



# ZONING EXAMINER

## REPORT TO MAYOR AND COUNCIL

January 29, 2019

C9-18-19 Caylor- Lee Street  
RX-1 to R-1 (Ward 2)

### BACKGROUND

This is a request by Carly Caylor, on behalf of the property owners, Lee Street LLC, to rezone approximately 2.38 acres from RX-1 to R-1 zoning. The rezoning site is located on the north side of E. Lee Street, approximately 1,850 feet east of Pantano Road (see Case Location Map). The preliminary development plan proposes subdividing the subject parcel into 12 lots for single-family dwellings, with a proposed maximum height of 25 feet.

Land use policy direction for this area is provided by *Plan Tucson* and the *Pantano East Area Plan*.

### PUBLIC HEARING SUMMARY

#### *Zoning Examiner Hearing- January 10, 2019.*

The Applicant spoke in support of the rezoning request. Five persons spoke in opposition to the rezoning request. The concerns raised included a desire to preserve the undeveloped nature of portions of the site; the density of the proposed development; traffic and possible interference with access along Lee Street; the disruption which may be caused by construction; loss of privacy and loss of views which may be caused by the construction of two-story homes; drainage and the long term maintenance of the retention basin proposed for the northwest corner of the rezoning site; and adverse impacts on property values and property taxes, which might be caused by the new development.

The Applicant responded to each of the concerns that were raised. The Applicant explained that the proposed development was similar in density to the R-1 subdivisions to the west and south of the rezoning site; the traffic generated by the proposed development would not dramatically increase traffic on Lee Street; only two of the 12 lots are proposed for two-story homes, those are located on Lee Street and are not adjacent to existing homes; the proposed subdivision would have an HOA which would be responsible for maintenance of the retention basin; the newly constructed homes would be of high quality and should enhance area property values, compared with the existing use of the site; and

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RX-1 to R-1 (Ward 2)**

the Pima County Assessor would not increase the assessed values for existing homes based on the construction of new homes on the rezoning site.

As of the date of the Public Hearing, there were three (3) written approvals and thirty five (35) written protests. In addition, PDSD received two letters opposing the rezoning.

**REQUEST FOR RECONSIDERATION**

By letter dated January 22, 2019, one of the persons who spoke at the January 10, 2019 Zoning Examiner hearing requested a reconsideration of the January 17, 2019 Preliminary Report. (See attached). The Zoning Examiner considered the request, again reviewed the rezoning application, correspondence, approval and protest forms, and the transcript of the January 10, 2019 Zoning Examiner hearing, reviewed the publicly available information on the surrounding land uses and conducted an additional site visit. The Zoning Examiner denied the request for reconsideration. (See attached January 24, 2019 letter from the Zoning Examiner.)

**FINDINGS OF FACT**

*Land Use Plans*

Policy direction is provided by *Plan Tucson* and the *Pantano East Area Plan*. *Plan Tucson* supports policy that utilizes the Future Growth Scenario Map as a guide for determining the general location of development opportunities, development patterns, land use and transportation concepts, while also considering area and site specific issues. The project site is located in an area identified on the *Plan Tucson* Future Growth Scenario Map as an Existing Neighborhood. The goal is to maintain the character of existing neighborhoods while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability. *Plan Tucson* supports environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. *Plan Tucson* also offers support for infill redevelopment projects that reflect sensitivity to site and neighborhood conditions, and projects that adhere to relevant site and architectural design guidelines.

The *Pantano East Area Plan* was developed to guide future development in the Plan area, while protecting and enhancing existing neighborhoods. A sub-goal of the Plan is to promote a variety of residential opportunities in the area. Residential Policy 1 calls for preserving the integrity of established neighborhoods. Residential Policy 2 promotes residential infill of vacant land, where adequate provisions of streets and utilities are

**C9-18-19 Caylor – Lee Street  
RX-1 to R-1 (Ward 2)**

available, and low-density residential developments within the interior of established low-density neighborhoods. Average densities up to six units per acre are included in this category. The basic unit of development is single family units on separate lots but some attached units such as duplexes and townhouses are also appropriate.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 9.6 vehicle trips per day, per dwelling, for a total of 115 vehicle trips per day from the 12 units.

*Land Use Compatibility* – The subject property is nearly square in shape, with a north-south dimension of 316 feet, and an east-west dimension of 331 feet. The property is surrounded by single-family residences zoned either RX-1 or R-1, as described above. All of the properties surrounding the rezoning site are developed with single-story dwellings. However, there are two existing two-story homes in the subdivision to the west of the rezoning site and five two-story homes in the subdivisions south of the rezoning site. PDS Staff have recommended a rezoning condition to limit all structures, adjacent to off-site single-family residences, to one-story, with a maximum height of 18 feet. This condition would allow Lots 2 and 12 on the PDP, dated November 15, 2018, to be two-story dwellings, with a UDC-permitted maximum height of 25 feet.

*Drainage/Grading/Vegetation* – Two watersheds cover the site. To manage post-development discharge, the application proposes on-site detention/retention that will be large enough to reduce runoff to less than or equal to the existing volume. The site is relatively flat, with predominantly desert brush and medium density ground cover. A native plant preservation plan was submitted with the development package.

*Road Improvements/Vehicular Access/Circulation* – An existing driveway provides access near the center of the Lee Street frontage. The application and PDP propose to retain this access point to serve the interior of the subdivision. Four (4) new driveways, to accommodate lots fronting onto Lee Street are proposed. The development package shows a sidewalk along the Lee Street frontage that matches the existing sidewalk to the west.

**CONCLUSION**

The proposed subdivision density and design are consistent with the exiting subdivisions to the west and south of the rezoning site. The proposed lots range in size from 7,009 SF to 9,252 SF. Lots in the Rancho Eireann subdivision, located west of the rezoning site, have mostly 7,001 to 7,500 SF lots, with two larger lots of 8,238 SF and 12,808 SF. Lots in the existing subdivision to the south of the rezoning site range from 7,427 SF to 9,014 SF in size. The density of the proposed rezoning is similar to the densities of the existing

**C9-18-19 Caylor – Lee Street  
RX-1 to R-1 (Ward 2)**

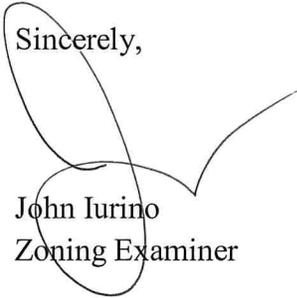
subdivisions in the area. There are seven (7) existing two-story homes in the subdivisions to the west and south of the rezoning site. The maximum height of the single-story homes will be 18 feet, and the condition limiting two-story homes to two lots on Lee Street which are not adjacent to any existing homes, make the proposed rezoning compatible with the existing neighborhoods.

The proposed subdivision density and design are consistent with City-approved projects adjacent to the rezoning site, meet the goals of preserving existing neighborhoods and are in substantial compliance with the policies of *Plan Tucson* and the *Pantano East Area Plan*. Subject to compliance with the preliminary conditions, approval of the requested R-1 zoning is appropriate.

**RECOMMENDATION**

The Zoning Examiner recommends approval of the rezoning request from RX-1 to R-1, subject to the special conditions proposed by PDS staff, with the additional conditions that 1) the Applicant shall form an HOA which will be responsible for the maintenance of the drainage structures and retention basin, and 2) the Applicant shall construct a five (5) foot high, masonry perimeter wall along the north and east boundaries of the property.

Sincerely,



John Iurino  
Zoning Examiner

**ATTACHMENTS:**

Case Location Map  
Rezoning Case Map  
Public Hearing Minutes  
Request for Reconsideration dated January 22, 2019  
Zoning Examiner letter dated January 24, 2019

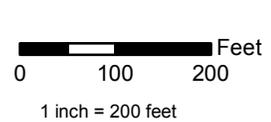
# C9-18-19 Caylor - Lee St

Rezoning Request: From RX-1 to R-1

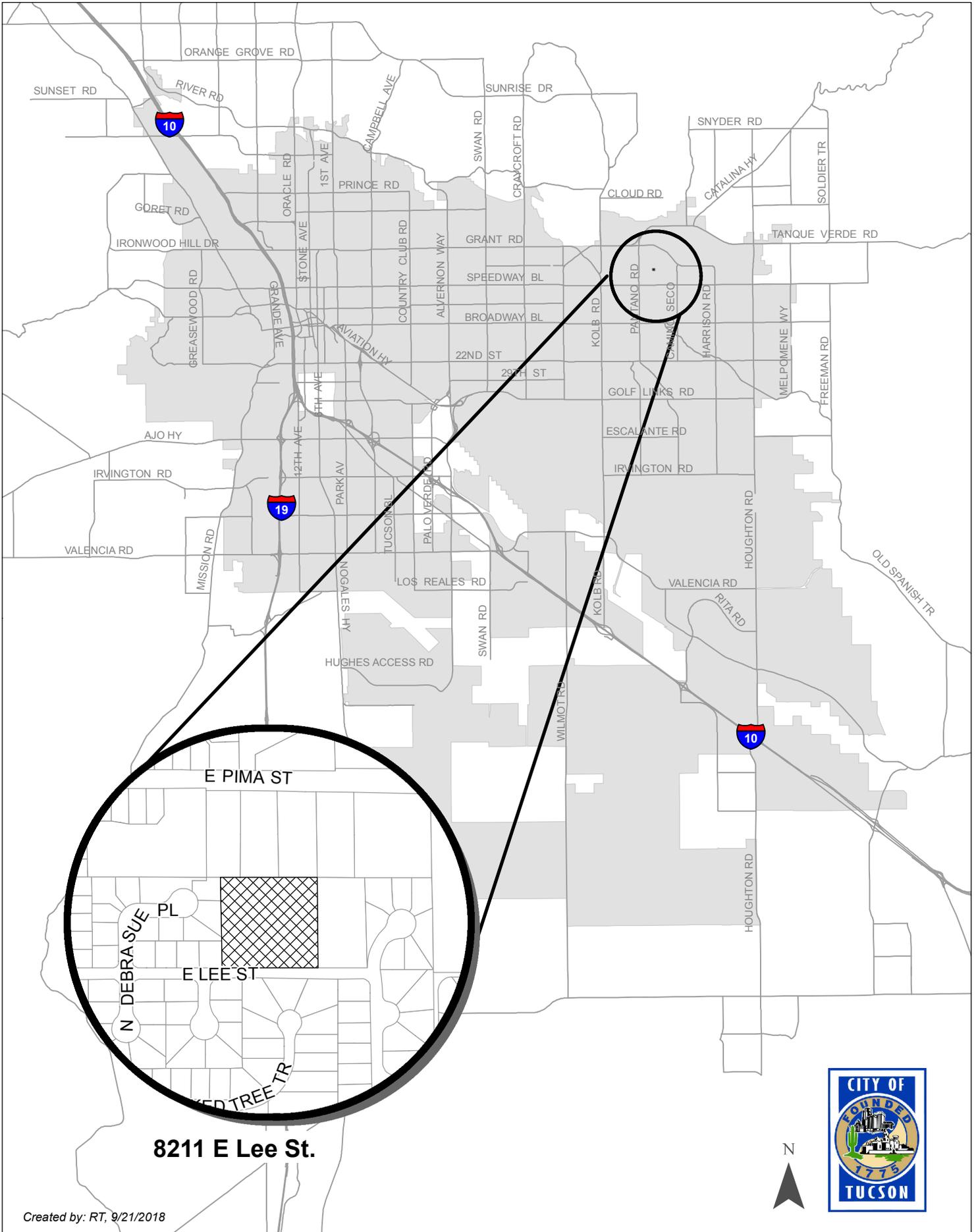


 Subject Property

Address: 8211 E Lee St  
Base Maps: Twp.14S Range15E Sec. 04  
Ward: 2



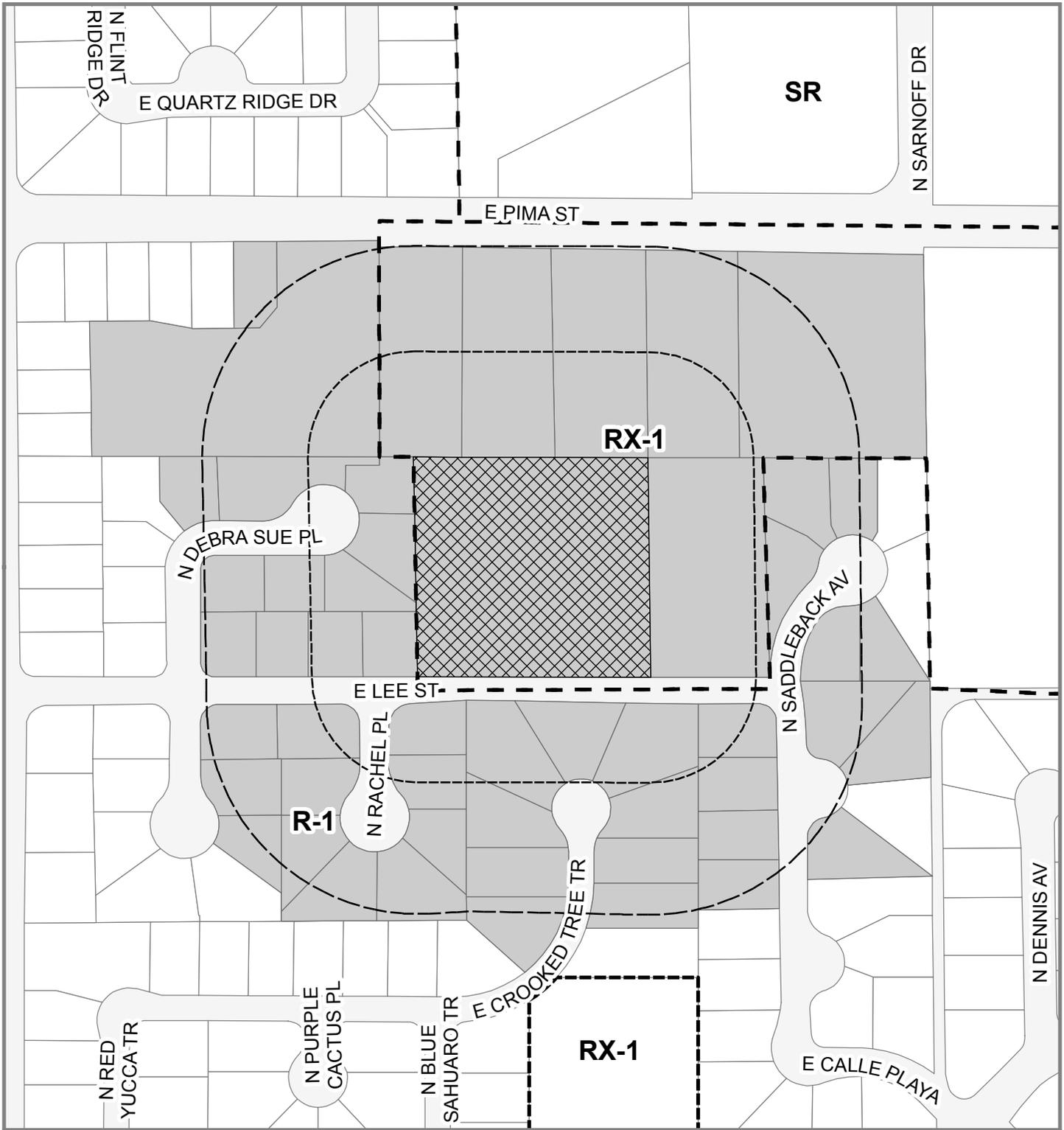
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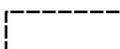


**8211 E Lee St.**

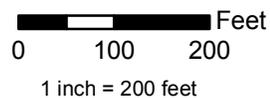
# C9-18-19 Caylor - Lee Street

## Rezoning Request: From RX-1 to R-1



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

Address: 8211 E Lee St  
 Base Maps: Twp.14S Range15E Sec. 04  
 Ward: 2



ZONING MEMBERS PRESENT:

John Iurino, Zoning Examiner  
John Beall, Planning & Development Services  
Ana Juarez, City Recording Clerk

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

7           My report will be based on the information submitted to me  
8 which includes the rezoning application filed by the Applicant, the  
9 Staff report prepared by the Planning & Development Services  
10 Department. All written approvals and all written protests, any  
11 letters which have been sent in, and the testimony given here tonight.  
12 I will also will include in the record all documents submitted to me  
13 up to the close of the hearing.

14           A recording of tonight's testimony is being made by the  
15 City Clerk's Office. If requested, a transcript can be prepared.  
16 With that in mind, I would ask anyone who wishes to speak to please  
17 come up to the microphone and speak clearly.

18           I will prepare two reports. First, a preliminary report  
19 within a week of tonight's hearing, and then a final report a week  
20 after that. For those of you who wish to receive a copy of the  
21 preliminary report, and if you're not already listed as a principal on

1 the case, please fill out one of the orange cards on the podium, and  
2 one will be sent to you.

3 A copy of the final report will be available from the  
4 Planning & Development Service - Ser- -- excuse me - Services  
5 Department, and that final report will also be sent to the Mayor and  
6 Council. At the scheduled public hearing for the case, the Mayor and  
7 Council will then vote on this matter based on my recommendation,  
8 along with other factors.

9 Tonight's public hearing will proceed in the following  
10 manner. I will open the public hearing and ask Mr. John Beall, who's  
11 seated here to my right of the Planning & Development Services  
12 Department, to give a presentation at the beginning of the case.

13 After Mr. Beall's presentation, I will ask the Applicant,  
14 or the Applicant's, representative to come forward and make his or her  
15 presentation. I will then ask to hear from anyone in the audience who  
16 wishes to speak tonight on this matter.

17 Since I cannot have any communication with you directly  
18 outside the context of this hearing, I would allow you to speak at  
19 this time tonight.

20 I will first to ask hear from anybody who wishes to speak  
21 in favor of the case. I will then ask to hear from anybody who wishes  
22 to speak in opposition of the - to the case. After that, I will ask  
23 to hear from anybody who's neutral or just wants to make their opinion  
24 known, and would like to share their thoughts tonight.

1           After everyone in the audience has had a chance to speak, I  
2 will offer the Applicant, or the Applicant's representative, a chance  
3 to respond to any of the concerns or issues brought up tonight either  
4 by a member of the audience or from me.

5           If you wish to speak tonight, please wait for me to call  
6 you up to the podium by raising your hand. While at the podium,  
7 please print your name and address on the sign-in sheet. Many of you  
8 already have done that. You don't need to do it again, and thank you  
9 for doing that.

10           I'll then ask you to state your name and address for the  
11 record. When speaking, please be brief and to the point, and speak on  
12 matters which are relevant to the case, but let me know your opinion.  
13 Let me know how you feel about it. I'll ask that you direct your  
14 testimony to me. Please do not direct Staff or one another as we go  
15 through the hearing.

16           At this time, I would like to swear in anyone who wishes to  
17 speak tonight, at tonight's hearing. If you think you might, just go  
18 ahead and stand up. Do you swear or affirm to tell the truth, the  
19 whole truth and nothing but the truth?

20           (Affirmative.)

21           ZONING EXAMINER: Thank you very much. Please be seated.  
22 I will open the public hearing. We're hearing Case: C9-18-19, Caylor-  
23 Lee Street. Mr. Beall.

24           MR. BEALL: This is a request by Carly Caylor on behalf  
25 of the property owners, Lee Street LLC, to rezone approximately

1 2.38 acres from RX-1 to R-1 zoning. The rezoning site is located on  
2 the north side of East Lee Street approximately 1,850 feet east of  
3 Pantano Road.

4 The Preliminary Development Plan proposes subdividing the  
5 subject parcel into 12 lots for single-family dwellings with the  
6 proposed maximum height of 25 feet.

7 The policy direction is provided by Plan Tucson and Pantano  
8 East Area Plan. Plan Tucson supports infill redevelopment projects  
9 that reflect sensitivity to site and neighborhood conditions and  
10 projects that adhere to relevant site and architectural design  
11 guidelines.

12 The Pantano East Area Plan was developed to guide future  
13 development in the plan area by protecting and enhancing existing  
14 neighborhoods. Residential policy, too, promotes residential infill  
15 of vacant land where adequate provisions of streets and utilities are  
16 available, and low-density residential developments within the  
17 interior of established low-density neighborhoods. Average densities,  
18 or up to six units per acre, are included in this category.

19 The basic unit of development is single-family units on  
20 separate lots. The proposed subdivision density and design is  
21 consistent with City-approved projects adjacent to the rezoning site  
22 and meets the goals of preserving existing neighborhoods and is in  
23 substantial compliance to policies of Plan Tucson and Pantano East  
24 Area Plan. Subject to compliance with the attached Preliminary  
25 Conditions, approval of the requested R-1 zoning is appropriate.

1 I also just wanted to point out that Staff is recommending  
2 the rezoning condition to limit all structures adjacent to off-site  
3 single-family residences to one story with a maximum height of 18  
4 feet. This condition would allow Lots 2 and 12 on the PDP to actually  
5 be two stories.

6 ZONING EXAMINER: Thank you, Mr. Beall.

7 MR. BEALL: Sure. And (inaudible)

8 ZONING EXAMINER: I'm sorry.

9 MR. BEALL: Sorry.

10 ZONING EXAMINER: No, please.

11 MR. BEALL: So, as of today's date, prior to the meeting,  
12 we had three approvals and three protests. Three protests were within  
13 the 150 feet. Protests by total of lots was 11.5% and by area was 4%.  
14 But just prior to the meeting, and we haven't actually been able to  
15 map these out, we have submitted 33 protests.

16 ZONING EXAMINER: Additional protests.

17 MR. BEALL: Additional protests.

18 ZONING EXAMINER: Thank you, Mr. Beall. Would the  
19 Applicant like to speak? Thank you.

20 MS. CAYLOR: Thank you again for letting us be here  
21 tonight. My name is Carly Caylor. I'm the Applicant on this case.  
22 And everything that you said has been correct about what we're  
23 planning to do, and we look forward to addressing any further  
24 questions at the end once we're heard from the neighbors. So, thank  
25 you.

1           And we also have a site plan as well as some mock-up  
2 layouts for the lots and what the proposed site would look like if  
3 that addresses any other questions as well. So, we have that on a  
4 poster board if people need to look at that.

5           ZONING EXAMINER: Okay. Thank you. Would anyone else on  
6 behalf of the Applicant like to speak? No? Would anyone like to  
7 speak in favor of the proposed rezoning? Would anyone like to speak  
8 in opposition to the proposed rezoning? Yes? Please.

9           MS. CLARKE: (Inaudible)

10          ZONING EXAMINER: Yeah, please. Please come forward and  
11 state your name and address for the record.

12          MS. CLARKE: Thank you. I have already signed in -

13          ZONING EXAMINER: Okay.

14          MS. CLARKE: - on the sign-in sheet. My name is Sybil  
15 Clarke. My husband and I live at 1591 North Saddle Back which is just  
16 about around the corner from the proposed development. And I'm  
17 speaking I protest.

18                I'm a fourth-generation Tucsonan, and I really cherish the  
19 patches of desert within our city that remind us that we live in  
20 Tucson rather than in San Diego, Orange County or some other  
21 environment. Since I have moved in with my husband, I've enjoyed the  
22 quiet and environment for the animals that's provided by the natural  
23 desert lot.

24                There are currently some structures on the lot. Those  
25 don't appear to have been inhabited during the time that I've lived in

1 my own home. As such, that patch of desert affords environment for  
2 our native species that we're lacking throughout much of the city and  
3 certainly we're lacking in other areas in my neighborhood.

4 I'm asking that the zoning request be denied. I understand  
5 that, you know, the property was purchased essentially as a gamble  
6 that the zoning request would be granted. But I think that you can  
7 see from the protests that are before you today, as well as from  
8 myself and other speakers, that the neighborhood is not happy about  
9 that.

10 And that the, the plan that this infill would match the  
11 neighborhood is not accepted by the neighborhood. Lee is a narrow  
12 street. It's frequently too narrow for the traffic it already  
13 handles.

14 I have concerns about children living in this infill. I  
15 have concerns about the children in the neighborhood now. People  
16 drive too fast down Lee as it is. It's a poorly (inaudible) the  
17 street. This adds 12 households, let's say perhaps 24 cars going up  
18 and down Lee probably at unsafe speeds, given what I see in the  
19 neighborhood so far. I just don't think it's an appropriate infill  
20 project for our area.

21 I appreciate the time that you've taken to listen to our  
22 protests and I hope that they are deemed important in the  
23 consideration of rezoning this lot.

24 ZONING EXAMINER: Thank you, Ms. Clarke. Would anyone else  
25 like to speak? Sir?

1 MR. FIELD: My name is Alan Field. I live at 8181 East Lee  
2 Street. I am, I am the easternmost house, or the western boundary of  
3 the development. My concern is I've lived in my house for 16 years.  
4 The people behind us have lived in their houses, one just sold.

5 But, but what we're asking is that there would be, in the  
6 development process if, in fact, they do go along with the  
7 development, that there would be an easement allowed on that west  
8 barrier on the westbound side of that plot of land as a buffer between  
9 the established neighborhood and the neighborhood that - and, and the  
10 residences that they want to, to (inaudible) that they want to build.

11 I, I concur with the concern about Lee Street being narrow,  
12 and with traffic patterns being kind of crazy. I live in that end  
13 house, and I mean to tell you that I have the second-shortest driveway  
14 in Tucson. And it's, it's quite a, quite a challenge at times to get  
15 out of my driveway.

16 But I would speak against the way the, the proposal has  
17 been developed. I would certainly consider if there were some  
18 negotiations in terms of size and boundaries.

19 ZONING EXAMINER: Before you go, -

20 MR. FIELD: Uh-huh.

21 ZONING EXAMINER: - tell me about the easement you're  
22 proposing.

23 MR. FIELD: It'd be eight, ten feet.

24 ZONING EXAMINER: From where to where?

1 MR. FIELD: From the west side of my property over to the  
2 east side of my property. And (inaudible) the full length.

3 ZONING EXAMINER: And the purpose of that would be a  
4 buffer?

5 MR. FIELD: As, as a buffer and a barrier, yeah.

6 ZONING EXAMINER: All right. Thank you very much. Would  
7 anyone else like to speak? Yes, sir. Please come forward, state your  
8 name and address.

9 MR. WELLS: Gerald Wells, 1646 Debra Sue Place.

10 ZONING EXAMINER: Your name, your last name again.

11 MR. WELLS: Wells.

12 ZONING EXAMINER: Wells. Thank you, sir. Go ahead.

13 MR. WELLS: In the information we got in the meeting we had  
14 with the builder, there was nothing mentioned about the, the, instead  
15 of 25-foot height for all buildings, you mentioned something about  
16 18-foot height restriction adjacent to. I was wondering if I, if we  
17 can get a, a hard copy of that or how would we get a -

18 ZONING EXAMINER: Yeah. So, the application and materials  
19 are all on line. If, if that's something you can access, it'll, it'll  
20 show you what the devel- -- excuse me. What the Applicant is  
21 proposing to do. And as I understand it, what Staff has recommended  
22 is that it be limited to one-story homes, maximum of 18 feet, all but  
23 two of the lots, is that right, Mr. Beall?

24 MR. BEALL: That is correct.

1 MR. WELLS: So, there would only be two lots that would be  
2 allowed to have a 25-foot building?

3 ZONING EXAMINER: That's what Staff has recommended,  
4 correct.

5 MR. WELLS: Okay.

6 MR. BEALL: And on line, what is the -

7 ZONING EXAMINER: If you go to the Planning & Development  
8 Services Department website, -

9 MR. WELLS: Okay.

10 ZONING EXAMINER: - you'll find the agenda for tonight's  
11 meeting. And you'll find the materials for tonight's meeting.

12 MR. WELLS: Okay.

13 ZONING EXAMINER: And, Mr. Beall?

14 MR. BEALL: You could also call our office and ask for  
15 myself or Michael Wyneken, and we could walk you through the website  
16 if you want to (inaudible)

17 MR. WELLS: Okay.

18 MR. BEALL: - out better. But it, it's on the website  
19 under (inaudible) might be easier that way.

20 MR. WELLS: Great. Thank you.

21 MR. BEALL: Or you, or you could always e-mail us, and we  
22 could send you a copy of that.

23 MR. WELLS: Oh. Okay.

24 MR. BEALL: But I'll go either way (inaudible) how that  
25 would work.

1 MR. WELLS: All right. Thank you.

2 ZONING EXAMINER: Thank you, Mr. Wells. Would anyone else  
3 from the audience like to speak? Sir? We have two, so, let's let  
4 this gentleman -

5 MALE SPEAKER: (Inaudible)

6 ZONING EXAMINER: No. It's okay.

7 MR. WOOLF: Hi. My name is Martin Woolf, W-O-O-L-F. I'm  
8 homeowner at 1591 North Saddle Back Avenue. I've owned the house for  
9 the last 16 years.

10 So, the proposal is claiming that one of its objectives is  
11 the preservation of existing neighborhood enhancement. I just don't  
12 think that's credible, given the constraints in the region where  
13 they're looking to put in that many houses.

14 Lee is a choke (sic) point for a lot of houses after.  
15 Saddleback Avenue goes both ways and essentially all of the people who  
16 live down Saddle Back Avenue and around use Lee because there's  
17 effectively no other access. Lee is a very narrow road. I don't know  
18 if you've actually gone out and seen it.

19 ZONING EXAMINER: I have.

20 MR. WOOLF: It is parking - there is no parking along one  
21 side which is fairly routinely ignored. As my wife mentioned, traffic  
22 goes along there fairly quickly and there are a lot of children in the  
23 area. Adding 24 additional cars, particularly in, you know, morning  
24 and evening is really gonna create congestion in that area, make it

1 much harder for those of us who are trying to live in the areas behind  
2 where this development will be, to, to get places.

3           It's hard to imagine how construction is going to  
4 effectively go on in that area without dramatically impeding our  
5 ability to get in and out of the neighborhood for many months. I  
6 don't know if there's anything in the plans that you've looked at as  
7 to how they're planning on having heavy construction equipment on that  
8 narrow road and servicing that entire area.

9           There's just not space for large vehicles to be  
10 persistently present. I mean you can't neck it down to one lane. It  
11 effectively already is. So, I have difficulty seeing how you can put  
12 in a development of that size and meet the objectives that are stated  
13 in the plan. So, thank you very much.

14           ZONING EXAMINER: Thank you, Mr. Woolf. Sir?

15           MR. TREVINO: Good evening. Jamison Trevino, 1631 North  
16 Debra Sue Place.

17           ZONING EXAMINER: Torino?

18           MR. TREVINO: Trevino.

19           ZONING EXAMINER: Trevino.

20           MR. TREVINO: T-R-E-V-I-N-O.

21           ZONING EXAMINER: Got it.

22           MR. TREVINO: Co-owner with Kadde (sic) Wells, K-A-D-D-E  
23 W-E-L-L-S. Just wanted to kind of talk to you guys a little bit about  
24 what I've seen in our small community. We do live in a cul-de-sac  
25 just directly west of the proposed property.

1           Within our small community on the east side, we do have  
2 homeowners that are single female have - that have brought up concerns  
3 about this property and the proposed development of having the  
4 potential of having two-story homes that would potentially overlook  
5 into the property.

6           I know you guys have gotten many letters from some of my  
7 neighbors that could not be here tonight. That was one of the major  
8 concerns for our small community was having two-story homes that would  
9 overlook into the properties as well as obstruct the views for - to,  
10 you know, to the Catalinas and the Rincons, so on and so forth.

11           Another thing that is concerning to some of us is the  
12 drainage. As where our properties kind of sit, we, just to the south  
13 of us, we have Mesquite Valley Growers just off of Speedway and  
14 Maguire. We get a lot of runoff from Mesquite Valley Growers.  
15 When it rains, it comes down.

16           Last week, the last few days, we got a lot of runoff. It  
17 goes into detention basins which get full, overflow into the streets,  
18 go into the second detention basin, so on and so forth.

19           This brings concern for our property owners just north of  
20 Debra Sue Place, which is their addresses would be off of Pima, just  
21 north to the proposed properties. Washes running through there,  
22 getting overflow, getting additional overflow from the property.  
23 I would just ask that you guys take that into consideration as well.

24           I don't recall, I was only able to be at the last meeting  
25 for a short amount of time, I got called into work. So, I don't know

1 if there are engineering, you know, specs on how that is going to be  
2 managed with the additional flow. So, I just ask tonight if you guys  
3 can address that, that'd be great, and talk, talk on that.

4 Major concerns, so, just take a poll of the other  
5 community, other homeowners on the street is that, yeah. You know,  
6 they aren't necessarily opposed to a lot of the developments. We  
7 understand, you know, development's gonna happen. It is only  
8 (inaudible) They don't want any two-story homes, you know.

9 I do acknowledge the concerns with the, the width of the  
10 street and Pima, that is a concern as well. I would just say, you  
11 know, add that into your decisions when you're weighing all of this  
12 out. Thank you.

13 ZONING EXAMINER: Thank you, Mr. Trevino. Did you sign in,  
14 sir?

15 MR. TREVINO: No.

16 ZONING EXAMINER: Please do. Yes, please.

17 MS. McDONALD-SELM: Hi. My name is Carolyn McDonald-Selm.  
18 I live at 1591 North Debra Sue. I'm definitely opposed to this. My  
19 street's also a river every time it rains already, you know. So, I  
20 can't imagine how much worse it's going to, to get.

21 Our streets are falling apart. We've had sinkholes in the  
22 past that they've had to fix. I've got problems even with water  
23 pressure in the morning sometimes.

24 So, if - you're looking at 12 more homes, you know, and  
25 (inaudible) that along our lines, too. How much more is that gonna

1 affect, you know? When you go to take a shower and, you know, getting  
2 half a flow that, you know, it's like, "Oh, my gosh," you know? Or  
3 try and do the dishes, you know? So, I think the water will, will be  
4 affected, you know?

5 I'm also concerned with the traffic congestion, that the  
6 road is very, very, you know, unstable, narrow, you know. Like one  
7 man mentioned he's got like probably six feet before he has to back  
8 out onto the street, you know? It's just gonna be a nightmare, you  
9 know, that one right beside this devel- -- proposed development.

10 I don't think it should be rezoned to R-1. There's just  
11 too high density of houses, 12 houses for 2.3 acres. You know, if  
12 anything, you know, maybe three or four houses along the front to  
13 blend into the neighborhood like everybody else, you know? We don't  
14 need more density in the neighborhood.

15 I think that our market, you know, the current market price  
16 for housing is going to be depressed for our sellers that are already  
17 trying to sell their homes. My neighbor next door to me has had their  
18 house on the market for eight months, and haven't been able to sell  
19 it.

20 You put 12 more residences in there - well, naturally,  
21 people are going for new these days. Well, our properties, we're  
22 going to try to sell them and we're not gonna be able to get the money  
23 out of them. Now, that's realistic. We'll have to drop our prices.  
24 We'll have to wait a long time. It's gonna be a big interference with  
25 our lives, you know?

1           And also, worry about the increase possibility of taxes.  
2 With this proposed development, a lot of those houses are very  
3 expensive. When the Assessor Office looks at that, you know, they  
4 usually reassess the area around and everything. And it, you know,  
5 jumps up.

6           Well, a lot of us are, you know, retired, been there - I've  
7 been there for 17 years, you know? Looking forward to a nice, quiet  
8 retirement on fix incomes now. And with the increase in property  
9 taxes, it's gonna be a real hardship on us to keep our homes. And  
10 that is very sad after we've been there all these years, you know?

11           My taxes are horrendous as it is because I'm one of the  
12 biggest square footage homes. And I'm right there on the corner of  
13 Debra Sue and Lee. I'm gonna be impacted severely, severely by the  
14 traffic and congestion coming out.

15           You know, you say 24 cars. But, you know, how many trips,  
16 you know, of 24 cars? You've got couples going to work, you know,  
17 back and forth, A.M. and, and P.M., you know? So, two cars, you know,  
18 that's like 48 trips. You got doctors, you got, you know, taking the  
19 kids to school.

20           You got, you know, teenagers in the house that will  
21 possibly have cars. You know, you're talking probably, you know, 120,  
22 150, you know, trips down Lee and Saddle Back going in and out of that  
23 area. That is just way too much congestion.

24           Pollution's gonna be added to the area with our carbon  
25 monoxide in the air. There are older ladies in the area that I spoke

1 to. One has severe allergies, and she's afraid, you know, that she's  
2 gonna have to move to another area because of this and all the  
3 traffic, you know? She just can't breathe with all that, you know?

4 So, that's another concern, our health is a problem. With  
5 the construction of the site, you know, the dust and the noise, you  
6 know, pollution is going to be horrendous, you know? There's gonna be  
7 more light pollution.

8 The views, if you put even a couple of two stories back  
9 there, it's gonna obstruct views. And as Trevino was saying, there is  
10 a hazard. There's gonna be more crime in the area. This new housing  
11 is gonna attract more crime. Crime is gonna increase, you know, and  
12 that's another problem.

13 But I could, I could go on and on. But, you know, as you  
14 see, there's 33 people in the last two and a half days that I've  
15 talked to, you know, that are not in agreement with this, you know?  
16 And we really need to not zone it to the R-1 where you can put six  
17 units per house (sic).

18 If anything, we do know that there's change and there's  
19 room for some more houses in there. But, you know, three or four  
20 across the front blended in within our neighborhood, and leave it be  
21 at that. Thank you very much.

22 ZONING EXAMINER: Thank you for coming.

23 MS. McDONALD-SELM: Uh-huh.

24 ZONING EXAMINER: Would anyone else like to speak? Ms.  
25 Caylor, you want to come forward again and talk?

1 MS. CAYLOR: (Inaudible)

2 ZONING EXAMINER: Okay. Sure.

3 MR. CAYLOR: Thank you for having us. I'm Rob Caylor, I'm  
4 part of the application and the build.

5 ZONING EXAMINER: Sure, Mr. Caylor. Thanks for coming.

6 MR. CAYLOR: Thank you for having us. I heard a, a lot of  
7 comments tonight, and I'd like to address them if I could. Some that  
8 I probably could address tonight and others we could look at.

9 FEMALE SPEAKER: Could I just - I can't hear (inaudible)

10 ZONING EXAMINER: Okay. So, we've got the exhibit ready  
11 now.

12 MR. CAYLOR: Yeah. I don't have a stand, but I don't know  
13 who -

14 ZONING EXAMINER: You know, I, I've seen all this -

15 MR. CAYLOR: Okay.

16 ZONING EXAMINER: - from the file.

17 MR. CAYLOR: Thank you.

18 ZONING EXAMINER: So, if you want to have it on display for  
19 folks in the audience to be able to see more readily, -

20 MR. CAYLOR: (Inaudible)

21 ZONING EXAMINER: - that's fine. Doesn't bother me.

22 MR. CAYLOR: So, the first, I'll go through these comments  
23 in order, -

24 ZONING EXAMINER: (Inaudible)

1 MR. CAYLOR: - and try and go speedily if I could. The  
2 comment about the eight-to-ten-foot pedestrian, or just easement on  
3 the west side of the property. I think we've taken into account in  
4 the, in the design to hold our buildings back from neighbors' property  
5 lines.

6 There is code and regulations that address how close we can  
7 build to the property line and, and we have small enough houses on our  
8 properties that I don't think that anything is gonna be within eight  
9 or ten feet.

10 So, I'm not opposed to eight-foot buffer. I'm not willing  
11 to give them an easement to that, but a building setback as a  
12 condition of the rezoning, I'm fine with.

13 The height of the structures, we've - I know that the  
14 zoning code allows for 25 feet. I know that the Zoning Staff has  
15 recommended 18 feet. We're not opposed to any height restriction  
16 that's within reason, I can tell you that. The other comment -

17 ZONING EXAMINER: Not to interrupt, but you would agree to  
18 the 18 feet?

19 MR. CAYLOR: Yes. We have no -

20 ZONING EXAMINER: Thank you.

21 MR. CAYLOR: - issues with that. We're, we're trying to be  
22 a good developer. My 39<sup>th</sup> year of building in Tucson, I live on the  
23 east side of town. Chuck lives in the neighborhood. He's one of your  
24 neighbors, I think you all know that.

1           And, and we're, we're not the big, bad developer. We're -  
2 we've, we've taken your comments from the previous meeting, and I  
3 think you'll see that we've addressed just about every one of them.

4           Too many houses. I can't address too many houses. I think  
5 the infill project that we have is really suitable. I think most  
6 neighbors that have spoken tonight live in the exact zoning that we're  
7 proposing. You guys live in the exact type of zoning that we're  
8 asking for. I don't think we're being unreasonable with the 12 lots.

9           The traffic, I know PAG, Pima Association of Governments,  
10 has done a traffic study and has issued a report that shows that the  
11 traffic pattern, there are ten cars at the peak time, or that would be  
12 your, your morning rush hour that we're gonna generate.

13           There are three structures on the property right now. So,  
14 it's, it's nine houses, if you will, or nine structures. I do not  
15 think traffic is going to be a consideration. We did talk about - I  
16 did hear about parking.

17           One of the, one of the conditions that you might not know  
18 in, in this zoning and in the development plan is going to be a  
19 parking space - there'll be two parking spaces in the garage and a  
20 residential parking space for each house that will accommodate their  
21 guests. So, there shouldn't be any reason for anybody to park on Lee.

22           I know Lee is a narrow road. There's no question that it's  
23 a narrow road. But I think with the new development plan with the  
24 sidewalk, with the ability for the residents to park on their site,  
25 it's going to mitigate any concerns (inaudible)

1 I heard about potholes, I heard about deterioration, I  
2 heard about a lot of things about City of Tucson roadways. I'm, I'm  
3 not gonna address those. I, I think that the City can address public  
4 roads.

5 Two-story homes. I know that Zoning Staff has recommended  
6 that there only be two residences that are two story. I'm okay with  
7 that condition, I can tell you that. The, the two lots that are  
8 proposed are fine. Most of you live in the neighborhood to the west.  
9 I can tell that there's two-story homes in your residences in your  
10 neighborhood.

11 There's actually a couple of people that tonight have spoke  
12 (sic). There's a, there's a two-story house within four, four lots of  
13 yours. So, to suggest that your neighborhood doesn't have two story  
14 is, is inaccurate.

15 FEMALE SPEAKER: (Inaudible)

16 MR. CAYLOR: Is, is inaccurate. You came here tonight,  
17 said there's no two story in your neighborhood. Then there's one four  
18 lots away from yours.

19 ZONING EXAMINER: Mr. Caylor, (inaudible)

20 MR. CAYLOR: So, I don't, I don't think we're being  
21 unreasonable in, in what we're, we're asking for tonight.

22 ZONING EXAMINER: For the benefit of the folks in the  
23 audience, I, I know from the file. But if you can show them where -

24 MR. CAYLOR: Yes. I, I can.

1           ZONING EXAMINER: - your proposed two-story homes would be  
2 located.

3           MR. CAYLOR: So, the two, two-story houses would be away  
4 from the outer, outer - if I could - so, Chuck's showing the - that's  
5 Vanna right there. No. They'd be the two interior lots, so, they  
6 wouldn't be on the, the western or the eastern side of, of anybody's  
7 property.

8           ZONING EXAMINER: Thank you.

9           MR. CAYLOR: So, anybody have any questions with those two  
10 lots? If not, -

11          MR. TREVINO: (Inaudible)

12          ZONING EXAMINER: Sir, since this is being recorded, if  
13 we're gonna have some give and take, it's okay with me.

14          MR. CAYLOR: Yeah. It is okay with, with -

15          ZONING EXAMINER: But you need to come forward and speak  
16 into the microphone -

17          MR. CAYLOR: Yes.

18          MR. TREVINO: (Inaudible)

19          ZONING EXAMINER: - so, the recording picks up your voice.

20          MR. TREVINO: Sure. Sure.

21          ZONING EXAMINER: And for the record, this is Mr. Trevino.

22          MR. TREVINO: Yes.

23          ZONING EXAMINER: Thank you.

24          MR. TREVINO: Trevino. 1631. You had mentioned that - I'm  
25 sorry. (Inaudible) was inaccurate with the - saying that, you know,

1 the two-story homes within a certain amount of space. But I also  
2 picked up that you had stated that on your current property, there are  
3 three dwellings.

4 MR. CAYLOR: Three structures.

5 MR. TREVINO: Three structures, -

6 MR. CAYLOR: Yes.

7 MR. TREVINO: - correct. Can we be specific that maybe  
8 those three structures are not three dwellings? And that one of those  
9 is pretty much a, -

10 MR. CAYLOR: (Inaudible)

11 MR. TREVINO: - a treehouse.

12 MR. CAYLOR: It is.

13 MR. TREVINO: Okay.

14 MR. CAYLOR: It's a structure.

15 ZONING EXAMINER: So, -

16 MR. TREVINO: I just wanted to (inaudible)

17 ZONING EXAMINER: Just, just so, just so you all know, I've  
18 been out there. I haven't trespassed, but I've seen the conditions on  
19 this property and - but go right ahead.

20 MR. CAYLOR: Yup.

21 ZONING EXAMINER: Mr. Caylor, go right ahead.

22 MR. CAYLOR: Yup. The next issue is drainage. I know that  
23 we've done a hydrology report with the property. Right now, it's  
24 interesting - we talk about rain and, and runoff. The hydrologist and  
25 the, the survey indicate that there's no water that, that, that runs

1 across the property from the - if, if everybody would agree that the  
2 south is higher than, than our property. So, Lee Street is actually  
3 higher. But the hydrology, hydrology report indicates that there is  
4 no water that, that comes onto the property.

5 Now, when we do a development, we take into consideration  
6 the impervious surface that we, that we create by building the houses  
7 and roof lines and the asphalt. We have a design that I think is, is  
8 going to work well. It is a retention basin that slows down water to  
9 the north.

10 The original design, when we heard the neighbors, it did -  
11 the design was the entire western side of the property. We've  
12 narrowed it down to the northwest corner, if you will. And it is  
13 going to be monitored. It's not gonna be forgotten. It's gonna be  
14 part of the homeowner association that will care for it. I think  
15 that's one of the conditions of, of the Staff report. We're, we're  
16 okay with that.

17 And any excess water that we develop as a result of those  
18 roof lines and the asphalt will be retained in there. And there is an  
19 overflow pipe, if you will. If, if you do have a 50-year rain,  
20 obviously, the water's gonna go through the basin and onto the north  
21 property. But that would be exactly the same amount of water that,  
22 that crosses that property now. So, I think we've addressed the  
23 hydrology issues.

24 ZONING EXAMINER: Before we move on, Mr. Caylor.

25 MR. CAYLOR: Yes.

1           ZONING EXAMINER: So, I'm correct in hearing you say that  
2 there will be a homeowners' association?

3           MR. CAYLOR: Yes. As I read the, -

4           ZONING EXAMINER: (Inaudible)

5           MR. CAYLOR: - as I read the report, that was one of the  
6 Staff recommendations and, and we're -

7           ZONING EXAMINER: Okay. But I didn't see it in the  
8 proposed conditions. And you're okay, though, with there being a  
9 condition stating that the HOA will be in existence and will be  
10 responsible for maintaining retention basins?

11          MR. CAYLOR: Yes. Correct.

12          ZONING EXAMINER: Thank you.

13          MR. CAYLOR: Yeah. There, there's gotta be a way to, to  
14 monitor, and we'll put that on the homeowners. And I can appreciate  
15 that, that your homeowner group has a retention basin that may or may  
16 not work.

17                I don't know if you have a homeowners' association, so, I,  
18 I won't really try to address why yours doesn't work. But I've been  
19 told in some of the letters that I've received from you tonight, which  
20 are kind of disturbing, that would indicate that we don't know how to  
21 build retention basins.

22                And I've built more retention basins probably than anybody  
23 in this room and I know how they work. And we followed the hydrology  
24 reports and, and we will build it correctly. And it will be  
25 maintained.

1           Going down the list, we talk about sinkholes. I won't  
2 address that. Water pressure. I know that the City Water Department  
3 has looked at our proposed plan. We are gonna create a loop for the  
4 property, so, we're gonna add some additional footage on the City  
5 water lines so that there is no lack of water pressure.

6           So, that the - there is a dead-end water line right now, if  
7 you will. It's on the east side of the property and it comes about  
8 halfway down the property. We're gonna tie that into Lee Street which  
9 will then actually boost the water pressure so that, that issue goes  
10 away.

11           The high density. Again, I'll, I'll, I'll just address  
12 that our zoning is, is exactly what we're asking in a comparative  
13 sense to where you live right now, nothing more. There's a comment  
14 about depressed housing prices. I would counter that to say that  
15 we're gonna build some houses that you're really gonna like, and you  
16 might want to buy one.

17           But they are gonna be priced at about 350, or more. I  
18 think it's gonna increase the value of your properties, and I'd like  
19 to address the, the taxes. I know Pima County Assessor does not go  
20 into a subdivision and, and blanket raise property taxes. That's a  
21 misnomer. They do not value a new property versus a 16-year old  
22 property. It just doesn't happen. So, rest assured, your taxes will  
23 not go up as a result of our development.

24           You've talked about crime, which I would suggest that the  
25 neighborhood, once our neighborhood is built, maybe get together and

1 create a Neighborhood Watch program. But I know that vacant  
2 properties create opportunities for crime. And I would suggest to you  
3 that our neighborhood will be smartly designed and will actually  
4 reduce crime because there'll be more neighbors that will watch the  
5 property.

6 As to light, Pima County has the strongest light ordinance  
7 in, in the country. And I can tell you that our lighting will not be  
8 anything that's gonna shine into your homes. And we're bound by that  
9 by code. So, I think that Pima County really addresses that.

10 Allergies, health and dust. I had valley fever when I was  
11 kid. Valley fever is created by dust. We are gonna have  
12 construction, but we do have to abide by Pima County's dust ordinance,  
13 which means that we have to keep our property maintained at all times.

14 I've run a construction company in Tucson for 39 years.  
15 You'll find that we've never had issues with Pima County dust control,  
16 and we plan to practice good construction techniques. And once the  
17 property is built and maintained, I think you'll see that allergies  
18 will go down.

19 The - we had a comment on how will all the construction  
20 trucks and how will we build on such a small site? This is gonna be  
21 12 houses at approximately 2,000 square feet. So, that's 24,000  
22 square feet on two and a half acres.

23 I could tell you, I've built two projects in Tucson of a  
24 half-acre in size, and I built 100,000-square-foot building. They

1 happened to be downtown. They happened to be a couple blocks from  
2 here. You can build in this town with very small limited spaces.

3 We - I know how to do that - big, big tractors, cranes and,  
4 and whatnot. We won't need those big apparatus on this site. But,  
5 again, we practice safety. I understand you have kids. I understand  
6 it's your neighborhood. We want to be good neighbors. Chuck lives  
7 four doors down. He's an owner of this project.

8 FEMALE SPEAKER: (Inaudible)

9 MR. CAYLOR: Yeah. Yeah. He's lived here 20, 35 years.  
10 So, a little bit longer than most people that have come up today. I  
11 think the longest one I heard is 17 years.

12 FEMALE SPEAKER: (Inaudible)

13 MR. CAYLOR: Thank you.

14 FEMALE SPEAKER: (Inaudible)

15 MR. CAYLOR: Yeah, and I was, too. I went to Wrightstown  
16 Elementary School right around the corner from you guys. So, I have a  
17 - we, we all have a stake in your community. It's our community, too,  
18 and we're gonna be good neighbors.

19 I was a little taken back by all the negative letters. Not  
20 anybody has - one person has contacted us. I know I left cards. I  
21 know I, I gave my phone number out at the public meeting, and I, and I  
22 hope that I address most concerns tonight. You might not believe me,  
23 but we have taken note of everything you've asked for in the previous  
24 meeting. And I think we've addressed all the concerns except for the  
25 two two-story houses on the inward lots.

1 FEMALE SPEAKER: (Inaudible)

2 MR. CAYLOR: If you could, it'd be important.

3 FEMALE SPEAKER: Maguire I and II have 38 lots, 38 lots of  
4 single-story homes. The one two-story is on the corner of Maguire and  
5 Lee, and it's not a part of Maguire I and II. And that is what I  
6 meant, yeah.

7 MR. CAYLOR: Yeah. Okay. That's fine.

8 FEMALE SPEAKER: And that is on a major street on Maguire  
9 which is very wide also.

10 MR. CAYLOR: And it's on Lee.

11 FEMALE SPEAKER: Yeah. It's right on the corner of Lee.  
12 It faces Maguire, the back side (inaudible)

13 MR. CAYLOR: We're both in agreement.

14 FEMALE SPEAKER: Uh-huh.

15 MR. CAYLOR: And I would open it up if anybody does have  
16 any other questions because we truly are here to listen and, and  
17 address your concerns.

18 MR. WOOLF: And I, I appreciate -

19 ZONING EXAMINER: Mr. Woolf?

20 MR. WOOLF: Martin Woolf, yeah.

21 ZONING EXAMINER: Thanks.

22 MR. WOOLF: So, I understand that once you've cleared the  
23 property, that you can place construction vehicles on it. I, I'm not  
24 concerned about your ability within the property to manage your

1 vehicles. I'm concerned about the fact that, for instance, you  
2 mentioned managing dust. You manage dust with water trucks.

3 MR. CAYLOR: Yes.

4 MR. WOOLF: Those water trucks don't just get to the site  
5 and stop. There's a constant traffic of water trucks in and out of  
6 the site in order to manage that. And, in fact, unless you're  
7 planning on tying up a great many construction vehicles for the entire  
8 duration of your project, you'll be moving lots of construction  
9 vehicles in and out as well, correct?

10 MR. CAYLOR: Yes, sir.

11 MR. WOOLF: So, it'd be inaccurate to say that the main  
12 issue there would be whether you can build on a small footprint, but  
13 how you intend to manage the traffic of a great amount of construction  
14 vehicles over the entire duration of the project without significantly  
15 inconveniencing everybody behind it, which is where I live, and I have  
16 to get out and go to work every day and go to the store and -

17 MR. CAYLOR: If, if I could - and I appreciate that. The -  
18 I could tell you that it's gonna take about a week to clear the  
19 property, no more, no less. And there'll be a few tractors on there,  
20 and there will be dust, dust mitigation. There's gonna be increased  
21 traffic, and there's gonna be construction trucks.

22 Good news is construction is very busy. There's not gonna  
23 be more than, I can tell you, 20 trucks at any one time on this  
24 property during construction. Believe it or not, it's - I couldn't  
25 get that many construction workers out there today if I tried.

1           And so, I hear you on the, on the traffic and we are gonna  
2 have a fence around the property. There will be nobody parking on  
3 Lee. I think it's well marked with the, if it's not, with the City  
4 "No Parking on the Street".

5           You're welcome to call the police anytime that there's  
6 someone parked on Lee, and we will make arrangements that we will not  
7 interrupt traffic. If we do, we'll give you solid notice and have a  
8 mitigating plan of how we would address - there'll be a few times that  
9 we will be on Lee. There will be a sewer tie-in. There will be  
10 asphalt tie-in.

11           So, there'll be a few days that it'll be under construction  
12 when there is tie-in abilities, and I think we mitigate that pretty  
13 well in our construction (inaudible), and we plan to in this. Yes,  
14 ma'am?

15           MS. CLARKE: Sybil Clarke and I'm also at 1591 North Saddle  
16 Back. I notice that you addressed a number of concerns brought up by  
17 my neighbors. My primary concern is the devastation of habitat for  
18 our native species. And I noticed that that's not part of the plan.  
19 And it doesn't seem to be part of your commentary.

20           And I would like to be very clear. I understand that this  
21 is getting approved. I mean I live in Tucson, (inaudible) Tucson,  
22 (inaudible) this is happening. My hope is that as you promise today  
23 that you're going to be a good neighbor that you'll keep in mind that  
24 many of us enjoy deserts. Many of us enjoy native animals. And that  
25 this construction is going to have a significant detrimental effect on

1 our ability to enjoy that. We live there because we enjoy it. We  
2 don't live there because we enjoy significant development.

3 I know that we are all zoned for this level of density, but  
4 our lot is larger than that. And that's one of the things that I'm  
5 worried about is that we have these - you know, as it is, we see  
6 rabbits, we see hawks, we see coyotes. Not everybody likes the  
7 coyotes, but I do.

8 And I'd like to be able to continue to appreciate wildlife  
9 in my neighborhood, and avoid becoming, you know, another Oro Valley.  
10 Another Orange County. Tucson has spectacular things about it and  
11 this kind of infill construction has the potential to truly devastate  
12 those.

13 ZONING EXAMINER: Thank you. That would conclude -

14 MR. WELLS: (Inaudible)

15 ZONING EXAMINER: Go ahead, sir.

16 MR. WELLS: Gerald Wells, 1646 Debra Sue Place. You  
17 mentioned fence. I've not heard that mentioned before. What kind of  
18 fence and how tall?

19 MR. CAYLOR: Yes, sir. The - I don't think the zoning code  
20 requires that there be a fence. I know there's a fence on the, on the  
21 west side of the - there is a, currently, a block wall on the west  
22 side of the property.

23 I think that we are gonna put in a wall. If we do, it  
24 wouldn't be higher than five feet, and it would, it would encompass  
25 the north and the east sides of the property.

1           And I don't know that I want to stipulate to that, but I  
2 could almost - I'm, I'm almost positive there's gonna be a wall that  
3 would, that would be placed on the north and the east sides of the  
4 property.

5           MR. WELLS: Okay. So, that's still a maybe. And the one  
6 thing I - when you talked about three structures on the, on the thing  
7 and you're only adding nine, -

8           MR. CAYLOR: Yes.

9           MR. WELLS: - that, that, that statement seems like it's a  
10 little suspicious because a structure, I guess, could be a doghouse.  
11 And what's on there now, no one's living there. And it kind of seemed  
12 to me like if I heard three structures, I would think, "Well, there  
13 are three families living there now." And that's not, not the case.  
14 So, you're not adding nine, you're adding 12.

15          MR. CAYLOR: Yes, sir.

16          ZONING EXAMINER: Mr. Wells, I appreciate your point.  
17 Thank you. So, Mr. Caylor, back to the walls that you just brought  
18 up, 'cause I was gonna ask you about that also. So, it's your  
19 intention now to build five-foot walls on the north and east perimeter  
20 of the property?

21          MR. CAYLOR: Yes, sir. The west property line already has  
22 a wall all the way across it.

23          ZONING EXAMINER: And, and how tall is the one - it's four  
24 and a half feet (inaudible)

25          MR. CAYLOR: It's four, four and a half or five feet, yes.

1           ZONING EXAMINER: And what's your intention on the walls  
2 you're going to build?

3           MR. CAYLOR: Those, those would be masonry.

4           ZONING EXAMINER: Yes. And height-wise?

5           MR. CAYLOR: Five feet. It'd be decorative as, as a, as a  
6 - I know the City has a standard for, for decorative walls.

7           FEMALE SPEAKER: I have a question.

8           MR. CAYLOR: Yes.

9           FEMALE SPEAKER: And regarding to that retention pond, how  
10 big is that retention pond gonna be? How is the mosquito control?  
11 How, you know, how does this work?

12           MR. CAYLOR: Sure. The mosquito control is, is, is  
13 governed by the fact that the, that the retention basin has to drain  
14 within 24 hours. So, it doesn't pond, if, if retention basins are  
15 built right. Yours might not be built right, and you might not  
16 maintain yours, but ours will be maintained.

17           FEMALE SPEAKER: Is chemicals added to the, -

18           MR. CAYLOR: No.

19           FEMALE SPEAKER: - to - no, not at all for -

20           MR. CAYLOR: Not, it's, it's -

21           FEMALE SPEAKER: - mosquito control or anything like that?

22           MR. CAYLOR: Not at all. It's designed to drain within 24  
23 hours of, of the last rain.

24           FEMALE SPEAKER: Also, you were saying you were, you know,  
25 were sure that our taxes would not be increased.

1 MR. CAYLOR: As a result of my - of, of the construction,  
2 that's correct. That's an accurate statement.

3 FEMALE SPEAKER: Construction. But once the - they're  
4 built, and then they're assessed and then we're reassessed.

5 MR. CAYLOR: Yeah. They don't reassess old buildings -

6 FEMALE SPEAKER: They - once a year.

7 MR. CAYLOR: - with -

8 FEMALE SPEAKER: They, they look at the whole area -

9 MR. CAYLOR: But the -

10 FEMALE SPEAKER: - when they do that, you know, so, anyhow.

11 MR. CAYLOR: I'll make one, I'll make one statement, and  
12 you can go to the County Assessor's Office. They, -

13 FEMALE SPEAKER: I have.

14 MR. CAYLOR: - they will not assess a brand-new property  
15 versus a 17-year-old property.

16 FEMALE SPEAKER: They verse it on square footage and things  
17 like that, lots, what's in the home, you know, air conditioning,  
18 pools, things like that, you know. So, -

19 MR. CAYLOR: Yup.

20 FEMALE SPEAKER: - you know, you cannot guarantee that it's  
21 not going to go up, yeah.

22 MR. CAYLOR: I can't guarantee anything (inaudible)

23 FEMALE SPEAKER: Okay.

24 MR. CAYLOR: - that the taxes go up. And I would hope that  
25 you would -

1 FEMALE SPEAKER: Yeah. I bet the taxes go up.

2 MR. CAYLOR: - and I would hope that you would appreciate  
3 that the quality of construction's gonna raise the value of the  
4 properties around.

5 FEMALE SPEAKER: No. You're gonna price me out of my home  
6 where I can't afford to live there, being retired and disabled.  
7 That's what you're going to do, -

8 MR. CAYLOR: (Inaudible)

9 FEMALE SPEAKER: - you know? Thank you.

10 ZONING EXAMINER: Mr. Caylor, we had another person who'd  
11 like to (inaudible) Please state your name and address for the  
12 record.

13 MS. WELLS: Lisette Wells, 1646 North Debra Sue.

14 ZONING EXAMINER: Thank you.

15 MS. WELLS: I just wanted to reiterate that if this does go  
16 through, we would like the homeowners' association to take care of  
17 that drainage basin. (Inaudible) So, it would be helpful to know  
18 that it wasn't just the homeowner's responsibility, and actually would  
19 belong to the HOA to take care of that.

20 MR. CAYLOR: Okay.

21 MS. WELLS: Okay.

22 ZONING EXAMINER: Please state your name for the record.

23 MR. CUSHMAN: Chuck Cushman.

24 ZONING EXAMINER: Thank you.

1 MR. CUSHMAN: (Not speaking into the microphone.) 1414  
2 North Sarnoff Drive. (Inaudible) As far as the HOA (inaudible) come  
3 out and inspect that (inaudible)

4 MR. CAYLOR: Yeah. Drainage basins back in the old days  
5 when they first created - it's a concern. And the only thing I can  
6 promise you as, as a contractor, we do hire a hydrologist. He tells  
7 us how much the (inaudible) test is and the - on the type of soil that  
8 we have.

9 We've done, you saw probably some drill rigs out there a  
10 couple months ago. They did the dirt analysis. So, we've done the  
11 soil sample, so we know what kind of soil is out there. And they  
12 actually design the percolation rate based on the type of soil you  
13 have and, and really the rules are that the, the basins must drain  
14 within 24 hours.

15 If you were to call and complain - if, for some reason, it  
16 wasn't maintained and you were to call to complain to the City, you  
17 know, they would contact the homeowners' association. We're not going  
18 away. There'll be 12 homeowners there that will pay into a fee to  
19 have that yearly maintained.

20 And I think you're gonna see quite a bit different basins  
21 than that you might see in, in maybe your own neighborhood that might  
22 not have been as maintained. And I know the City's put a lot of  
23 (inaudible) into how basins are designed as of late and, and how  
24 they're maintained. But we're gonna be a good neighbor and build it  
25 right, so -

1 MS. McDONALD-SELM: Carolyn McDonald again. If that isn't  
2 built right, if - and we have problems in the area with the drainage  
3 as we already do, will we be having to file a lawsuit against your  
4 company for not building this properly?

5 MR. CAYLOR: Absolutely. You, you could at any time.  
6 Lawsuits are part of America. I can tell you that the City is going  
7 to inspect it when it's built. I can tell you that a third-party  
8 agency is going to come out and certify that it was built correctly.

9 MS. McDONALD-SELM: And, you know, four or five years down  
10 the road, it's down the tubes. Yeah, things happen, uh-huh. Yeah.

11 MR. CAYLOR: That's what (inaudible) that's whether  
12 homeowner associations that maintain them.

13 MS. McDONALD-SELM: Well, and if it's built correctly, it  
14 will last.

15 MR. CAYLOR: Yes. And my phone number's 298-2200, same  
16 phone number for 63 years, our company. And you're welcome to call me  
17 any time.

18 ZONING EXAMINER: I have no further questions.

19 MR. CAYLOR: Thank you. We appreciate it.

20 MR. TREVINO: I have one.

21 ZONING EXAMINER: Mr. Trevino?

22 MR. TREVINO: Just one quick question just for  
23 clarification. So, in your initial statement, were you not opposed to  
24 keeping the height restriction at 15 feet?

25 MR. CAYLOR: It was 18.

1 MR. TREVINO: Or 18, I'm sorry.

2 MR. CAYLOR: Yeah. It was 25 in the zoning, -

3 MR. TREVINO: Correct.

4 MR. CAYLOR: - and we're not (inaudible)

5 MR. TREVINO: But you're not opposed to keeping it down to  
6 18?

7 MR. CAYLOR: No. We're, we're really - we're trying to be  
8 good developers.

9 MR. TREVINO: Right. And I -

10 MR. CAYLOR: I might, I might come off as, as crass on, -

11 MR. TREVINO: - understand that. And, and we appreciate  
12 that.

13 MR. CAYLOR: - on some of the questions.

14 MR. TREVINO: I, I think -

15 MR. CAYLOR: But we really are. We, we -

16 MR. TREVINO: I'll speak for myself. I would say -

17 ZONING EXAMINER: One at a time (inaudible)

18 MR. TREVINO: Sorry. Okay. I'll, I'll, I'll just speak  
19 for myself. I would think that as a homeowner in this - in the  
20 adjacent area, that we would probably think it would be a little bit  
21 of a win for us if there was an 18-foot height restriction.

22 MR. CAYLOR: I would love to see a letter of support. I  
23 just committed to them that I would an 18-foot restriction on it. And  
24 I hope that you would write a letter that -

25 MR. TREVINO: Thank you.

1 MR. CAYLOR: - supports our development.

2 FEMALE SPEAKER: I've got one last comment. I just got one  
3 thought in my mind. If you could buy a couple of lots in the back of  
4 that property, and put the access road off of Pima instead of Lee and  
5 Saddle Back, this would solve a lot of our issues.

6 MR. CAYLOR: Yeah. Okay. Thank you.

7 ZONING EXAMINER: Anything further, Mr. Caylor?

8 MR. CAYLOR: No. We appreciate the opportunity and we're  
9 always here for questions if anybody else has any other questions.  
10 Thank you.

11 ZONING EXAMINER: Thank you very much. Sir?

12 MR. CAYLOR: Yeah. Of course.

13 MR. CUSHMAN: (Inaudible)

14 ZONING EXAMINER: Just restate your name 'cause the  
15 recorder can't see you.

16 MR. CUSHMAN: Chuck Cushman, 1414 North Sarnoff Drive. I  
17 live in the neighborhood, about 500 feet from the property, and I've  
18 lived there for 25 years. I drive by this property, for 25 years I  
19 drive by this property. I come in and out every day.

20 I understand the issue with Lee Street. There are people,  
21 there's mail boxes there and some of the elderly people, they're  
22 supposed to walk to them, but they don't because they're elderly and  
23 they, and they drive up, park, and then they get their mail. And I  
24 don't see, see that being a problem. Those people just have to be  
25 patient, take their time. I've never seen an accident on Lee Street.

1           And as far as the wildlife, my wife can attest we, we - she  
2 put a box of - threw a box of Cheerios in our recycling bin. Had a  
3 few Cheerios in it, we had a herd of 15 javelina in our carport.

4           Javelina, coyotes, we have bobcats, we have quail. We love  
5 that stuff and they don't seem to mind the houses. So, they, they  
6 come and go as they please and that doesn't affect them. That's all I  
7 have to say. Thank you.

8           ZONING EXAMINER: Thank you. I want to thank everyone for  
9 coming and for speaking here tonight. And I'm now closing the public  
10 hearing.

11           And my preliminary report will be prepared in the next  
12 seven days and anyone again who wants a copy of that can fill out an  
13 orange card. Thank you all very much for coming.

14           FEMALE SPEAKER: Thank you. (Inaudible)

15           ZONING EXAMINER: Very helpful.

16           (C9-18-19 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: 01/18/2019

  
\_\_\_\_\_  
KATHLEEN R. KRASSOW - Owner  
M&M Typing Service

Request to Zoning Examiner for Review & Reconsideration

RE: #case C9-18-19 (8211 E. Lee St) Jan 22, 2019

I Carolyn McDonald-Selun of 1591 N. Debra Sue Pl. Tucson, AZ 85715-5227. would like to request Zoning Examiner to review & a reconsideration.

Within this preliminary report received there was no conditions stated in the recommendation that addressed Mr. Caylor conceding to only 18ft. high for all houses that were proposed. NO two stories at 25ft allowed at all. Within the report, it is written as he may still build both 2 houses at 25ft high in the middle of his design.

The neighborhood does not want this property of 8211 E. Lee St. rezoned from RX-1 - RI period as shown by many letters of protest. As far as the meeting of Jan 10, 2019, based on matter of fact, Height was addressed & has failed to be mentioned & noted in the Zoning Examiner's approval for rezoning.

\* UNDER APPROVAL / protest Calculation & Comments - Comment I  
Also, Donald Ainley & Brenda of 1634 N. Debra Sue Pl. & AMANDA ORTIZ of 1642 N. Debra Sue Pl. are in protest against rezoning RX-1 to R-1. BOTH parties TURNED IN protest forms which was presented at the Jan 10<sup>th</sup>, 19 meeting. The letters received 1st were not on the proper form, this was corrected when I turned them in Jan 10<sup>th</sup>, 19 at the meeting.

The property direct across the street is in a minimum Flood ZONE STATES ON RECORD. (Linda Pliska at 8245 E. Crooked Tree. This would bring 8211 E. Lee St. in that zone too.

791-5330 - city clerk

JAN 23 2019 AM 9:03



CITY OF  
TUCSON  
ZONING  
EXAMINER'S  
OFFICE

## PRELIMINARY REPORT

January 17, 2019

Carly Caylor  
Caylor Construction  
2 E. Congress Street, Suite 900  
Tucson, AZ 85701

**SUBJECT: REZONING C9-18-19 Caylor – Lee Street  
RX-1 to R-1 (Ward 2)  
Public Hearing: January 10, 2019**

Dear Ms. Caylor:

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules and Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case C9-18-19 Caylor- Lee Street RX-1 to R-1.

At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report to the Mayor and Council (including background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) shall be filed with the City Manager. A copy of that report can be obtained from the Planning and Development Services Department (791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

## **SUMMARY OF FINDINGS**

This is a request by Carly Caylor, on behalf of the property owner, Lee Street LLC, to rezone approximately 2.38 acres from RX-1 to R-1 zoning. The rezoning site is located on the north side of E. Lee Street, approximately 1,850 feet east of Pantano Road (see Case Location Map). The preliminary development plan (PDP) proposes subdividing the subject parcel into 12 lots for single-family dwellings at a proposed maximum height of 25 feet.

### **Background Information**

#### **Zoning Descriptions:**

**RESIDENCE ZONE (RX-1):** This zone provides for suburban, low density, single-family, residential development, agriculture and other compatible neighborhood uses. Minimum lot size is 36,000 SF.

**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. Minimum lot size is 7,000 SF.

#### **Existing Land Use: Single-family dwelling**

#### **Surrounding Zones and Land Uses:**

North: Zoned RX-1; Single-family Residences (Average 38,000 SF lot size)

South: Zoned R-1; Single-family Residences (Lot sizes range from 7,427 SF to 9,014 SF)

East: Zoned RX-1; Single-family Residence (52,000 SF Lot)

West: Zoned R-1; Single-family Residences (Lot sizes generally range from 7001 to 7500, with two larger lots of 8,238 SF and 12,808 SF)

**Prior Rezoning Cases in the Area:** Seven rezoning cases, resulting in R-1 zoning, have been approved within the immediate vicinity of the subject site.

These rezoning cases resulted in single-family subdivisions averaging approximately 4.5 residences per acre (RAC). The current proposal would result in a subdivision of 5.04 RAC.

**Applicant's Request** – “Rezone to R-1 and create 12 individual lots.” Planning and Development Services Department Staff reports that the Applicant has requested Direct Ordinance Adoption per UDC 3.5.3.J.3, and has submitted a development package with the tentative plat for review.

### **Planning Considerations**

Policy direction is provided by *Plan Tucson* and the *Pantano East Area Plan*. *Plan Tucson* supports policy that utilizes the Future Growth Scenario Map as a guide for determining the general location of development opportunities, development patterns, land use and transportation concepts, while also considering area and site specific issues. The project site is located in an area identified on the *Plan Tucson* Future Growth Scenario Map as an Existing Neighborhood. The goal is to maintain the character of existing neighborhoods while accommodating some new development and redevelopment, and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability. *Plan Tucson* supports environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. *Plan Tucson* also offers support for infill redevelopment projects that reflect sensitivity to site and neighborhood conditions, and projects that adhere to relevant site and architectural design guidelines.

The *Pantano East Area Plan* was developed to guide future development in the Plan area, while protecting and enhancing existing neighborhoods. A sub-goal of the Plan is to promote a variety of residential opportunities in the area. Residential Policy 1 calls for preserving the integrity of established neighborhoods. Residential Policy 2 promotes residential infill of vacant land, where adequate provisions of streets and utilities are available, and low-density residential developments within the interior of established low-density neighborhoods. Average densities up to six units per acre are included in this category. The basic unit of development is single family units on separate lots, but some attached units such as duplexes and townhouses are also appropriate.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 9.6 vehicle trips per day, per dwelling, for a total of 115 vehicle trips per day from the 12 units.

### **Design Considerations**

Land Use Compatibility – The subject property is nearly square in shape, with a north-south dimension of 316 feet, and an east-west dimension of 331 feet. The property is surrounded by single-family residences zoned either RX-1 or R-1, as described above. All of the properties surrounding the rezoning site are developed with single-story dwellings. However, there are two existing two-story homes in the subdivision to the west of the rezoning site and five two-story homes in the subdivisions south of the rezoning site. PDS Staff have recommended a rezoning condition to limit all structures, adjacent to off-site single-family residences, to one-story, with a maximum height of 18 feet. This condition would allow Lots 2 and 12 on the November 15, 2018 PDP to be 2-story dwellings, with a UDC-permitted maximum height of 25 feet.

Drainage/Grading/Vegetation – Two watersheds cover the site. To manage post-development discharge, the application proposes on-site detention/retention that will be large enough to reduce runoff to less than or equal to the existing volume. The site is relatively flat, with predominantly desert brush and medium density ground cover. A native plant preservation plan was submitted with the PDP.

Road Improvements/Vehicular Access/Circulation – An existing driveway provides access near the center of the Lee Street frontage. The Application and PDP propose to retain this access point to serve the interior of the subdivision. Four (4) new driveways, to accommodate lots fronting onto Lee Street are proposed. The PDP shows a sidewalk along the Lee Street frontage that matches the existing sidewalk to the west.

### **Zoning Examiner Hearing- January 10, 2019.**

The Applicant spoke in support of the rezoning request. Five persons spoke in opposition to the rezoning request. The concerns raised included a desire to

preserve the undeveloped nature of portions of the site; the density of the proposed development; traffic and possible interference with access along Lee Street; the disruption which may be caused by construction; loss of privacy and

loss of views which may be caused by the construction of two-story homes; drainage and the long term maintenance of the retention basin proposed for the northwest corner of the rezoning site; and adverse impacts on property values and property taxes, which might be caused by the new development.

The Applicant responded to each of the concerns that were raised. The Applicant explained that the proposed development was similar in density to the R-1 subdivisions to the west and south of the rezoning site; the traffic generated by the proposed development would not dramatically increase traffic on Lee Street; only two of the 12 lots are proposed for two-story homes, and those are located on Lee Street and are not adjacent to existing homes; the proposed subdivision would have an HOA which would be responsible for maintenance of the retention basin; the newly constructed homes would be of high quality and should enhance area property values, compared with the existing use of the site; and the Pima County Assessor would not increase the assessed values for existing homes based on the construction of new homes on the rezoning site.

As of the date of the Public Hearing, there were three (3) written approvals and thirty five (35) written protests.

**Conclusion** – The proposed subdivision density and design are consistent with the exiting subdivisions to the west and south of the rezoning site. The proposed lots range in size from 7,009 SF to 9,252 SF. Lots in the Rancho Eireann subdivision, located west of the rezoning site, have mostly 7,001 to 7,500 SF lots, with two larger lots of 8,238 SF and 12,808 SF. Lots in the existing subdivision to the south of the rezoning site range from 7,427 SF to 9,014 SF in size. The density of the proposed rezoning is similar to the densities of the existing subdivisions in the area. In addition, the maximum height of the single-story homes at 18 feet, and the condition limiting two-story homes to two lots on Lee Street which are not adjacent to any existing homes, make the proposed rezoning compatible with the existing neighborhoods.

The proposed rezoning meets the goals of preserving existing neighborhoods and is in substantial compliance with the policies of *Plan Tucson* and the *Pantano East Area Plan*. Subject to compliance with the preliminary conditions, approval of the requested R-1 zoning is appropriate.



## APPROVAL / PROTEST CALCULATION & COMMENTS

### C9-18-19 Caylor – Lee Street

ZE  
01/10/2019      01/14/2019

<b>Total</b>	<b>Approvals</b>	3	3
	<b>Protests</b>	3	35

Protests by Location	Outside 150'	0	21
	Within 150'	3	14

*Protests by Total Lots & Area	% Lots	11.53%	53.8%
	% Area	4.01%	28.7%

\*Per Arizona State statute HB2116, effective August 9, 2017 governing legal protests for rezoning cases: If there are protests from 20% of the property owners within 150 feet of the entire perimeter of the rezoning site, including BOTH 20% of the property by area, and 20% of the number of lots within 150 feet, then an affirmative vote of ¾ of the Mayor & Council (5 of 7 members) will be required to approve the rezoning or M&C Special Exception. Public rights-of-way and the area/lot of the proposed rezoning are included in protest calculations.

#### COMMENTS:

Attached:

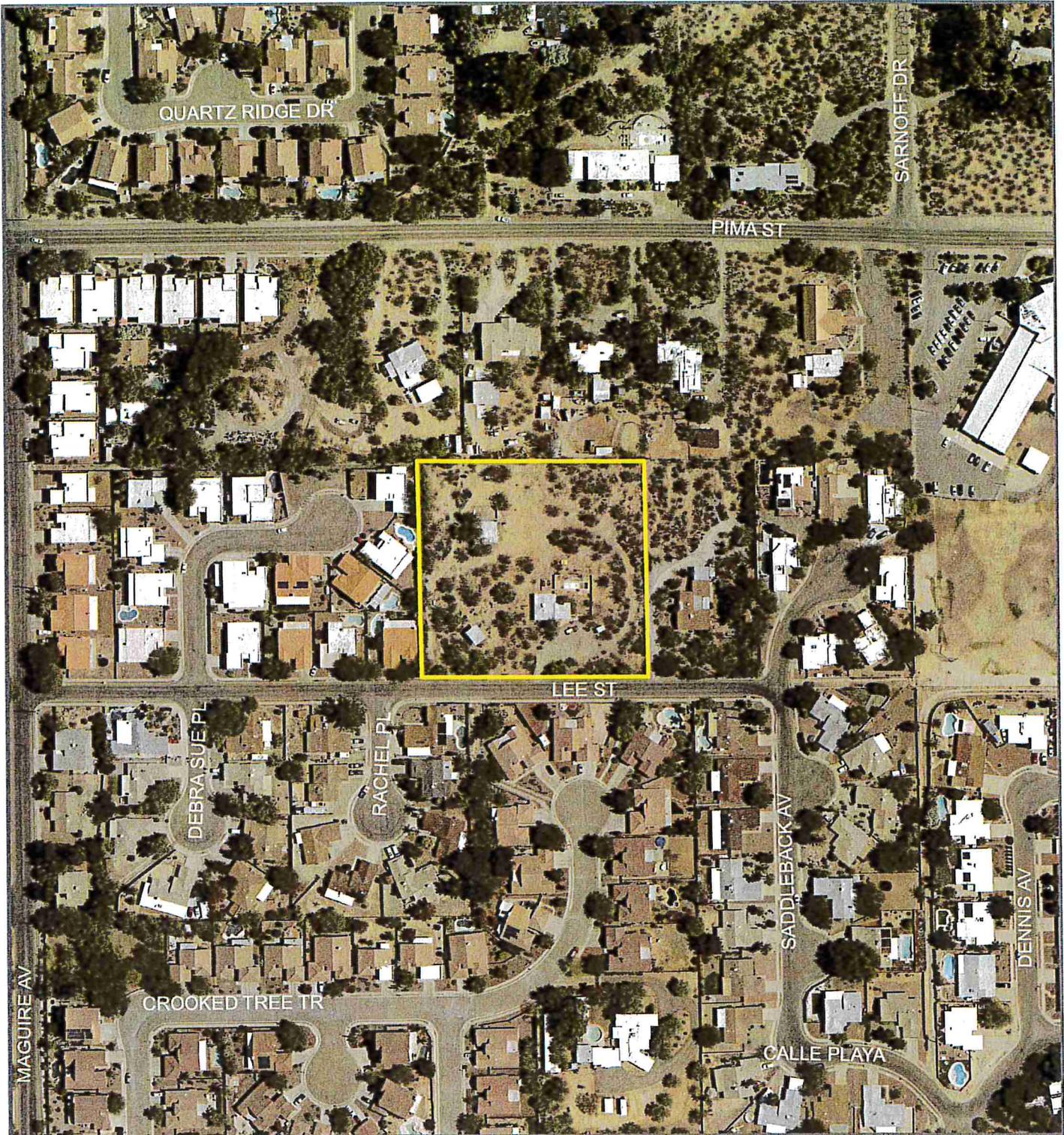
Two letters submitted by Amanda Ortiz and Donald & Brenda Ainley expressing concerns about the rezoning but not explicitly approving or protesting the rezoning.

Phone Conversation with Michael Wyneken from PDSD:

Tim Abrams (8220 E Pima St) approves rezoning but opposes 2-story construction. Requests wall drainage on the north to accommodate small wildlife to pass through under the wall.

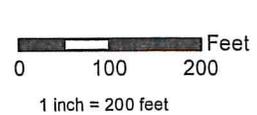
32 additional protests were submitted during the Zoning Examiner hearing on Jan 10<sup>th</sup> 2019. These protests were updated on the Approval-Protest Maps and Calculations on Jan 14<sup>th</sup> 2019.

**C9-18-19 Caylor - Lee St**  
Rezoning Request: From RX-1 to R-1

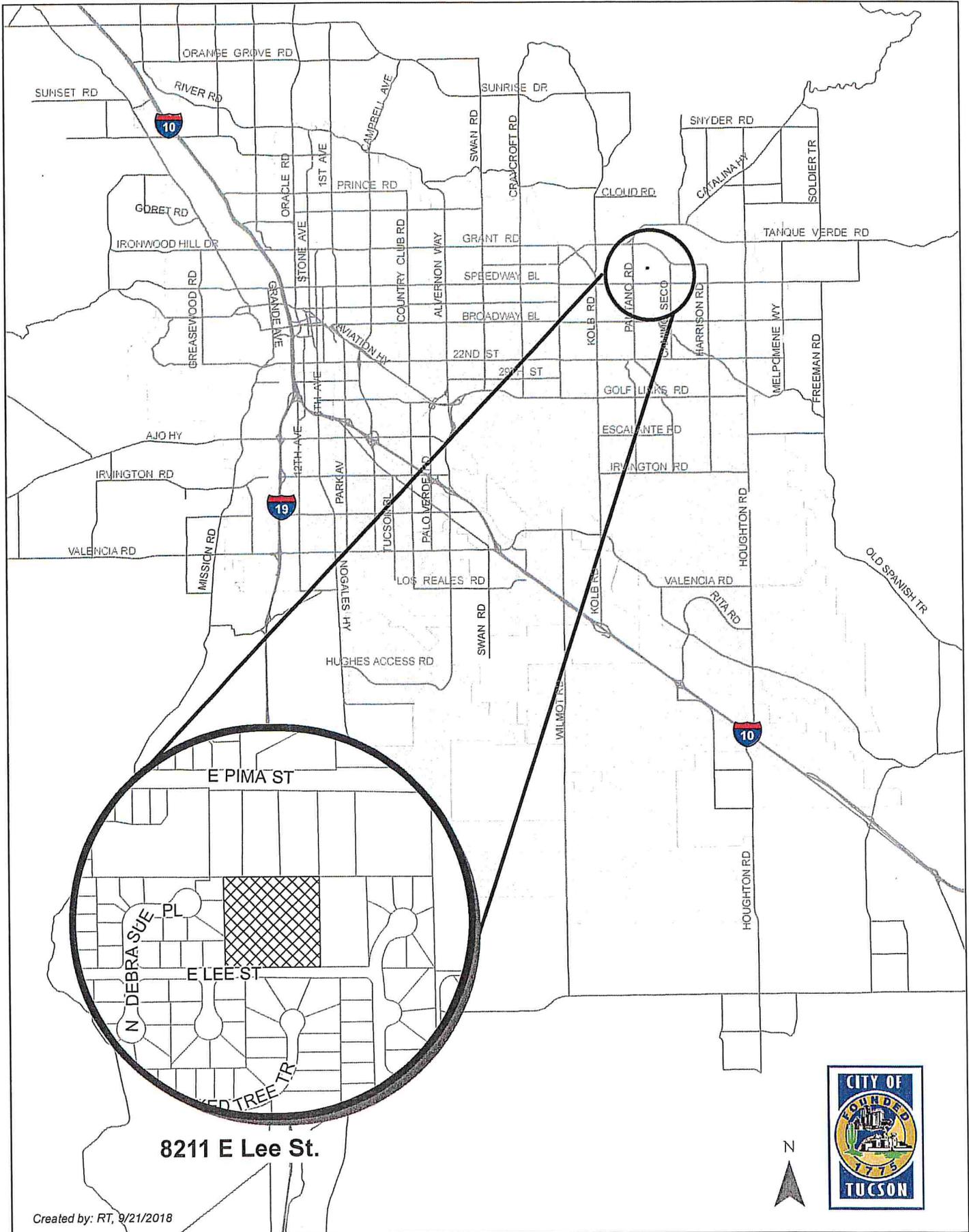


 Subject Property

Address: 8211 E Lee St  
Base Maps: Twp.14S Range15E Sec. 04  
Ward: 2



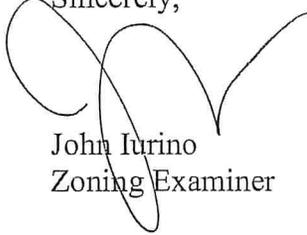
# C9-18-19 Caylor - Lee Street



**RECOMMENDATION**

The Zoning Examiner recommends approval of the rezoning request from RX-1 to R-1, subject to the special conditions proposed by PDSD staff, with the additional conditions that 1) the Applicant shall form an HOA which will be responsible for the maintenance of the drainage structures and retention basin, and 2) the Applicant shall construct a five (5) foot high, masonry perimeter wall along the north and east boundaries of the property.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Iurino', written over the printed name and title.

John Iurino  
Zoning Examiner

**ATTACHMENTS:**

Case Location Map  
Rezoning Case Map

cc: City of Tucson Mayor and Council



CITY OF  
TUCSON

ZONING  
EXAMINER'S  
OFFICE

January 24, 2019

Dear Ms. McDonald-Selm:

This is in response to your January 22, 2019 request for review and reconsideration of the January 17, 2019 Preliminary Report for Case C9-18-19 Caylor-Lee Street, involving the property located at 8211 E. Lee Street, Tucson, Arizona.

I have reviewed your request and I have again reviewed the rezoning application, the correspondence, approval and protest forms, and the transcript of the January 10, 2019 Zoning Examiner hearing. I have also reviewed the publicly available information on the surrounding land uses and have conducted an additional site visit.

Based on my review, my response to your request for review and reconsideration is as follows:

**1. Number of Protests and Protest Calculations.**

My Preliminary Report stated that there were three (3) written approvals and thirty five (35) written protests as of the January 10, 2019 Zoning Examiner hearing. I believe that this is a correct statement, however I also agree with your comment that these numbers do not include the two (2) letters received by the Planning and Development Services Department that stated objections to the proposed development. My final report will reflect this.

**2. Neighborhood Opposition.**

Your request for review and reconsideration states that “[t]he neighborhood does not want this property at 8211 E. Lee St. rezoning from RX-1 – R-1.” I can assure you that I listened carefully to the testimony that you and the other four speakers in opposition to the rezoning gave at the January 10, 2019 Zoning Examiner hearing, and I have also reviewed the transcript prepared by the City Clerk’s office. (I am enclosing a copy of that transcript in case you could like to have it.) I also reviewed the correspondence received by PDS and the written protests and approvals. While I considered the points made by those who opposed the rezoning, I concluded, for the reasons set forth in my Preliminary Report, that the rezoning request had merit and thus I recommended approval.

### 3. Height/Two Story Homes.

The Applicant did agree that the single-story homes would be limited to eighteen (18) feet in height. However, the Applicant did not withdraw his request that some two-story homes be permitted; instead the Applicant testified that he agreed with PDSD staff's recommendation that two-story homes be limited to two lots on Lee Street (Lots 2 and 12). See Transcript at pages 21-22. These lots are not adjacent to any existing residences. Under the UDC, the maximum permitted height for two-story homes is twenty five (25) feet.

The Preliminary Report notes that "there are two existing two-story homes in the subdivision to the west of the rezoning site and five two-story homes in the subdivisions south of the rezoning site." Based in part on these facts, the Preliminary Report concluded that allowing the construction of two-story homes on Lots 2 and 12 of the proposed subdivision was reasonable.

I want to thank you for your participation in the rezoning process. While my recommendation remains the same, I do value your input, and the views of everyone who participated in the Zoning Examiner hearing or otherwise submitted their views.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Iurino", with a stylized flourish extending upwards and to the right.

John Iurino  
Zoning Examiner