And,
18 yeah, we're within the 150-foot radius of this property.

19 In addition to that, I did have a couple of extra requests.
20 One, that street lighting be addressed and that no internal street
21 lights would be allowed. We don't have street lights in Tanque Verde
22 Acre Subdivision. I don't think they've got them in Castle Rock
23 either.

24 And that there be a stipulation put into the zoning that
25 would state that no lighting would be allowed to be mounted on the

1 exterior of these homes that would shine into adjacent lots, either to
2 the east, to the south, or to the west.

3 In addition to that, according to the Bear Canyon
4 Neighborhood Plan, on page seven, number eight, it encourages the
5 burial of existing power lines. And there is one strip about four
6 poles that extends on the north side from Tanque Verde Road to the
7 south to Castle Rock with overhead wires. This is gonna be our last
8 opportunity to really get those wires buried if at all possible.

9 Now, in listening to everybody's comments tonight, and
10 everybody was in favor of the 12 units that was proposed first I
11 believe in 2006, renewed in 2011 with that zoning, my personal opinion
12 is that a better transition from the RX-1 zoning in Tanque Verde Acres
13 Subdivision to the R-1 zoning in the Lakes at Castle Rock would be an
14 RX-2 zone which would limit the number of homes on this parcel to 12.

15 If you do the math, it's gonna be 12 homes. But if you put
16 it in as an RX-2, which I understand the Planning Center did not apply
17 for, they're applied for an R-1, then we've got restrictions in the
18 zoning to limit the number of homes to 12.

19 And I really think it's a better transition. It protects
20 the integrity of both Tanque Verde Acres Subdivision on the west and
21 Castle Rock Subdivision on the south and on the east. So, that's my
22 request. I appreciate the opportunity to -

23 ZONING EXAMINER: Thank you.

24 MS. DICKINSON: - address you. Thank you.

1 ZONING EXAMINER: Thank you. Can you make sure you sign
2 in?

3 MS. DICKINSON: I will.

4 ZONING EXAMINER: Okay. Is there anybody else who hasn't
5 spoken who would like to speak? Okay. I'm gonna - oop.

6 MS. OLSON: (Inaudible)

7 ZONING EXAMINER: Sure. Just state your name and -

8 MS. OLSON: Okay. Lisa Olson, 2415 North Creek Vista
9 Drive.

10 ZONING EXAMINER: Thank you.

11 MS. OLSON: One thing that I didn't hear mentioned tonight
12 is the homeowners in like Castle Rock, we pay pretty high association
13 fees, dues. Anywhere from - and you guys can kind of correct me, but
14 I've owned three homes in there. So, I know mine is 120 a month. And
15 that, you know, other homes I've owned, 150 a month.

16 So, we're not talking about small association dues which
17 has to do with the reason we pay for those association dues is to keep
18 our community quiet and nice and peaceful. And I just wanted to
19 mention that because, you know, that affects our property values as
20 well because we are paying those fairly high association dues to keep
21 the integrity of our community. So, having something right behind us
22 that doesn't match that is very concerning.

23 ZONING EXAMINER: Okay.

24 MS. OLSON: Okay. Thank you.

1 ZONING EXAMINER: Thank you. All right. So, I'm gonna
2 close the public hearing, but I'm gonna give you an opportunity to
3 speak, Mr. Underwood.

4 MR. UNDERWOOD: Thank you. So, I'd like to take a couple
5 moments to address some of the concerns that have been laid out
6 tonight. And I will start with - probably the, the easier one is the
7 buffer and put, put the question to bed about who will maintain that
8 and how.

9 We do anticipate that the community will have an HOA. We
10 do have the open space over on the western side, as well as the basins
11 that will need to be maintained for proper drainage. So, any
12 vegetation along that eastern boundary, the 10-foot buffer would be
13 maintained by the HOA.

14 And there would be a back-yard wall along each of those -
15 along each of those lots that are adjacent to the eastern boundary.
16 So, there'd be a five-foot decorative masonry wall similar to the
17 walls in, in the Lakes at Castle Rock.

18 And in, in working through some of, some of these concerns,
19 I think there's, there's certainly - and this was brought up at the
20 second neighborhood meeting, that if you notice, we have lots that are
21 a typical 110-foot depth.

22 But these lots, especially lots three through six- -- or 3
23 through 15 there, are actually much, much deeper in depth than the,
24 than the 110. Some of them are 120, 125, 130, 137. And that's caused
25 because of that meander in the road.

1 And in, in creating this plan, we had thought that perhaps
2 adjacent neighbors would like to have more similar-size lots in terms
3 of the total square footage. So, that's why we increased the depth on
4 those.

5 So, in working through the site plan and some of the
6 concerns that we've heard, there may be an opportunity to get some
7 additional buffer there and perhaps it's a ten-foot minimum. But we
8 get, you know, 20 feet or, or more in some, in some instances.

9 Taking a step back and, and talking about that original
10 12-lot plan, when we first embarked on, on this rezoning effort, that
11 was one of the, one of the first things that, that we, that we saw as
12 a, an issue or a challenge with that original layout, that 12-foot --
13 or that 12-lot layout was that really what it did was it put all of
14 the, the new development, the new homes adjacent to Tanque Verde
15 Acres, the largest lots in the area.

16 And, and it didn't really provide much of, of any buffer to
17 the Lakes at Castle Rock to the east. There was a four-foot treeway
18 (inaudible) out basically adjacent to the roadway that, that would
19 serve the 12 lots. And that four-foot treeway was meant to preserve
20 a lot of those trees that are along the eastern boundary.

21 And in doing our site visits, we realized that a lot of
22 trees are, are much further than four feet off the property line, and
23 that's where we ended up with that ten-foot buffer to try to really
24 make a better effort to preserve all of that vegetation along there
25 and address some of those privacy concerns.

1 And, and in doing that, we, we flipped the layout to
2 provide lots adjacent to Lakes at Castle Rock that are more compatible
3 with the lot sizes in the Lakes at Castle Rock than they are with lots
4 in Tanque Verde Acres.

5 And when we showed our, our original plan at the first
6 neighborhood meeting, I believe the lots were 40-foot wide. And, and
7 there was actually 20 instead of 19. And folks, folks had, had a
8 knee-jerk reaction to the 40-foot wides adjacent to the 50's. And
9 that seeming like it was more of a townhome project.

10 And so, we took that back and, and we tried to widen out
11 the lots along that eastern boundary. We took them to a minimum of,
12 of 45-feet wide. That, that eventually caused a reduction in one lot
13 down to 19. And, and you can see with that new plan that the lot
14 sizes, given the depth, are in some cases, they're, they're comparable
15 with what's in Lakes at Castle Rock, and in some cases, larger.

16 And so, we felt like this was a better transition. It
17 certainly meets the, the goals and policies and implementation
18 techniques that are stated in, in the Bear Canyon Neighborhood Plan
19 about providing that transition of, of, of density and providing
20 compatibility with existing neighborhoods and, and land uses.

21 And so, really, that's how we arrived at, at this, this
22 concept that's before you is to try to create that transition, try to
23 utilize the FLD as well to provide more open space on the property.
24 The original, the original 12-lot plan had some open space associated

1 with the drainage down on the southern portion. But by and large,
2 the, the rest of the property was, was entirely developed.

3 And I have an exhibit that, that I could show that
4 basically what we did was take the boundary of the four and - the, the
5 subject property, the four-and-a-half-acre parcel and just shifted
6 that over to the Lakes at Castle Rock. And you can see on this
7 exhibit that there's 19 homes adjacent to us there in the same exact
8 area as, as we have in our, in our proposed rezoning.

9 So, I, I will take a, a moment to, to address the, the
10 drainage, as well, to the south. There's been some discussion about,
11 you know, how will that function? Is the drainage basin appropriately
12 sized?

13 We do have an engineer, civil engineer and hydrologist on
14 the team. There's Cascade Engineering has done preliminary hydrology
15 on, on this, on this parcel to determine what the existing flows are
16 off the property, and what the adequate sizing of those basins are to
17 ensure that no increase in runoff will be - there will be no increase
18 in runoff to the south as that water exits the property.

19 So, we do have, we do have the basins sized appropriately
20 and they are potentially the - where some of that confusion may be
21 caused is that there's actual depth. There's a grade on those basins
22 there. they're two and a half or three feet deep. So, by and large,
23 the area is what they are, but they are two or three times that area
24 because they're, they're deeper than just the surface area.

1 Regarding two-story development. We did hear this concern
2 and we absolutely, you know, recognize that, that there are privacy
3 concerns for the existing residents in the area. That is why at the,
4 at the second neighborhood meeting we heard those concerns and we
5 recommended that we could do clear story windows on the second story
6 to avoid, you know, folks looking down into the back yards of existing
7 residences.

8 We also recommended a prohibition on balconies as well.
9 Clear-story windows could also go on the, on the first floor of homes
10 to address that privacy concern. And, and in a lot of cases, with the
11 fall of the property, it's - it, basically, it has about 15 feet of
12 fall from Tanque Verde down to the southern portion. And you also
13 have a lot of the Lakes at Castle Rock homes that are a bit lower in
14 elevation than the subject property.

15 And so, in a way, any development that's built there,
16 whether it's one-story or two-story, is going to impede views because
17 you're, you're looking at the top of a window at a home in the Lakes
18 at Castle Rock over the wall of this, of this property.

19 So, you know, there's - the original, the original rezoning
20 did limit six of the lots, six of the 12 lots to single-story.
21 There's certainly room for, for us to, to look at some additional
22 language on where two stories are appropriate. So, we will, we will
23 work that out between now and the next meeting.

24 And what am I missing here? One of the other concerns that
25 we heard at the meeting was about bright colors, the use of bright

1 colors. And so, we, we added some language to the effect of, of
2 requiring earth tone, earth tones for the, for the color of the homes
3 which is reflective as well in the neighbor- -- in the Bear Canyon
4 Neighborhood Plan where it calls for enhancement - excuse me. Let me
5 find it here.

6 In any case, there's a, there's a policy in here that calls
7 for encouraging new high-quality designed residential development that
8 is compatible and enhances existing neighborhoods. And it gives an
9 example of one thing that would and, and one of those examples is
10 providing earth-tone colors.

11 And so, some of the architectural treatment, the colors,
12 the, the clear-story windows, the prohibition on balconies, these are
13 the types of things that we feel like would provide that
14 compatibility.

15 And with some of the, with some of the other concessions
16 that we've made and some of the other negotiations that we'd like to
17 make between now and the next meeting, I think that we can, we can get
18 to a project that is more amenable for, for everyone involved.

19 With that said, I think we would request that we are able
20 to, to keep some of the density that, that we've requested already
21 and, and work that out with, with the neighbors as we move forward.

22 ZONING EXAMINER: And I was just looking. I don't - I -
23 the earth-tone colors could be added, then, as a condition on this
24 rezoning as well. I don't know that that was in there.

1 MR. UNDERWOOD: It's, it's currently listed in the
2 document, but if we needed to make it a condition of the rezoning,
3 that would be fine.

4 ZONING EXAMINER: Might, might be. Okay. So, do you have
5 anything else you wanted to say?

6 MR. UNDERWOOD: No.

7 ZONING EXAMINER: Okay.

8 MR. UNDERWOOD: Thank you.

9 ZONING EXAMINER: So, I'm gonna encourage you to meet with
10 the neighbors and work out the issues that you've heard and see if you
11 can't come back here with a little bit more support than what we have
12 tonight.

13 Our next Zoning Examiner hearing date, a possible is July
14 12th. Oh. Before I say this, I made a mistake before. I said we're
15 were clo- -- I was closing the public hearing. I'm actually
16 continuing it because we're gonna continue this case.

17 Next Zoning Examiner hearing's gonna be July 12th. Would
18 that give you enough time to get together with the neighbors and get
19 something worked out here?

20 MR. UNDERWOOD: Is it possible to continue to a later date
21 than the 12th?

22 ZONING EXAMINER: Here's the way we'll do it. I thought
23 you might say that. But it gets a little tricky here because I have -
24 I cannot continue any longer than 30 days. However, what I will do is
25 I'll continue it to July 12th. I don't want anybody showing up,

1 though. I'm just gonna come in and continue it again to the next one
2 which is August 2nd.

3 MR. UNDERWOOD: Okay.

4 ZONING EXAMINER: So, that'll give you plenty of time to
5 work this out.

6 MR. UNDERWOOD: That works for us. Thank you.

7 ZONING EXAMINER: Okay. Okay. So, thank you very much.
8 Appreciate everybody coming in and speaking. Give everybody a couple
9 minutes to, to leave and -

10 FEMALE SPEAKER: (Inaudible)

11 ZONING EXAMINER: Just leave it up there and I'll pick it
12 up later.

13 (Case: C9-18-10 was continued.)

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: 07/01/18



KATHLEEN R. KRASSOW - Owner
M&M Typing Service

ZONING MEMBERS PRESENT

John Iurino, Zoning Examiner
Michael Wyneken, Planning & Development Services
Sarah Cheatham/Ana Juarez, City Recording Clerk

=====

1 ZONING EXAMINER: Good evening and welcome to tonight's
2 public hearing. My name is John Iurino and I'm one of two Zoning
3 Examiners for the City of Tucson. I conduct rezoning hearings on
4 behalf of the Mayor and Council and make findings of fact which I put
5 into a report along with my recommendation which I then send to the
6 Mayor and Council for their consideration and final decision.

7 My report will be based on the information submitted to me
8 which includes the rezoning application, the Staff report, all written
9 approvals and protests, all correspondence and any testimony given
10 tonight. I will also include in the record all documents submitted to
11 me up to the close of the hearing.

12 A recording of tonight's testimony is being made by the
13 City Clerk. If requested, a transcript will be prepared. With that
14 in mind, I will ask you to please speak clearly into one of the
15 microphones on the podium.

16 I will complete my preliminary report within five working
17 days after the close of this public hearing, at which time I will
18 prepare my final report. The final report will be issued two weeks
19 after the close of this public hearing.

20 For those of you who wish to receive a copy of my
21 preliminary report and are not already a principal party listed on the
22 case, please fill out one of the colored cards on the podium.

1 A copy of the final report will be available from the
2 Planning & Development Services Department and I will send the final
3 report to the Mayor and Council. At the scheduled public hearing for
4 the case, the Mayor and Council will then vote on this matter based on
5 my recommendation along with other factors.

6 Tonight's public hearing will proceed in the following
7 manner. I will open the public hearing and ask Mr. Mike Wyneken of
8 the Planning & Development Services Department to give a presentation
9 at the beginning of each case.

10 After his presentation, I'll ask the Applicant, or the
11 Applicant's representative, to come forward and make his or her
12 presentation. I will then ask to hear from anyone in the audience who
13 wishes to speak tonight on this matter.

14 Since I cannot have any communication with anybody involved
15 in the case, I would invite you to speak at that time. I will first
16 ask to hear from anybody who wishes to speak in favor of the case. I
17 will then ask to hear from anybody who wishes to speak in opposition
18 of the case.

19 After that, I will ask to hear from anybody who is neutral
20 on this matter, but who would still like to share their thoughts
21 tonight. After everyone from the audience has had a chance to speak,
22 I will offer the Applicant, or the Applicant's representative a chance
23 to respond to any of the concerns or issues which were brought up
24 either by the audience or by me.

1 If you wish to speak tonight, please wait for me to call
2 you up to the podium by raising your hand. While at the podium,
3 please print your name and address on the sign-in sheet. If you've
4 already done so, that's fine.

5 I will then ask you to state your name and address for the
6 record. When speaking tonight, please be brief and to the point and
7 speak only on matters which are relevant to the case. Please try not
8 to repeat any testimony which has already been given. I will also ask
9 that you direct your testimony to me. Please do not address Staff or
10 members of the audience.

11 At this time, I would like to swear in anyone who wishes to
12 speak this evening. If you're going to speak tonight, or if you even
13 think you might speak tonight, I ask that you please stand up at this
14 time and raise your right hand. Do you affirm to tell the truth, the
15 whole truth and nothing but the truth?

16 (Affirmative.)

17 ZONING EXAMINER: Thank you. Thank you very much and we
18 will now open the public hearing. Our first case tonight is Case: C9-
19 18-10 La Roca Vista. This case will be continued to August 02, 2018,
20 at 6:00 P.M.

21 (Case: C9-18-10 was continued to August 02, 2018.)

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: 07/20/18


KATHLEEN R. KRASSOW - Owner
M&M Typing Service

ZONING MEMBERS PRESENT

Thomas Sayler-Brown, Zoning Examiner
Michael Wyneken, Planning & Development Services
Sarah Blayda, City Recording Clerk

=====

1 ZONING EXAMINER: Good evening. My name is Thomas Sayler-
2 Brown. I'm the Zoning Examiner for the City of Tucson. I conduct
3 rezoning hearings on behalf of Mayor and Council and make findings of
4 fact which I put into a report, along with my recommendation which I
5 then send to Mayor and Council.

6 My report will be based on the evidence submitted to me as
7 part of the rezoning application as well as on testimony, testimony
8 taken. I will also include in the record all documents submitted to
9 my office for this hearing.

10 A tape recording is being made of tonight's hearing by the
11 City Clerk's Office and if necessary, a transcript, transcript will be
12 prepared.

13 I'll prepare a preliminary report and a final report.
14 After I close tonight's hearing, I'll prepare a preliminary report
15 within five days. I'll prepare a final report within two weeks after
16 the close of the public hearing.

17 For those of you who wish to receive a copy of my
18 preliminary report, you're - and you're not already a principal listed
19 in the case, please fill out one of the orange cards at the podium. A
20 copy of the final report will be available from the Planning &
21 Development Services Department and I'll send that report along to

1 Mayor and Council. They may consider my recommendation, along with
2 other factors and they will base their vote on that.

3 Now this case is a continued case from July 12th, 2018, that
4 I'll be working on tonight which is C9-18-10 La Roca Vista rezone. If
5 there's anyone here wishing to speak on the case, I'll take your
6 testimony after I've heard from the Applicant.

7 Since I cannot have any communications with parties
8 involved in this, now's the time for you to speak. If anyone other
9 than the Applicant wishes to speak tonight, please make sure you
10 filled out one of the yellow cards on the podium and leave it in the
11 basket at the podium there.

12 And I ask before for the people who are arriving a little
13 later, we only had a few cards. I didn't expect a room full of
14 people. So, find the card that relates to the case that you're
15 interested in and just fill out neatly on the back side of that card
16 and we'll, we'll work with it that way.

17 Now when I call you up to the podium, I'd like everyone to
18 please print your name and address very clearly on the sign-in sheet.
19 And I will also ask you to announce your name and address for the
20 record. And I'm going to be selecting people to speak based in order
21 of those in support, those against, and those who are neutral.

22 Now, if anyone other than the principals in this rezoning
23 case want a copy of my preliminary report, please - oh. I already
24 said that. Please fill out the orange card.

1 At this time, anybody who wants to speak tonight, I'd like
2 you to stand, raise your right hand and I'm gonna be taking an oath
3 from you. If there's any possibility that you might speak tonight,
4 please stand. So, do you swear to - swear or affirm to tell the
5 truth, the whole truth and nothing but the truth?

6 (Affirmative.)

7 ZONING EXAMINER: Okay. Good. Now this first case tonight
8 is La Roca Vista Rezone, C9-18-10. Mr. Wyneken, is there an update on
9 the approvals and protests for this case?

10 MR. WYNEKEN: Yes, sir. We have an update. We have
11 received additional approvals, or one additional approval and seven
12 additional protests and (inaudible) as of tonight is 15 protests are
13 within the 150-foot protest area.

14 And that represents 35.7% protests by lot, and 22.1%
15 protest by area. Therefore, a super majority vote of the Mayor and
16 Council will be required to adopt a zoning ordinance.

17 ZONING EXAMINER: Okay. Thank you. The Applicant for this
18 hearing tonight is Brian Underwood, Underwood. I think you're here?
19 Okay. He's with The Planning Center. Staff - Mr. Underwood, could
20 you come up. Staff has already made a presentation at the prior
21 hearing. Can you give me a brief update on material and information
22 since then?

23 MR. UNDERWOOD: Good evening, Mr. Zoning Examiner. My name
24 is Brian Underwood with The Planning Center, 2 East Congress here in

1 Tucson. And at this time, we don't really have any new updates from
2 our, our last, our last hearing.

3 The property owner was out of town in Ecuador for the
4 better part of July, so, we haven't had a, had a chance to meet and
5 coordinate and meet with all the neighbors. So, we're anticipating
6 doing that in the middle or latter part of August and, and then,
7 continuing the hearing to August 30th, and potentially, even September
8 27th, if we can't resolve any concerns by then.

9 ZONING EXAMINER: Okay. Thank you.

10 MR. UNDERWOOD: Thank you.

11 ZONING EXAMINER: And there are people here who I think
12 want to speak on, on this particular case, yes? Okay. So, I am going
13 to open the floor to you. I need to get the yellow card. Hang on.
14 You want to get it? Why don't you bring me some of the orange cards,
15 too?

16 This is one way Tucson is sustainable. Okay. So, I'm
17 pretty sure that from the cards that I have here for this case, I only
18 see people in opposition. If that's not the case, is there anyone
19 here who wants to speak in favor of La Roca Vista Rezoning?

20 Okay. So, I'm gonna go in order of the, the way these
21 names are popping up to me here. So, the first person I'd like to
22 hear from is John Dickinson?

23 MR. DICKINSON: Good evening. My name is John Dickinson.
24 I live at 2470 North Tierra Verde Place in Tucson. And our lot is
25 adjacent to the La Roca, La Roca Vista property on the northwest side.

1 So, we have a long, long lot line that - I didn't measure it, but it's
2 several hundred, about 200 - two or three hundred feet along the west
3 side. So, we're very interested in this case.

4 At the meeting on June 21st, we submitted an approval-
5 protest form where it was marked "approve", but it was with our
6 conditional - with, with conditions for that and, and provided that
7 all the City of Tucson Planning & Development Services report
8 recommendations would be incorporated.

9 I understand now that it's basically impossible for you to
10 tally that as it was not in response to a specific plan. So, it's my
11 understanding that the - that, that I need to, to submit the form with
12 respect to the initial plan. And so, there- -- therefore, we filled
13 out a new form which is marked "protest" and would appreciate it if
14 that could be considered. Thank you.

15 Now, we, we were impressed - I was impressed by the work
16 that the Planning & Development Services Department did. I thought it
17 was well thought-out and gave careful consideration to both sides,
18 the, the, the owner and the adjacent property owners.

19 So, so, what we supported, and continue to support, is, is
20 their recommendation to reduce the density and to limit the heights to
21 one story. And I believe that was also 18 feet maximum elevation.

22 In addition to that, we, we want to ensure that there is
23 consideration noted for a, a solid wall along the west side of the,
24 the property. I believe this has been agreed to, which is nice.

1 I would just like to mention it again so, so that we know it's
2 incorporated in the final plan.

3 We're also interested in ensuring that there are no street
4 lights, as the, the road will be right - very close to our back yard
5 and any, any street lights that might be on all night would be very
6 annoying. I don't expect that there would be street lights, but it
7 would not harm to have a note that they would not be permitted.

8 ZONING EXAMINER: Okay.

9 MR. DICKINSON: The last item is, is a recommendation of
10 the Bear Canyon Neighborhood Plan, and that is to bury all overhead
11 wires as part of new, new projects. And there are overhead wires
12 along the west side of the subject property, I believe, almost the
13 entire length.

14 And outside of the wires over- -- overhead wires on Tanque
15 Verde Road, these are the only overhead wires in the vicinity. And
16 there are no other overhead wires that can be seen in Castle Rock or
17 the surrounding area. So, we also encourage that - including the
18 burying of those, those wires in the plans. So, that, that's all I
19 have and I appreciate your consideration.

20 ZONING EXAMINER: Thank you very much.

21 MR. DICKINSON: Thank you very much.

22 ZONING EXAMINER: I have Lisa Olson.

23 MS. OLSON: Good evening. My name is Lisa Olson. I'm at
24 2415 North Creek Vista Drive, Tucson, Arizona, 85749. I just wanted
25 to reiterate what I said before. My main concerns about the proposed

1 subdi- -- development is I'm on the very south end, southeast end of
2 that development, proposed development. And I have great concerns
3 about four homes being on the end. I just look at that area and it is
4 just so small and I just can't even imagine what it's gonna do to the
5 value of my property.

6 Also, like to reiterate that Lakes at Castle Rock
7 Subdivision homeowners pay a pretty big association dues monthly.
8 And potentially, selling our properties would be impacted greatly if
9 we were backing a development that didn't fit into the type of space
10 that is in our current development.

11 So, that is my concern. Also, on the southeast end, I'm
12 also concerned about the drainage that is going to back my house, and
13 make sure that's been fully defined by the City and that I can feel
14 confident that I'm not going to experience any problems with that.

15 Additionally, my final concern is still the maintenance of
16 the, the vegetation. I have had problems with the property owner
17 previously in aiding in cleaning up the vegetation on the - her side
18 of the property. And I continue to have those same concerns because
19 who will maintain that? And I've paid hundreds of dollars to have her
20 tree cut.

21 So, who's gonna continue to pay to have those - that
22 landscaping maintained that is maybe in the boundary zone between the
23 subdivisions? And those are my main concerns.

24 ZONING EXAMINER: Okay.

25 MS. OLSON: Thank you.

1 ZONING EXAMINER: Thank you. Debbie Yoder?

2 MS. YODER: Good evening. My name is Debbie Yoder. I live
3 at 2419 North Creek Vista Drive. My property is on the southeast
4 boundary of the proposed development.

5 I'd like to state that all of the concerns that I stated at
6 the prior hearing and in my correspondence still remain. And I'm
7 concerned about the lack of communication between the Applicant and
8 the neighbors.

9 During this six-week period of time, I had understood at
10 the June meeting that the neighbor meeting would take place before
11 tonight's hearing. And I learned yesterday that the Applicant didn't
12 expect that there would be a neighbor meeting during that period of
13 time. And I'm not sure why that expectation wasn't shared with the
14 neighbors.

15 Personally, I revised my vacation schedule so that I would
16 be available during this period of time and now find that the meeting
17 may take place when I'm not going to be available. And I'm not
18 pleased that I'm not gonna be able to participate most likely in that
19 meeting.

20 I also had a question about what the address will be used
21 for the upcoming neighborhood meeting. The addresses that were
22 provided in November of '17 to the Applicant were not current
23 addresses. My husband and I have not received any notice of the
24 neighbor meetings because the - we purchased our property in mid-
25 October and the Assessor's record was not updated to reflect that.

1 So, I'm, you know, I would like to make sure that whatever
2 notification is being used by the Applicant is current. We did get
3 notice from the City of this meeting, so, the City, obviously, is
4 using a current address list.

5 And I guess my last question is, what is the process when a
6 plan is revised as far as the City is concerned? Is there another
7 evaluation made by City Planning based on the revision or is, is that
8 not something that takes place? So, those are, those are my questions
9 and thoughts. Thank you.

10 ZONING EXAMINER: Okay. Thank you. (Inaudible) Okay.
11 My under- -- what I'm understanding is that the Applicant will be
12 required to order new mailing labels. So, hopefully your name will be
13 on that, that set. Yeah, 'cause they expire after 60 days. So,
14 that's, that's been long gone. Okay. The next name I have here is
15 Holly Hope.

16 MS. HOPE: Hi. I'm Holly Hope and I'm at 2485 North Tierra
17 Verde Place. Two things. First, I, I turned in my protest form and I
18 referenced a photo which I did not attach, so, I have brought it and
19 would like to -

20 ZONING EXAMINER: Okay.

21 MS. HOPE: The second thing is that I, I share my
22 neighbor's concern for lack of communications. I have supplied The
23 Planning Center with my e-mails, and yet the only e-mails I get are
24 those that go to neighbors who think to forward them to me. So, I
25 would, I would just like to share my concern. That's it. Thank you.

1 ZONING EXAMINER: Oh. Thank you. And the last name that I
2 have here is John Henderson. I think that's what - did I say that
3 right?

4 MR. HENDERSON: Yeah, you did.

5 ZONING EXAMINER: Okay.

6 MR. HENDERSON: Yeah. My name is John.

7 ZONING EXAMINER: A little hard to read, John.

8 MR. HENDERSON: Okay.

9 MALE SPEAKER: John.

10 MR. HENDERSON: My handwriting's very poor.

11 MALE SPEAKER: John, this a different zoning matter.

12 MR. HENDERSON: Oh, it is?

13 MALE SPEAKER: Yes.

14 MR. HENDERSON: Never mind. I have to wait (inaudible)

15 ZONING EXAMINER: You're on a different one? Okay.

16 MALE SPEAKER: We're all a lively bunch.

17 MR. HENDERSON: Yeah. Call me up again for the next
18 subject, all right?

19 ZONING EXAMINER: It was good to have you up there anyway.
20 You look good.

21 MR. HENDERSON: Thanks.

22 ZONING EXAMINER: Okay. So, Mr. Underwood, is there
23 anything you want to - are you still out there? Nothing you want to
24 add?

25 MR. UNDERWOOD: No.

1 ZONING EXAMINER: You've, you've requested a continuance to
2 August 30th, and you're gonna want to go probably another step.

3 MR. UNDERWOOD: Yes, sir.

4 ZONING EXAMINER: Okay.

5 MR. UNDERWOOD: I believe we'll need some more time, I
6 think, -

7 ZONING EXAMINER: A, a couple (inaudible)

8 MR. UNDERWOOD: - to work through some concerns.

9 ZONING EXAMINER: Okay.

10 MR. UNDERWOOD: Yeah.

11 ZONING EXAMINER: Well, because of the time limit that I'm
12 allowed to continue a case to, I am going to continue this case to
13 August 30th. I don't want anybody to show up because we're not gonna
14 have a meeting that night. We're just going to continue it again to
15 September 27th.

16 MR. UNDERWOOD: Thank you.

17 ZONING EXAMINER: Okay?

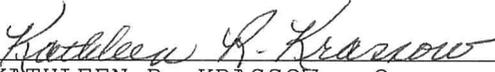
18 MR. UNDERWOOD: Thank you.

19 ZONING EXAMINER: Okay. So, before I close this case for
20 the night, is there anybody else who would like to speak on this case,
21 for any reason? Okay. Very good. So, that's the end of this
22 particular case for the evening. We're gonna take a brief break while
23 we switch Zoning Examiners. Thank you.

24 (Case: 9-18-10 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: 08/11/18



KATHLEEN R. KRASSOW - Owner
M&M Typing Service

ZONING MEMBERS PRESENT:

Thomas Sayler-Brown, Zoning Examiner

Andrea Ochoa, City Recording Clerk

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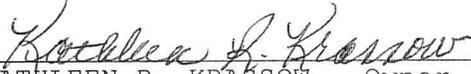
1 ZONING EXAMINER: Today is August 30th. My name is Thomas
2 Sayler-Brown. I am the Hearing Officer. I'm here on one case
3 tonight, and this is C9-18-10 La Roca Vista. Is there anybody here
4 who's - anybody here for that case? Good. Because that's a continued
5 case, and I'm, I'm understanding that's gonna be continued again. So,
6 I'm here just to continue the case.

7 So, C9-18-10 La Roca Vista, we are gonna continue this case
8 until September 27th. And that's it for that case. Now, we are
9 recording, so we have to change the recording, and we'll get to you
10 all in a minute.

11 (Case: C9-18-19 was continued to September 27th, 2018.)

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: 09/04/18



KATHLEEN R. KRASSOW - Owner
M&M Typing Service

ZONING MEMBERS PRESENT:

Thomas Sayler-Brown, Zoning Examiner
John Beall, Planning & Development Services
Jesus Acedo, City Recording Clerk

=====

1 ZONING EXAMINER: Good evening. My name is Thomas Sayler-
2 Brown. I'm the Zoning Examiner for the City of Tucson. I conduct
3 rezoning hearings on behalf of the Mayor and Council and make findings
4 of fact which I put into a report, along with my recommendation which
5 I then send to Mayor and Council.

6 My report will be based on evidence submitted to me as part
7 of the rezoning application, as well as on the testimony taken
8 tonight. I will also include in the record all documents submitted up
9 to, to my office up to this hearing.

10 A tape recording is being made of tonight's hearing by the
11 City Clerk's Office, and if necessary, a transcript will be prepared.
12 I'll prepare a preliminary report and a final report. Assuming I
13 don't continue this case again after I close tonight's hearing, I'll
14 prepare a preliminary report within five working days.

15 I'll prepare a final report in two weeks after the close of
16 the public hearing. A copy of the final report will be available from
17 the Planning & Development Services Department. And I'll send that
18 report along to Mayor and Council. They may consider my
19 recommendation along with other factors and they will base their vote
20 on that.

1 Now this is a continued case. If there's anyone here
2 wishing to speak in the case, I'll take your testimony after I've
3 heard from the Applicant.

4 Since I cannot have any communications with parties
5 involved in this case, now is the time for you to speak. Is there
6 anyone here to speak on La Roca Vista? Okay. So, I want to make sure
7 that you've each filled out one of those yellow cards.

8 There's a yellow card up there with La Roca Vista written
9 on them, and I'll call you up in order. Once I get the cards, I'll
10 call you up in order - those in support, those opposed and those who
11 are neutral.

12 Now when I call you up, I'd like you to print your name and
13 address on the La Roca Vista sign-in sheet. And I'm also gonna be
14 asking you to announce your name and address for the record and for
15 the Recording Clerk.

16 So, if anyone other than the principals in this case wants
17 a copy of my preliminary report, you have to fill out the orange card
18 that's up there on the podium.

19 So, at this time, I'd like to swear in those wishing to
20 speak. Anyone who thinks there's any possibility that he or she will
21 speak tonight, please stand for the oath and raise your right hand.

22 Do you swear or affirm to tell the truth, the whole truth,
23 and nothing but the truth?

24 (Affirmative.)

1 ZONING EXAMINER: Okay. Mr. John Beall of the Planning &
2 Development Service Department is sitting to my right. Mr. Beall, can
3 you give me a brief update on this case?

4 MR. BEALL: Yes. Since the last hearing, there - as to
5 date, there are 19 protests, one approval. Three are outside the 150
6 feet, 16 are within the 150 feet, and protest by total lots is 37.2%
7 and the protests by total area is 23.8%, with both of those numbers
8 triggering a Mayor and Council, super majority vote for Mayor and
9 Council for the ordinance.

10 And also, this evening, right before the meeting, I
11 received a protest letter from Holly Hope.

12 ZONING EXAMINER: Okay. So, our Applicant for this hearing
13 is Brian Underwood with the Planning Center. So, Brian, can you
14 please give an update on the material and information since the
15 original hearing and anything you'd like to have added to the record.

16 MR. UNDERWOOD: Absolutely. I actually have a packet of
17 information here for you. I was hoping to be able to put a power
18 point presentation up on the screen if that's possible. It's not?

19 All right. Well, here's two copies of the presentation,
20 and of the power point presentation (inaudible) try, try as best as we
21 can to get everybody to follow along (inaudible) There's an extra
22 copy up here of the presentation for folks. I apologize that we're
23 not able to put it up on the screen for you.

24 Good evening, Mr. Sayler-Brown, and thank you for meeting
25 with us again regarding our infill rezoning request, La Roca Vista.

1 My name is Brian Underwood and I'm with the Planning Center, 2 East
2 Congress here in Tucson. And I'm joined tonight by Frances Hart who
3 is requesting this rezoning for her property, as well as Jim Marian,
4 her broker for the property, and my fellow Planning Center colleague,
5 Lexy Wellott.

6 We have a lot of ground to cover, so, I'll get right to it
7 and I'll try to be as brief as possible. This first slide that you
8 see in your packet shows a, let's start with the, the history of the
9 subject property and the development that has occurred around it over
10 the last five to seven decades. Ms. Hart's current resident was built
11 in 1949.

12 This, this is a photograph from 1974, and is the earliest
13 photo we could find. As you can see, the subject property was the
14 first home in the immediate area and was largely surrounded by open
15 swaths of farmland and ranches at that time.

16 In 1976, Tanque Verde Acres, and if you want to go ahead
17 and switch to the second slide there, the, the timeline. In 1976,
18 Tanque Verde Acres was platted, and a couple of years later in 1979,
19 the first residents moved in.

20 Frances, now a retired school teacher, moved into the home
21 in 1981. Note the large waterway through the eastern edge, if you go
22 back to that, that previous photo, of the future - through the eastern
23 edge of the future lots in Tanque Verde Acres.

24 This next slide summarizes land use and development
25 patterns surrounding Ms. Hart's property from the date of this photo

1 until every square foot around her was essentially subdivided for
2 single-family homes.

3 In April, 1940 (sic) - or April 1984, excuse me, the Tanque
4 Verde-Wrightstown area was annexed into the City of Tucson. The
5 annexation of this original area into the City is a clear indication
6 that the City anticipated this area to grow and thus was the impetus
7 for the development of the Bear Canyon Neighborhood Plan, which was
8 adopted in the fall of 1984.

9 Then, then came development of the Lakes at Castle Rock in
10 1987. That's when that was platted and it was built out over a number
11 of years, and I think it was completed sometime in early two- -- in,
12 in early, the early 2000's, I believe 2002.

13 And as you can see, if you flip through those next few
14 photos, the aerial photograph from 1992, 1998, and then ultimately
15 from 2002, a full build-out of Lakes at Castle Rock.

16 Over the years, the situation for Frances has gone from bad
17 to worse, with new home construction, including two homes - including
18 two-story homes popping up around her until her property was
19 ultimately surrounded.

20 It was suggested at our last neighborhood meeting that we
21 were trying to pit neighbors against neighbors, and that's exactly
22 what we tried not to do when embarking on this plan and by making the
23 changes that have been made thus far.

24 When we started this rezoning, the challenge was how can we
25 make the old plan better? Smaller footprint, more compatibility while

1 also creating a plan that was marketable to a homebuilder in today's
2 market where land prices and housing construction costs are up, and
3 the labor pool is low.

4 We went through several iterations. As you can see as you
5 go through your packet, there are several different site plans in
6 there. And, and we went through several diff- -- several different
7 iterations that would have done just that, pitted neighbors against
8 neighbors.

9 Instead, we created a plan that is in, is in compliance
10 with just about every goal policy and implementation technique in the
11 Bear Canyon Neighborhood Plan. For instance, the Bear Canyon
12 Neighborhood Plan emphasizes that new residential development be
13 compatible with the existing neighborhoods.

14 And this, by no means, is an exhaustive list of how the
15 plan we're proposing is compatible with the existing neighborhood.
16 But to highlight a few ways, the proposed site plan effectively
17 provides a sufficient transition between Lakes at Castle Rock and
18 Tanque Verde Acres.

19 Provides increased buffer yards from the old plan. Similar
20 density as the surrounding Lakes at Castle Road Neighborhood. Similar
21 architectural style and colors of the surrounding area, and limits
22 homes to one story where immediately adjacent to an existing one-story
23 home.

24 For your convenience, we've also gone ahead and included in
25 your packet at the back of it a list of all the specific policies and

1 implementation techniques for the Bear Canyon Neighborhood Plan that
2 our proposal conforms to, and they are quite lengthy.

3 Moreover, we found a way to provide open space for the
4 large-lot home with our new design. We, we found a way to provide
5 more open space for the large-lot homes to the west in Tanque Verde
6 Acres.

7 We increased the width of the four-foot treeway, minimum
8 allowed in the first rezoning from 2005 to ensure the preservation of
9 the mature trees behind existing homes in Lakes at Castle Rock that,
10 that serve as a privacy barrier.

11 We widened the proposed street section enough to allow for
12 on-street parking where the old plan did not. And we were able to
13 achieve similar - we were able to achieve enough density to make the
14 property marketable.

15 At that time, we had settled on a plan with 20 lots similar
16 in size to those in Lakes at Castle Rock. Still single-family
17 detached homes on individual lots, but ten feet narrower at 40 feet
18 wide instead of 50. And that's some of those - you'll see that after
19 those site plan iterations in your packet. You'll see the first
20 conceptual land use plan and 20 lots on there.

21 So, still single-family homes, as I said, on individual
22 lots, but ten feet narrower at 40 feet instead of 50 feet, which meant
23 that a slightly smaller home would be built and less homes were two-
24 story, or a builder designed a longer footprint for the homes since
25 you'll notice on the site plan design that it offers deeper lots in

1 many cases than just the typical, we have a typical one - 110-foot
2 depth, but we have much, much deeper lots in many cases.

3 It was with this plan that Frances initially reached out to
4 her neighbors and held a meeting at the beginning of this year on
5 January 9th. Although we did not attend that meeting to hear concerns
6 firsthand, we responded to concerns about privacy and lot size by
7 widening the 40-foot wide lots to 45 feet, which reduced the total lot
8 count from 20 to 19.

9 And we also proposed clear-story windows on the second
10 floor of two-story homes and a prohibition on balconies facing
11 existing residences to further address the concern of two stories
12 adjacent to single-story homes.

13 The revised plan was still met with some resistance at our
14 next meeting on March 8th, where in response to feedback during the
15 meeting, we discussed limiting more than just the three homes closest
16 to Tanque Verde Road to single story in order to further address
17 privacy and view concerns.

18 We also brought our project civil engineer to the meeting
19 to explain the preliminary drainage plan for the property and address
20 questions, since drainage has, has been a, a major issue in the Lakes
21 at Castle Rock and, and with this project.

22 Following the meeting, we notified neighbors that a minimum
23 of 33% of the homes would be limited to single story, and we submitted
24 our rezoning application to City Staff for review in April.

1 Over two months went by before the first Zoning Examiner
2 meeting on June 21st. During that time, the rezoning document was
3 revised per comments from a neighbor to the west, Sally Dickinson, and
4 Frances, and Frances agreed to add a five-foot decorative masonry wall
5 along the west boundary, the eastern boundary of Ed Messing and the
6 Dickinsons' properties, to provide further privacy screening for their
7 back yards.

8 Also, during that time, the City was writing their Staff
9 report and drafting Preliminary Conditions of the rezoning. Now I
10 want to emphasize that word "preliminary" because Staff's conditions
11 are a recommendation to you as the Zoning Examiner who recommend, who
12 recommends conditions to the Mayor and Council that are ultimately
13 finalized by the Council.

14 Typically, Preliminary Conditions are sent to rezoning
15 Applicants before being recommended to the Zoning Examiner, and if
16 necessary, a meeting is held to discuss and adjust those conditions
17 before they're sent.

18 In this case, Staff's recommendation was made at Frances'
19 expense without background or context and without consultation or
20 discussion with her or us as the Applicant.

21 It is Frances and the ultimate developer that have a vested
22 interest in this decision where the increase or decrease of one house
23 has a meaningful impact on land value, and the ultimate cost of
24 development. But for those surrounding Frances' property, the
25 difference of 15 versus 16 homes will hardly be noticed, since the

1 impact of one additional home is negligible from any one point on the
2 perimeter.

3 Although it's now a moot point with our, with our newly-
4 revised plan, I'd also like to take a moment to touch on the
5 longstanding policy mentioned in the Staff report on conditioning
6 rezonings to limit two-story structures to only those locations where
7 adjacent to existing two-story, two-story development.

8 You'll notice in your packet, there's a photo outside of,
9 of one of the bedrooms in Frances' home. And as seen in this photo,
10 there's a two-story home immediately to the west that towers over her
11 one-story home, due to the fact that the adjacent homes to the west in
12 Lakes at Castle Rock sit approximately eight to ten feet higher than
13 Frances' property. So, we have two-story development and it sits ten
14 feet - eight to ten feet higher.

15 Where is this longstanding policy then? It's evident it
16 was not honored adjacent to Frances, nor along nearly the entire
17 southern border of, of Tanque Verde Acres where one of the first
18 phases of the Lakes at Castle Rock was built with two-story homes
19 directly against existing one-story homes in that subdivision.

20 And you'll notice the, the dots on, on some of the, the
21 site plans that, that are widened out to show some more context. And
22 those dots indicate two-story homes in the Lakes at Caste Rocks.

23 A look back at recent rezonings over the last five years
24 also conflicts with this statement as not a single one completed by

1 our firm, at least, has included a condition to this effect. If this
2 truly is a longstanding policy, it is not being enforced consistently.

3 The two-story homes directly adjacent to Frances' property
4 have balconies and offer no privacy mitigation. The lack of
5 enforcement of this so-called longstanding policy has created a
6 situation that has limited the value and sales potential of Frances'
7 property for decades. Her home on four and a half acres is actually
8 worth less than homes in the Lakes at Castle Rock that border her
9 property.

10 In the spirit of fairness and land use compatibility,
11 France's property should have the same opportunity the Lakes at Castle
12 Rock had to be developed with two-story homes. And at the very least,
13 should be able to go through the process of appropriately siting any
14 two-stories through negotiations with affected neighbors as is
15 customary during the rezoning process.

16 All those, those points aside, with a considerable amount
17 of lingering opposition, we again revised the proposed site plan for
18 Frances' property, after the last Zoning Examiner hearing, to provide
19 a minimum lot size of 50 feet, which is identical to the lots platted
20 in the Lakes at Castle Rock, and which further reduced the total lot
21 count from 19 down to 16. We also proposed a minimum of 50% single
22 story which is what was approved per the 2005 rezoning.

23 Our third and final neighborhood meeting was held on
24 September 6th, to discuss those changes and gather additional feedback
25 from the neighborhood. Recognizing that there were still several

1 folks upset about the prospect of two-story homes located adjacent to
2 them, we offered to discuss limiting more homes to one story, or
3 possibly instituting a 100% single-story limitation and asked if that
4 was something that would largely alleviate many people's concerns.

5 We also asked if that concession would be enough for some
6 folks to withdraw their protests. At least half of those in
7 attendance agreed that with the changes to the site plan and the
8 restriction on two-story homes, they would be willing to withdraw
9 their protest.

10 We sent an e-mail on September 19th, memorializing our offer
11 to limit more homes to one story. Rather than an outright
12 restriction on two-story homes, we settled on allowing two stories on
13 only the two homes in the southwest corner that are adjacent to
14 existing two-story homes, which is consistent with the recommendation
15 from Staff.

16 We also drafted the following conditions to further address
17 ongoing concerns raised during this process. Limit all homes to one
18 story and a maximum height of 18 feet except for homes on Lots 15 and
19 16 as shown on the approved Preliminary Development Plan.

20 Balconies facing existing residents shall be - residences
21 shall be prohibited. Clear-story windows must be provided on the
22 second floor of homes on Lots 15 and 16 where facing existing
23 residences. And the ten-foot landscape setback along the eastern
24 boundary must be maintained by the future HOA.

1 And in response to concerns that the proposed ten-foot
2 tree-line buffer or setback may attract individuals looking to conceal
3 their activities, we also propose a condition requiring the top two to
4 three feet of the required five-foot decorative masonry walls along
5 the back yards of the future homes on the east- -- along the eastern
6 boundary be open-view fence, wrought iron, to create a constant visual
7 presence on that area.

8 Grading and then, finally the last condition is grading and
9 drainage must be designed to equal or lessen the flows the southern
10 wall was designed to accommodate.

11 Despite making these concessions, not a single person that
12 expressed a willingness to withdraw their protest has done so. And,
13 in fact, we now have one additional protest that, that we learned of
14 today.

15 At some point, there needs to be some acknowledgement from
16 both sides that changes have been made to lessen the impact of new
17 home development on this site. The old plan with 12 lots was rezoned.
18 If you look, there's a comparison there in your packet. Basically,
19 shows the old plan from 2005 versus what we're proposing now.

20 That old plan with 12 lots was rezoned at the height of the
21 housing market. And any developer would have killed for the
22 opportunity to develop it at that time. And then the crash hit. And
23 that old 2005 lot layout that was - that has - and those homes are no
24 longer marketable in this location. Instead, the lot, slash, home

1 sizes we're proposing are now what is marketable on this property and
2 in today's market.

3 They will demand a similar asking price due to housing
4 inflation and what goes into a new home these days. Quality of
5 materials and the availability of upgrades has dramatically improved
6 over what it was in the '80's when Lakes at Castle Rock was built and
7 - was built and when new home development was at its peak in the early
8 2000's.

9 The older plan, as you'll notice on, on this comparison,
10 would have also disturbed almost the entirety of, of the site with
11 almost the same or less of a setback as currently proposed, and more
12 two-story homes, since six out of the twelve would have been able to
13 go to two story.

14 The old plan potentially compromised the stand of trees
15 along the east boundary, since it only required a four-foot treeway
16 and those trees are about ten feet from the property line. And the
17 new, the new plans that have evolved over time during this rezoning
18 effort have balanced entitlement value with setbacks, open space,
19 privacy mitigation to create a layout that is neighborhood plan
20 compliant, provides like-for-like homes with those in Lakes at Castle
21 Rock, and is sensitive to the large-lot homes to the west while
22 maintaining marketability in a housing market that is significantly
23 different than it was in 2005 and 2006.

24 For years, Ms. Hart has endured throngs of new development
25 and still she has tried to be a good neighbor, which is evident from

1 the numerous hoses on her property leading to mature trees that she
2 has watered on a retired teacher's salary because they are a welcome
3 privacy barrier, barrier for her and for those in Lakes at Castle
4 Rock.

5 This is her retirement plan. A chance to downsize her home
6 and property to have security for the next chapter of her life. We
7 respectfully request that you accept our current rezoning proposal and
8 don't close the book on Frances quite yet. And with that, turn it
9 over to you for questions. Thank you.

10 ZONING EXAMINER: Well, thank you, Mr., Mr. Underwood. So,
11 based on what I'm hearing, is this your best and final offer?

12 MR. UNDERWOOD: That is correct.

13 ZONING EXAMINER: I can't think of another way of saying
14 it.

15 MR. UNDERWOOD: Yes, Mr., Mr. Zoning Examiner. To put it
16 simply, we, we've looked at this project and the Staff's
17 recommendation of, of doing 15 lots, and 16 is, is the bare minimum
18 that we can do.

19 ZONING EXAMINER: Okay. I'm kind, kind of curious about
20 that buffer yard in the back. The, the code says you have to put a
21 wall on the, on the walls on the property side, so there's gonna be
22 two walls that separate a ten-foot buffer yard?

23 MR. UNDERWOOD: There will be two walls, yes. And the code
24 - I mean it doesn't specifically state that the back yard, I don't
25 think, has to be walled in, but I think just for privacy concerns and

1 for just folks delineating what their, what their space is, I think
2 that's, that's the, the preferred alternative.

3 We recognize that there's been some discussion about that
4 being an area that doesn't have eyes on it, and could potentially be
5 a, a place where folks conceal themselves. And that's why we propose
6 the open view fence in there which also has the effect of giving some
7 additional breadth to that area so it feels like your back yard is ten
8 feet wider, even though - 'cause you can see through that fence.

9 But really would, would like to stay away from sharing that
10 wall eating into that, that ten feet. And, and really what it becomes
11 is, is that if that ten feet is a part of someone's lot, their future
12 lot and it's deed restricted over the last ten feet that they can't do
13 anything, chances are that folks are still going to go into that area.
14 And if they want to pull a tree out, they'll do so.

15 And if we keep it in the common area for the HOA, the plan
16 would be that some of these trees, albeit they are very nice, they're
17 mature trees. They provide lots of screening, they're, they're
18 nearing the end of their life span. And there's some Aleppo pines out
19 there that are old dead trees.

20 And so, the idea would be that if it's in the common area,
21 the HOA has the ability, and we can make that a condition as well,
22 that if an old tree is gonna come down, we can put a new one in its
23 place before that happens. Let it mature some and then, and then take
24 the other one out.

25 ZONING EXAMINER: Okay.

1 MR. UNDERWOOD: And how that (inaudible)

2 ZONING EXAMINER: My, my concern was mostly just around the
3 fact that there's gonna be a wall at all. If there were another way
4 to keep the buffer yard, which I like, but not have that, that wall
5 that could potentially create a trash area and -

6 MR. UNDERWOOD: Yeah.

7 ZONING EXAMINER: - safety issues.

8 MR. UNDERWOOD: Absolutely. And, and that was something
9 that at least the safety issue we felt we could address with the
10 wrought iron. In terms of debris over there, that's where we feel
11 that, you know, it has, there has to be a condition in there that it's
12 maintained by the HOA regularly.

13 ZONING EXAMINER: And again, I don't know quite how to ask
14 this question, but I'm gonna ask it this way and we'll see what
15 happens. So, what's the worst that can happen if you proceeded with
16 meeting all of the re- -- the demands of the neighbors?

17 MR. UNDERWOOD: Well, -

18 ZONING EXAMINER: Mostly - and most of that is in terms of
19 number of lots, the height of the structures, and those were the two
20 big ones that if we can address tonight.

21 MR. UNDERWOOD: Yeah. I, I think - I haven't had a chance
22 to look through all the, the letters. But I think, you know, some
23 folks are split. They want 12 lots. They want what was approved in
24 the original rezoning. Some folks want just what was recommended by
25 Staff during this go-around at 15 lots.

1 For us, we, we don't want to run the risk of rezoning this
2 property for Frances and it goes unmarketable, undeveloped, unbought.

3 ZONING EXAMINER: Okay.

4 MR. UNDERWOOD: And, and so that's really, I think, what
5 the worst case would be is, is that it sits for another ten, twenty
6 years and, and she isn't able to, to move on to a smaller place.

7 ZONING EXAMINER: Okay. Thank you.

8 MR. UNDERWOOD: Thank you.

9 ZONING EXAMINER: So, I'm gonna move on to - did you, did
10 you find any cards? Are there cards down there for me? There are
11 cards down there?

12 (Inaudible discussion.)

13 ZONING EXAMINER: I'm also gonna make a request for some
14 mercy here. I have read a lot of e-mails and a lot of letters in the
15 last few days. And when it comes down to it, the majority of the
16 issues are around the number of lots, the height of the buildings and
17 there's issues around drainage. Those are the three biggies. There's
18 a bunch of others.

19 I'd really appreciate it when I call your name if you come
20 up, if you're gonna be presen- -- that you present something a little
21 bit different than somebody else has presented. 'Cause I'll tell you
22 what, I know all about the, the heights. I know a lot about the
23 density issues. So, just - I'm just asking for a little mercy here on
24 time, for time purposes.

1 The other thing is drainage really cannot be addressed as
2 part of this rezoning because no engineering can be done until the
3 conditions are completed. But there is a policy in the Bear Canyon
4 Neighborhood Plan that states the developer is to stay in contact with
5 the neighbors before submitting their development package to the City.

6 So, what I would recommend if we move ahead with a
7 recommendation for approval, that we add a condition that makes it
8 very clear that the development package will be presented to the
9 neighbors prior to the Applicant submitting the development package to
10 the City.

11 So, you'll have an opportunity to see how they've handled
12 drainage and really deal with the engineering issues at that point.
13 We can't talk about drainage at this rezoning. Clear? Okay. And I
14 know it's an issue. Thanks for your pictures.

15 Okay. I'm just gonna start going through these in the
16 order that I - they are in front of me. I'm gonna call up Holly Hope
17 first.

18 MS. HOPE: My name is Holly Hope and I live at 2485 North
19 Tierra Verde Place. And I submitted written testimony. Much of it
20 has to do with the fact that I am concerned with the drainage. The
21 things that I'm not - I am concerned about is that I, I got an e-mail
22 from Brian and I spoke to the engineer. And both of them described
23 using detention calculations to calculate retention.

24 They also used coefficients that they couldn't tell me and
25 that I couldn't trace. So, my request is that if when this happens,

1 that if the difference between the calculations made now and the
2 calculations made then are such that lot sizes have to change or the
3 number of lots have to decrease, that the decision be made that the
4 number of lots have to decrease. I'll spare you that part.

5 ZONING EXAMINER: Okay.

6 MS. HOPE: Other than that, I think everybody else can -
7 will address the, the things. My vote is for territorial-style
8 throughout (inaudible) 15-foot max.

9 ZONING EXAMINER: Okay.

10 MS. HOPE: Twelve to fourteen lots, but, but everybody has
11 a vote on that.

12 ZONING EXAMINER: Okay. Thank you very much. Kathy
13 Harris.

14 MS. HARRIS: Actually, (inaudible)

15 MR. HARRIS: She threw something at me. Michael Harris,
16 9537 East Shadow Lake Court. We're on the upper corner lot right up
17 against Tanque Verde, which is one of my concerns as well.

18 We're in a - you probably have a lot of this in your
19 information, but - can you hear me all right?

20 ZONING EXAMINER: Yep.

21 MR. HARRIS: Okay. We would prefer that the lots do not
22 exceed 12. The homes 15 feet in height with flat roofs. We don't
23 want any two-story buildings at all because we're lower than them in
24 that corner, and they will be towering over above us as well. So, our

1 privacy issues, as well as our scenery, will totally go away. The
2 single story is kind of a - our way of a compromise in that case.

3 We were looking through the old - the Condition 5 in the -
4 that was the Condition 5 of the 2006 zoning authorized by the Mayor
5 and Council, in the case number C9-05-04. The hydrology, you said
6 that we can't really cover, but we are definitely concerned about that
7 because we've experienced it at the other end in the Lakes at Castle
8 Rock where that was not done adequately with one of the previous
9 zonings that was down there, or they said they were gonna do it by
10 that level. And if they, they keep within those constraints so that
11 that water does not go over, that's a major concern with all of us as
12 far as the water.

13 Let me see. I'm, I'm concerned - we're concerned
14 personally because of the easement that comes off of the highway, the
15 turn lane, to be able to - if they're going eastbound on Tanque Verde,
16 if you look at that map. So, there's gonna have to have a turn lane
17 to be able to turn into there.

18 Our concern is that it's adequately long enough that we're
19 not gonna get a car in our front yard, because we will be the one that
20 the car goes - if they miss that turn, they're gonna be in our yard.

21 Let's see. We prefer the, the layout from the 2006
22 approval with the road snaking from the east to west so that all the,
23 all the homes don't fall on one side or the other.

24 Everybody's been concerned about the fact, well, we don't
25 want them all over on this side. And the ones on that other side

1 don't want them all on that side. So, you already approved one that
2 snakes down through the, the property and it's probably a fair
3 compromise.

4 The buffer zone, that's, that's kind of a - it's
5 interesting that you brought that up because that is a touchy area.
6 And I don't know what's really gonna work. I do want the buffer. I
7 don't want them right up against our wall because I know what's gonna
8 happen in that case.

9 And it's important, I believe, that we zone this so that
10 that area's protected and it falls on their burden to maintain it on
11 the HOA of whoever ends up buying this. So, and I don't know how that
12 goes into the permit process, or the zoning process. So, you'll have
13 to bear with me on that one.

14 It's basically, it's just our form of a compromise. That's
15 pretty much all I have to say is that we would just prefer the single
16 story above anything else. Limit it to the 12 to 14 homes because the
17 of lot size and the privacy.

18 ZONING EXAMINER: Okay.

19 MR. HARRIS: And I have this because we didn't realize, we
20 didn't receive a protest to fill out and even send in until after the
21 fact. I have this, if you would like this.

22 Oh. And if you'd like, we took some pictures so that you
23 get an idea of what is being restricted. Thank you.

24 ZONING EXAMINER: Thank you, sir. Gerard Holmaas (ph.)?

25 Is that number two?

1 MR. HOLMAAS: Hi. My issues are just a little different
2 here.

3 ZONING EXAMINER: You need to state your name and address,
4 please.

5 MR. HOLMAAS: Oh. Gerald Holmaas. The residence is 9533
6 East Lake Star. We don't live there. We bought this (inaudible)

7 ZONING EXAMINER: Pull the microphone to your mouth.

8 MR. HOLMAAS: This one?

9 ZONING EXAMINER: No. That microphone.

10 MR. HOLMAAS: This one.

11 ZONING EXAMINER: Just pull it to you. There.

12 MR. HOLMAAS: Hello.

13 ZONING EXAMINER: Thank you.

14 MR. HOLMAAS: We bought this house for our daughter because
15 she's an attractive single mother raising two children. We were
16 thrilled at the idea of a gated community in a cul-de-sac at the end.
17 And if you'll look at this map, Lot 15 and 16, we're just of there,
18 exactly south of there. That's the house.

19 So, a couple of things. Lot 15 and 16 are gonna have two-
20 story windows. Her bedroom is on the second floor with two doors
21 floor to ceiling and a balcony. I had her send a picture, which I
22 enclosed yesterday, from her balcony, looking out where the Lot 15
23 would be, the second story.

24 And in my letter, I said, "I don't think she would enjoy
25 people peeking at her while she's in her bedroom stuff. Doesn't seem

1 very nice." Anyway, that's an issue. And I understand there'll be
2 windows at the top of the second story. That would kind of cure that,
3 I guess, unless the owner says, "Shoot, I want a window," and he
4 builds a window.

5 Are you gonna charge a lot premium for that? That's not
6 right. It, it's frightening her. She's worried about her safety.

7 ZONING EXAMINER: Okay.

8 MR. HOLMAAS: The other is the drainage. You can see that
9 all the water flows down right at a wall that's her house. The drain
10 is about, it's a shallow little concrete thing about this wide, and
11 about that deep. And there's a ten-foot-by-eight-inch slot at the
12 bottom of a wall. Water flows through there.

13 The way it is now, the monsoons, a lot of the water is
14 soaked up on its way down, but she's still out there gathering rocks
15 and debris and all that kind of stuff. Her neighbor had water go in
16 her yard and his garage.

17 And I'm thinking: Good grief, instead of water being
18 soaked in the, the ground like it is now, it'll be an asphalt road
19 with concrete driveways. And it'll come, maybe, I guess, I'm assured
20 by the hydrologist, that that just won't be an issue.

21 So, I'm a CPA. If I make a mistake on a tax return, I pay
22 the penalty. And I assume the hydrologist, if he's wrong, will pay to
23 have the inside floor of her house cleaned out, okay? What do you
24 think?

1 ZONING EXAMINER: And I do see on the south side of this
2 project, if I'm reading this correctly, the -

3 MR. HOLMAAS: Okay.

4 ZONING EXAMINER: - print that I have in front of me, Mr.
5 Underwood, is not very clear. That is a detention basin?

6 MR. UNDERWOOD: Yes.

7 ZONING EXAMINER: Yes. Okay.

8 MR. HOLMAAS: Is that gonna be big enough? It's not really
9 (inaudible)

10 ZONING EXAMINER: Well, that has to be engineered. I was
11 just asking.

12 MR. UNDERWOOD: Yes, I know.

13 ZONING EXAMINER: Yeah.

14 MR. UNDERWOOD: Okay.

15 ZONING EXAMINER: I, I, I don't know the answer to that.

16 MR. UNDERWOOD: (Inaudible) take care of it.

17 ZONING EXAMINER: So, they'll be definitely looking at
18 that.

19 MR. UNDERWOOD: It'll be fine.

20 ZONING EXAMINER: Okay. Thank you, Mr. Holmaas.

21 MR. HOLMAAS: Thank you.

22 ZONING EXAMINER: And our last opposition is Debbie - is
23 that Toder?

24 MS. YODER: Yoder.

25 ZONING EXAMINER: It is a "Y". Okay. Yoder.

1 MS. YODER: Good evening. My name is Debbie Yoder, and I
2 live at 2419 North Creek Vista Drive. Thank you for allowing me to
3 speak tonight.

4 My neighbor, Lisa Olson, has asked me to read her letter
5 dated September 23rd because she's unable to attend this meeting
6 tonight because she has a contractual obligation to be at work. So,
7 I'm not sure if you'll allow me to do that.

8 ZONING EXAMINER: Absolutely.

9 MS. YODER: And then I would like to speak on behalf of
10 myself afterward if I could.

11 ZONING EXAMINER: Okay.

12 MS. YODER: This a letter dated September 23rd, from Lisa
13 Olson, 2415 North Creek Vista Drive. "Dear Mr. Wyneken: I am
14 contacting you regarding the proposed development adjacent to my
15 property, La Roca Vista, East Tanque Verde Road, SR to R-1."

16 "Given the next public hearing will be Thursday, September
17 27th, I want to make sure my concerns regarding the proposed
18 development are clearly communicated. I specifically request that my
19 letter be made part of the official record and provided to the Zoning
20 Examiner, Thomas Sayler-Brown."

21 "After the developer of La Roca Vista presented their
22 revised plan attached, I reviewed it carefully and still oppose the
23 plan. I oppose the following: Any two-story homes, especially on the
24 south end of the development where I live. Sixteen lots are proposed
25 on the revised plan, three lots on the south end of the development."

1 "Here are my suggestions: Keep all lots one story, flat-
2 roofed houses. I live on the south end of the development, and if
3 there are two-story homes on Lots 14 through 16, as illustrated, I
4 will no longer have any privacy in my back yard."

5 "Make lot sizes larger and keep the lots limited to 12.
6 This will ensure less noise and obstructions for residents on Creek
7 Vista Drive. This was the number of lots in 2006 plan. Also limit
8 the two-story lots at the south end of the development."

9 "Ensure the developer's plans are correct and do not create
10 more problems for the homeowners in Lakes at Castle Rock. Thank you
11 for your consideration and time. Lisa C. Olson."

12 ZONING EXAMINER: Thank you.

13 MS. YODER: As to my statement, you have my September 24th
14 letter and exhibits, I believe. And I request you consider the issues
15 raised in that letter, as well as the following to be considered when
16 making a decision about this matter.

17 The number of lots should be limited to no more than 12,
18 the number authorized in the 2006 rezoning. All houses should be
19 territorial-style with flat roofs and parapet walls, the same as
20 Condition 5 in the 2006 rezoning. All houses should be one story.

21 The plan should lay out lots to buffer and mitigate privacy
22 issues for adjoining properties in a meaningful way. I submit that
23 the current proposal does not maintain the character of our
24 neighborhoods and does not contribute further to neighborhood

1 stability and reflect sensitivity and neighborhood conditions as
2 required by Plan Tucson and the Bear Canyon Neighborhood Plan.

3 Any plan having more than 12 lots on this parcel does not
4 recognize the physical limitations of this lot and reflects
5 sensitivity to site and neighborhood conditions. Although the lot is
6 five and a half acres, it is a trapezoid shape measuring 241 feet by
7 869 feet by 209 feet by 989 feet.

8 One side is bounded by a street and three sides are bounded
9 by single-family residences. The configuration of this parcel
10 presents unique problems that have been ignored by this proposal.
11 Using the proposed lot layout, it is impossible to mitigate privacy
12 issues for adjoining properties. Having houses 25 feet from one's
13 back property line does not address privacy and buffer concerns in a
14 meaningful way.

15 The September 24th letter gives four examples of projects
16 which contain meaningful buffers to adjoining properties. I would
17 like to note that one of those projects was the plan authorized in
18 2006 for this parcel.

19 Our letter speaks to the density of 2.5 units per acre for
20 Lakes at - to using the density of 2.5 acres - units per acre for
21 Lakes at Castle Rock when determining what density is appropriate for
22 this parcel to create a true transition between Tanque Verde Acres and
23 Lakes at Castle Rock.

24 I request you take that information into account when
25 making your decision about the appropriate number of units per acre.

1 Regarding my situation specifically, the most recent proposal for
2 three homes to be located on the cul-de-sac ball will have an
3 extremely negative impact on our property.

4 If this is allowed, our entire 63-foot back yard
5 potentially will have an 18-foot-high obstruction within 25 feet of
6 our wall. I equate this to having the broad side of a barn along the
7 back yard.

8 With our letter, we have included a photo of a ladder in my
9 back yard, the top of which is 18 feet from grade at the west side of
10 our wall. We also have included a photo which shows how far ten feet,
11 thirteen feet and twenty feet are from our wall, and a scale drawing
12 showing how our lot will be impacted if the proposed lot is built out.

13 I request you consider something similar to Condition 10 of
14 the School Yard, Case: C9-14-09 Ordinance Adoption which limits the
15 number of lots, not including functional open space and the drainage
16 basin on the west side of the parcel, and Condition 14 of Phase II of
17 Mahalo Properties Case: C9-13-02 Ordinance Adoption which in addition
18 to mitigating drainage, grading, vegetation, heat island, protects
19 neighboring properties by requiring Common Area A located west of Lots
20 20 and 21 to remain in its natural state.

21 In addition to requiring a meaningful buffer, limiting
22 homes to one story territorial style with flat roofs would mitigate
23 some of the visual impact and privacy concerns. I would also like to
24 mention the following.

1 Mr. Underwood stated in his September 26th e-mail that they
2 widened the lots to 50 feet to match those in Lakes at Castle Rock. I
3 disagree these lots match the lots in Lakes at Castle Rock. While
4 homes along the east side of the parcel in Lakes at Castle Rock have
5 50-foot wide front yards, the back yards of at least six of the
6 adjoining homes have back yards which exceed 110 feet and the back
7 yards of four lots have back yards that exceed 55 feet.

8 Since the homes are situated back yard to back yard, this
9 is an important distinction when saying the proposal matches the lots
10 in Lakes at Castle Rock. This is especially true when no meaningful
11 buffer is provided between the lots.

12 With respect to Mr. Underwood's statement concerning the
13 City's longstanding policy to require one-story homes against one-
14 story homes, I would like to point out that the City report dated
15 September 28th, 2005, prepared for Case: C9-05-24, the previous
16 application for this property included as a condition of rezoning,
17 Condition 1.

18 Lots with common lot lines to adjacent developments with a
19 single-story unit shall be restricted to a single story. Also,
20 Condition 12 of Schoolyard, C9-14-09, limits lots adjoining one-story
21 homes to one-story homes. Thank you for letting me speak.

22 ZONING EXAMINER: Thank you. Could I get that, could I get
23 that letter that you read before from Lisa Olson?

24 MS. YODER: Yes.

1 ZONING EXAMINER: The next person I'm gonna call us is John
2 Dickinson.

3 MR. DICKINSON: I'm John Dickinson. I live at 2470 North
4 Tierra Verde Place. Our property is one of the larger adjacent lots
5 on the northwest boundary of the subject rezoning area.

6 What I've noticed over, over the recent weeks is that plan
7 has been in a state of flux. It's, it's a moving target. And as you
8 so succinctly observed, primarily about number of parcels and the
9 number of stories, a lot of this is going by in e-mail text, and in
10 some cases, proposals. You know, "If, if you would withdraw your
11 protest, if we do this and that."

12 So, in effect, we haven't seen anything concrete that, that
13 we feel would feel comfortable dropping our protest at this time.
14 And, in fact, during this meeting here, it's not clear that there's
15 even a concrete proposal presented to you. There, there either have
16 been a number of items that they said they, they would do or consider,
17 but I haven't seen a current lot plat plan to show, that show the
18 current proposal that, that they have.

19 So, what we want to see is a plan that, at a minimum, meets
20 the City Development Services recommendations. It's a well-thought -
21 those recommendations are, are well thought out, and they're done by
22 professionals I, I feel that deserves, deserves careful consideration.

23 ZONING EXAMINER: Okay.

24 MR. DICKINSON: Now in addition to that, you know our
25 preference is all single story as well. I guess I have to admit we're

1 a little further from the southern end, and so the two-story issue was
2 with those couple of lots. It's not as critical to us, but certainly
3 our preference is for all single story as well. So, I, I hope we will
4 see a concrete proposal before this proceeds to Mayor and Council.
5 Thank you.

6 ZONING EXAMINER: Thank you. And the last speaker card
7 that I have here is from Edward Messing.

8 MR. MESSING: Thank you, Mr. Sayler-Brown, Mr. Beall. My
9 name is Edward Messing. I reside at 2450 North Tierra Verde Place.
10 We are in the Tanque Verde Acres Neighborhood and approximately 100
11 yards of my property abuts Mr. Hart's property. We're just south of
12 the Dickinsons.

13 As I stated in my formal letter that we sent in about
14 opposing or supporting a proposal, my wife and I do not oppose the
15 zoning change as long as the City recommendations from the Staff are
16 implemented.

17 We would like to see 15 lots instead of 16. And we'd like
18 to make sure that the transition zone where the roadway is remains on
19 the west side as a buffer between R-1 and RX-1, which is our zoning.

20 We also recommend that all homes be one story and that if
21 these conditions are met, we, we could live with the development.

22 Thank you. That's all I have.

23 ZONING EXAMINER: And since I can't write as fast as you
24 can talk, can you tell me what you said just before the one-story
25 homes.

1 MR. MESSING: Oh. The, the transition zone, keep the
2 roadway on the west side of the property, 'cause the City Staff
3 recommends having that, that little more open space between the RX-1's
4 and where the R-1 properties are. Did I, did I clarify that?

5 ZONING EXAMINER: Yeah, you did.

6 MR. MESSING: Okay.

7 ZONING EXAMINER: Thank you.

8 MR. MESSING: Okay. Thank you, sir.

9 ZONING EXAMINER: So, Mr. Underwood, is there anything you
10 want to say in response to everything that you've just heard?

11 MR. UNDERWOOD: Yes. Thank you. I'll, I'll try to touch
12 on everybody's concerns here. I'll start with, I'll start with
13 drainage since drainage is, is certainly a, a major concern for, for
14 folks in the Lakes of Castle Rock. And, and really, I guess I, I need
15 to provide some background on, on what the existing conditions, the
16 existing flows are on the site.

17 So, there's 28 CFS coming off of Frances' site in the
18 existing condition. The wall and the, the opening at the bottom of it
19 is designed to accommodate only 13 CFS. So, everything that has been
20 designed for this project has been, has been designed for that 13 CFS,
21 that wall opening.

22 And technically, Frances' property per any other
23 development would typically be required - or be allowed to discharge
24 the same amount as what's in the existing condition as long as it is
25 the same or less and, and at the same or less velocity or speed.

1 Since that wall is designed at 13 CFS, that's not possible.
2 But the, the real reason why the drainage on Frances' property has to
3 be done in this way is that when the Lakes at Castle Rock was built,
4 and you'll notice in the packet that we gave you, there's a letter
5 from an independent hydrology consultant that Frances hired after
6 Lakes at Castle Rock was built to evaluate the drainage impacts on her
7 site and the flooding issues that she was having and, and that are
8 happening downstream from her.

9 And what that report with that letter shows is that, and
10 there's a cross-section in there for this drainage channel. And I
11 believe it was Mr. Holmaas mentioned that there's a, there's a
12 concrete valley pan that that wall opening discharges into, okay? And
13 it turns that water 90 degrees off of Frances' property, supposed to
14 be diverted into this valley pan, this concrete valley pan and down
15 into the cul-de-sac.

16 Well, that valley pan was not what was supposed to be
17 built. It was, instead, supposed to be a six-foot-wide channel. And
18 that channel is actually located, you can see it on the south side of
19 that cul-de-sac that's south of France's property.

20 You can see where that channel, they actually did construct
21 it on the south side of that cul-de-sac and it was meant to have a
22 channel leading into it on the north side. And those flows were meant
23 to be conveyed subsurface underneath the cul-de-sac through a culvert.

24 And so, if Frances was able to discharge 28 CFS through her
25 site, then I think there would be cause to expand that out to the

1 six-foot-wide channel, build it as it was supposed to be built in the
2 Lakes at Castle Rock.

3 And since that is something that is a pre-existing
4 condition, that improvement would need to come from Lakes at Castle
5 Rock, not from the developer of Frances' site. If that's something
6 that Lakes at Castle Rock is willing to do, I think the developer of
7 Frances' property would be willing to discharge 28 CFS as, as the
8 existing condition.

9 Now that being said, there's been some discussion about the
10 sizing of basins. And so, and, and calculations that were, that were
11 used in, in the estimation of the basin sizing. And Ms. Hope
12 mentioned that we had not given her clear calculations or had referred
13 to detention when we meant retention and, and detention-retention is,
14 is the term. It's detention-retention.

15 And, and the confusion became that Ms. Hope was pulling a
16 calculation from a manual, the old storm water manual that's not even
17 in use by the City anymore. And, and the basin is, is sized
18 adequately, adequately per the five-year storm and 100% of the five-
19 year storm has been asked to be retained on site instead of just
20 threshold retention of the five-year storm.

21 And, and our basin sizing is sized adequately for that.
22 It's sized to over half an acre, half an acre foot, when just
23 threshold retention is just over a quarter acre foot at .26. So,
24 we're, we're reducing the amount that's coming off of her site.

1 And, and the only way to, to alleviate these, these issues,
2 these drainage issues is to develop this site and fix the drainage,
3 fix the drainage issue that's already existing out here. And that's
4 what these basins would do.

5 I also would like to just touch briefly on the deceleration
6 lane that was mentioned along Tanque Verde Road. The, the
7 deceleration lane that's there is, is to City of Tucson Department of
8 Transportation standards.

9 It, it provides enough taper to get into the lane and
10 enough stacking if there were cars that were backed up into that. And
11 so, that has already been shown on the plan, that, that deceleration.

12 And, and in regards to, you know, 15 for heights and a 15-
13 foot height max for, especially for that home there, No. 17. I do
14 want to take a moment to, to have you flip to the page that shows the
15 two plans side-by-side, the old plan with 12 lots and this new plan
16 with 16.

17 And you'll notice that there was a four-foot treeway along
18 the eastern boundary, a 35-foot right-of-way and then another 10-foot
19 setback between the edge of that, the western edge of that roadway and
20 the beginning of each home. And so, effectively, you had a 49-foot
21 setback. And that was across, you know, over half of this property.

22 If you look at the plan below it, what we're proposing now,
23 and the meandering road that we've, that we've provided, you'll notice
24 that in spots it, it's 36, or 40 feet. But then in other areas, it
25 widens out to a setback of 67 feet from the property line, 50 feet

1 from the property line, providing more breadth and, and more
2 articulation as you drive along that street.

3 You're not seeing just a solid row of homes all in the same
4 location, you're seeing them all set back at a different, a different
5 setback distance from that, that curved road.

6 And in the case of, of the Harrises up here next to Tanque
7 Verde, you'll notice that the road originally was right on their
8 property line, and then a house on the other side of that. So, that
9 would have been a setback of 49 feet at the most.

10 You can see here that there's not enough room for us to put
11 a lot in that location. So, if anything, this plan gives more, more
12 setback, more open space before you even get to the roadway because
13 we've swung it around to the, to the west side of the site.

14 And so, you know, the, the intent being to try to give some
15 more breadth there, not encroach on, on, on that larger back yard,
16 that, since it's at the end of a cul-de-sac, is much wider at, at the
17 back-end of it. It fans out in a pie-shape. And along those lines,
18 it was mentioned by Ms. Yoder that, you know, the lots in Lakes at
19 Castle Rock are much bigger.

20 This just simply is, is not correct. The lots are 50 feet
21 wide. And if they are on a curve or on a cul-de-sac, they're bigger
22 on the back side. And that's, that's because of that pie shape that
23 you get.

24 Our lots are 50-foot wide minimums and they also have
25 longer depth, as I've mentioned. So, in terms of that square footage

1 comparison and the fact that, you know, you have those wider pie-
2 shaped lots on the Lakes at Castle Rock side, we have deeper lots to
3 keep that compatibility with, with actual square-footage lot size.

4 I do also want to point out that on that old plan, you'll
5 notice that about the, the southern half of that plan was allowed to
6 go to two-story. So, everybody that was south of Ms. Oleva's home
7 would have been impacted by a two-story home.

8 And it's, it was mentioned by Ms. Yoder that there'll be a
9 home 25 feet off of, off of the property, off of her property line.
10 Yet, the old plan would have put a, put a home as close as 15 feet off
11 the property line.

12 So, we've even, in that case, been able to, despite the
13 fact that there are three homes on the south, been able to give some
14 more breadth there. And that's really what using the, the flexible
15 lot design option has, has allowed us to do is to compress this
16 envelope and to provide more of a transition to folks in Tanque Verde
17 Acres and to provide a sameness, a likeness to what's in Lakes at
18 Castle Rock. And that's the, the primary goal that we've been trying
19 to achieve.

20 I also want to, to touch a moment on views. So, there's
21 been some discussion about the obstruction of views. And I, I just
22 want to clarify between mountain views and sunset views, because with
23 the advent of all of these single-story homes along the eastern
24 boundary and the setbacks, the amount of space between the existing

1 homes and those that are proposed, no one is, is going to lose their
2 sunset view. They will still see the sun come down.

3 It, it's the amount of space that folks are used to right
4 now, having an open, open property behind them. And a lot of the
5 things that are being requested on this property are what's already
6 existing in the Lakes at Castle Rock. This is the pattern of
7 development out here.

8 And so, in a way, it's, it's somewhat unfair to say that
9 this property is not allowed to do exactly what the Lakes at Castle
10 Rock did before it. And, and so, I do want to touch also on John's
11 comment about there's nothing concrete.

12 If you'd like to take a look through that packet there,
13 you'll see that we've shown the plan that we've presented here tonight
14 within that packet, 16 lots. All homes are limited to single story
15 except for Nos. 15 and 16. And that's not something that we're going
16 to renege on.

17 I mean that, that was what we discussed with folks at the
18 neighborhood meeting. We came to an understanding we thought that
19 folks would say, "Okay. We recognize that you've made this big
20 concession and we're willing to back off because we no longer have a
21 concern about single-story homes, or two-story homes adjacent to us."
22 And as we're seeing here tonight, that, that is not the case.

23 But if you look through that, that plan is in there. As I
24 mentioned even tonight on the record that we are proposing a condition
25 to that effect as well, 16 homes, limiting them all to single story

1 except for 15 and 16. Also, limiting, or prohibiting balconies
2 adjacent to existing homes and even existing two, two-story homes, to
3 the gentleman's comment whose daughter lives to the south there.

4 And I do want to point out on this plan that you have
5 about, as you can see, there's a setback. There's a 94-foot setback
6 because we have our drainage basin down on the southern part of the
7 property between - there's a 94-foot setback between the first
8 proposed home here and the Holmaases' residence there.

9 And clear-story windows will be provided as well, as I
10 mentioned. And, and that's something that, you know, as, as this
11 property is developed that the City can go and, and double-check to
12 make sure that that is being built accordingly.

13 Larger lots and, and fewer homes, we, we've explained why
14 this won't work right now on this particular property and in this,
15 this time, at this time in this market. And I, and I think more
16 importantly, as this plan shows, this comparison, that even with
17 larger lots, and fewer homes, you're not getting more privacy.

18 You're still going to have a wall of homes along here.
19 And, and in many ways, you have less of a setback than what we're
20 providing now by compressing that envelope in towards the interior.

21 I believe - flat roofs. That was, that was probably the
22 other thing that was mentioned the most. Flat roofs are, are
23 something that builders tend to, tend to shy away from due to ongoing
24 warranty maintenance.

1 And so, I think we would be willing to do some sort of a
2 condition that speaks to the architectural style having an appearance
3 of a territorial-style roof, but still allowing for pitches on those
4 roofs, and whether that, whether or not that's a parapet wall that,
5 that sticks up above the pitch and, and, you know, hides that, or
6 however, however we achieve that. But just to be able to do a pitched
7 roof and accent that to, to a territorial style.

8 And with that, I'll, I'll open it up to any further
9 questions.

10 ZONING EXAMINER: So, some of the ones that I had written
11 down was - were about the territorial style. You have no issue with
12 the condition that they have a territorial style?

13 MR. UNDERWOOD: We do, actually. I think, as I mentioned,
14 builders tend to -

15 ZONING EXAMINER: Well, I'm not talking about the flat
16 roof. I'm just talking about the style.

17 MR. UNDERWOOD. Oh, territorial style. Yes.

18 ZONING EXAMINER: Yeah.

19 MR. UNDERWOOD: Yeah. Yeah.

20 ZONING EXAMINER: And I was gonna ask you about the
21 setbacks 'cause I didn't remember when you were talking earlier
22 mentioning them. Would this plan that, that I'm seeing here be your
23 Preliminary Development Plan?

24 MR. UNDERWOOD: That's correct.

25 ZONING EXAMINER: That's the one that I would -

1 MR. UNDERWOOD: Yep.

2 ZONING EXAMINER: So, with the dimensions that are on here,
3 they vary. Not every one is dimensioned.

4 MR. UNDERWOOD: Yeah.

5 ZONING EXAMINER: But you're willing - that, those are not
6 accidents. You're saying that's how far back this house is gonna be
7 set?

8 MR. UNDERWOOD: That's correct. Yeah. And, and we've,
9 we've taken liberties - basically, what we did was we took the
10 footprint of the homes that are in the Lakes at Castle Rock and we put
11 them on these lots.

12 ZONING EXAMINER: Okay.

13 MR. UNDERWOOD: So, I don't necessarily know if, if a
14 builder will design a home that could be a little longer in depth to
15 get more square footage, because we are going all single story. But
16 either way, you're going to have a larger back yard than a standard
17 20-foot back yard in these cases.

18 ZONING EXAMINER: Okay. But, but these numbers on here,
19 did that - that could lock you in as a condition that they, they have
20 these setbacks? That's, that's the way I'm, I'm reading this here.

21 MR. UNDERWOOD: Yeah. I, I don't - these, these - so, the
22 setbacks on here were for demonstration purposes only just to show
23 that this, in comparison to the old plan, has more of a setback. I
24 don't think we would want to lock these setbacks in there just in case
25 the, the, you know, curvature of the road changes slightly, and then

1 this lot is now 38 feet instead of thirty- -- you know. So, I don't
2 think we would be comfortable with locking in these, these particular
3 setbacks that are shown on the plan.

4 ZONING EXAMINER: Excuse me one second here. So, my
5 concern, Mr. Underwood, is you have a number on the plan which is sort
6 of the Preliminary Development Plan, and it's gonna be submitted as
7 part of the rezoning. And that kind of locks you into these numbers.

8 MR. UNDERWOOD: I, I do want to clarify. I, I thought you
9 were pointing at this which is our Preliminary Development Plan. But
10 you were pointing at the plan (inaudible)

11 ZONING EXAMINER: Is there something that actually has a
12 title Preliminary Development Plan in here? I don't -

13 MR. UNDERWOOD: Well, third conceptual land use plan.

14 ZONING EXAMINER: Okay.

15 MR. UNDERWOOD: But yeah, that - not the comparison slide
16 that you -

17 ZONING EXAMINER: Well, yeah. I'm looking at - I happen to
18 have the comparison one in front of me here. But I -

19 MR. UNDERWOOD: But, but I think - I think I get where
20 you're going with this, is that, you know, you don't to see we have
21 setbacks there. And then when this gets developed, those homes are
22 pushed back further.

23 And so, I think we would be willing to, we would be willing
24 to set a minimum setback, I think, to say, you know, wherever the, the

1 closest home is, that we don't go any narrower than - or any closer
2 than that.

3 ZONING EXAMINER: Okay. I think it would be really useful
4 for us to have a Preliminary Development Plan that has that kind of
5 information on it.

6 MR. UNDERWOOD: Okay.

7 ZONING EXAMINER: So, that we can lock it in and say we're
8 gonna be basing everything on that Preliminary Development Plan.

9 MR. UNDERWOOD: Okay. We can work with Staff to, to
10 prepare that and put that out to everybody as well.

11 ZONING EXAMINER: And, and if I, and if I heard you
12 correctly, the, the last plan you submitted to the neighbors, or
13 presented to the neighbors on September 6th is the same plan I'm
14 looking at here.

15 MR. UNDERWOOD: The, the last plan that we submitted on the
16 6th didn't include the, the single-story restriction on essentially all
17 but those last two lots.

18 ZONING EXAMINER: Okay.

19 MR. UNDERWOOD: Because we, we discussed that at that, at
20 that meeting. And then revised the plan, e-mailed everybody and said,
21 "Hey, we've agreed to, to what we discussed at the meeting that we are
22 going to limit all but two of the homes to single story." And that's,
23 and that's reflected in this latest iteration of the plan.

24 ZONING EXAMINER: I'll get to you.

25 MR. UNDERWOOD: What's that?

1 ZONING EXAMINER: I was just saying, "I will get to you."

2 Okay. I have a lot of stuff going through my head right now. Do you
3 have anything else you want to offer?

4 MR. UNDERWOOD: No, I don't.

5 ZONING EXAMINER: Okay. Ma'am, I'm gonna -

6 MR. UNDERWOOD: Thank you.

7 ZONING EXAMINER: - let you step up and talk. You did say
8 - you did your oath, right?

9 MS. DICKINSON: Yes.

10 ZONING EXAMINER: Okay. I thought you did.

11 MS. DICKINSON: My name is on the card up there with my
12 husband.

13 ZONING EXAMINER: Oh, okay.

14 MS. DICKINSON: Okay.

15 ZONING EXAMINER: But you're still gonna have to say your
16 name.

17 MS. DICKINSON: My name, my name's on a card with his. I'm
18 Sally Dickinson. I live at 2470 North Tierra Verde Place on Tanque
19 Verde Acres subdivision. I'm on the west side of La Roca Vista. And
20 I just want to address a couple of things that my husband said and
21 Brian touched on, when John said that this has been a moving target.

22 At the meeting on September 6th, we were presented with the
23 plan of 16 lots, 50% of them were going to be single story. During
24 the meeting, Brian said, "Well, what if we made 100% of them single
25 story, would you then remove your protest?" And I really felt like

1 there's a lot of pressure here, but there's really no guarantees that
2 this is going to happen.

3 Subsequent to that, we got an e-mail, and in the e-mail, it
4 said that they wanted to reserve the right to have Lots 15 and 16 as
5 two story. But then he went on and he said possibly making it a 100%
6 single-story development if folks were willing to withdraw their
7 protests.

8 It's not right. Either you say, "This is what it's gonna
9 be. Either you protest or you don't protest," but don't make it an
10 either/or situation which is really, I mean it's been a lot of
11 pressure.

12 I get e-mails that say, "You said - you nodded your head.
13 You said you're gonna remove your protest. Nobody has done it."
14 They're very interested in seeing those protests removed because they
15 don't want to go to the super majority with Mayor and Council.

16 One other thing that I want to address was a comment that
17 was made early on tonight in Brian's presentation. He was talking
18 about the history of the area. And, yes, the ranch house on the Hart-
19 Young property was built in 1949. However, Frances didn't own it.

20 I don't know if she was alive in '49. I know I was three
21 years old. Frances bought the property in 1983, '84, maybe '82.
22 Tanque Verde Acres subdivision was completely built out at that point.
23 We moved in in '79, and we were not the first owners.

24 So, it had been built out in '77, '78. And Castle Rock was
25 in the works, in the plans when Frances bought her parcel. So, it was

1 already being discussed and she was aware of that discussion at the
2 time. That, that's it.

3 ZONING EXAMINER: Okay.

4 MS. DICKINSON: Thank you.

5 ZONING EXAMINER: Thank you. So, you say you've filled out
6 - excuse me. You said you filled out a card? We don't have your name
7 up here. What's your name?

8 MS. RONSMAN: It's on a yellow card, it's on a yellow card.

9 (Inaudible)

10 ZONING EXAMINER: All right.

11 MS. RONSMAN: It's Jill Ronsman.

12 ZONING EXAMINER: Oh. Okay. I don't have your name, I
13 don't have your card, a card here with your name on it.

14 MS. RONSMAN: I handed it to you.

15 ZONING EXAMINER: Oh. Here it is. Okay.

16 MS. RONSMAN: So, you do have it?

17 ZONING EXAMINER: Sorry about that. It was in the wrong, -

18 MS. RONSMAN: That's okay.

19 ZONING EXAMINER: - it was in the wrong pile up here.

20 MKS. RONSMAN: Okay. My name, my name is Jill Ronsman. I
21 live at 9544 East Shadow Lake Court. I live on the north end of the
22 neighborhood. And I know this is, you know, real important for
23 Frances, for Ms. Hart to be able to get a good price with this.

24 As an educator, she's been there as an educator for 32
25 years. I would like to see my home stay as nice as it can be. And it

1 has been mentioned by Brian, and actually, Brian came out to my house
2 on Friday afternoon. And he looked at my back yard, and I have 110
3 feet in my back yard. And so do my neighbors and my neighbors and my
4 neighbors to the left.

5 There may be three homes that are 50 to 50, or close to
6 that. But I have 110 wall space in my back yard. And I am gonna lose
7 mountains, and he did notice that I would lose mountains. So, not
8 only are mountain views, as well as sunset views - and the other thing
9 is I also felt like we were being pressured. He comes over, sees my
10 back yard as I invited him to come over and to see, be able to see my
11 back yard.

12 Okay. So, if we got single story, are you gonna withdraw?
13 I'm also concerned about the number of people in my back yard because
14 drawing this out, you know, grid-wise, I'm still gonna have three
15 homes in my back yard. Not one - three homes, based upon 110 feet in
16 my back yard. Thank you.

17 ZONING EXAMINER: Okay. Thank you. Brian, you got up to
18 talk again.

19 MR. UNDERWOOD: Yes. Thank you. I, I want to touch on the
20 proposal that was made at the September 6th meeting. So, as, as the
21 consultant involved in this, the person that's really looking out for,
22 for Frances' interest and everybody else's interest as well, because
23 that is my job, I noticed that that was the, the primary concern is
24 privacy and loss of views because of two-story homes.

1 And so, I threw it out there. I said, you know, "If, if we
2 were willing to go all single story, would that get folks to, to
3 withdraw their protests?" And, and, yes, we did see folks say, "Yes,
4 you know, we would do that."

5 And it wasn't meant to pressure anybody. It was meant to
6 figure out where will the asks stop? Because there have been several
7 exactions from this project, yet we've never been able to find any
8 common ground with, with the neighbors.

9 What we're asking for is, is less than if you were take the
10 boundary of Frances' property and move it directly over into Lakes at
11 Castle Rock. There would be more homes within that area than what
12 we're proposing here.

13 And, of course, we would ask. We've never pressured, but
14 of course we would ask, "Are you willing to withdraw your protest?"
15 Because once again, we're making another concession, another exaction,
16 another thing that comes out of the bottom line from Frances. And,
17 and yet there's nothing on the other end.

18 And so, you know, we did. We, we sent that out. We asked
19 if folks would withdraw their protests, and they didn't. And I sent a
20 followup e-mail just to see if everybody received it. If they had any
21 lingering concerns. "Are you willing to, to withdraw?" We didn't
22 receive any, any feedback back.

23 As Jill mentioned, I did go out to her property to see her
24 views. We wanted to see what the impact was. And how much breadth

1 she had between, you know, her, her back yard and, and Frances'
2 property,

3 And, and we also went out to Dwayne Ardery's (ph.) home as
4 well, who's located in a two - he's in a two-story home on the west
5 side of, of Frances' property. And we went and we looked at, at the
6 views from his house as well.

7 And in both cases, Dwayne had some, some far-off mountain
8 views, somewhat obstructed by some trees, large, mature trees that are
9 in the Lakes at Castle Rock. But more than anything, he had space.
10 He had breadth between him and what he could see across Frances'
11 property.

12 And that's largely what we're talking about with some of
13 these other views. At Jill's home, I do not dispute that she probably
14 has some magnificent sunset views, but I will be frank. I did not see
15 mountains looking west, the Tucson Mountains. The Catalina Mountains,
16 absolutely. And she has a great view of those, as will HARRIS.
17 They will continue to do so.

18 The, the idea that, that, you know, these, these were views
19 of, or far-off mountain ranges that were prominently seen is, is just
20 not, not correct. And, and, yes, I, I, I think what we're talking
21 about here is, you know, a concession on this, but yet, another
22 concession on this project to limit so many homes to two stories.

23 And we are willing to do that. We're not backing down from
24 that. And yet, we, we've never - we haven't been met with anything on
25 the other side. And, and it was never meant to, to pressure anybody,

1 but just to figure out where we are on this project. And clearly,
2 nothing that we've been able to propose will satisfy the concerns of
3 the neighbors.

4 ZONING EXAMINER: So, I'm thinking I'd like to make a
5 request. Would you be willing to go back to the neighbors one more
6 time and would you be willing instead of showing plans, to actually do
7 some sections to give a real clear illustration of what the heights
8 are gonna be looking like from those setbacks, with those setbacks?

9 MR. UNDERWOOD: If it's, if it's okay with Frances, then
10 absolutely. Yeah.

11 ZONING EXAMINER: Well, there's a whole bunch of people
12 here who, who have had concerns about the setbacks and the heights of
13 the buildings and, and I'm just not seeing anything that actually
14 illustrates what they're seeing.

15 And it might really help if what you're telling, saying is,
16 is right to be really be able to explain it to them.

17 MR. UNDERWOOD. We would be willing to, to, to show what
18 that impact would be. I, I don't necessarily know if that'll kick the
19 can any far (sic) down the, -

20 ZONING EXAMINER: Well, -

21 MR. UNDERWOOD: - further down the road.

22 ZONING EXAMINER: - you're, you're talking about you'd like
23 to have some sloped roofs because you want to make sure that, that
24 that construction (inaudible) It's to show what that would look like.
25 It just seems like this is an opportunity to show what you're asking

1 for, and actually provide a visual so that everybody can react to it
2 and respond to it. Just, just doesn't feel like I can make a decision
3 based on what I see here yet.

4 MR. UNDERWOOD: Okay.

5 ZONING EXAMINER: And that might help if you all come back
6 together again and take one more look at this.

7 MR. UNDERWOOD: So, what would the process look like going
8 forward, then, if we do that, show, show what that could look like.
9 Meet with the neighbors again, and then another hearing?

10 ZONING EXAMINER: Yeah.

11 MR. UNDERWOOD: Okay.

12 ZONING EXAMINER: Yeah. Come back and hopefully we have a
13 little bit better consensus. Right now, we don't have consensus.

14 MR. UNDERWOOD: And if we make - if we show what it looks
15 like and we don't get any better consensus at that time, -

16 ZONING EXAMINER: Well, then, then, I will make a decision.

17 MR. UNDERWOOD: - we'll make a, we'll make a decision.

18 Well, let's -

19 ZONING EXAMINER: But I want to, I want to give everybody a
20 chance to see what you're describing three - I can, I can picture it
21 myself 3-D.

22 MR. UNDERWOOD: Uh-huh.

23 ZONING EXAMINER: But I'm not so sure everybody else can.

24 And my experience as an architect over all these years is most people

1 can't read plans and understand them. I can, I can look at a plan and
2 I can see it in 3-D.

3 MR. UNDERWOOD: Yep.

4 ZONING EXAMINER: Okay. So, I would like to give them the
5 opportunity to, to see that. And hopefully, hopefully, we come up
6 with an answer. And I don't think it has to be four weeks again. Do
7 we have that time, those two weeks? How much time do you think you
8 would need for something like that?

9 MR. UNDERWOOD: Umm -

10 ZONING EXAMINER: And it could be four if you wanted to do
11 four.

12 MR. UNDERWOOD: I, I think we don't want it to be four.

13 ZONING EXAMINER: Yeah.

14 MR. UNDERWOOD: If we can keep it moving, let's, let's try
15 to schedule it for, for -

16 ZONING EXAMINER: Two, two weeks?

17 MR. UNDERWOOD: - two weeks out, yeah.

18 ZONING EXAMINER: So, -

19 MR. UNDERWOOD: We'll - and we'll get the packet together
20 (inaudible)

21 ZONING EXAMINER: - I gotta get permission from my boss
22 here. Well, we have one scheduled for the 18th, so, we know we're
23 gonna be here on the 18th.

24 MR. UNDERWOOD: Okay.

25 ZONING EXAMINER: Would that work?

1 MR. UNDERWOOD: Yeah. The, the 18th - well, before I commit
2 to that, let me check my calendar really quick. The 18th would work.
3 I, I don't think we'll be able to advertise your typical ten-day
4 neighborhood meeting. But we'll just try to do a, a quick
5 advertisement.

6 We'll, we'll send, send the plan out via e-mail, get it out
7 to everybody. If they can't make it because of the short notification
8 period for the, for the meeting, we'll try to get it to them that way.
9 And then we'll hold one more meeting and go over it with folks.

10 ZONING EXAMINER: Well, I'm gonna ask you another questions
11 'cause I just scrolled through my calendar on that day. How would the
12 11th work?

13 MR. UNDERWOOD: A little -

14 ZONING EXAMINER: Too fast?

15 MR. UNDERWOOD: Cutting it close there. I have to look
16 back at Lexy and see if we could complete the work.

17 ZONING EXAMINER: Well, the next, the next date then is the
18 25th, and that's as far as I would able to take it anyway.

19 MR. UNDERWOOD: I'll be in Utah on the 25th, so, I guess the
20 11th it is. We'll, we'll make it work.

21 ZONING EXAMINER: The 11th?

22 MR. UNDERWOOD: Yeah.

23 ZONING EXAMINER: It's a lot of hard work and designers
24 work 24 hours a day anyway, am I right?

25 MR. UNDERWOOD: We'll, we'll make it work.

1 ZONING EXAMINER: Okay. So, we'll do that, sir.

2 MR. UNDERWOOD: All right. Thank you.

3 ZONING EXAMINER: Thank you.

4 MALE SPEAKER: Now I, I'd just like to add to that if we
5 could get a, a precise statement of the conditions that they've agreed
6 to. So, in addition to a plat map, a layout map, that the conditions
7 with respect to single story, -

8 ZONING EXAMINER: Yeah. I would, I would really -

9 MALE SPEAKER: And the wall (inaudible) the wall, -

10 ZONING EXAMINER: - like to be able to come back with some
11 conditions.

12 MALE SPEAKER: - the double wall and, and just exactly -

13 ZONING EXAMINER: Yes.

14 MALE SPEAKER: - what they're proposing.

15 ZONING EXAMINER: No. That's what I'm hoping that would
16 come out of this meeting.

17 MALE SPEAKER: Correct. Thank you.

18 ZONING EXAMINER: Thank you.

19 MALE SPEAKER: May I ask a question?

20 ZONING EXAMINER: I'm sorry?

21 MR. HARRIS: May I ask a question?

22 ZONING EXAMINER: Did, did you swear in?

23 MR. HARRIS: Yes.

24 ZONING EXAMINER: Okay. You have to, you have to state
25 your name - say your name and address anyway.

1 MR. HARRIS: Michael Harris, 9537 -

2 ZONING EXAMINER: Okay.

3 MR. HARRIS: - East Shadow Lake Court. On the easement on
4 the road, there is nothing -

5 ZONING EXAMINER: You need to get right up to the
6 microphone.

7 MR. HARRIS: There, there's nothing there right now. And
8 I'm trying to picture what he's talking about that there's an adequate
9 turn lane. There's nothing there. It's, it's dirt. You cannot pull
10 over there even.

11 ZONING EXAMINER: I think he was referring to the plan
12 design.

13 MR. HARRIS: Plan design. Okay.

14 ZONING EXAMINER: And, and I think that would be really
15 useful on that plan you put together to show that.

16 MR. HARRIS: Yeah.

17 MR. UNDERWOOD: Okay. The deceleration lane is on there.

18 ZONING EXAMINER: Okay. I, I just can't see it on these
19 plans here.

20 MR. UNDERWOOD: We'll, we'll do a call-out on it.

21 ZONING EXAMINER: Good.

22 MALE SPEAKER: So, it's similar to the one that we have at
23 the east gate then?

24 MR. UNDERWOOD: No. This whole area (inaudible)

25 ZONING EXAMINER: Okay. That's good.

1 MALE SPEAKER: How many feet is that?

2 ZONING EXAMINER: I really couldn't (inaudible)

3 (Inaudible discussion.)

4 MALE SPEAKER: Well, that, that's just a concern, again,
5 because it's 45-mile-an-hour speed limit as you're going through
6 there. And that's the main concern, is there an adequate deceleration
7 lane?

8 ZONING EXAMINER: Thank you. So, we're gonna continue this
9 until the 11th.

10 MR. UNDERWOOD: Thank you.

11 ZONING EXAMINER: And we'll see you all back here,
12 hopefully very happy or -

13 (Inaudible discussion.)

14 ZONING EXAMINER: And I'm gonna, we're gonna take a bit of
15 a break now so that the clerk can change the tape. And then we're
16 gonna move on to the next cases. Thank you.

17 (Case: C9-18-20 was continued to September 11, 2018.)

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: 10/09/2018


KATHLEEN R. KRASSOW - Owner
M&M Typing Service

ZONING MEMBERS PRESENT:

Thomas Sayler-Brown, Zoning Examiner
Michael Wyneken, Planning & Development Services
Rick Guerra, City Recording Clerk

=====

1 ZONING EXAMINER: So, good evening. My name is Thomas
2 Sayler-Brown. I'm the Zoning Examiner for the City of Tucson. I
3 conduct rezoning hearings on behalf of Mayor and Council and make
4 findings-of-fact which I put into a report, along with my
5 recommendation which I then send to the Mayor and Council.

6 My report will be based on evidence submitted to me as part
7 of the rezoning application as well as on testimony taken tonight. I
8 will also include in all record (sic) - I will also include in the
9 record all documents submitted to my office up until this hearing.

10 A tape recording is made - is being made of tonight's
11 hearing by the City Clerk's Office and is unnecessary (sic) - is - and
12 if necessary, a transcript will be prepared.

13 I'll prepare a preliminary report and a final report.
14 Assuming I don't continue this case again, after I close tonight's
15 hearing, I'll prepare a preliminary, prelim- -- a preliminary report
16 within five working days. I'll prepare a final report in two weeks
17 after the close of the public hearing.

18 A copy of the final report will be available from the
19 Planning & Development Services Department, and I'll send that report
20 along to Mayor and Council. They may consider my recommendation,
21 along with other factors and they will base their vote on that.

1 Now, this is a continued case. If anyone here is wishing to
2 speak on the case, I'll take your testimony after I've heard from the
3 Applicant. Since I cannot have any communication with parties
4 involved in this case, now's the time for you all to speak. Is
5 anybody here gonna be speaking? Okay. And you've all filled out
6 cards? Okay.

7 So, we're gonna get the yellow cards. The orange cards in
8 the basket are there if you want to get copies of my reports. I'll
9 read these things in, in order of those who oppose, those who support
10 and those who are neutral.

11 So, when I call you up to the podium, I'm gonna ask
12 everyone to print your name and address very clearly on the sign-in
13 sheet that is up at the podium, and I will ask you to also announce
14 your name and address for the record.

15 Now if anyone other than the principals in the zoning case
16 - oh, I just said that. Never mind. At this time, I'm gonna swear in
17 everybody who's gonna be speaking tonight. So, if you think there's
18 even a possibility that you might say something tonight, please stand
19 and raise your right hand.

20 Do you swear to tell the truth, the whole truth and nothing
21 but the truth?

22 (Affirmative.)

23 ZONING EXAMINER: Thank you. Mr. Michael Wyneken of the
24 Planning Department - Planning & Development Services Department,

1 sitting to my right - Mr. Wyneken, can you give me a brief update on
2 the case.

3 MR. WYNEKEN: Mr. Sayler-Brown, we have received several
4 communications from the neighbors, as well as updated Preliminary
5 Development Plan, and some other information from the Applicant, all
6 of which has been submitted to you prior to the meeting today so you
7 could review it before the meeting. And all those comments have gone
8 into the file.

9 We have not had a change in the count of approvals and
10 protests. We're still at one approval and 19 protests. Sixteen of
11 the protests are within the 150-foot protest area, resulting in a
12 protest percentage by lots of 37.2% and by area of 23.8%. So, a super
13 majority vote of the Mayor and Council would be required to adopt a
14 zoning ordinance.

15 ZONING EXAMINER: Okay. Gonna have a bunch of questions
16 tonight. I might be inter- -- interrupting your presentation to ask
17 questions if that's okay.

18 MR. UNDERWOOD: Yes.

19 ZONING EXAMINER: Okay. So, Mr. Underwood, could you come
20 up and state your name and sign in, please.

21 MR. UNDERWOOD: Thank you.

22 ZONING EXAMINER: I'm gonna ask you a few questions before
23 you start, too.

24 MR. UNDERWOOD: Okay. Do you want to start with some
25 questions or -

1 ZONING EXAMINER: Yeah. (Inaudible)

2 MR. UNDERWOOD: Good evening, Mr. Sayler-Brown and thank
3 you for once again meeting with us to hear our infill rezoning
4 requests. My name is Brian Underwood and with the Planning Center,
5 2 East Congress here in Tucson.

6 And I'm joined tonight by Frances Hart who's requesting
7 this rezoning for her property, as well as Jim Marian, a broker for
8 the property, and my fellow Planning Center colleague, Lexy Wellott.

9 ZONING EXAMINER: Okay. So, I've just got a few questions
10 just to start with, so I can be clear. Have you met with the
11 neighbors since our last meeting?

12 MR. UNDERWOOD: Yes, that is correct. We just met
13 yesterday evening.

14 ZONING EXAMINER: Yesterday. Have there been any
15 substantive agreements reached with the neighbors?

16 MR. UNDERWOOD: There was nothing new that came out of that
17 meeting. There were some more requests made by the neighbors for less
18 density. We heard requests for 14 homes. Some folks wanted 12 homes,
19 all single story. And am I missing, missing anything? But, -

20 ZONING EXAMINER: Okay.

21 MR. UNDERWOOD: - but we, we did not make any of, any of
22 those concessions.

23 ZONING EXAMINER: Okay. And just out of curiosity, by a
24 show of hands, is there, is there anyone in this room who's against a

1 rezoning of any kind on this site? Okay. So, we've got one win for
2 you. Okay.

3 MR. UNDERWOOD: It's a start.

4 ZONING EXAMINER: Has the neighborhood seen the presen- --
5 the information you'll be presenting tonight?

6 MR. UNDERWOOD: They haven't seen everything in the
7 presentation, no.

8 ZONING EXAMINER: Not yet. Okay. So, I don't know if your
9 presentation's changed from the one I got this afternoon.

10 MR. UNDERWOOD: No, it hasn't changed -

11 ZONING EXAMINER: Okay.

12 MR. UNDERWOOD: - from what you have there.

13 ZONING EXAMINER: So, one thing that I'm seeing in here is
14 a lot of stuff from previous presentations. And what I'm really
15 interested in tonight is what the plan is that you're presenting.

16 MR. UNDERWOOD: Absolutely. And I think some of that
17 contextual information is just to - so, part of what you had asked at
18 the last meeting was to go back and, you know, bring the neighbors
19 alone and, and give them a better understanding of what we're
20 proposing in terms of setbacks and -

21 ZONING EXAMINER: Okay.

22 MR. UNDERWOOD: - building envelopes and things of that
23 nature. That's the graphic that we have prepared. That is the
24 comparison as well with the old plan because we want to draw some,

1 some similarities, some differences from that and, and, and speak to
2 the benefits of this new plan over that.

3 ZONING EXAMINER: Okay. Well, quite honestly, it gets
4 confusing for me. So, I'm gonna be really listening what the proposal
5 is for tonight.

6 MR. UNDERWOOD: Absolutely.

7 ZONING EXAMINER: I'm not inclined to continue one more
8 time. I'm, I'm looking for this to be our last hearing. So, I'm
9 gonna be looking for some real clear specific decisions tonight.

10 MR. UNDERWOOD: Okay.

11 ZONING EXAMINER: Okay. So, would you please make your
12 presentation?

13 MR. UNDERWOOD: Yes. Absolutely. Thank you. I'd also
14 like to take a moment to thank the neighbors for meeting with us
15 multiple times and continuing to be a part of the process. But at
16 this point, I think we're going to have to agree to disagree on some,
17 some items.

18 This is a small infill project with several added
19 development costs that limit our ability to make anymore concessions
20 without jeopardizing the economic viability and marketability of the
21 project.

22 These costs include the off-site deceleration lane along
23 Tanque Verde Road to slow down traffic entering the subdivision.
24 Oversizing of the drainage basins to correct drainage issues caused by
25 improper construction of drainage facilities in Lakes at Castle Rock.

1 And potentially undergrounding the existing power lines along the west
2 boundary, or along the east boundary of homes in Tanque Verde Acres to
3 the west.

4 These costs are in addition to adding a five-foot
5 decorative masonry wall over 600 feet in length along the west
6 boundary, two-thirds of which is not required but was agreed to by
7 Ms. Hart to provide additional screening over and above the setback
8 that is now proposed along much of the west boundary.

9 But despite concessions that have been made to try to
10 reduce the impact of this new development of surrounding homes, the
11 same three concerns are still being raised. And that's drainage,
12 number of homes, density and impact on views.

13 And so, as you requested during the last hearing, I won't
14 discuss drainage concerns unless necessary following comments from the
15 neighbors.

16 Regarding the number of homes, though, that's where I'd
17 like to start by describing, you know, sort of the evolution of our
18 plan and, and where we started and, and where we are today. And we
19 started with a request, as you see up here on the slide, for 20 homes.

20 After, as you saw in our last presentation going through
21 multiple site plan iterations, seeking to create a more compatible
22 plan that could actually be sold in today's homebuilding market, where
23 the old 2006 rezoning plan is no longer marketable.

24 This was done for a few reasons. If you'll take a look at
25 this handout right here that we, that we gave you, and there's some

1 handouts here. And if anyone wants to, to pick up, there's two copies
2 of the presentation here, and there's probably ten packets here with,
3 with this handout and some other items that I'll be going over.

4 But if you take a look at, at this handout here, and you,
5 and you may notice that it shows the PDP with numbers on, you know,
6 surrounding, on the surrounding lots. And you'll notice there are 21
7 homes surrounding Frances' property. Because of this, we felt that 20
8 homes were a reasonable request when we initially started this.

9 We chose a minimum lot size of 40 by 110, 40 feet by 110
10 feet, since that is the smallest typical lot size builders are
11 currently using on small infill projects for single-family homes,
12 unless the subdivision is 100% two story, in which case, the lots can,
13 can be smaller.

14 We felt that with the added depth on those lots, the total
15 square footage of the proposed lots would be comparable to those in
16 Lakes at Castle Rock. Also, not having a builder on board yet, we
17 wanted to provide flexibility, since builders can always reduce the
18 lot count of platting, but cannot go above what was approved during
19 the rezoning without reopening the entire process.

20 When it comes to Frances selling her property, any deal
21 from a homebuilder will be contingent upon the on-site and off-site
22 development costs, and the number of homes they actually intend to
23 build, which could be less than the number approved during the
24 rezoning. They will pay her only for what they intend to build.

1 We then made several changes to get us to our current
2 design for 16 homes with all but two limited to single story. And
3 that's sort of what you're seeing, the eleva- -- the, the evolution
4 there going from 40-foot-wide lots to 45-foot-wide lots on this
5 iteration. Presenting that to the neighbors, it reduced the countdown
6 from 20 to 19. And we also limited 33% of the homes to single story.

7 Then we presented a plan that had 55-foot-wide lots, also
8 trying to, to match, better match that compatibility in the Lakes at
9 Castle Rock because the, the homes platted in there are on a typical
10 lot size of 50-by-110. Yes, with the curvature of the road, some of
11 them are flared out on the backs of the lots to give them more square
12 footage.

13 We then updated that plan to what we have now being the 14
14 of the 16 homes limited to single story with only 15 and 16 down in
15 the southwest corner adjacent to - currently adjacent to two-story
16 homes that would be allowed to go two story. Trying to, to meet that
17 intent and policy in the Bear Canyon Neighborhood and, and just
18 provide like-for-like with two story adjacent to two story.

19 This, this next graphic here is, as you said, it is very
20 complicated. And so, I will spend some time walking everyone through
21 this graphic because it's important to note that basically we, we put
22 this in front of you for, for two reasons.

23 And it's meant to illustrate the similar- -- similarities
24 and differences between the 2006 rezoning plan and the new plan, and
25 the worst, and it basically illustrates the worst-case scenario.

1 If you're looking in the middle there at that middle plan,
2 that is the worst-case scenario of what could be built on this
3 property because, in terms of a setback. So, I'll start by just sort
4 of walking your through the, the pink line that we're outlining these
5 building envelopes with. That's the, the building envelope for this
6 project.

7 And you'll notice that it is much smaller than the original
8 2006 rezoning's building envelope that would have accounted for over
9 100,000 square feet of disturbance, whereas, this one compresses
10 things and, and it's about 70% of that at 70,000 square feet.

11 And what it also does is, is it provides considerably more
12 buffer to the large-lot homes in Tanque Verde Acres, except for those,
13 you know, one, the one lot along the west boundary there adjacent to
14 the Dickinsons. And so, and, and the one adjacent to Dwayne down in
15 the southwest corner there.

16 But either - and, and that one down there in the southwest
17 corner, I should note that on the old plan, the building envelope
18 could have gone within 15 feet of the property line. And this one,
19 we, we have a 15-foot setback as well. So, it's virtually the same.

20 If we end up running the sewer down the west boundary, that
21 lot in the southwest corner, Lot No. 16, will actually shift over some
22 more as well. But we've shown some numbers inside of these building
23 envelopes to, to highlight the size that we're, that we're
24 anticipating for a building envelope.

1 And we've provided 3200 square feet on half of the proposed
2 lots which gives - and that's Lots 5 through 12. Those are all 3200-
3 square-foot building envelopes which gives the, the builder the
4 flexibility to build much bigger homes, if marketable, or the
5 provision of a larger back yard and an even bigger buffer to the
6 neighbors to the east of the home, or the east, to the east of the
7 home is smaller than that 3200 square feet.

8 And that's likely because we know that based on current
9 market trends for homes on this size lot, they're, they're about 1800
10 to 2200 square feet. And so, if those homes are built at 1800, 22- --
11 even 2400 square feet, that is going to push that - the pink line on
12 the righthand side further west.

13 And it's going to give larger back yards, more setback to
14 the folks that are in the Lakes at Castle Rock, making it more
15 comparable with setbacks that we have on the west side as well.

16 So, the idea being here that this is worst case and that,
17 you know, we, we could end up with a development that has, you know,
18 smaller homes pushed further west fronting onto this street to give
19 folks, give folks more buffer.

20 A couple other items that I want to, to point out on, on
21 this plan. You'll notice the, the arrows, the, the viewshed arrows,
22 and they're kind of - they're, they're a light line. It's up in the
23 corner. You can see one from the Harris's' home, and you can see
24 another down in the southeast corner from the Yoders' home.

1 And what that's meant to illustrate is you can see that the
2 development envelope, or the building envelope for the - and if you
3 look at the plan on the righthand side of this, of this graphic, you
4 can see where we overlap. You can see that on the east side adjacent
5 to the Harrises' home that blue line would have represented a home
6 going up further north towards Tanque Verde Acres than where our
7 current homes will stop.

8 So, you have more of a view corridor on this new plan than
9 you did on the old plan. And the same is true for the, for the Yoder
10 residence to the south. There is more view capability with the larger
11 setback that we've provided and a home that sits further north
12 providing her with the ability to, to maintain her view to the west
13 which is the view that she currently has for, for sunsets.

14 And I've, I've put on here the lot sizes for the homes that
15 are adjacent to us in the Lakes at Castle Rock that's down in the, the
16 south - in the lower righthand corner. It says: Lakes at Castle Rock
17 homes equal 1460 square feet, 2,022 square feet, and the two stories
18 are 2,075 square feet.

19 And I also really want to point out an important part of
20 this plan is if you notice the, the hatch on these, these lots. That
21 signifies two-story homes. And so, on that plan in 2006, on the
22 lefthand side, you can see that two stories would have impacted nearly
23 half of the property. Fifty percent of the homes, six out of twelve,
24 and they would have gone as far north as the Bergen and Oliva
25 residence.

1 And on the new plan, you see only two, two two-story homes
2 down in the southwest, southwest corner adjacent to existing two
3 stories. And if you flip the page to the next slide, this is a full
4 break -

5 ZONING EXAMINER: Actually, I want to go back to that.

6 MR. UNDERWOOD: Yeah.

7 ZONING EXAMINER: 'Cause I did have a couple questions. My
8 old eyes can't read this that well, but I think I'm seeing some
9 setback numbers.

10 MR. UNDERWOOD: Yeah.

11 ZONING EXAMINER: Okay. So, I see on Lot - I think this is
12 14 down by the cul-de-sac.

13 MR. UNDERWOOD: Uh-huh.

14 ZONING EXAMINER: I saw a number 27, I think. Is that, is
15 that a minimum setback that you're proposing along that western
16 boundary, or I'm not sure what this is.

17 MR. UNDERWOOD: That, that would be a minimum setback that
18 we're proposing, and that's assuming a 2800-square-foot building
19 envelope as you see on that lot there on, on Lot 13. And so, if this
20 home is built at 2200 square feet, then that line is going to go
21 further west. And you're gonna have more than 27-foot setback,
22 because it's not likely that you're gonna get a home that is 2800
23 square feet out here. It would be -

24 ZONING EXAMINER: Okay. But the minimum setback in 27.

25 MR. UNDERWOOD: The minimum building setback is 27.

1 ZONING EXAMINER: Along this entire west property?

2 MR. UNDERWOOD: It's, it's 30 feet, except for that lot.

3 ZONING EXAMINER: Except for that. That one's 27 and then
4 the rest are 30. Okay. All right. Thank you.

5 MR. UNDERWOOD: And that should be included in the notes on
6 that updated PDP that we gave you.

7 ZONING EXAMINER: For this. Okay. That's on this thing?

8 MR. UNDERWOOD: Yeah. Down in the bottom there, it's that
9 last note that says: 30-foot setback along -

10 ZONING EXAMINER: Okay.

11 MR. UNDERWOOD: - the east, except that lot.

12 ZONING EXAMINER: Very good.

13 MR. UNDERWOOD: Yup.

14 ZONING EXAMINER: Thank you.

15 MR. UNDERWOOD: You're welcome. Did you, did you have
16 another question on this slide or -

17 ZONING EXAMINER: No.

18 MR. UNDERWOOD: Okay.

19 ZONING EXAMINER: No. That, that was - I guess I hadn't
20 seen this, so -

21 MR. UNDERWOOD: Yeah. We, we ran out of room and had to
22 put those notes down in the, -

23 ZONING EXAMINER: All right.

24 MR. UNDERWOOD: - in the corner there. But if you, if you
25 flip to the next slide there, what I've given here is a, is a

1 breakdown, a comparison of where we're the same or better than the old
2 plan from 2006.

3 And I'll start at the top there, No. 1, fewer two-story
4 homes, two out of sixteen versus six out of twelve on the old plan.
5 Territorial parapet, or tile roofs. This was actually part of
6 Condition No. 2 from the original rezoning. It called out territorial
7 parapet or tile roofs and natural desert colors.

8 And so, that's the, the next one down. We've, we've
9 matched up with that original condition, natural desert colors for the
10 homes. And then we've doubled the minimum building setback in most
11 cases from 30 - or from 15 to 30.

12 And existing drainage issues in this plan will be corrected
13 with the oversized basin, basins in the south portion of the property.
14 And as you can see, the, the 2006 plan would have done that as well.
15 And this is where I really want to focus on the design is with this
16 roadway design.

17 So, what we've shown is a meandering road. And that
18 meandering road has several benefits. It's safer and more visually
19 appealing. It reduces speeds and creates a varied streetscape with
20 staggered homes instead of all the homes in a, in a straight line.

21 It, it provides parking on both sides of the street with a
22 wider, safer design, a wider right-of-way. And the parking on the, on
23 the other plan from 2006 was a modified cross section. And it was
24 seven feet narrower than what we're showing now what the standard

1 cross section is for, for subdivisions in the city. And it would
2 require, you know, a development standard modification request.

3 But it's important to note, and that's why I've shown this
4 cross section down here for the old road, that it did have parking
5 along one side of the street. But you'll notice that it's a roll curb
6 and it's right adjacent to the so-called four-foot treeway.

7 And this plan would have not allowed for any preservation
8 of trees out in that area because there are no trees within four feet
9 of, of the wall, the existing wall. And so, all the existing trees
10 would go and you'd be replacing them with small 15-gallon box trees.

11 Trees that are, you know, meant to be in, in parking lot
12 islands, you know, and, and they're single-trunk trees. It'll take
13 several years to provide screening to, to grow and mature. And they
14 need to be really packed in there, you know, small oaks or, or ash, an
15 ash tree that could fit in that four-foot space. And then it would be
16 constantly dealing with the conflict of people driving their car up
17 into this four-foot area that, that's planted with trees.

18 And there's a privacy concern there, too. You have, you
19 have a four-foot treeway, very narrow, and you have a road right there
20 with parking on it. And you have activity - people getting out of
21 their cars and they're right outside of, of folks' back yards in the
22 Lakes at Castle Rock.

23 That straight road as well is less safe because it's a
24 straight shot. It doesn't, you know, deter any kind of speeds.
25 It's, it's more just a, a drag strip. And so, it would need, you

1 know, speed humps or something like that to, to make it a safer
2 design.

3 And the, the flip side, what we're proposing now with the
4 10-foot treeway allows for greater potential of, of tree preservation.
5 We can do multi-trunk trees in that 10-foot space that, that actually
6 do provide some good screening.

7 And, and you also get ten feet and then perhaps additional
8 landscaping in the back of, of these proposed - in the back yards of
9 these proposed homes which is more of a softer buffer having ten feet
10 and more landscape than having four feet and having a roadway right
11 up, right up on you.

12 Lastly, this new plan meets the Bear Canyon Neighborhood
13 Plan policies better. It provides natural open space along the west
14 boundary. Like I said, if, if the, if the, if the homes are built
15 smaller, then you're going to have setbacks that are comparable to the
16 west boundary on the east boundary, and very large back yards.

17 And it also provides a smaller building envelope. Seventy
18 percent of that originally proposed disturbance area is, is now what
19 we're going to disturb on the property which is considerably - it's a
20 considerable amount of preservation when you look at the pattern of
21 development surrounding Frances' property which, you know, it takes
22 every square foot for, for adjacent residential lots.

23 Now the next slide I'd like you to take a look at is a
24 comparison of this current rezoning proposal to the homes at the Lake
25 - in the Lakes at Castle Rock. And you'll notice that there are fewer

1 two-story homes adjacent to - or there are fewer two-story homes
2 planned within La Roca Vista than there are adjacent to it.

3 We're proposing two, and you can see the black dots on this
4 graphic and it's also on this one, too, if you, if you want to squint
5 to, to look at the small one in the corner there. You can see that
6 there are two - one, two, three two-story homes adjacent to Frances'
7 property. We are proposing less.

8 We are proposing, as I mentioned before, territorial
9 parapet or tile roofs. Lakes at Castle Rock only has tile roofs.
10 Natural desert colors for homes. Natural desert colors for homes in
11 Lakes at Castle Rock, so we're a match there.

12 Number four. Existing drainage issues would be corrected
13 with this current rezoning proposal. And when Lakes at Castle Rock
14 was built and, and they didn't build the, the drainage infrastructure
15 south of Frances' property correctly, that is what has caused these
16 flooding issues out there.

17 The longer depth than nearly every Lakes at Castle Rock lot
18 along the east boundary. So, this results in, as I've mentioned,
19 bigger back yards and also right now, as it currently stands, six out
20 of those twelve homes that are along the east boundary that we're
21 proposing are more than 50%, or are more than 30 feet setback.

22 So, six of them are 30, and then we have another six that
23 sit further back already, even with a 3200-square-foot building
24 envelope. So, the likelihood that those will move even further away
25 is, is very high.

1 Conversely, in the Lakes at Castle Rock, they have same
2 typical lot depth of, of - or same typical lot size of 50-by-110, with
3 lots on curves and cul-de-sacs. And those curves and that cul-de-sac
4 up in the, in the northeast corner, or northeast of, of Frances'
5 property, that's what's creating large lots and bigger back yards
6 because the lots are flared out in the back.

7 But despite that, where we have six out of twelve homes
8 along our east boundary that are set back more than 30 feet already,
9 there are only four out of thirteen adjacent homes in Lakes at Castle
10 Rock.

11 So, 31% along the east boundary that are set back more than
12 30 feet. So, once again, trying to provide, you know, compatibility,
13 comparability with, with what's existing out at the Lakes at Castle
14 Rock.

15 As I've mentioned, these building envelopes being larger,
16 they have the potential to allow for larger homes, more expensive
17 homes than those in Lakes at Castle Rock which should be good for
18 everyone in, in the area.

19 In terms of density, as I mentioned, there are 12 homes
20 along the east boundary that we're proposing, and there are 13 homes
21 adjacent to us in the Lakes at Castle Rock. And you can see that in
22 this graphic here where if you count down the line, there are 13, and
23 then we have 12 adjacent to them. There are also, as I mentioned very
24 early on, 16 homes proposed. There are 21 homes adjacent, and that's
25 also on this graphic here.

1 And lastly, again, this plan meets the Bear Canyon
2 Neighborhood policies better. It provides natural open space along
3 the west boundary, smaller building envelopes to provide perimeter
4 buffering and screening to pull those homes in and pro- -- and provide
5 privacy. And it's compatible with, with the homes that, that are
6 surrounding it.

7 Whereas, Lakes at Castle Rock when it was built, I'm not
8 sure because when it was platted, the - it was platted in 1987. The
9 Bear Canyon Neighborhood Plan was adopted in '86. So, I'm not sure if
10 it had to really go through any kind of entitlement process where it
11 would have to comply with the Bear Canyon Neighborhood Plan.

12 But nonetheless, it, it does to Frances' property and the
13 Tanque Verde Acres subdivision what it says you are not supposed to
14 do, and that is, you know, put homes right up on larger lot
15 development. And that's, and that's exactly what happened.

16 This next slide shows a comparison between the lot sizes
17 that we're proposing and those that are surrounding us in the Lakes at
18 Castle Rock. And aside from the lots on the cul-de-sac, this graphic
19 demonstrates that we're generally providing larger lots, or rather
20 more consistent lots with what would be provided if the cul-de-sac was
21 not there.

22 And we also comply with the neighborhood - the Bear Canyon
23 Neighborhood Plan by providing compatibility with those surrounding
24 homes and by using the improve, improve - using and improving existing
25 infrastructure.

1 Now, since we have sort of beat number of homes and density
2 and compatibility and, and like-for-like to, to, to a pulp, we will
3 switch direction to views, because I want to be very clear about the
4 views that are existing out here.

5 So, this is basically where - a key map of where we've
6 taken some, some view photos, and where view photos were provided by,
7 by the, the Carlstons (ph.) as well. So, this is a photo that we took
8 out on the property from this location just outside - just north of
9 the wall, essentially. Just outside of their back yard.

10 And as you can see, the, the mountain views are almost non-
11 existent. They are very hard to see with just taking a regular photo,
12 no zoom. Just taking that from the northern side of, from the north
13 side of that south wall.

14 This is the view from Ms. Hart's southern property boundary
15 on the north side of the wall, but on the, sort of the west side of
16 the Carlstons' yard. And the east side of their yard where we took
17 the original photo is sort of their developed (inaudible), their patio
18 when you come out of their sliding glass door. It's most likely the
19 area that they use most of their yard.

20 This is where we took some additional photos because this
21 is where they took their photos that they submitted (inaudible) This
22 is the view from that location north of the wall on the east - on the
23 west side of their property. That's an actual view from the left.
24 And this view on the right is a zoomed-in view that we've taken from
25 that same location, but just zooming it in our camera.

1 This is the mountain view that was submitted by the
2 Carlstons. And as you can see, it's zoomed-in - sorry. It's zoomed-
3 in and, and it's, it's not representative of what the actual view is
4 out there. And it's important to note that these views are from the
5 south. We have the drainage basin.

6 We have five or ten feet between the southern property line
7 and the drainage basin. And the drainage basin is a width of at least
8 55 feet. And then you have the back yard and then the start of these
9 homes.

10 So, you have about 80 feet at the minimum, at the, the
11 least for these homes along the southern boundary. And that would be
12 the home that the minimum setback on those homes would be - or the one
13 that is furthest south would be the one that is Lot No. 16 in the
14 southwest corner there.

15 And so, these views are still going to be preserved with a
16 single-story home directly adjacent to that Lot No. 14. This is a
17 view from the Yoders' residence. And I took this from Zillow, so,
18 your -

19 MS. YODER: (Inaudible) in the back yard?

20 MR. UNDERWOOD: I was not in your back yard. It's - you
21 see the source there is, is Zillow 2018. You recently purchased your
22 home, Ms. Yoder, and, and so, we went onto Zillow. We, we picked out
23 some, some photos that they had in the, in the listing there. And
24 this is the view looking west. And this sort of gets to that, that
25 graphic that I was talking about.

1 And that's why I've placed it again up there in the, in the
2 upper righthand corner because you'll notice that blue line. That
3 blue line is the setback of the old plan, 15, 15 feet. You can see
4 it's much closer to the Yoder residence and you can see that it
5 extends further south.

6 So, the home could have blocked more of her view if it's
7 extending further south, more of her view to the west. Whereas, the
8 new plan provides her some, some more breadth to the west. She gets
9 some - yes, there'll be a home in the, in the view on the righthand
10 side, but she'll still be able to, to see that sunset, or that, you
11 know, that sunset view to the, to the west there.

12 And then this is a view from Ms. Yoder's back yard looking
13 north northwest towards the Catalinas. And as you can see with the
14 trees that are in the - along the, the eastern boundary of Frances'
15 property, along with the trees that are on Ms. Yoder's property in her
16 back yard, there's not a whole lot of opportunity for views of the
17 Catalina Mountains there.

18 And I'd just like to end with the fact that, you know, we
19 can see the progression of, of development out here. This home was
20 built in 1949. Frances moved in in 1981. Lakes at Castle Rock is
21 platted in 1987 and immediately, that row of homes is built along the
22 southern boundary of Tanque Verde Acres.

23 Probably 80% of those homes along the southern boundary of
24 Tanque Verde Acres are two story. The two homes that are along the
25 west boundary there of, of Frances' property are two story. And then

1 in 1998, they built out some more to the east and had graded it all
2 out for, for roads.

3 You can see, as I mentioned before, that rather than
4 leaving some extra space adjacent to Tanque Verde, or adjacent to
5 Frances' property, the lots were just drawn all the way to the
6 boundary. And that's why we have those larger, you know, pie-shaped
7 lots, or the more cleared-out lots and the back yards.

8 But, the point being that by the time this was developed in
9 2002, that the entire area had been filled in around Tanque Verde
10 Acres and, and Frances' property here. And this new proposal would
11 create the same amount of density with a lesser footprint, a lesser
12 impact on this land.

13 And it's clearly, the pattern of development out here has
14 been production housing for, for decades, for four decades. And so,
15 we are proposing the, the same type of development, virtually the
16 same, you know, typical lot size with comparable homes, if not larger
17 homes.

18 And with that, we end up with all of the, the concessions
19 that have been made from 20 down to 16. The, the two-story
20 concessions, the addition of the wall. All the explanation of off-
21 site/on-site development costs and just the, the, the comparisons of
22 how we are compatible. And just the bare-bones reality of trying to
23 market this property and get it sold for, for Frances.

24 That has been ignored. And we are still facing the same
25 major concerns. Drainage, number of homes and impacts on views.

1 And we haven't seen, you know, any, any kind of acknowledgement that,
2 you know, changes have been made to, to lessen the impact of this
3 project. And that's what we're trying to do. Thank you.

4 ZONING EXAMINER: Thank you. Let me go through some of
5 these questions that I had. You may have said it and it may be in
6 here, but I'm not remembering hearing. What are the heights of the
7 homes that you're proposing? Is there a limit that you're willing to
8 make on those?

9 MR. UNDERWOOD: Absolutely. The, the heights - the, the
10 homes will be limited to a max height, the single-story homes, of 18
11 feet. And I believe, and Michael could correct me on this if I'm
12 wrong -

13 ZONING EXAMINER: Twenty-five feet on the two story?

14 MR. UNDERWOOD: - twenty-five feet is the max allowable
15 height in the R-1 zone for -

16 ZONING EXAMINER: Now is that measured to - now you
17 mentioned you had parapets or you were gonna have potentially pitched
18 roofs as well. What does, what does that measure to?

19 MR. UNDERWOOD: Absolutely. Well, so, I'd, I'd like to
20 touch on that as well because I know that, you know, the, the request
21 has been for flat roofs. And as we discussed last time, builders will
22 not build flat roofs because of the warranties associated with them.
23 And they, they cost them a lot of ongoing maintenance money.

24 What we discussed was a parapet wall disguising a
25 (inaudible) roof, or pitched roof. Now the problem with that, and as

1 we discussed at our neighborhood meeting, is that us essentially
2 agreeing to block out more of that height up to, up to 18 feet, where
3 you would have had just a pitch and some open space on the sides of
4 that pitch, now you're, you're gonna block the entire thing with a
5 parapet wall.

6 I, I don't exactly know what they meant by territorial
7 parapet in the, in the original condition, but I would think that if
8 we were going to do a parapet to, to hide the, the pitch, we could
9 potentially go down in height to, to offset that loss of, of the space
10 on either side of the pitch.

11 ZONING EXAMINER: Well, what I'm thinking is, in the zoning
12 code, in our Uniform Development Code, that's what it's called, right?
13 Yeah, Unified, whatever.

14 MR. UNDERWOOD: Close enough.

15 ZONING EXAMINER: I'm not into names. Heights are measured
16 to the top of the flat roof, the highest point of a flat roof.

17 MR. UNDERWOOD: Yes.

18 ZONING EXAMINER: Now this is a rezoning. I just need to
19 know, are we talking to the height of the parapet or the height of the
20 flat roof which means parapet could even be higher.

21 MR. UNDERWOOD: I think I'd have to defer to Staff on how
22 we, how we would handle that, 'cause I know that also the height is
23 measured from the top of a flat roof, but it's also to the midpoint on
24 a pitch.

25 ZONING EXAMINER: It's midpoint on the pitch -

1 MR. UNDERWOOD: Yeah. Which is also making that higher.

2 ZONING EXAMINER: Exactly.

3 MR. UNDERWOOD: Yeah.

4 ZONING EXAMINER: So, I'm, I'm gonna be wanting to make
5 sure it's really clear, because if it's not clear on any of the
6 information here.

7 MR. UNDERWOOD: And we are open to any kind of
8 recommendation or, or how to, how to word that and, and how to tie
9 that down because it's something we've been grappling with as well.

10 ZONING EXAMINER: Okay.

11 MR. UNDERWOOD: It's, it's one of those challenges of not
12 having a builder on board yet, because we don't know what we're gonna
13 have at the end, so we don't know what to market. But not having that
14 input from the builder, knowing, you know, what, what kind of heights
15 they need for their home models, that makes it real challenging.

16 ZONING EXAMINER: I think I heard that 16 is as few - as
17 many - as few lots as you're willing to go.

18 MR. UNDERWOOD: That's correct, yes.

19 ZONING EXAMINER: Okay. Your landscape border on the east
20 side. Last time we talked, there was gonna be a five-foot wall
21 adjacent to the property owners up, up to the east, the properties to
22 the east. And then you talked about potentially a wrought iron fence
23 type wall on the inside.

24 MR. UNDERWOOD: Yeah. So, to, to talk about that, to go
25 into a little further detail, basically, what we're describing is that

1 we'd have, you know, the ten-foot treeway. So, we'd have the
2 neighbors' homes along the eastern boundary, you'd have their back-
3 yard walls. And then, let's see if there's one that zooms in here for
4 us. There we go.

5 So, we'd have their, their back-yard walls and then ten
6 feet to preserve those trees. And if trees are, are at the end of
7 their life span, then we can plant a new one close by and have to take
8 that one out eventually.

9 And then you would have the back-yard walls of the proposed
10 homes, five-foot screen wall. And since there was a concern about,
11 you know, unseen activity happening in that, in that ten-foot area, we
12 decided to make it a condition that the top two or three feet of that
13 wall be wrought iron.

14 So, it's a, a block masonry wall. Maybe it has, you know,
15 ends for each, at the end of each property, the edges of each property
16 line. But it would have an open wrought iron middle part on each lot
17 so that you could see through that area and have eyes on it so that
18 you can monitor the activity in there.

19 ZONING EXAMINER: Okay. My design sense, I don't like that
20 idea at all. I don't like the idea of a wall at all inside. Maybe a
21 curb. I don't know, I don't know the necessity of it and it seems
22 like it'd be a big expense for a developer or contractor as well. So,
23 I'm not really clear on why we would do that at all.

1 MR. UNDERWOOD: It's, it's sort of a - we need a way to
2 delineate, you know, the common area versus the, the proposed, you
3 know, residence -

4 ZONING EXAMINER: Right.

5 MR. UNDERWOOD: - by lots. And, and that's where, you
6 know, we want to make sure that people that are moving into these
7 homes don't have free rein of that, that (inaudible)

8 ZONING EXAMINER: I, I, I understand that. I would think a
9 curb would be good enough. I, I just know as a homeowner who happened
10 to live in a, lives in an area where the neighbors all built their
11 walls way back of their property line, and I had this incredibly
12 wonderful lot that became part of my yard -

13 MR. UNDERWOOD: Uh-huh.

14 ZONING EXAMINER: - visually.

15 MR. UNDERWOOD: Yeah.

16 ZONING EXAMINER: But I knew exactly where my property line
17 was. But I was able to enjoy it as part of my home. So, I, I'm
18 against the idea of that wall. It just seems, it just seems like it's
19 still gonna be a problem.

20 MR. UNDERWOOD: Absolutely. And, and we would be amenable
21 if the neighbors are amenable to doing just a, a (inaudible) as well.

22 ZONING EXAMINER: Okay. But then I was also a little
23 confused about the way, the way it was worded in here. You're going
24 from - you, you have a ten-foot landscape border. You had mentioned
25 that some of the trees might be at the end of their lives.

1 MR. UNDERWOOD: Yeah.

2 ZONING EXAMINER: You had mentioned in here that - in
3 something else that I was reading. Maybe it wasn't in the
4 presentation, that there's some flex- -- more flexibility on the type
5 of trees that you're gonna be putting in there. You're talking about
6 drought-resistant around the entire site (inaudible) A little bit of
7 flexibility. I didn't understand what that meant.

8 MR. UNDERWOOD: I was referring more to the comparison of,
9 of the old plan with the four-foot treeway being limited on the, the
10 type and size of trees that you could fit in there because only four
11 feet for planting leaves (inaudible)

12 ZONING EXAMINER: (Inaudible) much.

13 MR. UNDERWOOD: It's not gonna give you much. I mean it's
14 gonna - you're gonna be limited to some desert oak varieties, maybe a
15 small ash variety or two. And you're gonna have to plant those very,
16 very close together on center to, to provide any kind of screening.
17 And it's gonna take them some years to, to grow up and mature and to
18 create a barrier.

19 And with that ten-foot space, we're able to preserve the
20 existing trees, take out the ones that are at the end of their life
21 span and put in a good-size tree there instead one of those small
22 oaks.

23 ZONING EXAMINER: So, it's primarily gonna be trees. So,
24 the neighbors to the east are really gonna be seeing mostly trees.
25 There's not gonna be anything else you see over a five-foot wall.

1 MR. UNDERWOOD: Yeah. And, and we could do, you know,
2 ground covers, you know, low and mid-cover kind of vegetation. And
3 that may actually be preferable, too. Maybe that's a, a solution,
4 too, for trying to figure out, you know, what that, that barrier is
5 to, to in lieu of (inaudible)

6 ZONING EXAMINER: But who's gonna see that?

7 MR. UNDERWOOD: Well, I mean it's some of your -

8 ZONING EXAMINER: You're gonna have a five-foot wall, so I
9 mean they're only gonna see the trees.

10 MR. UNDERWOOD: Yeah.

11 ZONING EXAMINER: Yeah.

12 MR. UNDERWOOD: Well, trees and, and mid-story, I think
13 they would see that 'cause there's also the wall is five feet. But in
14 some cases, for some of these neighbors, they're, they're a little
15 lower. So, they're gonna see things that may be three feet on our
16 side and it's five feet on their side. So, they're gonna see some
17 vegetation poking up.

18 ZONING EXAMINER: There's no real description in the zoning
19 of there'll be a tree every 30 feet or anything like that. Is there
20 any kind of that detail we can give this?

21 MR. UNDERWOOD: We, we would be more than happy to, to
22 basically match it up with code. The reason why there's no detail is
23 that there's, there's no actual requirement for a landscape border
24 there.

1 ZONING EXAMINER: Well, that's, that's the reason I'm
2 asking the question.

3 MR. UNDERWOOD: And - yeah. So, so, we would, we would be
4 more than happy to say, you know, per code. It's, I think it's one
5 every 30 feet or 33 feet.

6 ZONING EXAMINER: Yeah.

7 MR. UNDERWOOD: Thirty feet.

8 ZONING EXAMINER: Thirty-three feet.

9 MR. UNDERWOOD: (Inaudible)

10 ZONING EXAMINER: That, that's pretty standard. If you're
11 putting in a palo verde, that's 20-foot - like 20 feet. So, I don't
12 know which kind of trees you're gonna put in, but you did state in
13 there that you're putting (inaudible)

14 MR. UNDERWOOD: Yeah. And, and we would be open to ideas
15 from the neighbors as well for what types of trees, 'cause I know that
16 maintenance of those trees that are existing has, has been an issue.
17 So, if there's some varieties that are preferred over others, then
18 we'd be more than willing to accommodate.

19 ZONING EXAMINER: Okay. Setbacks. We don't talk too much
20 about Lots 1 and 2. What's, what's going on there setback-wise, or -

21 MR. UNDERWOOD: So, Lots 1 and 2, let me -

22 ZONING EXAMINER: And what is specialty?

23 MR. UNDERWOOD: Specialty lot meaning that it's just - it's
24 not your, your typical standard 50-by-110.

25 ZONING EXAMINER: Oh.

1 MR. UNDERWOOD: It's, it's got this weird shape to it.
2 So, that's, that's the callout there. But the setback on that would
3 be, it's two-thirds the building height because it's the side of the
4 home.

5 ZONING EXAMINER: So, it's gonna meet code?

6 MR. UNDERWOOD: So, it'll meet code, yeah. And that should
7 be included as well on that PDP in that (inaudible)

8 ZONING EXAMINER: Is that the same for 15 and 16, then, as
9 well (inaudible) code?

10 MR. UNDERWOOD: 15 and 16, yes. They - well, yeah, 15's in
11 the middle there, so, it's fine. But 16 along the, the, the west
12 boundary in the southwest corner there, that one is also per code.
13 But as I've described to Dwayne Ardery (ph.), who's the neighbor here
14 to the west, if we end up doing our sewer along the west boundary,
15 which would make sense since the sewer easement we're tying into is,
16 is just south of that, then we're gonna have to provide 20 feet along
17 the west side because you need a minimum of 20 feet for a sewer
18 easement.

19 ZONING EXAMINER: Okay.

20 MR. UNDERWOOD: So, that'll set that one back, and we have
21 space in the middle to move that over.

22 ZONING EXAMINER: At the last hearing, I had asked if we
23 could see some sections, get an idea of what, what a neighbor's gonna
24 see from the, from the east looking over with a one-story house there.
25 And I didn't see anything here.

1 MR. UNDERWOOD: Yeah. And, and drawing sections - we, we
2 started to draw some sections and it just wasn't really indicative
3 because we're just calling out every neighbor's home as 20-foot back
4 yard. But that's not really the case as you can see on one of those
5 exhibits. Some of them are more, some of them are less.

6 And, and then we had varying setbacks as well as you can
7 see with that graphic. So, that's where we, we created that graphic
8 to get to that point of, you know, you were gonna have more setback
9 than what you had previously.

10 ZONING EXAMINER: Okay. I guess about the only other thing
11 that I, that I want to say before I hear from the neighbors is one of
12 my big frustrations with this particular project here is with Staff.
13 We have a very-clearly defined list of things that are required in a
14 Preliminary Development Plan listed in the code, and I'm not seeing
15 them on this plan.

16 So, it's confusing looking at it because I'm not seeing a
17 lot of detail that the, that the, that the Unified Development Code
18 requires to be shown. And my understanding is Staff is kind of
19 relaxed some of those requirements, and yet it's still in writing that
20 this is what's required.

21 It would be so much better for me if I had a development
22 plan, Preliminary Development Plan that just had all the information
23 on it that I want to have so that I can refer to it -

24 MR. UNDERWOOD: Absolutely.

1 ZONING EXAMINER: - in my decision. So, I'm gonna ask you,
2 Michael, to pass it on that I'm not happy with the Staff, but I'm
3 gonna do it, too, 'cause it's fun to do that.

4 I'm gonna let them know. I, I don't like that. I know of
5 the zonings that I do on my own, I put that information in.

6 MR. UNDERWOOD: And, and we'd be more than happy to, to
7 modify the Preliminary Development Plan per, per the list from, from
8 Staff.

9 ZONING EXAMINER: Really? See, I don't want to have
10 another hearing, but that would be great. Can you do that within -
11 before I write my preliminary report?

12 MR. UNDERWOOD: You have to have a preliminary report
13 within seven days?

14 ZONING EXAMINER: By Friday - by Thursday, next week.

15 MR. UNDERWOOD: By next Thursday? Yeah, we can do that.

16 ZONING EXAMINER: The answer's "yes", I heard that. Okay.
17 I'm gonna accept that. I would like to see that.

18 MR. UNDERWOOD: Okay.

19 ZONING EXAMINER: That would be very helpful for me. Okay.
20 Thank you, Mr. -

21 MR. UNDERWOOD: Yeah. Can Staff get us that list perhaps
22 by tomorrow so we can -

23 MR. WYNEKEN: It would be the list in the administrative
24 manual for the Preliminary Development Plan.

1 MR. UNDERWOOD: And we looked at that when we updated it
2 and it - maybe when they laxed those standards, they took some of the
3 writing out, 'cause we - that's what we used to update that plan
4 there -

5 ZONING EXAMINER: Seriously?

6 MR. UNDERWOOD: - to get additional information. It may be
7 shown in the form of notes and -

8 ZONING EXAMINER: Maybe I haven't seen the most up-to-
9 date -

10 MR. UNDERWOOD: Yeah, 'cause that -

11 ZONING EXAMINER: - version.

12 MR. UNDERWOOD: Yeah. The Preliminary Development Plan is
13 the one that we, we sent a few days ago, or yesterday, or -

14 ZONING EXAMINER: Hmm.

15 MR. UNDERWOOD: It's the one that we included in your
16 packet there.

17 ZONING EXAMINER: I see. I used to be on the Planning
18 Commission. I used to get copies of this stuff all the time. And I
19 would have fought that one tooth and nail. Okay.

20 MR. UNDERWOOD: Yeah. I, I noticed there were some missing
21 dimensions and things in dimensioning the -

22 ZONING EXAMINER: All right.

23 MR. UNDERWOOD: - homes and all that. So, -

1 ZONING EXAMINER: Well, dimensions are really important,
2 setbacks are important. There's a lot of information. If, if we
3 could get that to them, I, I would like to see that directly.

4 MR. UNDERWOOD: Absolutely.

5 ZONING EXAMINER: It's a lot easier to judge a Preliminary
6 Development Plan, or even refer to it if it had it on there. Thank
7 you, sir.

8 MR. UNDERWOOD: Yeah.

9 ZONING EXAMINER: Okay. So, I am going to - I've only got
10 four cards. Two of them didn't circle whether you support or oppose.
11 Is there anybody in here who supports? Anybody who's neutral? I kind
12 of - you're neutral? Okay. So, you're gonna be the last one I call.
13 What's, what's your name?

14 MR. MESSING: Edward Messing.

15 ZONING EXAMINER: Okay. Did you take the oath when -

16 MR. MESSING: Yes, sir.

17 ZONING EXAMINER: Okay. Good. Thank you. Okay. So, I'm
18 gonna call up Debbie Yoder.

19 MS. YODER: Good evening. My name's Debbie Yoder. I live
20 at 2419 North Creek Vista Drive. I did not intend to really speak
21 tonight because I was just going to ask you to review the
22 correspondence that I've provided over the course of these months to,
23 you know, detail my concern. But I did just have a couple of comments
24 after listening to Mr. Underwood's presentation.

1 And maybe this problem will be solved with you getting a
2 Preliminary Development Plan that contains setbacks in - on the plan,
3 but I'm particularly interested in Lot 14. And I noted on one of the
4 - I think it was the, the map that had three drawings on it.

5 It showed that the, the back yard of the middle lot at the
6 ball of the cul-de-sac, I think was 94 feet from the south property
7 line. And Mr. Underwood showed a slide that showed where the back of
8 the house on Lot 14 would be visual from, from the back - our back
9 yard. And I don't see any measurement of where that setback is.

10 ZONING EXAMINER: Okay.

11 MS. YODER: And, you know, I would - I guess I would like
12 to have some kind of guarantee that that is going to be where the
13 setback is rather than it being a fluid situation.

14 ZONING EXAMINER: Right.

15 MS. YODER: So, that's - that was one thing. And Mr.
16 Underwood talked about, you know, that we're - my husband and I are
17 going to have less impact from the way that Lot 15 is built than the
18 plan that was approved in 2006, the siting of that, those homes.

19 I mean I'm not sure where he got the size of those homes to
20 site on the 2006 plan, but I mean I, I'm not sure. I never saw houses
21 in any of the research that I've done for that. So, I'm not sure how
22 that is accurate.

23 And I guess I'd just like to say that I wouldn't have
24 purchased my home in Lakes at Castle Rock if there would have been a,
25 you know, a building like that in my back yard. So, you know, perhaps

1 this has less impact on my back yard. But, you know, if I would have
2 had a choice and looked at that property and had a house there, I, I
3 wouldn't have even entertained purchasing it. So, that, you know, I
4 just think you maybe would like - I would like you to know that.

5 ZONING EXAMINER: Okay. Thank you.

6 MS. YODER: And I'd also like to know what the plan for the
7 wall is on Lot 14. You were talking about whether or not there would
8 be a wall on, I think it's Lots 3 through 13. But is there gonna be,
9 you know, is there gonna be a side wall? I don't, you know, -

10 ZONING EXAMINER: Around 14 is what you mean?

11 MS. YODER: Yes.

12 ZONING EXAMINER: That's a good question.

13 MS. YODER: So, -

14 ZONING EXAMINER: I, I did have, -

15 MS. YODER: And, and you don't, -

16 ZONING EXAMINER: I had that question -

17 MS. YODER: - you don't have to -

18 ZONING EXAMINER: - as well and I forgot to ask.

19 MS. YODER: Okay. You don't have to -

20 ZONING EXAMINER: So, we'll get (inaudible)

21 MS. YODER: I just -

22 ZONING EXAMINER: When Mr. Underwood comes up, we'll ask.

23 MS. YODER: Okay. I'm sure he'll address it. And I guess

24 the other thing that I probably said multiple times in my

1 correspondence is that the density as proposed for Lakes at Castle
2 Rock, the adjoining homes are - I think it's 4.5 homes per acre.
3 But when you look at the density of Lakes at Castle Rock, it's 2.5
4 homes per acre.

5 ZONING EXAMINER: Is that when you take in the entire -

6 MS. YODER: That's the entire, -

7 ZONING EXAMINER: - property?

8 MS. YODER: That's the entire community. And that was the
9 reason we purchased our home in that community was because, you know,
10 we are afforded the luxury, if you want to call it that, of all of the
11 green space. And, you know, that's part of our homeowners'
12 association. And even though we have a small lot, we can walk down
13 the street and enjoy, enjoy that space.

14 And so, you know, I, I guess I would just state again that
15 I'm not sure that using the comparison of only the properties that
16 touch this development to determine density is a - you know, the, the
17 only way to look at it. So, I would encourage you to look at that,
18 too.

19 ZONING EXAMINER: Thank you. I will do that.

20 MS. YODER: Yeah. Thank you for your -

21 ZONING EXAMINER: Thank you.

22 MS. YODER: - time.

23 ZONING EXAMINER: Okay. It's my turn. Michael Harris.

24 MR. HARRIS: I guess my wife already signed me in.

1 Michael Harris, 9537 East Shadow Lake Court. We're the one up in the
2 tall upper corner.

3 Mine's very simple. I'll start with what my impression was
4 from our last meeting here was that your instructions were that they
5 were going to clarify things, number one, and, so that we weren't so
6 confused, because it was obvious to you that other than the major
7 issues were the home density. And those have always been there, have
8 never changed, as well as the - we were concerned about the loss of
9 the view, of course.

10 Well, we were expecting pictures with a line driven across
11 there at least so that you could get a rough idea of what the home
12 height would be and how much of your - like, for example, the Yoders,
13 they're gonna have - it's like looking at a broad side of a barn,
14 'cause it's a two-story home. And it's right there in their line of
15 sight.

16 ZONING EXAMINER: Uh-huh.

17 MR. HARRIS: So, if you have a 25-foot-tall building there,
18 that's what they're gonna be looking at regardless of the 30-foot
19 easement or the setback. So, what I, what I kind of noticed on this
20 whole thing was that nothing really changed. We keep going back. The
21 confusion, I'm the same way as you. I'm really confused because we
22 keep going back and forth through these - all these different
23 proposals.

24 And the entire time, like I said, all we've said is we want
25 less density is our number one thing. And you had a lot of people

1 that said that they would be willing to pull our protest, which we are
2 as well, and I'll give you that in a second, if they meet our minimum.
3 And we were willing to compromise that number as well.

4 So, it was - so, it just seems like nothing changed between
5 the last meeting that we had except for that additional setback, which
6 we appreciate. So, the number of homes weren't addressed. The, the
7 height, the two stories which we asked for, all of those different
8 things is what we were concerned about and, and the water.

9 You know, we were always concerned about that it didn't
10 impact us financially at the Lakes at Castle Rock if there was any
11 problems with the drainage. So, that was our major concern. And
12 before we'll remove any protests, we're basically, we're looking for
13 the compromise.

14 We don't need 12 homes, but we're looking for at least a
15 compromise of 14. Fourteen homes, no two stories and no financial
16 burden on - as far as the, the water. And that's basically it.

17 ZONING EXAMINER: Okay. Thank you. Holly Hope.

18 MS. HOPE: Good evening.

19 ZONING EXAMINER: Good evening.

20 MS. HOPE: Just, just to frame this, this experience has
21 been different than I expect. When I am faced with, with desirements
22 (sic) of, of, of many parties, generally they're distilled into
23 requirements. And I know that, that, that Frances has requirements
24 and the City has requirements. And there was an initial volley and a
25 memo came back.

1 And I considered those, those memo- -- the, the
2 requirements in the memo from the Planning Commission, sort of the
3 City's threshold. You know, these were the minimum things that, that
4 everyone should expect and that negotiations would take place from
5 there. And instead, a lot of time has been spent on, on, on asking
6 that those requirements be met.

7 Now we've, we've also shared, for example, in density.
8 They suggested 15 houses maximum, and we've never seen that even
9 though that is an, an ongoing issue.

10 And then a lot of us, and I won't repeat my, my desirement
11 that I did last time. But, but to me, there's a, there's a threshold
12 and there's an objective. And my objective would be ten or twelve,
13 right? Whatever I put.

14 But it's sort of immaterial when we're not getting to the
15 threshold set by the City. I also want to reflect the comment about
16 not just looking at the houses at the Lakes at Castle Rock, and also
17 to correct my testimony last time. I said it was zoned for 2.5 houses
18 per acre. No, it was approved for 2.5, and it was zoned in R-1,
19 right?

20 So, so, as a whole, as a whole development, it was zoned,
21 or it was approved for 2.5 houses per acre just like we're saying that
22 we'd like to see it approved for 3.3 or something like that. And so,
23 I, I, I have to correct myself on that.

24 I, I looked for other properties that were like this and -
25 around town and - or around north of the river and, and east of

1 Pantano. Tanque Verde Wash is what I mean by the river. And really
2 the only places you see developments like that are in the middle of
3 golf courses where there is that empty space. And right behind the
4 shopping malls where you expect the higher density housing and in this
5 section of the Lakes at Castle Rock.

6 And those are really the only places you see things built
7 out 4.4. The rest is, is lower density. And if you get a broader
8 view and scroll through your map guides, that's what you see.

9 There, there were drainage issues. There were density
10 issues and I keep being reminded when - and there were two stories
11 against one-story issues. And, and the principal that comes to mind
12 in all of this is that two wrongs don't make a right. And we're
13 living with wrongs that were done in the past.

14 One of my concerns about the rainwater management had to do
15 with the wrong that was done in the past with Lakes at Castle Rock
16 that ended up with this being built out at 4.4, and not wanting to see
17 that happen again.

18 I would like to read you what I wrote, what I've written
19 because I have tried to, to condense it in the past and lived to
20 regret it because my testimony last time was dismissed out of hand by
21 - in, in the rebuttal. And so, I don't want to skip over some of it.

22 Now I did attach a letter that I sent to the engineer who
23 was out of town. I only got his contact information after, after he
24 left on vacation. And I was told that he'd approve the drainage which

1 I understand was not correct. But that's why I decided to write him.
2 But I'll, I'll leave that letter. And I just want to, to say this.

3 That I'm maintaining my protest of the proposed referenced
4 rezoning with the following comments: The number of lots, 16, is non-
5 compliant with the recommendation for 15 lots in the Planning &
6 Development Services memorandum dated June 6th, which I called the
7 memo.

8 Lot 15 is reserved for a two-story house, but it's adjacent
9 to a lot with a single-story house to the southeast, and blocks the
10 view of the house directly to the south. This is also non-compliant
11 with the memo.

12 The two-foot, ten-foot - the two-wall, ten-foot buffer
13 along the east wall has not been eliminated, although it has changed
14 to include visual access by making part of the wall wrought iron, or
15 similar.

16 Technically, this is non-compliant with the memo, although
17 it may be compliant in substance as the residents on the east side, at
18 least some of them, seem to that - east side of that wall seem to
19 accept it. And I'm not saying everybody, but I, I haven't heard as
20 much pushback as I have about other things.

21 So, I was expecting to, to see some illustrations, some
22 elevations or some, something which, of course, we know now didn't
23 happen. But what I understood from the discussion last night is that
24 the plan is to mimic the size, style and spacing of the Lakes at

1 Castle Rock development, not to provide a transitional density between
2 the Lakes at Castle Rock and Tanque Verde Acres.

3 Much discussion, discussion has centered on not having more
4 than one new house against each Lakes at Castle Rock house, something
5 that should be a starting point in providing appropriate transitional
6 development consistent with both adjacent neighborhoods.

7 I also noticed that when the Lakes at Castle Rock houses
8 along the east boundary were being counted up, that there were three
9 houses included in that count that don't - aren't actually adjacent.
10 And so, I would like to ask you to look at that. I don't want to take
11 time now to recount.

12 But if you look at the wedge-shaped piece, there are two
13 houses in there that are not adjacent. And then there's one that's
14 only along Tanque Verde Acres that is considered - I mean it doesn't
15 even come close, right? And those look like they were in the count in
16 terms of they had numbers on them.

17 Okay. Back to my point number five, is although the
18 planning document describes territorial style or tile roofing, it was
19 clear from the neighborhood meeting last night that the plan is for
20 pitch tile roofs with east-west spines. And the single nod to
21 territorial design is limited to a parapet on the east and west ends
22 of the pitched tile roofs.

23 Other aspects of territorial design such as articulated
24 front facades and tile shed roofs at the entry, and I didn't list some
25 of the other ones - covered patios, you know, the masonry building

1 materials, they appear not to be under consideration from the
2 footprint of the outlines provided. Those just aren't the shapes of
3 territorial houses, they are the shape of Lakes at Castle Rock houses,
4 a different style. This approach is not in keeping with preserving
5 the integrity and character of the entire neighborhood.

6 Six. No elevation drawings were provided at the
7 neighborhood meeting. So, I still really have no idea of what it
8 would look like.

9 Number seven. A 30-foot setback has been promised verbally
10 on October 10th, and then in writing tonight, for the houses on the
11 east side of the lot. And it was mentioned that some of this may be
12 taken from the open space west of the road and cul-de-sac.

13 In contrast, the houses on the west side have an
14 approximately five - it looked - I thought five-and-ten-foot setbacks.
15 I saw that there were some callouts on the documents tonight.
16 Setbacks should be applied consistently, and the road should not be
17 moved or straightened, further reducing the open space to the west and
18 degrading the transition to the Tanque Verde Acres Neighborhood.

19 I also noticed that the curve in the road, I mean the road
20 is 17 feet from the west boundary at the narrowest point, and 35 at
21 the, at the widest point in the straight section. And in that
22 approximately 550 feet, the curve of the road from, from edge to edge
23 along one side is only about 19 feet, right? From - or 18 feet from,
24 from 17 to 35 and back, right?

1 It's not like it's a big curve that's gonna slow people
2 down. The curve at the beginning might, but, but I don't think that
3 straightening the road for the sake of a larger setback on the east
4 is, is an appropriate thing to do.

5 And then my last point on my paper is that the plans for
6 storm water retention are based on a mistake where the wrong equation
7 was used for required basin volume estimation. I stand by my sworn
8 verbal and written testimony of September 27, and my letter to Loren
9 Marcus dated October 11. And I attached that letter to this.

10 There were a couple other things that I noted. There was,
11 there were, there were views shown from the Carlston perspective, and
12 one of them was described as being a very blown up view. It has
13 bricks along the bottom, so you can calibrate how blown up that view
14 is.

15 I am not sure that those are looking the same direction
16 because the bricks made it look like it wasn't all that blown up
17 compared to the other ones. One of them has bricks along the bottom.
18 Does anybody have a page number? Is there, is there a number on the
19 page?

20 MS. YODER: No.

21 ZONING EXAMINER: You're talking about the -

22 MS. HOPE: Yeah. I think so. That looks like - looks like
23 bricks along the bottom to me. So, the magnification factor should
24 be, you know, generalizable from the picture of the bricks.

1 There are references to, there are references to Tanque
2 Verde Acres being platted, platted in 1976. I own a home that was
3 inhabited in 1976, so, they moved quickly. There have, there have
4 been references to inhabitation occurring in later years. Yeah, what
5 (inaudible) by the structures, I don't know. I noticed on the
6 comparison of the pink and blue -

7 ZONING EXAMINER: Uh-huh.

8 MS. HOPE: - that although a claim is made for a great
9 reduction in the area that is being developed, that within the area in
10 blue that is claimed as being, being developed are, are, are streets
11 and side yards, or maybe they're front and back, depending on how the
12 houses are oriented.

13 And that, that the - that the - there are, there are no
14 similar streets, but the pavement, the pavement wasn't included in the
15 pink and the pavement - I mean some of the pavement is included in the
16 blue, but none is included in the pink. Same with the front and back
17 yards, are not included in the pink, but they are included in blue.
18 So, I, I didn't really think it was an apples-to-apples comparison.

19 ZONING EXAMINER: Okay. I'm having a little difficulty
20 understanding that. The way I'm reading it, the blue does seem to,
21 does appear to be building areas that the blue is encompassing. I
22 don't see it going into the roadway at all for either one of them.
23 So, I'm a little confused what your point is.

24 MS. HOPE: Okay. Could we change to, to the one that looks
25 like this? Is there a laser pointer here?

1 ZONING EXAMINER: I think -

2 MALE SPEAKER: (Inaudible)

3 MS. HOPE: The green? Okay. Well, I can go down to it,
4 right? It doesn't, -

5 ZONING EXAMINER: It doesn't really do it in the light.

6 MS. HOPE: - doesn't do it. Okay. So, let me, let me
7 think. Okay. So, if you're looking down - well, you know what?
8 (Inaudible) is gonna do that. So, at this, at this level, there's a
9 road coming in. The, you know, I'm not really sure what relevance the
10 one on the left has, but, but just, you know, for honesty's sake, it
11 looks like there's a road coming down the east side and there are two
12 roads going off of it.

13 ZONING EXAMINER: The ones that are coming in -

14 MS. HOPE: Yeah.

15 ZONING EXAMINER: Okay.

16 MS. HOPE: And those are counted as housing, and so are the
17 front yards.

18 ZONING EXAMINER: Oh, I see what you're saying. Okay.

19 MS. HOPE: So are the front yards. Also, the back yards
20 between the houses, and then the front yards in front of the houses
21 and that, that pavement is all counted in the blue area that you see,
22 right? They took everything that was left of the main roadway.

23 Where, where in the pink, it's like, it's not up to where
24 the road is, it's set back to where the houses are and then it's cut
25 off again where the houses are.

1 ZONING EXAMINER: Okay. So, what I'm seeing is dash lines
2 for the -

3 MS. HOPE: Right.

4 ZONING EXAMINER: - houses on the left.

5 MS. HOPE: Yeah. And what I'm saying is that the blue
6 lines are not fairly drawn.

7 ZONING EXAMINER: Okay.

8 MS. HOPE: You use the same standards as you use to draw
9 the pink lines. And so, to say you're developing less of the land I
10 think is not a fair assessment. I had one last thing.

11 I had mentioned the space between the houses because at one
12 time I was told that the houses would be north-south at least five
13 feet from the lot line. And I thought that was corrected to be 15
14 feet last night. And if you take 15 feet, that's 30 feet out of 50
15 foot. Maybe it's supposed to be divided between the - I don't
16 understand that.

17 ZONING EXAMINER: Okay. Well, let's -

18 MS. HOPE: That was (inaudible)

19 ZONING EXAMINER: - get some clarification from Brian on
20 that one then.

21 MS. HOPE: Okay. Because what I'm looking at in this is
22 that those things look like they're about five feet from each fence.

23 ZONING EXAMINER: Okay. Well, that actually, it's one of
24 my later questions as well, so -

1 MS. HOPE: Okay. Let's see. I have one more page. I
2 covered that. And I covered that. Thank you very much for hearing my
3 testimony.

4 ZONING EXAMINER: Well, thank you for your time. And now
5 we will hear from Edward Messing.

6 MR. MESSING: Edward Messing. I live at 2450 North Tierra
7 Verde Place. Mr. Sayler-Brown, Mr. -

8 ZONING EXAMINER: Let me ask you quickly. Did you fill out
9 the -

10 MR. MESSING: I already signed in.

11 ZONING EXAMINER: Okay.

12 MR. MESSING: Yes, I did.

13 ZONING EXAMINER: Okay.

14 MR. MESSING: Thank you. I'm also speaking on behalf of
15 the Dickinsons who live at 2470, and I've submitted documents from
16 John and Sally Dickinson. They're unable to be here this evening and
17 they also gave me a letter allowing me to speak on their behalf.

18 ZONING EXAMINER: Okay.

19 MR. MESSING: Our, our current concern is with the
20 footprint of the home on Lot No. 2. That is one of the specialty
21 lots. It is the, the southern of the two specialty lots and the, the
22 footprint. And the only footprint that we can figure out that would
23 work places that home within five feet of the Dickinson property line
24 and cover up approximately half of the face of their, their home.

1 So, while the homes on the east side of La Roca Vista have
2 30-foot setbacks, plus the yard before you get to the home, in this
3 case, the actual home is only five feet from the least dense zoning.
4 So, this is an RX-1 home and then the building is put up right next to
5 within five feet.

6 So, our solution, suggestion is that the two specialty
7 lots, 1 and 2, be combined into a single lot. That would do a couple
8 of things, and one of them would be to get the density down to 15 lots
9 total which is the recommendation of the City Staff.

10 A further problem with that Lot 2 and the, the current
11 proposal for how the, the footprint would be is that the spine of the
12 home would be running north and south. I, I have something else that,
13 that was provided to us if you would like to see it.

14 ZONING EXAMINER: Sure.

15 MR. MESSING: That might be easier for you to understand
16 what I'm speaking about. If I can - right here. That's No. 2. So,
17 as you can see by the approximate footprint, that that would be quite
18 an imposition upon Dickinsons.

19 In, in trying to figure a different angle to put that
20 footprint on that oddly-shaped lot, it was - Mr. Dickinson found out
21 it was impossible to have a 20-foot apron in front of a garage. So,
22 it just doesn't look like that's gonna work to put two homes on those
23 two odd-shaped lots.

24 In addition, that property right there is at the high point
25 of La Roca Vista. The elevation is higher than the Dickinsons' home

1 by two or three feet. And then when you consider that the, the spine
2 runs north and south and that the elevation begins two or three feet
3 higher than their home, and then the 18-foot peak is only midway up
4 the peak, that that's quite an imposition. So, we strongly suggest
5 combining Lots 1 and 2.

6 ZONING EXAMINER: Okay.

7 MR. MESSING: There is also a wash that runs right through
8 where that home is platted. There's a small wash that cuts through
9 there, then it goes into the Dickinsons' property and it crosses
10 between their property and mine, and eventually empties out into
11 Tierra Verde, the street of Tierra Verde.

12 So, if there is a home built there, then all that
13 additional water is gonna have to be funneled down through the, the
14 street in La Roca Vista and then eventually make its way through
15 Castle Rock. So, that, that's a strong consideration.

16 The last thing I would like to add here, 'cause most things
17 have been answered and asked, is that the - instead of an 18-foot
18 maximum height, since that's the midpoint of the peak, that the
19 maximum height be 15 feet so that the top of the real peak will be
20 limited to about 18 feet or so, depending upon the pitch, of course.

21 ZONING EXAMINER: Right. Okay.

22 MR. MESSING: That, that's all I had. And so, thank you
23 very much, sir.

24 ZONING EXAMINER: Thank you. So, Brian, do you mind coming
25 back up? There was one question, Brian, about the extent of the wall.

1 And I actually had a question on that as well and I forgot to ask you
2 that. So, the wall along the east side of the property, and how does
3 that relate down that Lot 14? Does it go all the way around that or -

4 MR. UNDERWOOD: No. So, you'll notice on the Preliminary
5 Development Plan that just south of Lot 13 there's an additional
6 detention-retention basin there.

7 ZONING EXAMINER: Right.

8 MR. UNDERWOOD: And so, that'll be just an open area that
9 allows, you know, view corridor straight through to the, to the road
10 there and across the property. And then you'll pick up the wall along
11 the side yard and the back yard of Lot 14 and then that wall continue
12 along the back yards of 15 and 16. We don't want to leave that open,
13 given that we're gonna have that deep drainage basin there. We don't,
14 we don't want folks (inaudible)

15 ZONING EXAMINER: But there will be a wall going down the
16 east side of Lot 14 and across the south?

17 MR. UNDERWOOD: For, for the side yard on that lot, yes.
18 So, that, that wall will essentially sit 30 feet off of the existing
19 wall.

20 ZONING EXAMINER: Okay. And then the other question that
21 was asked. Oh, boy. I can't believe I have to read this handwriting
22 later. Was that - oh, it was on the setbacks on the - along the south
23 boundary there. Lots 1 and 2, did we already talk about that? I know
24 that Mr. Messing brought that up, and I saw that, I saw this diagram
25 with the house.

1 MR. UNDERWOOD: Yes. And, and so Mr. Messing mentioned
2 that the, the setback there, the side yard setback would be five feet
3 there.

4 ZONING EXAMINER: Yes.

5 MR. UNDERWOOD: We're actually required to do two-thirds
6 the building height -

7 ZONING EXAMINER: 'Cause that's two-thirds the building
8 height.

9 MR. UNDERWOOD: Yeah.

10 ZONING EXAMINER: So, that's what you had said before?

11 MR. UNDERWOOD: Yeah. It's, it's either six feet or two-
12 thirds the building height, whichever is greater. And obviously, two-
13 thirds of the building height at 12, at a 18-foot building height is
14 gonna be 12 feet. So, that's gonna be the greater setback.

15 So, that would be the worst case that it got for that Lot
16 No. 2, but I do want to point out that the box that we've shown in
17 this graphic here is a 2400-square-foot box. So, essentially, that
18 home, if it's only 1800 square feet, then it gives you quite a bit
19 more flexibility to pull that away from that western boundary.

20 ZONING EXAMINER: Okay.

21 MR. UNDERWOOD: You could do a 30-foot model there
22 potentially as well.

23 ZONING EXAMINER: Is there any setback on the south side of
24 14 through 16?

1 MR. UNDERWOOD: I, I think we'd be willing to, to set a
2 minimum setback there. You can see in this graphic where the lots,
3 Lot No. 16, it sits - it's, it's on the end of that cul-de-sac, so it
4 sits the furthest south. And that's the one that we dimensioned at
5 80 feet.

6 But 15 and 14 are gonna be pulled a little further north
7 because they have those flags coming off of that cul-de-sac. So, you
8 get a little stagger in there, but I think we'd be willing (inaudible)

9 ZONING EXAMINER: You'd be willing to do the minimum?

10 MR. UNDERWOOD: - to set the (inaudible) foot minimum,
11 yeah. 'Cause once again, we're showing a, a 2400-square-foot box
12 there. And if we do any less home, we shouldn't have a problem
13 meeting that 80-foot.

14 ZONING EXAMINER: Okay. Now there was a suggestion about
15 taking the height to the midpoint of a roof to 15 to minimize the
16 height of the peak.

17 MR. UNDERWOOD: That is something that we, we'd like to
18 keep the ability to go the full 18 feet, just, just to have full-
19 vaulted ceilings in these, in these homes.

20 ZONING EXAMINER: Okay. Regarding drainage. You said
21 something before, and it just kind of caught me and then I didn't know
22 quite how to respond at the time 'cause I was still trying to
23 understand it.

24 MR. UNDERWOOD: Uh-huh.

1 ZONING EXAMINER: You said something about correcting the
2 drainage issue.

3 MR. UNDERWOOD: Yeah.

4 ZONING EXAMINER: I thought I had heard last time you
5 weren't going to be correcting an existing drainage issue. So, -

6 MR. UNDERWOOD: Yeah. We'll, -

7 ZONING EXAMINER: - explain that.

8 MR. UNDERWOOD: Yeah. We'll be correcting the existing
9 drainage issue by doing an oversized basin on the property. And what
10 I, what I discussed last time was the fact that what was built out
11 there was existing, wasn't built to code. It wasn't built accurately.

12 And so if, if Lakes at Castle Rock was willing to go into
13 their HOA and say, you know, "We want this done right," then we could,
14 we could support that and whatever cost we would be putting into doing
15 an oversized basin, we could apply it to that. But we wouldn't be
16 paying anything extra because they were supposed to do a six-foot-wide
17 channel just outside of this property, just, just to the south of it.

18 And it was going to turn and follow west along the south
19 boundary until it got down to in between those two homes that are
20 south of us there. And that's when it was supposed to conveyed under
21 the, the cul-de-sac there through culverts.

22 ZONING EXAMINER: Okay.

23 MR. UNDERWOOD: 'Cause you have that channel south of that
24 cul-de-sac that's south of Frances' property. But we are more than

1 confident that we can meet, that we can fix the drainage solution out
2 there. We can meet City requirements.

3 We can reduce the five-year storm by 50% more than, than
4 threshold retention, which is what has been asked for by development
5 engineering. And, you know, if, if, if numbers need to be verified in
6 terms of basin, basin sizing and calculations, you know, that's where
7 City Staff is there to, to say, "This, this meets our requirements."

8 And if there's still a further concern, given what happened
9 out at Lakes, Lakes at Castle Rock not being built correctly, I don't
10 know if Staff could, could mention any kind of, you know, oversight
11 that you have or, or, you know, opportunities for the neighbors to, to
12 interject in that process to make sure, is there an inspector? That
13 it's built to code. And, and that would be something that I think
14 would, would probably make a lot of these folks -

15 ZONING EXAMINER: Like I mentioned at the last hearing, I,
16 I did talk to Staff and Staff informed me that, that drainage cannot
17 be addressed in the rezoning. However, there is a policy in the Bear
18 Canyon Neighborhood Plan that covers this.

19 And so, we're - they recommended a condition that I'd like
20 to read. The condition would say that: The applicant/developer - or,
21 slash, developer, slash, owner shall notify the Bear Canyon
22 Neighborhood Association and property owners within 300 feet of the
23 rezoning development site in writing of a pending development package
24 submittal. The notice shall be made at least 30 days prior to
25 submittal of the development package to the City.

1 As part of the notice, the applicant/developer/owner, or
2 other representative shall offer to meet with the Neighborhood
3 Association and the neighbors to review the proposed development
4 package. And that is - that comes right out of the Bear Canyon
5 Neighborhood Plan.

6 MR. UNDERWOOD: And I remember that recommendation during
7 the last meeting, and I think it's a fantastic idea.

8 ZONING EXAMINER: Yeah. And I think that's the only way
9 we're able to really address drainage is to keep you involved to hear
10 what is being planned so you can ask - you guys ask some incredible
11 drainage questions that I think you'll be - really be able to get the
12 answers you need to get.

13 MR. UNDERWOOD: When at time, if, when the development
14 package is submitted, a full drainage report will be prepared and
15 submitted along with it. And so, -

16 ZONING EXAMINER: Of course.

17 MR. UNDERWOOD: - the, the answers to the, the drainage
18 questions should become clear.

19 ZONING EXAMINER: Okay. So, that, that will go in there so
20 that it absolutely has to be done and you would absolutely have to be
21 hearing from them before they submit. I think I have enough
22 information right now to go and make a decision.

23 MR. UNDERWOOD: Okay.

24 ZONING EXAMINER: I'm gonna be - yes, ma'am?

25 MS. HOPE: I have a question.

1 ZONING EXAMINER: You have another question?

2 MS. HOPE: Yes.

3 ZONING EXAMINER: You have, you have to come up. You have
4 to actually come up to the microphone. And you have to state your
5 name again.

6 MS. HOPE: My name is Holly Hope and I live at 2485 North
7 Tierra Verde Place. My question is, when they use the correct
8 equation to calculate how big those basins need to be, I have no idea
9 - well, my intuition says it's gonna have to be bigger, but I really -
10 it's only intuition. I could be wrong.

11 But if it affects the lot size to the point that we're
12 crowding houses, could we, could we then re- -- re-visit the number of
13 houses that get built, or is that, is that horse out the gate by then?

14 ZONING EXAMINER: I'm gonna ask Mr. Wyneken if he could
15 support me on this one.

16 MR. WYNEKEN: If the, if engineering the basins does
17 require losing a lot, then that can be done as part of the development
18 package process.

19 MS. HOPE: Okay.

20 MR. WYNEKEN: Because a developer's never required, or
21 never required - or how can I say it? Not prevented from building
22 fewer lots than was approved in the rezoning.

23 MS. HOPE: Yes. I'm not wanting to count on the
24 developer's good will because we saw the developer's ill will at the
25 Lakes at Castle Rock where it was approved for 2.5, and that was going

1 to be what it was built out at. And then they claimed this open space
2 that was in a flood plain because it hadn't been realized it was in a
3 flood plain.

4 I want a lever. I don't want to leave this meeting having
5 given up the ability to reduce the number of lots if we need more room
6 for drainage. You see where I'm coming from?

7 MR. WYNEKEN: I just said that if it is required to lose a
8 lot to engineer the drainage, they can do that. It's, it -

9 MS. HOPE: My question then is, are they required to lose a
10 lot as opposed to putting the houses closer together as was done in
11 the Lakes at Castle Rock?

12 MR. WYNEKEN: They would be required to meet all the other
13 rezoning and code requirements as well as meet the drainage
14 requirements.

15 MS. HOPE: Okay. So, it sounds like the answer's "no".

16 MR. WYNEKEN: So, -

17 MS. HOPE: So, -

18 ZONING EXAMINER: Well, -

19 MS. HOPE: Because the rezoning is for six houses per acre.
20 So, they could put six houses on an acre and be compliant, correct?

21 ZONING EXAMINER: They show some areas for all the lots on
22 here.

23 MS. HOPE: Yeah.

1 ZONING EXAMINER: So, the way I'm, the way I'm
2 understanding it for the way I'll be writing my report is those are
3 the lot sizes that they're looking for.

4 MS. HOPE: Okay. That did change with the Lakes at Castle
5 Rock which is what I want to not have happen again.

6 ZONING EXAMINER: Well, this, this rezoning is calling out
7 some sizes of lots here.

8 MS. HOPE: Okay. That's good. All right. As long as we
9 maintain those, that's, that's -

10 ZONING EXAMINER: That's the way I'm understanding it here.

11 MS. HOPE: Okay.

12 ZONING EXAMINER: Would I be correct, Mr. -

13 MR. WYNEKEN: Right. The standard condition for any
14 rezoning is that the development package, or the plat has to meet the
15 Preliminary Development Plan.

16 So, you know, it'll, it'll have to match up if something
17 comes up with the engineering that requires them to lose a lot, or
18 move things around. They still have to meet all the rezoning
19 conditions, and they still have to meet all of the code conditions.

20 MS. HOPE: Okay. Thank you.

21 MR. WYNEKEN: Uh-huh.

22 ZONING EXAMINER: Yes, ma'am. You have to come up and
23 state your name.

24 MS. YODER: Debbie Yoder.

1 ZONING EXAMINER: Bring, bring the mike down to you.

2 There.

3 MS. YODER: Debbie Yoder. I was wondering if you could
4 look at the power point. The first view from the Yoder residence.
5 I'm not sure where - that one, yes. Just to illustrate, the little
6 map on the lefthand side, the 80-foot setback that Mr. Underwood said
7 that they would put for those four lots, or three lots at the, at the
8 ball of the cul-de-sac, if you draw a line over eight- -- at the 80-
9 foot from west to east, it shows where the envelope could be for the
10 house in Lot 14 if it's only required to be 80 feet from the back -

11 ZONING EXAMINER: I see.

12 MS. YODER: - yard which is - looks like it's about at the
13 same place that the house would have been in the previous - the 2006
14 plan. And I, in my weak attempt to try to see where - how things have
15 been laid out, I thought that Lot 16 was 80 feet.

16 And I believe there was a notation at some point that Lot
17 15 was 80 - no, 94 feet. And the way the envelope is placed on Lot
18 14, it was 100 feet. So, my concern is that if the minimum setback is
19 80 for all of those lots.

20 ZONING EXAMINER: Okay.

21 MS. YODER: So, that's - I just wanted to -

22 ZONING EXAMINER: Okay. But that's a really good question.
23 So, that last time that, that was what you showed on the last
24 presentation.

1 MR. UNDERWOOD: Yeah. That, that is correct. We had, we
2 had the middle lot dimensioned, and it's 94 feet. And that's sort of
3 what I was talking about earlier about this -

4 ZONING EXAMINER: Right.

5 MR. UNDERWOOD: - one on the, on the west side. It's the
6 furthest one down on the end of the cul-de-sac.

7 ZONING EXAMINER: Okay.

8 MR. UNDERWOOD: The, the other two are staggered back. So,
9 it will be set back further. I, I understand Ms. Yoder's concern, but
10 just being that a builder is going to want to maximize the size of the
11 back yard, it's not likely that they're going to try to move the home)
12 further south, so -

13 ZONING EXAMINER: Okay. And, and you may see, you will,
14 you will see in my recommendation a - some commitment that matches
15 what's seen on the diagrams.

16 MR. UNDERWOOD: Okay.

17 ZONING EXAMINER: Okay.

18 MR. UNDERWOOD: Yeah. Yeah, I mean if it's 94 feet, 100
19 feet, it's still, I think, is, is workable for us.

20 ZONING EXAMINER: Okay.

21 MR. UNDERWOOD: Just by virtue how we know it's going to
22 develop.

23 ZONING EXAMINER: And you will also be doing a new PDP in
24 the next five days, which is gonna be fantastic for me to be able to
25 see all of that.

1 MR. UNDERWOOD: We will. Yeah. We will get all of this
2 memorialized on a PDP and get that sent over.

3 ZONING EXAMINER: Great.

4 MR. UNDERWOOD: Did you have any other further questions?

5 ZONING EXAMINER: I don't think I do at this time.

6 MR. UNDERWOOD: Okay. Thank you.

7 ZONING EXAMINER: Yes, ma'am.

8 MS. HOPE: Could, could the PDP with the dimensions be
9 (inaudible)

10 MR. UNDERWOOD: Absolutely.

11 ZONING EXAMINER: Okay. So, I'm gonna state that for the
12 record so that the, the recorder can hear it. We're going to make
13 sure that that PDP is shared with the neighbors. So, thank you. And
14 you have, you have all the e-mails and -

15 MR. UNDERWOOD: Yeah.

16 ZONING EXAMINER: Okay. I'm gonna leave it to you to do
17 that.

18 MR. UNDERWOOD: All right.

19 ZONING EXAMINER: Thank you, Mr. Underwood. I'm going to
20 close the hearing today. I am going to go back and make a decision.
21 I'm going to put that in a preliminary report, preliminary report
22 which will be out. I will submit it next Thursday. And final report
23 will come a week after.

24 I do appreciate all your input. All these letters that I
25 have to read again.

1 MALE SPEAKER: Do we get a copy of that as well?

2 ZONING EXAMINER: There's an orange card up there. If you
3 filled out the orange card, you're gonna get a copy of it. So far,
4 only Holly Hope is gonna get one. So, thank you. If you -

5 FEMALE SPEAKER: (Inaudible) filled it out previously.

6 MR. WYNEKEN: You should get one if you filled it out
7 previously.

8 ZONING EXAMINER: If you've ever filled one out before, you
9 will get one. They're, they're on - the secretary has copies.

10 (Inaudible discussion.)

11 MALE SPEAKER: Thank you.

12 ZONING EXAMINER: Thank you all.

13 (Case: C9-18-10 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: 10/22/2018


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