

ZONING MEMBERS PRESENT:

Jim Mazzocco, Zoning Examiner
John Beall, Planning & Development Services
Karissa McMillan, City Recording Clerk

=====

1 ZONING EXAMINER: It's 6:01, so we'll begin. My name is
2 Jim Mazzocco, and I'm the Zoning Examiner for the City of Tucson.
3 I conduct rezoning and special exception hearings on behalf of
4 the Mayor and Council.

5 This evening, we have three cases. One Mayor and
6 Council special exception that was continued from last week, and
7 two rezoning cases. In the case of the rezonings and the Mayor
8 and Council special exceptions, after the hearing is closed, I
9 will prepare a preliminary report and a final report.

10 I'll prepare a preliminary report within five working
11 days, and I will prepare a final report 14 days after the close
12 of public hearing. I make findings of fact which I put into the
13 reports, along with my recommendations, which I then sent on to
14 Mayor and Council.

15 My report will be based on the evidence submitted to me
16 as part of the rezoning and special exception applications, and
17 any supplemental materials as well as any testimony taken
18 tonight. I'd also like to include in the record all documents
19 submitted to my office up to this hearing.

20 For those of you who wish to receive a copy of my
21 preliminary report, and you are not a principal listed on the

1 case, please fill out one of the orange cards on the podium. A
2 copy of the final report will be available from the Planning &
3 Development Services Department, and I'll send that report along
4 to the Mayor and Council. They may consider my recommendations,
5 along with other factors in the consideration of the final vote.

6 Additionally, any person may request that the
7 application be heard at a public hearing before the Mayor and
8 Council if the request is filed with the Clerk within 14 days
9 after the date of the Zoning Examiner's public hearing, or
10 reconsidered public hearing.

11 Just some general information. A tape recording is
12 being made of tonight's testimony by the City Clerk's Office
13 behind these walls, and if necessary, a transcript will be
14 prepared.

15 After I take testimony from the public, since I cannot
16 have communication with parties involved in this case, now is the
17 time to speak. If you wish to speak tonight, wait for me to call
18 you to the podium, and then please make sure to print your name
19 and address very clearly on the sign-in sheet at the podium.
20 I'll also ask you to announce your name and address for the
21 record, and for the Recording Clerk.

22 Okay. How many speakers do we have tonight just, just
23 so I can get a, an idea. Okay. Let's see here. So now what I'm
24 going to do, I'm going to swear in those who are going to speak.

1 So if you could rise and raise your hand. Do you swear or affirm
2 to tell the truth, the whole truth, and nothing but the truth?

3 (Affirmative.)

4 ZONING EXAMINER: Okay. Thank you. So the first case
5 I had scheduled for tonight is the SE-16-16 Verizon-Broadway.
6 It's a continued case. Do we have the Applicant?

7 FEMALE SPEAKER: (Inaudible)

8 ZONING EXAMINER: Okay. So we'll move to the next case
9 and then we'll get back to her. So we're going to move to the
10 second item on the agenda which is the rezoning Case: C9-16-03
11 Pepper Viner - Pima Street. I'm going to ask the Planning &
12 Development Services Staff, John Beall, to give a brief report.

13 MR. BEALL: This is a request by William Viner of the
14 Pepper Viner at Van Horne, LLC on behalf of the property owner,
15 Tucson Unified School District No. 1, to rezone approximately
16 8.99 acres from SR to R-1 zoning.

17 The rezoning site is located at the southwest corner of
18 Pima Street and Fremming Avenue. The Preliminary Development
19 Plan is for a single-family residential subdivision with 54 one-
20 story and two-story homes at a density of six units per acre.

21 Land use policy direction for this area is provided by
22 the Pantano East Plan and Plan Tucson. The goal of the Pantano
23 East Plan is to preserve the integrity of established
24 neighborhoods and promote residential in-fill of vacant land

1 where adequate provisions of streets and utilities are available,
2 and to promote low density residential developments within the
3 interior of established low density neighborhoods.

4 At six units per acre, the proposed density is
5 supported by the Pantano East Area Plan and Plan Tucson if
6 designed to be compatible with the adjacent development. The
7 rezoning site is surrounded by two sides - on two sides by
8 streets. Pima Street to the north and Fremming Avenue to the
9 east. Pima Street and Fremming Avenue are identified as local
10 streets on the Major Streets and Routes Map.

11 Vehicular access will be from Fremming Avenue and Pima
12 Street. The area surrounding the rezoning site to the east,
13 south and north is low density, detached single-story, single-
14 family residential development zoned R-1 at a density of around
15 approximately three units per acre. To the west of the subject
16 rezoning site is a recycling facility in the PAD 23 zone.

17 The proposed development is consistent with and
18 supported by the policy direction provided in the Pantano East
19 Area Plan and Plan Tucson, subject to compliance with the
20 attached Preliminary Conditions. Approval of the requested R-1
21 zoning at this time is appropriate.

22 As of to date, 04/07/16, there have been two approvals
23 and 11 protests. The protests by area within 150 feet is seven.
24 Outside 150 is four. Protests by percentages to the north is

1 seven percent. To the south is 39.6%. To the east is 23.6%, and
2 to the west is zero percent.

3 Those numbers are important, percentages are important
4 because if protests are filed from property owners representing
5 20% or more by area in any quadrant of the area located within
6 150-foot radius of the parcel on which the rezoning is proposed,
7 an affirmative vote of three-quarters of the Mayor and Council
8 will be required to approve the rezoning ordinance.

9 Also Staff has received, and actually support, and have
10 - for those on as far as a couple revised conditions. Condition
11 No. 9 has been revised to read, "All residential units located
12 along the south and east perimeter shall be one-story and not to
13 exceed 16 feet in height. And two-story homes shall not be
14 located side-by-side on adjoining lots."

15 Also, Condition 13 was revised to read, "The Applicant
16 shall provide a blanket easement to the City of Tucson
17 Environmental Services Department over the western common area as
18 will be shown on the final plat to provide pedestrian access for
19 the purposes of the monitoring of the landfill gas collection and
20 control system.

21 Vehicular access to areas adjacent to this common area
22 will be available from the two proposed public streets in the
23 project, as well as from Pima Street, a public street owned by
24 the City of Tucson. The final dimensions of the easement shall

1 allow sufficient access to the City of Tucson, and their
2 subcontractors for the installation of the methane gas probes
3 and/or wells.

4 ZONING EXAMINER: Okay. Thank you, John. Do we have
5 the Applicant, or Applicant's representative? So sign in, then
6 say your name and address for the record. Okay. Whenever you're
7 ready, I'm fine.

8 MR. VINER: Okay. Good evening. My name is Bill
9 Viner.

10 ZONING EXAMINER: Bill, I'm not sure - or excuse me,
11 Mr. Viner. If we could - I don't know if the Clerk can turn
12 off some of these lights so we can see the power point better.
13 Thank you. If you go through all the problems of putting one
14 together, we might as well see it.

15 MR. VINER: Yeah. Actually, I have just a short
16 introduction, then Rob, from WLB will -

17 ZONING EXAMINER: Okay.

18 MR. VINER: - go through that.

19 ZONING EXAMINER: Sure. Sure. Sure. Go ahead, Mr.
20 Viner.

21 MR. VINER: Thank you. Good evening. My name is Bill
22 Viner. I reside at 4121 North Camino Arco in Tucson. As you
23 might know, Pepper Viner is a local homebuilding company
24 established in 1985. The company has developed over 40

1 residential neighborhoods. Pepper Viner's on the leading edge of
2 sustainable, high performance, high design, and technologically
3 advanced homes.

4 Our whole system approach to homebuilding minimizes the
5 environmental impact, reduces energy consumption, while
6 contributing to the health of the occupants. We're very proud
7 that we were named the 2015 Southern Arizona Homebuilder of the
8 Year, and it is the sixth time that we have received this coveted
9 award.

10 Obviously, anytime a new development is being
11 considered for an established neighborhood, it's often a trying
12 time for the adjoining homeowners. Although it is difficult to
13 satisfy all the desires of the adjoining property owners, we
14 believe that the 54-home site plan with the restrictions, buffers
15 and open space that we are proposing will have a relatively low
16 impact, be a compatible use for the neighborhood, and provide a
17 viable, affordable, single-family detached housing alternative
18 for other members of our community.

19 Moreover, the new homes will offer Tucson new job
20 opportunities. For each house that we - for each new home, we
21 create approximately three to four new jobs. Also there will be
22 a very substantial increase in property tax revenue and
23 government services.

24 The Van Horne Project is a thoughtful, sensible plan

1 that will benefit the overall community. As I mentioned, Rob
2 Longaker from WLB is here tonight to review the specifics of our
3 proposed plan. Rob?

4 MR. LONGAKER: Good evening. Rob Longaker. I'm with
5 the WLB Group. Pleased to be here tonight to present this
6 project to you. I have a presentation for you tonight. I wanted
7 to go over some of the -

8 ZONING EXAMINER: Excuse me. Could you just say your
9 name again for the record?

10 MR. LONGAKER: Yes. Rob Longaker.

11 ZONING EXAMINER: Longaker. Okay. I notice our
12 transcript person sometimes has trouble with names.

13 MR. LONGAKER: All right. For the record, L-O-N-G-A-K-
14 E-R. Chris, please proceed to the next slide. Next one.

15 All right. First off, I wanted to just briefly
16 identify the location of the property in context. So this is the
17 location of the property right here. This green area is Udall
18 Park, Tanque Verde Road up to the north, Speedway to the south.

19 And I wanted to point out this graphic because it, it
20 identifies in the area that there are actually several different
21 types of uses and several different densities and intensities of
22 uses. So as I mentioned, the green is the park.

23 And the brown areas are higher density residential
24 projects, either duplexes or apartment complexes, with red being

1 service type, commercial. And then the blue we, have our school
2 sites, and church sites. And then the balance in this cream
3 color, that is single-family residential. Go ahead to the next
4 slide, Chris.

5 This is an aerial photo of the site, pointing out the
6 boundary here in black. The Pima Street is our northern
7 boundary. Fremming Avenue is our eastern boundary. To the
8 south, we have existing single-family residential units, and then
9 to the west is the Speedway landfill and recycling facility. And
10 on the aerial, of course, you can see this is the existing Van
11 Horne Elementary School site building. Go ahead to the next
12 slide, Chris.

13 As Mr. Beall mentioned in his Staff report that the
14 project does lie within the Pantano East Area Plan. It exists
15 right here. And wanted to mention to you a couple things about
16 that. The - there's a couple of documents that serve as a
17 foundation for this zoning request.

18 The first is this Area Plan. And as mentioned in the
19 Staff report as well, basically this Area Plan does support this
20 proposed project, and there's a few things that I'd like to
21 mention as to why it does support it. The, the density in the
22 area plan supports the density of up to six units per acre on
23 this project. This project is proposed as six units per acre.

24 The Area Plan also promotes residential in-fill

1 development, the land where adequate streets and utilities are
2 available, that also applies at the site. It also promotes
3 design flexibility and as I'll talk about later, we're actually
4 using the FLD, the Flexible Lot Design option. So it does
5 provide flexibility in design.

6 And then lastly, another point is that it says to
7 locate residential development outside of hundred-year flood
8 plains and we also meet that criteria. Go ahead, Chris.

9 The other document that provides a foundation for this
10 zoning request is the City of Tucson's General Plan, Plan Tucson.
11 And also as mentioned in the Staff report, Plan Tucson supports
12 this proposed zoning request as well. And there's a few reasons
13 I'd like to (inaudible) why that does support the zoning request.

14 The first is that the site is in what's called an
15 existing neighborhood designation. And that designation supports
16 this proposed development. It supports in-fill projects and
17 redevelopment projects. And, of course, this project is just
18 that.

19 Plan Tucson also encourages reinvestment in amenities
20 that contribute to neighborhood stability. It encourages
21 adequate buffering between the site and adjacent properties, and
22 also encourages planting of what's called attractive vegetation.
23 And I'll get into these things later and explain why they do
24 apply to this site.

1 Okay. This slide basically shows, and you can't read
2 it, but I'll explain it to you. It shows existing utilities.
3 So this site enjoys having existing utilities adjacent to it that
4 are capable of serving the site. Water, sewer, all your dry
5 utilities, gas, telecommunications and electric.

6 This map shows the existing zoning in the area, and you
7 can see in the blue, the blue is R-1. The site right now is
8 zoned SR, and our request tonight, next slide, please, is to
9 rezone it to R-1. The zoning, I wanted to pause for that for a
10 moment and talk about that for a second.

11 The - we feel that the rezoning request makes sense
12 because as you can see from the map and the exhibit that much of
13 the property around this site is indeed also zoned R-1. And we
14 have actually chosen to use the Flexible Lot Development option
15 for a reason. And one of the things that the FLD provides is
16 that it provides greater flexibility and creativity in the design
17 of residential development.

18 How does it do this? And when we went through the list
19 of those things, there is a list of about ten of those things.
20 Many of them apply to this site, and real briefly, one of the
21 options, or one of the things about FLD is that it provides
22 incentives to achieve community goals with in-fill housing
23 projects. And this meets that criteria.

24 Another component of FLD is that it should implement

1 the goals and objects of the General Plan and Area Plans. And as
2 I mentioned before, this project does just that. Another
3 component of FLD, it provides open space that is usable, and
4 includes suitably located active and passive recreational
5 amenities such as trails, paths, picnic areas and playgrounds.
6 And I'll touch on those things a little bit later in my
7 presentation.

8 Another component is that it provides for visual, and
9 where achievable, physical connections to open space areas on
10 adjacent properties. And as you can see, Udall Park is
11 diagonally located to the site, and we are providing a connection
12 to the park. And I'll talk about that a little bit later as
13 well.

14 And then a couple more things with FLD. It mentions
15 efficient use of land and public facilities by a more economical
16 arrangement of buildings, circulation system, land uses and
17 utilities. And we feel that that project - this project, as
18 proposed, meets just that as well.

19 And the last couple of things with regard to FLD is
20 that it's to provide high quality sustainable development within
21 the city that incorporates green building techniques such as
22 water harvesting, solar access and passive solar orientation.
23 And Pepper Viner Homes and this project does just that.

24 And then the last thing is, that applies to the site,

1 mitigating the urban heat island effect by requiring such
2 measures such as canopy trees throughout the FLD project, and
3 other acceptable mitigation efforts. I want to show you the site
4 plan. We are proposing substantial landscaping and shade trees
5 for this project.

6 And then to recap the open space in the FLD, the
7 tradeoff for doing an FLD basically is that you can reduce your
8 lot size in exchange for providing some other amenity. So with
9 an FLD, it's required you provide functional open space.

10 So what we've chosen to do is to provide additional
11 functional open space, the additional 20% of functional open
12 space in an exchange for reducing the lot size in this project.

13 And, in fact, this project provides just under 20,000
14 square feet of functional open space, a little less than half an
15 acre. And overall, we have a little over an acre of total
16 functional open space and common area. And again, I'll show you
17 where that's located when I get to the site plan. Go ahead to
18 the next slide. Okay.

19 We're excited about this community, and for a lot of
20 reasons. And one of the reasons is that this site has been
21 sitting vacant for over five years now. And a vacant school site
22 is causing some problems in the neighborhood.

23 Nobody's watching over it. There are kids going onto
24 the school site doing things they probably shouldn't be doing.

1 There's vandalism occurring. So we're excited about this project
2 because one of the things it does, it brings this dormant site
3 back to life.

4 So I'd like to spend a few minutes going through some
5 of the things that we're excited about, and why we think this
6 project makes sense for the City of Tucson and the neighborhood
7 in general.

8 And the first category is what I call reuse and policy
9 conformance. And as I just mentioned, restores the school site
10 to a viable use. Pepper Viner Homes is, as Bill mentioned,
11 recently voted Builder of the Year for the sixth time by SABA.
12 They build an excellent community, and an excellent home. And as
13 I mentioned earlier, we're consistent with the Area Plan and with
14 Plan Tucson.

15 All right. Community street and lot layout. We have
16 closely considered and thought about how to lay out this project.
17 And one of the things that we've tried to do where we can is lay
18 it out in a manner so that it actually integrates with the
19 existing neighborhood.

20 So for instance, our northern bank of lots, Lots 1
21 through 11, we've designed them so they front directly onto the
22 existing Pima Street. So we feel that it's using an existing
23 street. It's basically weaving those lots more or less into the
24 fabric of the existing neighborhood.

1 The lots oriented north/south, this maximizes solar
2 orientation. The cul-de-sac design we feel provides for quieter
3 community streets. And lastly, a point of reference is that this
4 design actually with the cul-de-sacs, in fact, matches the
5 development that's existing to the north and to the south that's
6 shown on the next slide. Here's the site.

7 And you can see to the south basically two cul-de-sacs
8 existing and connecting to Fremming, and you can see to the
9 north, we see the same pattern repeating. So more or less we've
10 echoed that design.

11 Okay. Buffers. And buffers is something that's
12 mentioned in, in all the base documents in the Area Plan and the
13 General Plan. And buffers is also an important component of the
14 FLD. But buffers are also an important planning component for a
15 lot of reasons on any project that we work on.

16 But in this project in particular, I'd like to point
17 out some of the buffers that we've actually worked on to make it
18 more compatible with existing surrounding land uses. So the
19 first that I'll touch on is the buffer on our western boundary.

20 So as we all know, we have the Speedway recycling and
21 landfill facility to our west. So as Bill and I began thinking
22 about this project, that we know that that's a challenging issue
23 for this site. So what we've been doing, Jason Tankersley is the
24 owner of that facility. We've met with him on at least two or

1 three occasions to talk about how we can make these projects co-
2 exist.

3 So one of the things we've done is that we've designed
4 in this common area along our western boundary and the width
5 varies anywhere from 20 feet to 70 feet in the middle here. So
6 we're proposing to make that a common area, and landscape it.

7 And in addition to that, there is actually on Mr.
8 Tankersley property, there is an existing landscape berm right
9 here, and it's an earthen berm. It varies in height six feet to
10 eight feet and there's a row of mature trees planted along the
11 top of it. So that actually provides, it's an existing natural
12 berm, created berm, I should say. But it provides an excellent
13 buffer between this project and that site.

14 And the last thing we're looking to do on the western
15 boundary is to build a six-foot block wall along our western
16 boundary. But we are continuing to have discussions with Mr.
17 Tankersley. We're also talking about enhancing this buffer on
18 his property. And the details, exact details to be determined.

19 But you've noticed some gaps in the vegetation here.
20 There's a couple places where the trees have died over the years.
21 So we're proposing to fill in those gaps and plant new trees.
22 And then also proposing the planting of some additional
23 vegetation along the west side of that berm.

24 All right. Along the south side of the property,

1 there's an existing alley that's located adjacent to our south
2 boundary line. That'll remain in its existing condition. We are
3 not accessing that.

4 On the east side of the project, we have a proposed
5 open space area, functional open space area, and common area. And
6 the width varies anywhere from ten feet in this area to 60 feet
7 through this area.

8 And we're actually pretty excited about that when we
9 started thinking about it because it provides a great buffer for
10 those that are located to the east. And we felt that it's a
11 great interface between the proposed community and the existing
12 neighborhood.

13 It's an open space area that'll be landscaped with
14 attractive plants and materials. We actually are proposing also
15 to build a six-foot sidewalk along the west side of Fremming. So
16 we feel that that open space area serves as an amenity not only
17 to this project but also to the existing neighborhood.

18 And then in a general sense, we feel that the
19 neighborhood and community as a whole will also help to buffer
20 existing residences from the landfill to the west.

21 Okay. Infrastructure. Exciting topic, I know. As I
22 mentioned before, we are connecting to the existing streets, Pima
23 Street and Fremming Avenue. They are existing local streets,
24 very low traffic volumes. We've actually had a traffic statement

1 prepared for us for this project by Mr. Marcos Esparza, and the
2 traffic volume actually on Fremming is less than a thousand
3 average daily trips per day. And on Pima east of this area, it's
4 only about 1400 trips per day. Very low volumes.

5 A road like that can handle in the order of 10 to
6 12,000 trips per day. This project might generate 500 trips per
7 day. So the impact to local streets and adjacent streets is very
8 minimal.

9 We also feel that the cul-de-sac design, and the fact
10 that these lots front onto Pima actually diffuses the traffic
11 pattern from the site, and doesn't focus it on one point to
12 existing streets.

13 As I mentioned before, we are existing, or connecting
14 to existing sewer and water lines. There is an existing sewer
15 line and water line in Fremming. And then there's an existing
16 water line in Pima.

17 So we are making connections to those, and actually
18 looping the water through the site to meet the requirements of
19 Tucson Water. Sewer, we're also proposing to connect to an
20 existing sewer line in Fremming as well.

21 I'd also like to mention that there's an interesting
22 situation going on in Pima which is that there's a 16-inch
23 reclaim water line that runs along this area, goes all the way
24 out to 49er Golf Course. And then on the very north side of the

1 road is where the existing sewer and water is located.

2 So we originally, we're thinking that we would have to
3 make connections from the homes for sewer and water all the way
4 across the street which meant several things. One is that long
5 stretches, lots of damage to the road.

6 We would heavily disturb this existing landscape
7 median. And in fact, those lines and the sewer line are actually
8 on the properties on the back side of the curb in this area. So
9 it would involve a lot of disturbance to existing houses and
10 their yards.

11 So we worked with Pima County Wastewater and Tucson
12 Water to come up with a better solution which is that we are
13 going to build a parallel sewer and water and line on the south
14 side of Pima, and make connections to existing infrastructure,
15 thereby shortening the connections for Houses 1 through 11, and
16 minimizing disturbance in the middle and northern portions of
17 Pima Street.

18 Okay. Amenities for the project. So we have a number
19 of amenities that we've plan for the project. And they all speak
20 to and address the requirements for functional open space as per
21 the FLD. We are providing pedestrian paths.

22 So we have a proposed six-foot sidewalk along the west
23 side of Fremming, and a six-foot sidewalk along the south side of
24 Pima. And both those sidewalks, by the way, will allow someone

1 to get to this point, which will then allow them to get to Udall
2 Park.

3 We also are proposing to construct a path in our
4 western common area in here which will bring someone to the same
5 point. So folks that live in here could walk along the sidewalks
6 that will be built per City of Tucson standards and the local
7 street, and get to this path and also get to points beyond,
8 including Udall Park.

9 As I mentioned before, we have a little over an acre of
10 landscaped common area. We're also proposing to provide shaded
11 sitting areas with benches strategically located throughout the
12 project.

13 And then one thing we're pretty excited about is that
14 we're proposing to do what's called a little free exchange
15 library. So if you're not familiar with that concept, basically
16 what it is, it's a structure, weatherproof structure that will be
17 built on our project.

18 And there'll be books inside of that so that it's
19 basically take a book, leave a book. Anybody in the community,
20 or anybody in the surrounding neighborhood, they can go to this,
21 they can take a book, and read it, and bring it back. Or if they
22 have a book they'd like to contribute, they can leave it in that
23 facility. And we thought it was a great way, one way, to
24 commemorate the fact that the site is an old school site.

1 And maybe we even build it or design it so that it has
2 some reflection of the Van Horne Elementary School site. So
3 we're really excited about that idea.

4 And then lastly, also, we are going to provide
5 attractive low water use landscaping all per the plant list of
6 the City of Tucson. And we're going to be using and tapping into
7 the effluent line, the (inaudible) water line that we have right
8 here. So smart use of water. There's already meters, in fact,
9 here and here. So makes it real easy to connect to that water in
10 the water smart project.

11 Okay. Neighborhood friendly. So we have been working
12 on the project, and being sensitive to what's going on in the
13 neighborhood. And we've had a couple neighborhood meetings and
14 we've heard a lot of things said at the meetings, and we've tried
15 to respond to them.

16 And I know there's some folks in the audience tonight
17 that are gonna speak, and obviously, there's several letters that
18 have been submitted. But I just want to go over briefly why we
19 think the project really is friendly to the neighborhood.

20 First off, the row of lots on the south boundary of the
21 property, they're all restricted to single-story maximum height,
22 16 feet. And then just this week, I've been working with John
23 and Dan on an additional condition which is in the, the Revised
24 Conditions that you have in front of you. And we also have

1 included in the condition that we will restrict these lots that
2 are adjacent to Fremming to single story as well.

3 And then there's been a lot of discussion about two-
4 story homes on the project. So just this week also, and per my
5 conversations with Staff, we have also included in that condition
6 a limitation in the number of two-story homes.

7 So essentially what we have proposed is that in this
8 area, the rest of the area that is not restricted to single-
9 story, there will be no two-story houses with adjacent side
10 yards. I'd also like to point out that from our southern
11 boundary, so basically from the alleyway to this area here where
12 the first two-story home might be located, it's approximately 180
13 feet from that location to there.

14 And as I mentioned before, we are not providing any
15 access to the alley to the south. In fact, there'll be no access
16 easement on the recorded final plat prohibiting that.

17 Okay. A few more items regarding how the project is
18 neighborhood friendly. And I've already mentioned it. We have
19 mentioned the buffer on the west side. We've mentioned the
20 little free exchange library.

21 We've mentioned the lots that front on Pima, and we've
22 also mentioned the attractive landscape buffer border that we're
23 having along the eastern boundary along Fremming.

24 Safety. So we have been considerate of safety in the

1 community. And a couple things there. One is that right now,
2 since we have the landfill next to us, and then to the west of,
3 of the Speedway recycling facility is the old closed Vincent
4 Mullins (ph.) landfill.

5 So as we're all aware with landfills, there is a
6 possibility, and there is the generation of methane gas. So
7 currently there are like five monitors, methane gas monitors that
8 are located just off our western boundary and very close to that
9 berm I mentioned previously.

10 And City of Tucson Environmental Services Department
11 uses those monitors, and they go out every month and they take
12 readings from those monitors to insure that there's no methane
13 transgress from the recycling facility and the landfill into not
14 only this project but, you know, the whole surrounding
15 neighborhood.

16 So we've had numerous conversations and a couple of
17 meetings with City of Tucson Environmental Services. And as we
18 also know, the City of Tucson has a landfill ordinance which
19 requires certain things to be done with 500 and 100 feet of a
20 landfill.

21 So we've actually come up with a plan and concept in
22 conversations with Tom Ryan and Andy Quigley from Environmental
23 Services and what we're proposing to do is allow for the
24 installation by the City of Tucson of new monitoring wells in

1 our western common area. And you may be wondering why we would
2 have additional monitoring wells in the common area.

3 Way down the road, this alignment is actually the
4 Prudence Road alignment. It goes all the way down to the south,
5 to Speedway. And the Tankersley property actually has a P-A-D on
6 it. And the P-A-D, one of the purposes of the P-A-D was to plan
7 for the future land use for this site when the operation ceases.

8 And one of the components in that P-A-D is that
9 Prudence may be extended from here north so that it connects in
10 this area with Pima and also ultimately ends up in the park.

11 So Environmental Services indicated to us that they
12 were concerned that if that does happen, that it may compromise
13 the location of those monitoring wells. The road may interfere
14 with them. So as a way of allowing them to continue monitoring
15 the methane gas, we have proposed a solution where those wells
16 will be located in the western common area.

17 So where actually that's a good thing for this project
18 as well, but it's also a good thing for the surrounding
19 neighborhood to make sure that there is no methane gas getting
20 into surrounding neighborhoods.

21 Crime prevention. CPTED, Crime Prevention Through
22 Environmental Design. We've made sure that our common areas
23 don't have hiding areas where people could hide, and cause harm,
24 physical harm to anybody that might be living, or visiting the

1 community.

2 I mentioned earlier, too, that we actually think that
3 despite the fact that we know that closing the school site was
4 upsetting to the neighborhood, we understand that, but the fact
5 is that it's sitting there vacant. I don't think it's that good
6 for the neighborhood at all.

7 So removing the school site and putting it back to a
8 productive use will really eliminate such things as vandalism and
9 misuse of the site that's occurring today. And then, of course,
10 from safety perspective, our streets will be designed to City of
11 Tucson standards allowing proper access into and out of the
12 subdivision.

13 And then the last few benefits that I'd like to mention
14 are we are employing rain water harvesting and LID, Low
15 Impact Design with our drainage features. In fact, with the
16 design of the site, we're actually reducing the flows that are
17 leaving the site.

18 And one of the things that was mentioned in our
19 neighborhood meeting is that during heavy rainfalls, there
20 actually are some flooding concerns in this area. But we're
21 actually helping that because we're minimizing and reducing the
22 amount of water that comes off of the site.

23 Site lighting that we might have in the common areas
24 and the entry will, of course, be in full conformance with the

1 City of Tucson/Pima County Outdoor Lighting Code. And then as
2 Bill mentioned, too, this project does provide a source of
3 revenue for the City of Tucson.

4 Okay. Neighborhood concerns regarding the proposed
5 community. Obviously, based on the letters that you received,
6 there are concerns with folks that live in the area. And we've
7 had two neighborhood meetings on the project. We've talked about
8 numerous issues. And then I read the protest letters that we
9 received and read the issues that are contained within those
10 protest letters.

11 And the general theme is that there are probably two
12 major concerns, and a third lesser concern. But I wanted to take
13 a moment and address what those concerns are, and how we're
14 actually addressing those. Sorry. Go back.

15 All right. The first concern that has been identified
16 has to do with the lot sizes and density of the project. And as
17 I mentioned before, the density of this project is six units per
18 acre, and our lots are basically 5,000 square feet. The R-1
19 zoning district minimum, if you're not using FLD is 7,000 square
20 feet.

21 Homes in the area surrounding are larger. There's some
22 homes that are seven, eight, nine, ten thousand square feet. So,
23 we understand that, and - but we think that basically that the
24 foundation documents that support the zoning such as the Area

1 Plan, they support this density. Plan Tucson supports this
2 density and this use.

3 And the other thing, one of the other things that smart
4 growth addresses is that it talks about developing in places with
5 existing infrastructure, making use of core areas, redevelopment
6 areas within the city that are close to existing roads that could
7 handle the project. Close to existing utilities that could
8 handle the project. So we feel that that merits the use on this
9 site. Rather than building on the fringe, let's put our
10 development in the core areas that can support it.

11 Okay. The other major issue that I wanted to touch on
12 has to do with height. And there have been comments made that
13 the houses are too high, and that the two-story homes proposed
14 for the community would be out of character with the existing
15 neighborhood.

16 And, yes, it is true that generally speaking, for the
17 most part, the homes in the existing neighborhood are single
18 story. And I didn't go out and measure all the homes but, you
19 know, they probably are, you know, the range of 12, 13, 14, 15
20 feet or so. Our homes are proposed single-family max of 16 feet.
21 And then per the Zoning Code, the two-story home will be a max of
22 25.

23 So what we've done, and, Chris, if you can go ahead a
24 couple slides, keep going. Keep going. Right. I wanted to go

1 back just briefly to the, the conditions. So we had proposed
2 this condition, and we had proposed that condition, and it was in
3 existence when we had our last neighborhood meeting to restrict
4 those to single story.

5 Just recently, and the neighbors aren't fully aware of
6 it, we've actually proposed the additional conditions which limit
7 these four houses to single story, and that also limits the
8 number of two-story home that can be built in the balance of the
9 project.

10 So we feel that that additional condition does help
11 nullify that concern to some degree. So, you know, we're
12 comfortable with that, and we feel that that makes this, helps
13 make this project more compatible with the surrounding area.

14 Also, the location of the two-story homes, generally
15 speaking, will be in this area. And, and that's a good thing
16 from the surrounding neighborhoods from the perspective of use,
17 because the further they are away from the homes here and here
18 will help to mitigate negative impacts to views to the Catalina
19 Mountains to the north.

20 And then the last issue that was brought up had to do
21 with traffic. And I covered it before, but basically we had a
22 traffic report that shows evidence that in fact the traffic
23 generated by this project is fully capable of being served by the
24 existing roads.

1 And, in fact, when you compare it to the traffic
2 generated by the school, actually the gross numbers are pretty
3 similar. We don't have the same intense periods when moms and
4 everybody else are driving their kids to school in the morning,
5 and picking them up in the afternoon.

6 But overall, actually the traffic volume is more or
7 less the same as was the school. Need to go back a couple
8 slides, Chris. One more. Go ahead, one more. Forward.
9 Forward.

10 MR. LANGHAN: (Inaudible)

11 MR. LONGAKER: Yeah. All right. A couple documents.
12 We have read the report that was developed by Planning &
13 Development Services, and we agree with its findings. We worked
14 with Staff on the conditions of approval which you have in front
15 of you. We do agree with those conditions. Go ahead, Chris.

16 Pepper Viner, as Bill said, they're, they're very
17 excited to build this project. They're a, they're a local
18 homebuilder. They've built a great community, a great project.
19 I've been working with Bill Viner for a number of years.
20 Pleasure to work with. I know he'll build a community that will
21 be an asset to the surrounding neighborhood. Go ahead.

22 With that, I conclude my presentation. We'd be happy
23 to entertain any questions that you may have tonight.

24 ZONING EXAMINER: Could we go back to one of your site

1 plans?

2 MR. LONGAKER: Sure. Go forward, Chris.

3 ZONING EXAMINER: So you've talked about these common
4 areas having sidewalks and having benches, and possibly a little
5 library box. Does that suggest that this, these areas are being
6 managed or taken care of by Homeowners Association?

7 MR. LONGAKER: Yes. The Homeowners Association will be
8 responsible for all the green area you see on the plan.

9 ZONING EXAMINER: Okay. And you also mentioned that
10 your - you have a row of, of lots where they're one story. And
11 then if we start at the bottom of the screen, is that south, I
12 assume?

13 MR. LONGAKER: Yes.

14 ZONING EXAMINER: And moving northward. So the first
15 row of lots are one story. That means the first time you see a
16 two-story lot would be in the second row of lots, is that
17 correct?

18 MR. LONGAKER: Correct. Right here. Right.

19 ZONING EXAMINER: So if you look at your aerial where
20 the existing homes are, approximately what is the distance from
21 those homes if I'm standing in the back yard - and, and let's not
22 go from their house, but let's go from the property line -

23 MR. LONGAKER: Uh-huh.

24 ZONING EXAMINER: - to where they would - to the

1 property line of the second-tier lots. Do you know how - what a
2 distance that is?

3 MR. LONGAKER: Yeah. So from the south property line,
4 we would go 100 feet, and another 51 feet to the north side of
5 the regular lot line, and then probably another 120 feet to the
6 face of a house potentially. So we'd have 170, plus or minus,
7 feet.

8 ZONING EXAMINER: And the alleyway?

9 MR. LONGAKER: Oh. From the alleyway, add another - I
10 believe the alleyway is 15 or 20 feet wide, so probably close to
11 200 feet.

12 ZONING EXAMINER: So 185 to 200 feet approximately.

13 MR. LONGAKER: Approximately, yes.

14 ZONING EXAMINER: And then you said that second tier of
15 lots would not have two, two-stories adjacent to each other.

16 MR. LONGAKER: Correct.

17 ZONING EXAMINER: So it could be one, one lot, like if
18 we started at the west, that could be a single story, then a two
19 story, single story and two story, is that -

20 MR. LONGAKER: Right.

21 ZONING EXAMINER: - how it would kind of progress?

22 MR. LONGAKER: Yes.

23 ZONING EXAMINER: And have you - you've had a chance to
24 talk to the neighbors about that particular proposal that your -

1 in your neighborhood meetings?

2 MR. LONGAKER: The, the most recent statement you just
3 made about the restrictions on the two-story homes?

4 ZONING EXAMINER: The - okay. First, the south tier of
5 lots, do the neighbors know about that being -

6 MR. LONGAKER: Yes.

7 ZONING EXAMINER: - one story?

8 MR. LONGAKER: Neighbors know about this.

9 ZONING EXAMINER: Okay. You talked about that in your
10 neighborhood meeting?

11 MR. LONGAKER: Yes.

12 ZONING EXAMINER: But you didn't talk about the eastern
13 group of, of lots, nor about the possibility of limited number of
14 two story in the body of the subdivision, correct?

15 MR. LONGAKER: That's correct. We came up with that
16 condition after our second neighborhood meeting when we continued
17 to hear the concern. So we worked with Staff on coming up with a
18 condition that we thought would help -

19 ZONING EXAMINER: Okay.

20 MR. LONGAKER: - to modify (sic) their concern - or
21 nullify their concerns.

22 ZONING EXAMINER: Let's see if I have any other
23 questions. Okay. That was my key questions I wanted to ask
24 right now.

1 MR. LONGAKER: Okay. Thank you.

2 ZONING EXAMINER: Okay. So at this point at the public
3 hearing, what we do is first we hear those who are in favor of
4 the rezoning. And then after those speakers, we hear those who
5 are not in favor or, you know, against the rezoning.

6 So, first, I'm going to ask, is there anybody who
7 wishes to speak in favor of the rezoning at this time? Okay.
8 Come forward. Name and address for the record and sign in there.

9 MR. MURILLO: Richard Murillo. I'm with TUSD Planning
10 Services. TUSD fully supports the rezoning of the former Van
11 Horne property. We believe that this development is consistent
12 with the beneficial use of the property, and school districts
13 property disposition plan that we developed about a year and a
14 half ago.

15 The final disposition of the property provides the most
16 beneficial use as, as far as we understand, and the property in
17 the development as shown.

18 ZONING EXAMINER: Okay. Thank you. Is there anyone
19 else who wishes to speak in favor of the rezoning at this time?
20 Okay. Come forward. Name and address, sign in and then state it
21 for the record.

22 MR. GIEDRAITIS: Tom Giedraitis, 1610 North Fremming
23 Avenue. My name is spelled G-I-E-D-R-A-I-T-I-S.

24 ZONING EXAMINER: Great. Our transcript person will

1 appreciate that.

2 MR. GIEDRAITIS: Well, first of all, I just want to
3 say, I hope that this can be worked out between Pepper Viner and
4 my neighbors. I don't want to discount what my neighbors'
5 concerns are because I think these people all have valid
6 concerns. But I think there's some things about what's going on
7 now that they don't know about, and this development here is much
8 better than what I'm living with now.

9 I live on Fremming Avenue. I'm the middle house there
10 just to the east of the property. When I moved in there was a
11 school there and traffic wasn't bad. I mean once in a while it
12 was busy in the morning. When they closed the school we, I met
13 Clint and Jan at these meetings.

14 Unfortunately, I don't meet these people at barbecues,
15 I meet them at City Council meetings and rezoning meetings, but
16 they seem very nice, so - there's people that have proposed
17 (inaudible) and school house ventures came by and wanted to do
18 these projects that obviously weren't gonna fit with the
19 neighborhood.

20 I once heard that there was gonna be a homeless shelter
21 there. Adelita Grijalva (ph.) was in the newspaper saying that
22 we should put the refugees from Central America there. And I
23 just thought, you know, "I'm living in a neighbor in the middle
24 of the city. Can't we do something nice?" So I think what, what

1 Pepper Viner's proposing is perfect for, for the neighborhood.

2 Here's some things that I've been through. When the,
3 when the school first closed, TUSD promised us that they were
4 gonna keep up that school. They have done nothing. In fact,
5 even if you called them with a security issue, they weren't, they
6 weren't even showing up. They completely abandoned that
7 property.

8 The grass died and it all blew into my yard, into my
9 house. My wife has asthma. It didn't help that. The windows
10 are boarded up. I've witnessed countless people, or I should say
11 a dozen times, people breaking into the school. I've had to call
12 the police many times. I'm not a, I'm not on drugs, but I know
13 what a drug deal looks like, and I've seen it happen at that
14 school right across the street from my house.

15 If you cross Fremming where, kind of where that buffer
16 area is that they have now, that's currently parking, overflow
17 parking for the school. People park there at night, and you hear
18 the doors slam at 2:00 in the morning. You hear them playing
19 their music. By the time I call the police, they'd be gone.

20 Two weeks ago, I went out on a Saturday morning and
21 there was a shoebox across street. I found drug paraphernalia, I
22 found straws for snorting drugs, I would assume. I found an
23 empty plastic bag, so I threw it away. I have a neighbor that
24 walks up and down that Fremming picking up trash every Saturday

1 morning. And that trash is coming from people coming there
2 Friday night. And I deal with that noise all the time. And it's
3 scary, I don't like it.

4 There was a grass fire at that school. I had to call
5 the fire department because people light fireworks on there.
6 More than once that's happened, but the grass fire happened once.
7 That was a little unnerving.

8 My house was burglarized. My neighbor's house to the
9 north of me was burglarized a few months later, and if I - I'm
10 paraphrasing here, but I think the police officer called us
11 sitting ducks because there is nobody to watch out for us.

12 The house to my south faces Lee Street, not Fremming.
13 So we're basically sitting there, and somebody could stand at
14 that school and watch us leave and then they're free to do
15 whatever they want. So we both barred our houses now which I
16 really didn't like doing, but I got a family to protect.

17 I find beer cans. This is disgusting, but I found a
18 used prophylactic in front of my house in that common area not
19 too long ago. There's a basketball court there that's made of
20 metal. And people will go there at night, even on my school - on
21 school nights, and you can hear a basketball hitting that rim
22 from hundreds of yards away.

23 And I live right across the street from it, and it's
24 loud and it wakes you up. I've had kids that go, go shoot

1 baskets Saturday morning, 6:00 in the morning. I'm usually up
2 pretty early, but on Saturday morning, 6:00 is sometimes a little
3 early.

4 ZONING EXAMINER: I'm gonna ask you to start wrapping
5 up. I, I -

6 MR. GIEDRAITIS: Okay. Okay.

7 ZONING EXAMINER: I'm getting the drift of what -

8 MR. GIEDRAITIS: Okay.

9 ZONING EXAMINER: - you're saying.

10 MR. GIEDRAITIS: So, yeah. So I completely support
11 this and hope that they can work this out. And I have one
12 request for Mr. Viner. When this plan goes through, when they
13 decide to demolish that school, if I am given the date and time
14 so I can pop a bottle of champagne in my front yard, and watch
15 you guys do it, and I'm offering my services with a sledgehammer
16 to get that school down. So that's what (inaudible)

17 ZONING EXAMINER: Okay. Thank you very much for your
18 testimony. So one more time. Anybody else who wishes to speak
19 in support of the rezoning? Okay. Now, anybody who wishes to
20 speak against the rezoning, could they raise their hand? Okay.
21 The gentleman in the front. So sign your name and address and
22 then state it for the record.

23 MR. NELSON: My name is David Nelson. I live at 7511 -
24 can you hear me?

1 ZONING EXAMINER: It's better to speak into the -

2 MR. NELSON: Okay.

3 ZONING EXAMINER: Just sign that and then we'll wait
4 for you. So Mr. Nelson and everybody who is going to speak from
5 this point, I gave the last gentleman about five minutes. And
6 that's how - I'll give you, I'll give you a little bit more to
7 finish up if you need it.

8 MR. NELSON: Oh, I, I should be very - generally brief.
9 My name is David Nelson. I live at 7511 East Lee Place. My back
10 yard is adjacent to the southwest corner of the project. My
11 house is right here at this corner.

12 ZONING EXAMINER: Gotcha. Okay. I see it. Thank you.

13 MR. NELSON: Anyhow this gives you the general
14 location. By and large I'm generally supportive of what Pepper
15 Viner's trying to do. I think it's well thought out, I think
16 it's comprehensive. My basic concern is still the 16-foot height
17 of single-story houses.

18 From my back yard, I basically have unfettered - well,
19 I used to have unfettered mountain views from like about 270
20 degrees around my house. The six-foot berm and probably the 10-
21 to-12-foot high trees on the Speedway landfill kind of impede my
22 views to the west. And I'm just concerned that the 16-foot house
23 is going to impact my, my aesthetics, my views to the north, and
24 reduce the marketability of my house.

1 I'm getting to be a little older. I have to, I have to
2 consider downsizing at some point in time. There's been other
3 houses in the area that have languished on the market or have
4 been unsalable, and so therefore, my concern.

5 Otherwise, I, I'm basically in favor of developing this
6 vacant school site because as Tom said, there's, there's numerous
7 concerns continuously. And I think the height consideration
8 could be - or the height impact could be given a little bit more
9 consideration. We'd be appreciative. Thank you for your time.

10 ZONING EXAMINER: Thank you. Could I ask you just one
11 question? When was your house built?

12 MR. NELSON: '76, '75.

13 ZONING EXAMINER: Okay. Mid-'70's.

14 MR. NELSON: Yes.

15 ZONING EXAMINER: Do you know the height of your house?

16 MR. NELSON: I - mine is kind of a flat roof, so I'm
17 probably 11 feet.

18 ZONING EXAMINER: Eleven feet.

19 MR. NELSON: I think most of the houses in the
20 neighborhood are probably 11 to 13.

21 ZONING EXAMINER: Uh-huh.

22 MR. NELSON: So - and, you know, with the, with the
23 narrow lots, and the proximity of the, of the backs of the
24 houses, with setbacks, front and back, I, I think it's an impact

1 on our sight presence to the north.

2 ZONING EXAMINER: Okay. Thank you very much.

3 MR. NELSON: May I submit my protest letter at this
4 time?

5 ZONING EXAMINER: Sure. You could just lay it down
6 there in the front there, and John will go over and pick it up.

7 MR. NELSON: Okay. Thank you.

8 ZONING EXAMINER: Okay. Next speaker against? Okay.
9 The gentleman back there.

10 MR. SULGER: My name is Clinton Sulger. I live at
11 7541 East Lee Place.

12 ZONING EXAMINER: Could you just say your name again?

13 MR. SULGER: You bet. Clinton, and then Sulger. It's
14 S, as in Sam, U-L-G-E-R.

15 ZONING EXAMINER: Okay. Thank you.

16 MR. SULGER: Me and my wife, Jennifer, we live at the
17 house directly south of (inaudible)

18 ZONING EXAMINER: Could, could you give him the pointer
19 so I could see where you're talking about? Thank you.

20 MR. SULGER: (Inaudible) Right there.

21 ZONING EXAMINER: Okay. Gotcha.

22 MR. SULGER: Our biggest concern is our privacy, the
23 lot size. One thing you had mentioned was the, the size of the
24 homes and the setback. Robert was kind enough to come out to our

1 home and do a little on-site visual for us, which I have some
2 photos I can share with you, of what the homes would supposedly
3 look like.

4 So one of the concerns was obviously two-story houses.
5 That would not be a concern at all because the height of the
6 single-story house would completely block our view. The reason
7 for that is the size of the houses they're proposing is 16 feet
8 tall. Our houses are about - well, I measured it. It's 11 feet
9 tall. Our house is set back 50 feet from the back wall. They
10 are proposing 30 feet.

11 So he came out and did a visual for us, put a pole up
12 and took some pictures. It pretty much eliminated the mountain
13 view completely. We did our own little sight thing and proposed
14 if the houses were actually 50 feet back, and 11 feet tall, it
15 would still impact our view, but not quite as much.

16 So the biggest concern we have would be privacy,
17 property value, and of course, our views. I mean that's one of
18 the reasons why we live there is because of being able to walk
19 out our back yard and look at the beautiful mountains.

20 They are also proposing 54 lots on a lot that should
21 really only have about 32 homes on it based off the style of
22 houses and the size of the lots it would have. So not only are
23 they building homes that aren't the same style, not brick homes
24 which is in the neighborhood, but they're building stucco, and

1 they're trying to cram more homes into a lot size which is not
2 gonna look the same, basically, like sticking out like a sore
3 thumb. So that is our major concern there.

4 Obviously, the school needs some attention. I don't
5 understand why the school can't just be repurposed for what it
6 is, it's a school. There was proposals for the school to be
7 bought as a school from what I remember from the meetings we went
8 to, and those were proposed and denied. Why, I don't know.

9 Time of the project was also an issue. I know that
10 they don't build a home until it's sold. So driving by their
11 properties that they have now on the Tanque Verde lot that have
12 been sitting there, this could take years. We're sitting there
13 with construction going on, dirt and dust. Obviously they have
14 to control that but here we are having to deal with that project.

15 So our biggest concerns obviously with us is gonna be
16 the view. The size of the homes make no difference. Putting
17 two-story homes two rows back, we wouldn't even see that because
18 of the size of the one-story homes being so close to us and being
19 as tall as they are. And I do have photos if you guys are
20 interested in that. I will (inaudible)

21 ZONING EXAMINER: Yeah. John, could you get those?
22 And those are for us?

23 MR. SULGER: Yeah, you can have them.

24 ZONING EXAMINER: Okay.

1 MR. SULGER: I have copies. This is the proposed -
2 what Robert came out and did for us. And this what is proposed,
3 what it would be if they actually built the homes to the style of
4 the homes (inaudible) that we have now. And actually I do have
5 our letter here for you as well. Thank you.

6 ZONING EXAMINER: Okay. Next speaker. Okay, sir. And
7 you know the procedure. Sign in, name and address, and then -

8 MR. HART: I signed in previously. (Inaudible)

9 ZONING EXAMINER: Okay. Go ahead.

10 MR. HART: My name is Tim Hart. I'm a homeowner at
11 7740 East Clarence Place which is a little bit east of this
12 development, but still what I consider to be in the community.
13 My wife and I have been homeowners there for just under two
14 years.

15 My wife lived in a rental property on Lee, Lee Place
16 prior to us buying the home on Clarence Place. So I know the
17 view that they're talking about very well and I'm very familiar
18 with the community.

19 It's unfortunate that I wasn't able to be aware of the,
20 the neighborhood meetings that were held. So this is the first
21 time I've been able to give my voice about this project. We're
22 also parishioners of the, of the nearby St. Pius Church. So
23 we're very, we feel like we're - that this is not just a
24 neighborhood. This is our home, this is our community.

1 And I like to consider myself a reasonable person.
2 While there is problems going on with the school and the fact
3 that it's vacant, and there might be some blight there, I'd be
4 open to talking to the neighbors about creating a Neighborhood
5 Watch if it's that much of a problem.

6 I think the Tucson Police Department does a great job.
7 I, I work for the Juvenile Court, you know, and, and I'm out
8 there on those streets as well trying to, trying to make sure
9 that our neighborhoods are as safe as they can be.

10 Some of the things that I did want to address about the
11 proposal, and I do appreciate the work done by Pepper Viner -
12 just open my notes here. One of the things that I heard
13 mentioned about the property just to the west is that it's part
14 of the Prudence Road that could possibly be opened up in the
15 future.

16 Now I don't know how far into the future we might
17 project that, but if that's the case, we're talking about a
18 significant amount of traffic in the area. If we look just to
19 the west and south of Udall Park where there's currently
20 construction going on for the connection from Kolb Road to
21 Sabino Road, so - and that's not very far from this, from this
22 development.

23 Additionally, they talk about the access to Udall Park
24 that they'd be adding, and we really don't need that. We already

1 have the access to Udall Park. I walk, you know, I walk my dog
2 on Fremming Avenue often, and I - the only reason my wife found
3 out about this proposal was because she happened to walk over to
4 the school and see the posted signs.

5 She wasn't using drugs while she was there, so that was
6 good. But she's concerned. It's, it's a significant property in
7 that neighborhood and as was mentioned by, by the representative
8 that gave the presentation, the community was upset when the
9 school went away. But this, I don't believe that this rezoning
10 is the proper re-functioning of the, of the property.

11 Not only the heights of the homes, but the size of the
12 lots do not fit the neighborhood. And I think it's a classic
13 business versus residents and community. I mean I know that they
14 have to, they have to make the money by having smaller lots and
15 being able to make their money, but it just doesn't fit.

16 And it shouldn't be that just because the way we do
17 business now and all these new lots are gonna be built with
18 smaller homes that we have to accept it in the community that we
19 have. We can definitely come up with a smarter plan for this
20 community for this development.

21 So I appreciate you giving me the time. I had some
22 other things, some notes that I wanted to address, but I think
23 that's all for now. Thanks.

24 ZONING EXAMINER: Okay. Thank you. Anyone else?

1 Okay. I'm gonna consider that there's no one else to speak. So
2 do you want to come back up and -

3 MR. LONGAKER: Thank you for the opportunity to speak
4 after the neighbors have expressed some of their thoughts on the
5 project. So first off, thank you to those who spoke in support
6 of the project.

7 And as I mentioned in my presentation, we're, we're
8 well aware that there are some concerns of the neighbors for this
9 project. And as Mr Sulger mentioned, he was kind enough to let
10 me into his house one evening to walk into their back yard, you
11 know, and take a look from that vantage point to get a better
12 understanding of how the project may look.

13 Just so you know what we did, and the pictures that he
14 provided to you, we did send him one photo. Chris, who's with me
15 tonight, we took a PBC pole out on the property to approximate
16 where a home might be located on a lot along the southern part of
17 the site, basically a lot that, that's due north of the Sulgers'
18 house.

19 And, you know, we flew it up to 16 feet, and then I
20 should also note that actually in that area, the way we're
21 designing the site and grading it, we actually have about a foot,
22 to a foot and a half of cut. So the natural grade is actually
23 being lowered.

24 So, yes, I mean I'm not denying the fact that a home in-

1 that area is going to block views. It doesn't block them
2 entirely as you'll see from the pictures. You know, there's
3 still a portion of the mountain that's above it, but we
4 understand that. And, and Mr. Nelson expressed the same concern.
5 So, you know, we definitely appreciate that.

6 Been doing this for a long time. I wish that I could
7 make everybody happy, I really do. And - but we know any project
8 we do, there's always some people that it doesn't always quite
9 work out. But overall, we feel that this is a good use for this
10 site, you know, it's supported by, by approved documents, the
11 Area Plan and General Plan, City of Tucson.

12 It's bringing the site back to life. I, I know there's
13 fear about change, we all fear it. But sometimes when you get to
14 the other side, you know, maybe it's not as bad. You know, I
15 think that a lot of good people have moved into this neighborhood
16 and I think it'd integrate with the neighborhood and be a good
17 addition to it.

18 So, yeah, I guess that's your charge, of course, to
19 decide, but, you know, we're fully confident that we're bringing
20 you a good project. And of course, we're not making everybody
21 happy on this, but we feel that overall (inaudible) and overall
22 that it's a good thing for the neighborhood and most folks in the
23 area would support this project.

24 ZONING EXAMINER: You have 54 lots here, and the reason

1 you have 54 is because that's the density of R-1, is that
2 correct?

3 MR. LONGAKER: The 54 lots came about via, basically, a
4 couple of factors. One is the R-1, of course. And then on top
5 of that is the use of FLD which allows us with the provision of
6 additional functional open space to reduce the lot size. And
7 then Pepper Viner selected that lot size as the lot size that
8 would work for them. So by virtue of those few things, we've
9 ended up with that number of lots.

10 ZONING EXAMINER: So R-1, the minimum lot size is 7,000
11 square feet. If you divide the 7,000 square feet into the total
12 acreage of the site, you come up with around 54 or so. And what
13 you did was you took that 7,000, you modified the lot size and
14 you increased common area to make, to make up for the - kind of,
15 that's kind of what your design idea was?

16 MR. LONGAKER: Yes. It's a general assessment of how
17 we approached it, that's fair.

18 ZONING EXAMINER: Can I ask Mr. Viner a question?

19 MR. VINER: Yes.

20 ZONING EXAMINER: Mr. Viner, the one gentleman is
21 concerned about 16 foot. And I asked him the question, what's
22 the height of your home, and he says about 11 foot. And that was
23 built in the mid-'70's. Does anybody build 11-foot, one-story
24 11-foot homes in 2016?

1 MR. VINER: I'm not familiar with any homes being built
2 at 11 feet today.

3 ZONING EXAMINER: What is the typical? You know,
4 you're a long-time homebuilder in the area. What's the typical
5 size of a one-story residence in today's market?

6 MR. VINER: I really haven't done any study. I can
7 tell you what our homes are. Our homes are generally, you know,
8 14 to 16 feet in height.

9 ZONING EXAMINER: Okay. And I don't know if this
10 should be addressed to you, or your consultant. One of the
11 things that Mr. Beall pointed out at the beginning is that you're
12 in a super majority protest situation. It appears you've had a
13 couple meetings with your neighbors.

14 That's not the greatest position to be in to go to the
15 Mayor and Council. My question to you is, do you see value in
16 maybe another meeting with the neighbors?

17 MR. VINER: Actually I, I think we would just be
18 repeating the same information. I think we're well aware of what
19 their concerns are.

20 ZONING EXAMINER: Uh-huh.

21 MR. VINER: So we had a second meeting. We reacted to
22 that. We came back with some changes recently to our original
23 plan. So not, you know, I can't say 100% there wouldn't be some
24 benefit.

1 ZONING EXAMINER: Uh-huh.

2 MR. VINER: But I think we know what their concerns
3 are. We pretty much know what we need to do to make this a
4 viable, economic product for us to complete this project. So I'm
5 not sure there would be any mutual benefit to having another
6 meeting.

7 ZONING EXAMINER: Could I just get a feel from the, the
8 neighbors who spoke against this? Do you see any value in having
9 another meeting? Go ahead. You, Mr. Wallace (sic)?

10 MR. NELSON: Nelson.

11 ZONING EXAMINER: Nelson. Sorry. You can come up -
12 can you speak into the, the microphone?

13 MR. NELSON: Mr. Viner, do you have a 12 or 14-foot
14 product?

15 MR. VINER: Not, not currently.

16 MR. NELSON: Could you develop one? I'm, I'm not
17 trying to be -

18 MR. VINER: Right. And I, and I understand that. But
19 it's really what is acceptable in the marketplace. You know, the
20 homes that are currently in the neighborhood are nice, but they
21 were built in the '70's. There's a different expectation in
22 terms of what the homes are that, you know, for people today.
23 So we're trying to, to service that need.

24 MR. NELSON: Okay. Understood.

1 MR. VINER: And generally the homes inside, you know,
2 that the ceiling heights that we're building are 10-foot high.
3 And most the homes that were built in, in the '70's were eight
4 foot. So, you know that's a huge part of the difference.

5 MR. NELSON: (Inaudible) rooms you have open floor
6 plan. There's probably some pushback, again, so -

7 MR. VINER: Right. And, and I like some of the older
8 homes. It's just for us, it's, it's a market-driven reaction in
9 terms of what we're trying to provide the marketplace.

10 MR. NELSON: Understood.

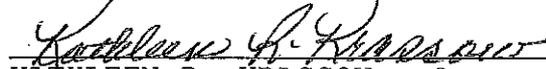
11 ZONING EXAMINER: Okay. One last chance, anybody else
12 in the neighbors who are against it? Okay. I think what I'm
13 gonna do here is I'm gonna close the public hearing, and I'll be
14 preparing the preliminary report in the next five working days,
15 okay?

16 And then the next time you meet will be in front of
17 Mayor and Council. And it appears, Mr. Viner, you will have
18 still that super majority that you have to deal with.

19 (Case: C9-16-03 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 referenced on page 1 above.

Transcription Completed: 04/15/16



KATHLEEN R. KRASSOW - Owner
M&M Typing Service