



Zoning Examiner

REPORT TO MAYOR AND COUNCIL

June 5, 2026

SUBJECT: REZONING - TP-MOD-0825-000045 Town West – First Avenue, Major Change to Preliminary Development Plan and Conditions, R-2 to C-1 (Ward 3)

PUBLIC HEARING: May 21, 2026

SUMMARY OF FINDINGS

Applicant's Request for Rezoning Major Change C-1

Lazarus & Silvyn, P.C., on behalf of the property owner, First and Limberlost Plaza LLC, requests a major change to the Preliminary Development Plan (PDP) and conditions for rezoning case C9-19-03. The subject 4.5-acre site spans five parcels located at 4137 N. 1st Avenue, at the southwest corner of 1st Avenue and Limberlost Drive. Mayor and Council originally ordinance the R-2 to C-1 rezoning case on May 21, 2019, followed by administrative minor changes to the PDP in 2022 and 2023. In April 2024, Mayor and Council approved Ordinance No. 12086, granting a five-year time extension to April 21, 2029, to fulfill all rezoning requirements.

The current application proposes revisions to the PDP and specific rezoning conditions to accommodate a grocery store (Aldi) and a future restaurant. The request seeks to allow one overnight delivery for each of these two uses, paired with a new operational restriction requiring all onsite businesses to close by 10:00 p.m. To mitigate operational impacts, the applicant proposes design modifications for the Aldi loading area, including a depressed and inclined loading dock, a masonry screening wall spanning the length of the loading zone, and sound-proof dock seals for the rear loading doors. Additionally, the applicant requests an increase in maximum building height from 18 feet to 19 feet, and an increase in the maximum height for architectural treatments from 24 feet to 29 feet.

Background Information

Existing Land Use: Vacant

Zoning Descriptions: The property is currently zoned R-2 Residential, but the site has been approved for C-1 Commercial under Case C9-19-03. The C-1 zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable

compatibility with adjoining residential uses.

Adjacent Zones and Land Uses:

- North – zoned R-3; Multifamily
- East – zoned C-1; Gas station
- South – zoned R-2; Single-family residential
- West – zoned R-2; Single-family residential

Neighborhood Meeting -January 13, 2026 –

In accordance with City of Tucson regulations, the applicant mailed notification letters to adjacent property owners and convened a neighborhood meeting on January 13, 2026, at 6:00 p.m. at the Comfort Suites at Tucson Mall (515 W. Auto Mall Drive). Approximately 14 residents attended the meeting. The applicant team introduced the revised development plan featuring the proposed 20,000-square-foot Aldi grocery store, which will measure approximately 160 feet by 90 feet, and explained the requested modifications to the rezoning conditions.

Residents questioned the delivery protocol for the grocery store and whether the proposed restaurant on the southern portion of the site would adhere to identical loading standards. The project team detailed the loading process, noting that while no specific restaurant tenant is currently secured, restrictive delivery windows could hinder leasing efforts. The team indicated interest from a potential coffee shop user, which would require significantly smaller deliveries than a grocery retailer.

In response to resident inquiries, the project team confirmed that rooftop mechanical equipment will be completely screened from view. The team outlined Aldi's waste management, recycling, and pedestrian circulation plans, alongside traffic mitigation measures designed to accommodate future roadway developments. The applicant noted that traffic flow would differ from the Trader Joe's location at River Road and Campbell Avenue due to the larger lot size and lower intensity of supporting uses. The development will feature 98 parking spaces, exceeding the minimum requirement of 89 spaces. The parking field will comply with the City's shade tree and landscaping standards, and onsite lighting will conform to the City's Outdoor Lighting Code and Dark Skies Ordinance to prevent light trespass at property boundaries. Attendees also raised general questions regarding Aldi operations and expressed concerns regarding the local unhoused population.

PLANNING CONSIDERATIONS

Development of the subject site is guided by policy direction from *Plan Tucson* and the *North Stone Neighborhood Plan*. The 4.5-acre property is situated within a designated Mixed-Use Corridor Building Block, an area targeted for a blend of retail services, dining, employment, and housing. The proposed Aldi grocery store and restaurant align with placing neighborhood commercial uses along the arterial corridor of 1st Avenue and Limberlost Drive.

Plan Tucson

The proposal complies with *Plan Tucson's Future Growth Scenario Map* policies that direct commercial activity to the intersections of arterial streets to optimize access and infrastructure capacity.

Policy LT 1 & LT 3: These policies direct commercial and neighborhood services to major intersections near transit corridors. By using the 1st Avenue and Limberlost Drive intersection, the proposal places a key commercial node near existing transit without encroaching into neighborhood interiors.

Policy LT 28.6.11 (and LT 28.4.6): This policy requires environmentally sensitive design that protects the existing neighborhoods and complements adjacent land uses. The applicant's inclusion of a 10:00 p.m. closing time across all onsite uses observes this concept by capping late-night activity.

North Stone Neighborhood Plan

The *North Stone Neighborhood Plan* supports non-residential development at the intersections of major streets, provided the development protects the stability and function of adjacent low-density neighborhoods. The plan outlines specific performance criteria to mitigate the potential negative impacts of a more intense commercial use abutting a less intense residential zone.

Parcel Consolidation Policy: The plan promotes the consolidation of adjacent parcels for new non-residential uses to allow for adequate buffering of adjacent residential development. The collection of five parcels into a single development plan meets the policy's intent allowing comprehensive site planning versus piecemeal commercial development.

Mitigation of Architectural and Height Impacts (Policy 1.a & 1.b): These policies require new non-residential uses to provide a transition of heights and intensities when adjacent to existing residential development. The proposed maximum building height increases to 19 feet, with architectural treatments up to 29 feet, uses stepped architectural features to maintain a lower-profile scale along the western and southern boundaries adjacent to the R-2 zone.

Buffering and Visual Screening (Policy 1.b & 1.c): These policies require the enhancement and softening of site features with drought-tolerant landscaping, including canopy trees in scale with the structures, to mitigate the visual impact of parking areas. The provision of 108 parking spaces (exceeding the 89-space requirement) will be screened and softened by perimeter landscape buffer in complying with shade tree regulations.

Operational and Acoustic Controls (Policy 1): To address neighborhood plan policy on noise disturbances, the development uses mitigation techniques for the Aldi loading area. The use of depressed, inclined loading dock, a solid masonry screening wall matching the length of the loading zone, and acoustic dock seals for rear delivery doors minimizes sound transmission from the requested single overnight delivery.

Lighting Controls (Policy 1.f): This policy requires lighting to be directed away from adjacent residential uses. The onsite lighting design complies with this policy and the Outdoor Lighting Code and Dark Skies Ordinance, restricting illumination to the commercial interior and ensuring zero light trespass at the residential property lines.

SUMMARY OF ZONING EXAMINER PUBLIC HEARING - May 21, 2026

Staff presented the major change to the current PDP conditions. The applicant proposed allowing one overnight delivery to an Aldi grocery store and future restaurant with design features and operational conditions to mitigate light and noise impacts. Staff recommended approval of modified conditions and preliminary development plan for noting four approvals and one property protest received outside the notification area.

The applicant's representative gave a presentation after a brief presentation by Aldi's director of real estate who explained the operational details of Aldi small-format, select-assortment grocery stores and stating the desire of the company to enter the Tucson market upon completion of an Arizona distribution facility within several years. He said Aldi operates approximately 20 stores across Arizona including a newly opened second Mesa location today. The closest existing Aldi store to Tucson is in Casa Grande. It was mentioned that the applicant would work with the Department of Transportation and Mobility (DTM) on an upcoming significant transportation project affecting the First and Limberlost area as the project moves forward.

The applicant's representative showed a PDP with the Aldi location plus a proposed restaurant with a drive-through. There was discussion of the Aldi building height and architectural modifications. It was noted that the standard store format needs a 19-foot building height instead an of 18 feet, with architectural treatments extending to 29 feet rather than 24 feet. There was discussion of overnight delivery and loading operations including one nightly delivery for fresh produce and how loading would occur via depressed dock on the building's south side with refrigeration and backup beepers disabled. A four-foot concrete masonry unit (CMU) wall will provide additional noise and light screening for loading operations.

The proposed restaurant's loading conditions were also discussed with special mitigating conditions. Loading area for restaurant will be positioned at the front door on the north side of property.

Loading infrastructure positioned at the northeast corner of the restaurant minimizes impact on adjacent neighbors. Landscaping and a six-foot CMU wall will provide required screening, with the applicant ensuring full compliance with neighbor preferences.

The 2,400-square foot restaurant occupies a corner location adjacent to Calle Arizona with no direct access to that street. Primary access routes will use First Avenue and Limberlost Road for all customer and delivery traffic.

The public hearing concluded with expressions of appreciation from the applicant and community representatives regarding the collaborative review process. The president of the

Campus Farm Neighborhood Association welcomed the development as a positive use of a corner property that sat vacant for years. Residents expressed enthusiasm for the arrival of the Aldi grocery store and positive use of the site.

Key design adjustments resulting from community and staff coordination were confirmed for the record. During a site meeting with Ward 3 staff, the plant palette requirements were designated as a priority design consideration for the project moving forward. Furthermore, the landscape buffer on the west side is increased, and a six-foot CMU wall will remain a required condition on the development plan to protect adjacent properties. With no further testimony, the public hearing was closed.

MAJOR CHANGE CONTEXT AND RECOMMENDED CONDITIONS

The applicant, Lazarus & Silvyn, P.C., on behalf of First and Limberlost Plaza LLC, requests a major change to the Preliminary Development Plan (PDP) and conditions for rezoning case C9-19-03. The proposal modifies the approved R-2 to C-1 commercial zoning at the southwest corner of 1st Avenue and Limberlost Drive to allow a 20,000-square-foot Aldi grocery store and an adjacent 2,400-square-foot restaurant with a drive-through.

The primary issues under consideration involve balancing the operational requirements of modern retail users against the preservation of the adjacent residential neighborhood. The applicant seeks to allow one overnight delivery for the grocery store and one for the restaurant, increase the maximum building height from 18 feet to 19 feet, and increase the maximum architectural treatment height from 24 feet to 29 feet. Because the site immediately abuts R-2 residential properties to the west and south, these modifications introduce potential noise, visual, and operational conflicts that require strict, specialized mitigation through amended rezoning conditions.

The revised special conditions create a mitigation strategy that protects the stability of the surrounding neighborhood while integrating the commercial development with local infrastructure.

Allowing overnight deliveries introduces potential noise disturbances. To ensure compatibility with the surrounding residential area, Condition 10 permits a single overnight delivery per user but requires that reverse alarms be disabled, and truck engines and refrigeration units be turned off during unloading.

Potential noise impacts are further controlled by Condition 15, which dictates the precise engineering of the Aldi loading dock. By requiring a depressed, inclined dock that faces east toward 1st Avenue—away from the western residential border—the building acts as a sound barrier. This is paired with an enclosed docking apparatus that seals the rear of the delivery trailer directly to the building, enclosing all unloading operations.

Condition 9 enforces a 50-foot setback from the western residential area for noise-generating uses, including dumpsters, loading zones, and drive-through speakers. Condition 14 limits all public operations at 10:00 p.m. to remove late-night commercial activity.

The requested increases in building height (19 feet) and architectural treatments (29 feet) are balanced by structural and landscape screening. Conditions 6 and 8 require a six-foot-high perimeter wall constructed of masonry blocks along all property lines adjacent to residential uses. Condition 7 states the wall must be graffiti-resistant and feature visually appealing architectural variations or stucco, stone, or brick treatments to soften its visual impact. Visual impacts are further mitigated by Condition 12, which establishes a 15-foot-wide landscape border along the western property line. Condition 16 restricts all on-site plantings to a designated, drought-tolerant neighborhood palette.

The site connects directly with the local transportation infrastructure while insulating interior residential streets. The 2,400-square-foot restaurant adjacent to Calle Arizona is restricted from having direct access to that local street. Primary access for customer and delivery traffic is directed to 1st Avenue and Limberlost Road.

The development plan provides 108 parking spaces, exceeding the minimum requirement of 89. The increase ensures that commercial parking does not spill over into the neighborhood. Additionally, the applicant is required to coordinate site development with the DTM to accommodate upcoming regional transportation projects affecting the intersection.

Condition 13 introduces a mandatory Tucson Airport Authority and FAA notification requirement. Because the site is located within geographic proximity to the Tucson VORTAC navigation facility and falls beneath the imaginary surfaces for instrument approach corridors, the temporary use of high-profile construction cranes to install large rooftop mechanical units triggers federal notice requirements. Requiring the applicant to file FAA Form 7460 at least 45 days prior to construction ensures that the development does not interfere with regional aviation radar or civil and military flight paths.

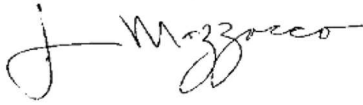
CONCLUSION

The proposal complies with *Plan Tucson* and the *North Stone Neighborhood Plan* by directing community-serving commercial uses to a major intersection corridor while protecting adjacent neighborhoods. In addition, the request has the support of the Campus Farm Neighborhood Association. The revised special conditions address mitigation measures to make the commercial development compatible with its residential surroundings. The applicant agrees to all special conditions of this Major Change of a Rezoning Condition. With implementation of the special conditions, this proposed preliminary development plan is appropriate for this location.

RECOMMENDATION

The Zoning Examiner recommends approval of the Major Change of rezoning conditions subject to the recommended conditions.

Sincerely,

A handwritten signature in black ink that reads "Jim Mazzocco". The signature is written in a cursive style with a large, stylized initial "J".

Jim Mazzocco
Zoning Examiner

ATTACHMENTS:

Case Location Map

Aerial Map

Rezoning Case Map

Recommended Conditions

Exhibit – Plant List for 1st and Limberlost Change of Condition

Public Hearing Minutes

cc: City of Tucson Mayor and Council

ZONING EXAMINER RECOMMENDED CONDITIONS

PROCEDURAL

1. A development package in substantial compliance with the revised preliminary development plan, and required reports, dated May 5, 2026, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains, and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Implement and effectuate all Code requirements and conditions of rezoning by April 19, 2029.

LAND USE COMPATIBILITY

6. A masonry wall at least six (6) feet high shall be constructed along all property lines adjacent to residential zoning or uses.
7. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); an/or trees and shrubs in voids created by the wall variations.
8. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

9. All dumpsters, loading zones, and any other outdoor activities and noise generating uses, including drive-thru speakers, shall be located a minimum of 50 feet from the boundary of the residentially zoned property immediately to the west of the rezoning site.
10. The grocery store and the restaurant are each permitted to receive a single overnight delivery. Reverse alarms on delivery trucks shall be disabled for overnight deliveries, and truck engines and refrigeration units shall be turned off during unloading.
11. Maximum building height shall be 19 feet with architectural elements not to exceed 29 feet.
12. A minimum fifteen (15) foot wide landscape border shall be provided along the west property line of the rezoning site.

TUCSON AIRPORT AUTHORITY CONDITION

13. "According to the FAA Notice Criteria Tool, this project is located in proximity to a navigation facility and could impact navigation signal reception. The Applicant shall file Form 7460 with the FAA at least 45 days before construction activities begin for the project. It is highly recommended that the Applicant file earlier than 45 days to provide the Applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes which have used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>"
14. All uses shall be closed to the public by 10:00p.m.
15. The grocery store loading dock shall be depressed, screened behind a 4-foot CMU wall, face east towards 1st Avenue, and shall incorporate a docking apparatus enclosing the rear of a trailer to ensure all unloading operations are fully enclosed.
16. All landscaping for the site shall comply with a limited planting list Exhibit B: "Plant List for 1st and Limberlost Change of Condition 5-21-26."

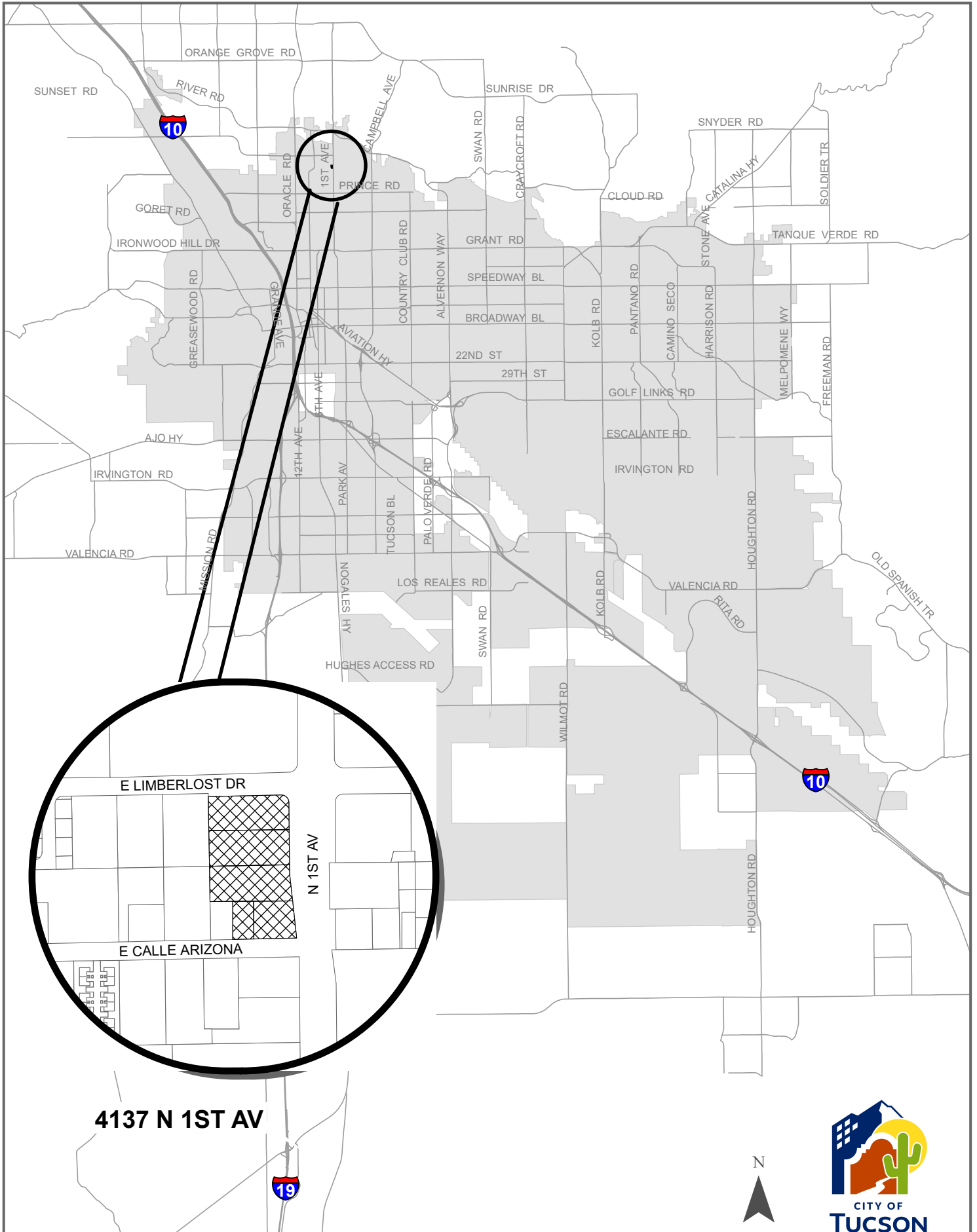
Exhibit B – Plant list for 1st and Limberlost Change of Condition 5-21-26:

CATEGORY	BOTANICAL NAME	COMMON NAME
Shrubs	<i>Abutilon palmeri</i>	Palmer's Abutilon
Shrubs	<i>Aloysia gratissima</i>	Whitebrush
Shrubs	<i>Ambrosia deltoidea</i>	Triangle-leaf Bursage
Shrubs	<i>Anisicanthus thurberi</i>	Desert Honeysuckle
Shrubs	<i>Atriplex canescens</i>	Fourwing Saltbush
Shrubs	<i>Atriplex lentiformis</i>	Big Saltbush / Quailbush
Shrubs	<i>Bailyea multiradiata</i>	Desert Marigold
Shrubs	<i>Bebbia juncea</i>	Sweetbush
Shrubs	<i>Calliandra eriophylla</i>	Fairy Duster
Shrubs	<i>Celtis pallida</i>	Spiny Hackberry
Shrubs	<i>Dalea pulchra</i>	Bush Dalea
Shrubs	<i>Dodonaea viscosa</i>	Hopbush
Shrubs	<i>Encelia farinosa</i>	Brittlebush
Shrubs	<i>Ericameria laricifolia</i>	Turpentine Bush
Shrubs	<i>Gossypium thurberi</i>	Desert Cotton
Shrubs	<i>Isocoma tenuisecta</i>	Burroweed
Shrubs	<i>Jatropha cardiophylla</i>	Limberbush
Shrubs	<i>Justicia californica</i>	Chuparosa
Shrubs	<i>Larrea tridentata</i>	Creosote
Shrubs	<i>Lycium fremontii</i>	Fremont's Wolfberry
Shrubs	<i>Ruellia nudiflora</i>	Violet Wild Petunia
Shrubs	<i>Simmondsia chinensis</i>	Jojoba
Shrubs	<i>Sphaeralcea ambigua</i>	Desert Globemallow
Shrubs	<i>Tecoma stans</i>	Yellow Bells
Shrubs	<i>Thymophylla pentachaeta</i>	Golden Dogweed
Shrubs	<i>Viguiera parishii</i>	Parish's Goldeneye
Shrubs	<i>Ziziphus obtusifolia</i>	Graythorn

CATEGORY	BOTANICAL NAME	COMMON NAME
Trees	<i>Celtis reticulata</i>	Netleaf Hackberry
Trees	<i>Lysiloma watsonii</i>	Feather Tree
Trees	<i>Olneya tesota</i>	Ironwood
Trees	<i>Parkinsonia florida</i>	Blue Palo Verde
Trees	<i>Parkinsonia microphylla</i>	Foothill Palo Verde
Trees	<i>Prosopis pubescens</i>	Screwbean Mesquite
Trees	<i>Prosopis velutina</i>	Velvet Mesquite
Trees	<i>Senegalia greggii</i>	Catclaw Acacia
Trees	<i>Vachellia constricta</i>	Whitethorn Acacia

CATEGORY	BOTANICAL NAME	COMMON NAME
Grasses	<i>Aristida purpurea</i>	Purple Threeawn
Grasses	<i>Bothriochloa barbinodis</i>	Cane Beardgrass
Grasses	<i>Bouteloua curtipendula</i>	Sideoats Grama
Grasses	<i>Digitaria californica</i>	Arizona Cottontop
Grasses	<i>Heteropogon contortus</i>	Tanglehead
Grasses	<i>Hilaria rigida</i>	Big Galleta
Grasses	<i>Muhlenbergia dumosa</i>	Bamboo Muhly
Grasses	<i>Muhlenbergia emerslyi</i>	Bull Grass
Grasses	<i>Muhlenbergia porteri</i>	Bush Muhly
Grasses	<i>Muhlenbergia rigens</i>	Deer Grass
Grasses	<i>Pappophorum vaginatum</i>	Whiplash Pappusgrass
Grasses	<i>Trichloris crinita</i>	False Rhodes Grass
Grasses	<i>Tridens muticus</i>	Slim tridens
CATEGORY	BOTANICAL NAME	COMMON NAME
Succulents / Accents	<i>Agave palmeri</i>	Palmer's Agave
Succulents / Accents	<i>Agave parryi</i>	Parry's Agave
Succulents / Accents	<i>Asclepias subulata</i>	Desert Milkweed
Succulents / Accents	<i>Carnegiea gigantea</i>	Saguaro
Succulents / Accents	<i>Cylindropuntia versicolor</i>	Staghorn Cholla
Succulents / Accents	<i>Echinocereus engelmannii</i>	Hedgehog Cactus
Succulents / Accents	<i>Ferocactus wislizeni</i>	Fishhook Barrel
Succulents / Accents	<i>Fouquieria splendens</i>	Ocotillo
Succulents / Accents	<i>Mammillaria grahamii</i>	Pincushion Cactus
Succulents / Accents	<i>Nolina microcarpa</i>	Beargrass
Succulents / Accents	<i>Opuntia engelmannii</i>	Engelmann's Prickly Pear
Succulents / Accents	<i>Opuntia santa-rita</i>	Santa Rita / Purple Prickly Pear
Succulents / Accents	<i>Yucca baccata</i>	Banana Yucca

TP-MOD-0326-000028 - 4137 N 1ST AV




4137 N 1ST AV

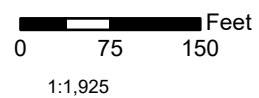


TP-MOD-0326-000028 - 4137 N 1ST AV

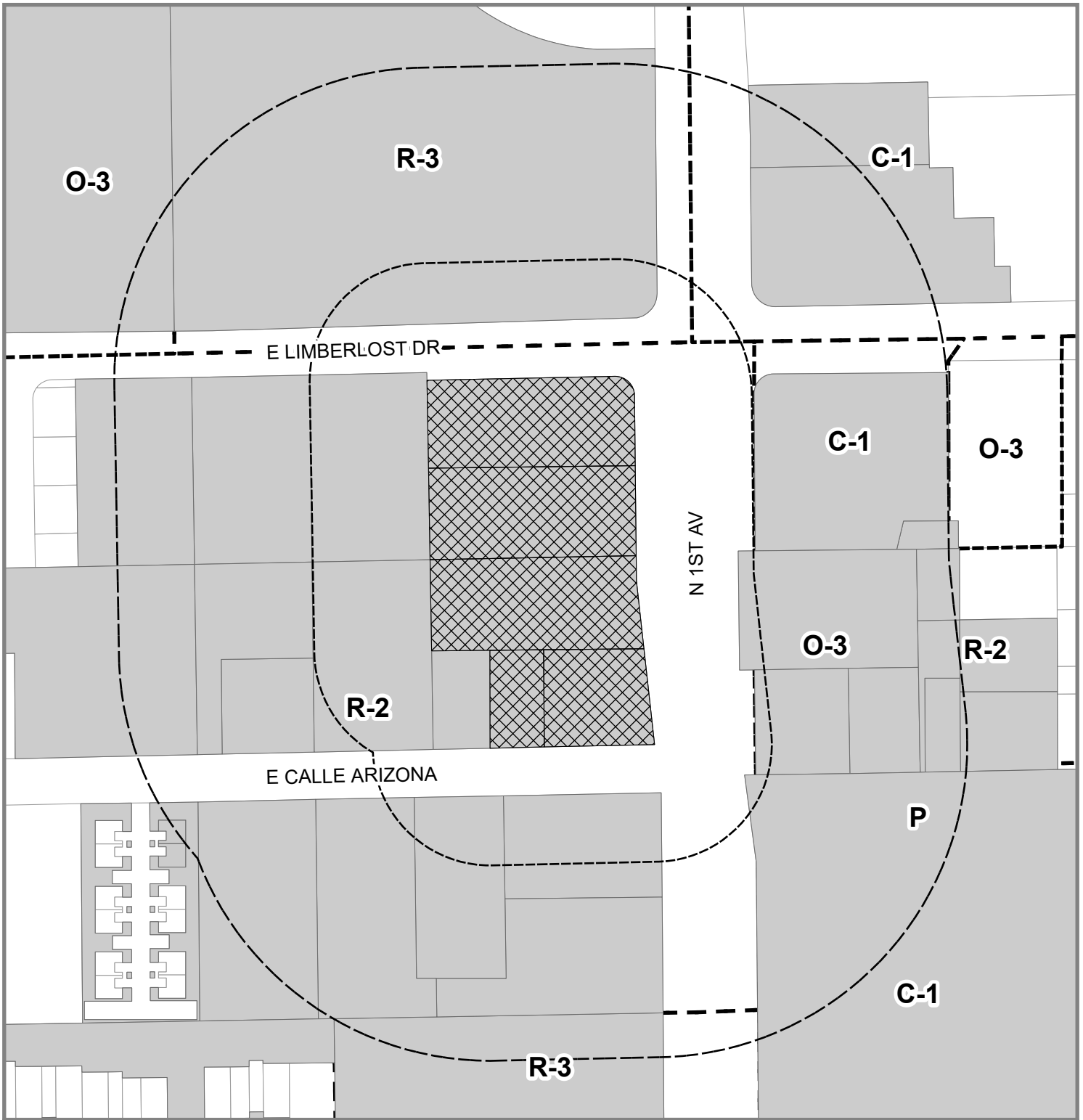


 Subject Property

Address: 4137 N 1ST AV
Base Maps: Twp. 13 Range 13 Sec. 24
Ward: 3

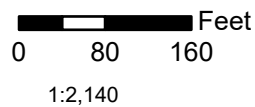


TP-MOD-0326-000028 - 4137 N 1ST AV



- Zone Boundaries
- Subject Property
- Protest Area (150 ft. Radius)
- Notification Area (400 ft. Radius)
- Properties Notified

Address: 4137 N 1ST AV
Base Maps: Twp. 13 Range 13 Sec. 24
Ward: 3



CITY OF TUCSON ZONING EXAMINER
PUBLIC HEARING

MAY 21, 2026

East Jacaranda Way (Ward 2)
(Continued from April 23, 2026)
(Case No. TP-ENT-1125-00023)

Town West - First Avenue (Ward 3)
(Case No. TP-MOD-0326-000028)

ZONING EXAMINER:

- Jim Mazzocco

STAFF PRESENT:

- Gabriel Sleighter
City of Tucson
Planning and Development Services Department
- John Beall, Section Manager
City of Tucson
Planning and Development Services Department
- Stephen Blood, Section Manager
City of Tucson Engineering and Landscape Review

APPLICANT/AGENT PRESENT:

- Jeff Stanley
JAS Engineering
200 East Yvon Drive
Tucson, Arizona 85704
- Keri Silvyn
Lazarus & Silvyn, P.C.
5983 East Grant Road, Suite 290
Tucson, Arizona 85712

1 ZONING EXAMINER: It's 6:00 p.m. It's May 21st,
2 2026. Welcome to tonight's Public Hearing. My name is Jim
3 Mazzocco. I'm the Zoning Examiner for the City of Tucson. We

1 have two cases scheduled for the Public Hearing tonight, and we
2 will take the cases as listed on the Agenda.

3 First, I'm going to make a short statement about
4 conduct that I've been asked to make, and it goes like this:
5 Arizona's open meeting laws provide that members of the public
6 may attend and listen to proceedings during tonight's Zoning
7 Examiner's Public Hearing. The rules require that no person
8 shall interrupt the proceedings. If anyone behaves in a way that
9 interrupts the proceedings, after a warning -- and this is that
10 first warning -- the Zoning Examiner may direct the removal of
11 persons from the chamber and/or recess the meeting itself. As a
12 final note, please be aware that interfering with or preventing
13 this lawful public meeting from being carried out in an orderly
14 manner may violate Title 13 to the Arizona Revised Statutes. In
15 short, persons who comply with the rules and do not interrupt the
16 meeting will be able to attend and listen to tonight's
17 proceedings, but persons who disrupt or interfere with the
18 meeting are subject to removal.

19 I'll now proceed with the regular information as to the
20 Zoning Examiner Public Hearing process. As Zoning Examiner, I
21 conduct rezoning hearings on behalf of the Mayor and Council, and
22 make findings of fact which I put into a written report, along
23 with my recommendation, which I send to Mayor and Council for
24 their consideration and for their final decision. My report will
25 be based on the information submitted to me, which includes the

1 application, the Staff Report, all written approvals and
2 protests, all correspondence, and testimony given at tonight's
3 Public Hearing. I also include in the record all documents
4 submitted to me up to the close of the Public Hearing. Tonight's
5 proceedings are being recorded.

6 I will -- I will complete a Preliminary Report within
7 five working days after the Public Hearing is closed. I will
8 then prepare a Final Report which will be issued 14 days after
9 the Public Hearing is closed. Anyone may request the application
10 to be heard at a Public Hearing before the Mayor and Council if
11 the request is filed with the City Clerk within 14 days after the
12 date of the Zoning Examiner's Public Hearing or reconsider- --
13 reconsideration Public Hearing. The Mayor and Council may also
14 decide to conduct a Public Hearing without a special request. If
15 a Public Hearing is requested, notice must be provided in the
16 same manner as the notice provided for the original Public
17 Hearing for the case.

18 If you'd like to receive a copy of any of the
19 recommendations -- of my recommendations or reports, you're --
20 and you're not listed as a party of record on the case -- a party
21 of record is someone who's been notified in the mail of the case,
22 and the Applicant -- you can send an email to Tucsonrezoning --
23 one word -- @tucsonaz -- one word -- .gov, or call the City of
24 Tucson Planning and Development Services Department. Copies will
25 also be available from the Planning and Development Services

1 Department's website. The Mayor and Coun- -- after this, the
2 Mayor and Council will then hear the item and then vote on the
3 matter, an appeal or recommendation, based on my recommendation,
4 along with other factors that they take into consideration.

5 So, normally during the Public Hearing -- each Public
6 Hearing, we have the Planning and Development Service's Staff
7 speak, then the Applicant makes a presentation, and then the
8 public may then be called to testify, and then the Applicant may
9 respond to issues. There are speaker cards at the podium or
10 nearby. Fill out the card as requested. When I call you to
11 testify, please speak clearly into the microphone, your testimony
12 -- by stating your name and address. Try to keep your comments
13 concise and note if a previous speaker has already made a point
14 that -- that you've already made. I usually give around five
15 minutes, but I usually allow a little bit more time to -- to
16 speak to make your point. But, at some point, I'm telling you
17 could you wrap up, that's what I'm getting at. After all parties
18 have spoken, at this point, I will close the Public Hearing and
19 if I see a reason to continue that case or hear further
20 testimony.

21 So, for those who plan to speak, I request you stand
22 and respond to the following: Do you swear to tell the truth,
23 the whole truth and nothing but the truth? Okay. Thank you.

24 With that, let's begin. So, the first case we're going
25 to hear is the continued case of TP-ENT-1125-00023, East

1 Jacaranda Way, and this was continued from the April 23rd, 2026,
2 meeting. At that meeting, I had asked Staff if they would
3 provide me with some technical reports from some of our more
4 engineering-oriented departments, Transportation, Wastewater --
5 who else was there? -- the Zoning Administrator. So, what I
6 would like -- did I miss anybody? I got them all. And also the
7 subdivision engineer I specifically wanted to hear from, and he's
8 in the audience this evening. So, what I'm going to first do is
9 I'm going to ask Staff to just give a summary of a couple of the
10 Wastewater, the Zoning Administrator, and the Department of
11 Transportation's comments.

12 And then, Mr. Stanley, you prepared a PowerPoint that
13 has new information in it that the subdivision engineer wasn't
14 able to look at before this meeting or just barely got to. So, I
15 was wondering if you would be prepared to make that presentation
16 after the Staff gives their summary. And then I can call the
17 subdivision engineer up to give his comments in general about the
18 project. Is that -- you're fine with that I assume? Okay.

19 So, with that, I'm going to ask Staff to give their
20 quick overviews of the reports that we received.

21 MR. SLEIGHTER: Thank you. So, in the -- in the
22 inter- -- in the time between the last hearing and this continued
23 hearing, we received more information from the Department of
24 Transportation and Mobility, Pima County Wastewater and
25 Reclamation Department, and the Zoning Administrator, as well as

1 soliciting the assistance of one of our engineers who's here to
2 speak.

3 The Department of Transportation and Mobility has
4 assessed that with the proposed development, the existing roads,
5 Tanque Verde and Bear Canyon and the neighborhood streets, are
6 sufficient to provide an adequate level of service, and that
7 emergency routes are unimpacted by this -- by this development.

8 Wastewater has indicated that they have flow meters in
9 both directions of the -- the development that indicate -- that
10 don't indicate any concerns; that in the last several years, a
11 new 12-inch line was installed that has taken on two-thirds of
12 the flow from one of the eight-inch lines. And the new
13 development would still require Wastewater and Reclamation
14 Department review and approval before anything could be
15 construction.

16 The Zoning Administrator has identified that an RX-1
17 zone, every lot is allowed up to ADUs per lot and each of those
18 ADUs could be up to 1,000 square feet. They would also be
19 limited to 75-percent of the size of the principal dwelling. So,
20 up to 1,000 square feet, but, based on the size of the principal
21 dwelling, it could be slightly less.

22 In the time between the last hearing and this continued
23 hearing, we received one new protest form from a property outside
24 the 150-foot notification area, so the super-majority
25 requirements at Mayor and Council would still apply.

1 ZONING EXAMINER: Thank you. So, Wastewater has
2 installed flow meters to monitor flow and they have a capacity
3 review process is my understanding. And there is no one else in
4 Pima County who reviews or monitors wastewater -- the wastewater
5 system other than the Wastewater Department of Pima County?

6 MR. SLEIGHTER: That's correct. They're the
7 responsible --

8 ZONING EXAMINER: So -- so --

9 MR. SLEIGHTER: -- party.

10 ZONING EXAMINER: -- we went to the right people
11 to get the information. And they -- they also in their report,
12 if I remember, they gave a recommended condition that had several
13 points to it as to how the wastewater process -- the review
14 process for new development is reviewed. And I would just say
15 that's in there, that report, and we know that and that could be
16 -- that could become a special condition of this rezoning, the
17 more specific information that they -- and recommendations that
18 they made in their comments.

19 MR. BEALL: Mr. Zoning Examiner, that is correct.
20 And, typically, we -- that information they provided, those steps
21 of further review, we usually do include that as a condition of
22 rezoning --

23 ZONING EXAMINER: Okay.

24 MR. BEALL: -- from Wastewater.

25 ZONING EXAMINER: And the Transportation comments,

1 they're -- they're saying, if I remember correctly, Tanque Verde
2 Road, especially the western portion of -- I think it's Bear
3 Canyon Road -- the western portion of Bear Canyon Road is at a
4 level of service D; and then a portion eastward of Bear -- Bear
5 Path Road is level of service C. Now, level of service D, what
6 that means -- and correct me if I'm wrong -- is that you can
7 mostly drive at the speed limit, but your maneuverability is more
8 limited during heavy traffic hours, and you could be backed up
9 where you have to come to a stop for an incident or something
10 that's going on that's slowing you down; that there just happens
11 to more -- more cars than can handle whatever is happening in
12 front of you. To me, that's what level of service D kind of
13 represents. It's still considered acceptable, but it's the
14 lowest level of acceptable level of service. Did I -- yeah?

15 MR. BEALL: Mr. Zoning Examiner, that's correct.
16 The report back that they wrote was that the -- Tucson designs
17 their roadways and intersections to operate at the level of
18 service of D or better.

19 ZONING EXAMINER: Okay. The other piece of
20 information that I found on my -- by myself, I looked at the Bear
21 Canyon Neighborhood Plan, and that was done in 1984 and Tanque
22 Verde Road was two lanes and Houghton Road hadn't been built yet
23 with the bridge. So, we're talking 41 years into the future that
24 we're at right now. And -- and, also, I looked at Plan Tucson
25 and there is a condition -- a transportation condition that

1 states that level of service D is the acceptable level of service
2 for major roadways in the city; is that what you understand?

3 MR. SLEIGHTER: Yes, that is correct.

4 ZONING EXAMINER: Okay, okay. I just want to make
5 sure that those pieces of information were -- were available to
6 everyone. Okay. With that, I think we've covered wastewater, to
7 a degree transportation.

8 On the accessory dwelling units, it's my understanding
9 that this is part of an effort by the State that -- that states
10 that accessory dwelling units must be allowed to be the same
11 height as the primary dwelling unit; and that -- and that you can
12 have two on a lot of certain sizes, correct?

13 MR. SLEIGHTER: Yeah, that is correct.

14 ZONING EXAMINER: Okay. Okay. So -- so -- and --
15 so that -- that's something that is a State requirement, not only
16 a City requirement. The City has the same requirement because
17 it's -- it's abiding by the State requirement.

18 MR. SLEIGHTER: That's correct. So, the City was
19 a little ahead of the curve on the ADU adoption. And then the --
20 the State requirements came into effect afterward, kind of
21 superceding some of our provisions. But, yeah, we do comply with
22 the State requirements now.

23 ZONING EXAMINER: And the person who wrote the
24 report on the ADU as part of the package of technical reports was
25 the Zoning Administrator, and the Zoning Administrator is an

1 official interpreter of the Zoning Code appoint- -- that is
2 called out in State statutes.

3 MR. SLEIGHTER: Correct.

4 ZONING EXAMINER: Okay. Okay. So, I think we've
5 covered those three.

6 Now, I'd like to switch to the subdivision review.
7 And, Mr. Stanley, you have submitted a new PowerPoint that has
8 new information in it. Would you be prepared to give that
9 presentation? And then I can ask Mr. Blood to come up and talk
10 about it.

11 MR. STANLEY: Mr. Examiner, Jeff Stanley, 200 East
12 Yvon, Tucson. So, I -- so I put this PowerPoint together and
13 it's going to be a little redundant because I didn't know -- you
14 speak about sewer and traffic.

15 But, at the beginning of it, this is an aerial of the
16 existing site and this is our -- our updated Preliminary
17 Development Plan. We made a few changes, made a couple --
18 basically smaller, shifted them a little bit, and you can see the
19 sewer on there. I can point it out. But half the sewer -- half
20 the -- the new lots to the east, the six will sewer into the
21 existing sewer in Bears Path, and then the other six lots will go
22 into Little Bear and they will -- on this map, they get together.

23 You can see west of the site there's the -- where they
24 had the problems before that Wastewater has since fixed. They
25 redid the manholes. They repaired a line. They did the offsite

1 line you were talking about. And they have -- and they have
2 maintenance and -- and a flow-management type schedule they work
3 on. So, to not go any farther than that since you already talked
4 about it. I did -- this is the letter here that was -- that we
5 were speaking about, it says what they -- what they've done in
6 the past. Yes, sir?

7 ZONING EXAMINER: Mr. Stanley, did you see the
8 conditions that the technician did?

9 MR. STANLEY: Yes, sir.

10 ZONING EXAMINER: Do you have any problem with
11 those conditions?

12 MR. STANLEY: No --

13 ZONING EXAMINER: Okay.

14 MR. STANLEY: -- they're standard. Okay.

15 So, then this is the letter. This -- these are the two
16 capacity letters that I received from Wastewater saying that we
17 have capacity to -- to connect to the sewer; and one them is for
18 the west half and the other is for the east half. So, they're
19 saying that we have -- there's capacity for the -- for our
20 project.

21 I also looked at drainage a little more. This map kind
22 of shows the -- the site and the larger area where the drainage
23 is coming from. You see the big blue line on the bottom, that's
24 the Tanque Verde Wash; that's about 1,700 feet south of the
25 project. And then if you look closer, you can see a couple

1 washes that skirt the project site. I'll show this more in a
2 second.

3 So, this -- this is the FEMA map for the wash that
4 shows the extent of the -- of the floodplain for the Tanque Verde
5 Wash. You can see on that red dot that's where our project is,
6 and it just skirts the southwest corner of our project. And if
7 you look, all the houses that are south of the project, except
8 for -- for Laura Harsh's house, are inside that floodplain and
9 that floodplain does cross her property.

10 Then we have two local washes. This is -- these green
11 lines on there are the watershed boundaries. Those are the areas
12 that show where the -- where the drainage comes from and there's
13 two there. The one -- the larger one is to the north, that's the
14 Fahringer Wash and that has 115 acres of drainage to it, and it
15 has 555 CFS that pass the site. There's also a smaller wash to
16 the south, 42 acres, and it drains near the site, it crosses
17 Bears Path just south of our project just at Ms. Harsh's property
18 line. So, that's got 221 CFS that crosses there.

19 This is just another map trying to give the -- you can
20 see the blue lines. The blue line on the top is the Fahringer
21 Wash; that's the County's way of showing flood -- I mean, washes
22 on their website. And then on the south you can see the other
23 local wash. This is even a little closer. You can see the
24 Fahringer Wash crosses over north of the site, crosses the
25 northwest corner of our site. And the one to the south, the

1 local wash crosses to the -- on the southwest corner. Basically,
2 it drains in the same area that the Tanque Verde floodplain is.
3 So, again, there's a 115-acre watershed to the north and 42 acres
4 to the south and our site also drains into those.

5 This is just an aerial. Again, the same thing, showing
6 the blue lines or the washes. Fahringer Wash to the north and
7 the local wash to the south.

8 Here's our Development Plan -- our revised Preliminary
9 Development Plan. One thing to note is the basins are all in
10 common areas. I think that wasn't clear before. They're not
11 part of the lot, they're in -- they're in a common area so that
12 each will have to take care of those.

13 After -- after our last meeting, I met with Laura Harsh
14 out at her property which is just to the -- just to the south of
15 the big basin kind of in there. Do I need to point that out or
16 were you -- are you okay?

17 ZONING EXAMINER: I can see it.

18 MR. STANLEY: Okay. So, her con- -- her concerns
19 were the size of the basin and the water coming out of the basin,
20 and the watering of her -- she has mesquite trees west of her
21 house that she likes to get the water to. I understand that.
22 So, she was concerned with that. So, since then, after -- after
23 meeting with her, I went back and I was able to reduce the size
24 of that basin and I -- I moved it over to the west a little bit.
25 I also moved the basin east of her house to the -- to the east a

1 little bit. And then -- I'll talk a little bit more about that
2 in a second, better basins.

3 This map shows -- the dark lines are the watershed
4 boundaries of the project. So, in between those is where it
5 drains out. So, we have four basins going to the south and two
6 going to the north. So, those are the -- the values on that map
7 are the existing conditions, flow rates. For instance, watershed
8 2 there with the circle, the cubic is 13.7, cue 10 is 5.6, and
9 cue 2 is 1.8. So, those numbers are pretty small compared to the
10 555 CFS in the Fahringer and the 221 to the south. So, those --
11 those are the -- the numbers we have to start with.

12 And then this map shows the developed condition rates.
13 So, the watersheds are essentially the same except for a little
14 change at the roadway and it has the values on there of what we
15 have to match. Those are those -- those new values are 15-
16 percent less than the existing values. Those are -- those are
17 target values.

18 ZONING EXAMINER: Mr. Stanley, could I ask a
19 question?

20 MR. STANLEY: Yeah.

21 ZONING EXAMINER: So, the placement of the basins
22 is -- is not haphazard, it is dependent on the topography and how
23 the property naturally drains; is that how it works?

24 MR. STANLEY: Correct.

25 ZONING EXAMINER: So, that's why you picked these

1 particular sites; is that correct?

2 MR. STANLEY: Right.

3 ZONING EXAMINER: But -- but the actual size and
4 shape of them, that level of detail needs to be decided at a
5 later date when you're getting more into the engineering of them
6 and design of them; is that correct?

7 MR. STANLEY: Essentially -- I have actually a
8 report over there that's -- that I have actually gone through the
9 -- the -- the design of those basins, how much was in there and
10 how much comes out with the target goal of, you know, 15-percent
11 less.

12 ZONING EXAMINER: So, what you have right now is
13 pretty close to what you would be presenting to the City when you
14 submit your paperwork for review?

15 MR. STANLEY: Pretty close. I'm going to --

16 ZONING EXAMINER: Pretty close.

17 MR. STANLEY: -- take another -- I've only looked
18 at the one basin. So, I'm going to look at the others and see
19 how I can shrink those as well.

20 ZONING EXAMINER: Okay.

21 MR. STANLEY: Again, the numbers on there, like
22 for watershed 2, it's 11.8 in 100 years, that's 15-percent less
23 than the 13.7 that came in. So, all those numbers on there for
24 the target discharge is per our requirements.

25 There seemed to be a question last time as to what

1 these basins --

2 ZONING EXAMINER: Could -- could you -- could you
3 explain for a lay person, when you're saying "target discharges,"
4 what does that -- what does that mean?

5 MR. STANLEY: Well, that's the -- that's the --
6 that's the flow rate that I have to hit that'd be 15-percent
7 less.

8 ZONING EXAMINER: Okay. And that 15-percent less
9 means there is a number set, a baseline set for how the property
10 drains in its natural state, correct?

11 MR. STANLEY: Correct.

12 ZONING EXAMINER: So, that 15-percent you have to
13 be 15-percent more efficient than the natural drainage that's
14 occurring right now; is that -- is that right?

15 MR. STANLEY: Essentially efficient or whatever,
16 that's -- that's the -- that's what we're allowed, that's what
17 we're mandated to --

18 ZONING EXAMINER: So, that's a City --

19 MR. STANLEY: -- to discharge.

20 ZONING EXAMINER: -- that's a City regulation?

21 MR. STANLEY: Right.

22 ZONING EXAMINER: Okay.

23 MR. STANLEY: For this particular area, it's what
24 they call a "critical basin," so a critical basin, you have to
25 reduce the flow.

1 ZONING EXAMINER: Okay. Thank you.

2 MR. STANLEY: All right. So, there was -- seemed
3 to be a question of -- with everybody for what these look like.
4 And -- and they're -- they're earthen basins, feeder slopes, and
5 they do not -- they have -- typically have a riprap spillway,
6 something to control the flow against erosion on the basin. So,
7 that -- that -- like I said, three-to-one sides. And we have to
8 -- we're -- by landscaping -- when we do the development and
9 stuff, we have to hydroseed those basins. So, this -- this slide
10 shows a hydroseed mix that was typical in landscape and on the
11 basin and then the -- on the right side is the plants themselves,
12 what they look like.

13 ZONING EXAMINER: Mr. Stanley --

14 MR. STANLEY: Yes.

15 ZONING EXAMINER: -- does -- is there any kind of
16 area of the basins that are just plain concrete?

17 MR. STANLEY: The only -- there's no just plain
18 concrete, there's -- and I'll show you in a second on -- in a
19 couple slides. We have to -- we have to control where the water
20 comes out of that. So, the water would build it and it goes over
21 a spillway or something and that will be -- that has to be fixed
22 with gravel riprap or -- typically we use gravel riprap,
23 something that won't erode away.

24 ZONING EXAMINER: And riprap refers to a kind of
25 rock that's bound by metal; is that --

1 MR. STANLEY: No, that would be gabion. Riprap
2 would be just grouted in -- concrete grouted in --

3 ZONING EXAMINER: Okay.

4 MR. STANLEY: -- place.

5 ZONING EXAMINER: Okay.

6 MR. STANLEY: That's one of the options anyway.

7 This is my attempt to make this -- to kind of show what
8 it looks like. The top one is a planned view of that basin and
9 -- with plants scattered around it for -- I tried to simulate
10 what it would be when the -- when the hydroseed takes place. So,
11 how it is when it rains and the plants grow, that's what it's
12 going to look like.

13 The bottom is a profile of -- of that outlet weir that
14 -- in this case, there's a berm right there and so we have to
15 fill that up. You could see in the middle the little U-shaped
16 area, that's where the riprap is there to control the flow so the
17 water comes out there and then -- and then we have a splash pad.

18 In this case -- typically, in -- in these basins, we
19 have to -- we're required to store what they call the "first
20 flush," which is the first half inch of rainfall. And the basin
21 typically will hold nine inches of water, so it -- after it ponds
22 nine inches, it raises up, then it starts coming out that
23 spillway. So, after a rain period then there would be
24 potentially nine inches of rain there.

25 In -- in response to my meeting with -- with Laura, she

1 would like -- she wants that rainfall to help -- you know, she's
2 doing some water harvesting and the mesquite trees around there,
3 she wants to take that -- she wants that water for that. So, in
4 my meeting with Mr. Blood and -- the other day, he agreed that I
5 could put a low-flow pipe in there so that whatever -- the nine
6 inches will pond, but then there's a pipe there that the water
7 will -- will bleed out. So, the pipe -- the basin won't -- won't
8 stay full, it'll -- it'll drain out. And then Laura can take
9 that water and direct it to where she wants to on her -- her
10 little water harvesting tree wells and stuff like that. So, that
11 limits -- basically limits the amount of time that water is going
12 to stand there.

13 This next one is just -- I tried to put it over an
14 aerial, it's a little difficult to see, but it's just the same --
15 the same slide, but you got aerial. We got, you know, on the
16 sides, the hydroseeded plants and then a couple of mesquite trees
17 in the middle of it.

18 Upon my meeting with Laura, she sent me this green
19 infrastructure manual. I looked through that and -- and I -- I
20 talked with Mr. Blood about it as far as the -- kind of goal was
21 to see if we can do some water harvesting on the lots above her.
22 And we basically can't use that -- we can't use water that's
23 ponding on private property towards our -- our -- our basin
24 requirements. So, in other words, the hope was that that would
25 reduce the size of the basin, but that part it can't work by

1 code.

2 So, we did take part of this, though, and on the
3 roadway cross-section, we're going to put -- inside the right-of-
4 way, we're going to have little water-harvesting basins. So, the
5 water will run off the road and collect in -- in the -- the
6 little swale there to help reduce some runoff. That's basically
7 one of the -- one of the -- in this green infrastructure, that's
8 one of the -- one of the ways they do it. You see a lot of that
9 in the city.

10 And these are just basically reiterating the drainage
11 requirements. You got to capture the first half inch. We got to
12 -- we can only pond up to nine inches in the basins for
13 retention. And then we have to reduce the flow by 15-percent for
14 the critical basin.

15 This is before I knew you guys were going to talk about
16 it, that letter they were discussing regarding traffic and -- and
17 some drainage stuff, so I think we already spoke about that. So,
18 that's what I have, sir.

19 ZONING EXAMINER: Okay. Thank you very much, Mr.
20 Stanley. We're going to ask Mr. Blood to come up now and maybe
21 we can keep the PowerPoint up if he wants to use it or not.

22 MR. BLOOD: Stephen Blood, I'm the Section Manager
23 of Engineering and Landscape Review at the City of Tucson.

24 ZONING EXAMINER: I can't hear you.

25 MR. BLOOD: Can you hear me now? All right.

1 Sorry. Stephen Blood, I'm the Section Manager of Engineering and
2 Landscape Review at the City of Tucson. So, a couple of things
3 that I -- you know, I reviewed a lot of this with -- with the
4 designer, with Jeff, and a couple of key points he kind of
5 pointed out I just wanted to reiterate, maybe elaborate on.

6 So, the site, as you -- as you saw, he depicted the
7 watersheds. They're -- they're all relatively small. And the
8 spine road of the -- of the proposed development kind of goes up
9 the -- up the ridge to a high point, and that's why he has the
10 location of the basins where they are; the topography of the site
11 kind of dictates that. The water is going to drain downhill, be
12 collected in the basin before it leaves the site.

13 And when it comes to drainage design, what the City
14 requires is that the developer come up with a solution that --
15 what we call -- doesn't adversely impact any of the neighbors,
16 any of the surrounding properties, because what we want to see is
17 something that is not going to create flooding or erosion or any
18 other type of adverse impacts to the surrounding properties. And
19 so -- and the fact -- and he -- and he mentioned this also, that
20 that the whole area is in what we call a "critical basin" area,
21 which is an area designated by the City that we know that there's
22 known flooding issues, and so we require new development to not
23 only meet the balance basin detention requirement, but also an
24 additional 15-percent reduction and he kind of touched on that.
25 But that's basically saying the normal balance basin is that the

1 peak discharges that leave the site, which just means during your
2 major storm event, you have -- you know, there's a -- there's a
3 period of that storm event where you're going to have your peak
4 flow flowing off of an area, right? And so we're concerned about
5 that peak flow because that's what causes flooding and erosion
6 and, you know, bad things happening. And so we look at that peak
7 flow discharge and when it's in a critical basin, we require that
8 to be reduced by 15-percent. So, that's what the critical basin
9 is.

10 And so his basins -- and, you know, we'll look at that
11 when he submits his drainage report that has the hydrology of
12 existing conditions, and then the hydraulics of what's going to
13 happen after development has been proposed and -- and put in
14 place. But all that drainage will come down, go into these
15 basins that he's designed, and detain that water long enough to
16 slow it down to flatten that hydrograph curve of peak discharge;
17 which means that he's basically holding it, detaining it long
18 enough, and slowly letting it out so that you don't have a gush
19 -- large amount of water leaving the site causing flooding,
20 causing erosion. And so that's our basic criteria, that's our
21 design, that's what we require. And from what I've seen so far,
22 it looks like that's what is being proposed.

23 ZONING EXAMINER: Mr. Blood, the care of the -- of
24 the basins, how they're -- how they're working and whether
25 they're being taken care of, how does that work?

1 MR. BLOOD: Right, that's a good -- good point.

2 So, what we require is anytime there's a proposed detention or
3 retention basin on a project, we require that those basins, in a
4 subdivision like this, they would need to be -- they're required
5 to be outside of private property. It needs to be in a common
6 area that's owned and maintained by an association. So -- so we
7 have an entity that we can be in contact with to ensure that it's
8 being maintained, because if those basins were to fail, then
9 there's nothing stopping, you know, that adverse impact from
10 happening. And so not only do we have a requirement that the
11 basins are owned and maintained by an association, but also that
12 we have annual inspections on those basins by the City of Tucson.
13 So, they're actually -- they're actually mapped and -- mapped GIS
14 from the City of Tucson and there's annual inspections tagged to
15 them.

16 So, every year we'll send out an inspector. They'll go
17 and take a look at the basin. If -- if there's debris in there,
18 if there's sediment buildup, if there's, you know, weeds
19 overgrown or trees, you know, blocking flows, that kind of stuff,
20 if the weir is broken or the riprap is -- has deteriorated, we
21 will note it, and we will flag it as either poor or fair. And we
22 give the association -- we send them a letter and we give them so
23 many days, depending on the condition, to repair them and fix
24 them, and then we'll -- we'll schedule a reinspection and we'll
25 go back out there and check to make sure it's happened. Because,

1 like I said, if those basins aren't functioning, then that
2 drainage design doesn't work.

3 ZONING EXAMINER: So, let's say a basin doesn't
4 function or it fails or something like that, the responsibility
5 of that -- and if it affects an adjoining property, how does --
6 how is that structured into the subdivision process?

7 MR. BLOOD: Well, it would just -- it would --
8 because it's owned and maintained by the association, it'd fall
9 back onto the HOA as -- as being, you know, responsible legally,
10 and so --

11 ZONING EXAMINER: So, the City is not respons- --
12 the City is not held responsible for a failure of a basin?

13 MR. BLOOD: No, all plats have a hold-harmless
14 clause that we put on it so that we're -- we're not tied to that.
15 We're in charge of the inspections and ensuring that, you know,
16 we reach out and make sure that they're maintaining these basins,
17 but if something were to happen, it would fall back on that
18 association.

19 ZONING EXAMINER: Okay. Well, thank you. You've
20 done a great job, Mr. Blood, in answering my questions. And I
21 think -- Mr. Stanley, do you have anything that you want to say
22 that -- you wanted to add reference to what Mr. -- Mr. Blood
23 said or you're good with that? Okay. Okay. Mr. Blood, I hope
24 you stay for a little bit longer in case we have other questions.

25 MR. BLOOD: Sure.

1 ZONING EXAMINER: But, at this point, we've had a
2 Staff Report. We've had the Applicant give a present. And we've
3 had kind of an overview of some of the technical reviews that I
4 requested from Staff to bring to this particular case.

5 With that, we'll go to the public to speak. And let me
6 see if I have my list here. Okay. First -- first, is there
7 anybody representing a neighborhood association, like a president
8 or someone like that, would you mind being the first speaker?

9 MR. ADANG: Thank you, sir. My name is Tom Adang.
10 I spoke last month. I am the President of the Bear Canyon
11 Neighborhood Association and -- living at 2449 North Lightning A
12 Drive in Tucson.

13 A couple of additional points that -- to make tonight
14 that I -- I did not make last month because of some information
15 and -- excuse me -- here let me start with the first -- my first
16 concern. Very interesting that I'm hearing this now from Mr.
17 Blood on the responsibility for basins. So, I'm trying to get
18 this straight and let me understand. The developer goes and
19 builds these retention basins for a development opposed by this
20 large number of homeowners. Then it's built and then the
21 responsibility for cleaning these is given over to an HOA or a
22 neighborhood association; is that right? That does not sound
23 right to me at all. That's the first time I've ever heard of
24 that.

25 ZONING EXAMINER: Mr. Blood, do you want to

1 respond to that question?

2 MR. BLOOD: Yes. So, that -- that's -- the
3 question is: Is that the process? When a -- when a subdivision
4 is proposed and there's retention or detention basins proposed,
5 yes, they're owned and maintained by the association that's
6 formed as the plat is being platted. And so --

7 MR. ADANG: Even when the association speaks to
8 the Zoning Examiner, potentially to Mayor and Council, saying
9 we're opposed to this for these reasons, you still -- you turn
10 them over and then it becomes the -- the HOA responsibility.
11 That just does not sound logical to my mind.

12 MR. BLOOD: Wait, what -- what HOA is opposed -- I
13 mean, the HOA hasn't been formed yet.

14 MR. ADANG: Still in the area of the Bear Canyon
15 Neighborhood Association's associations and HOAs --

16 MR. BLOOD: Okay. So, you're talking about the
17 surrounding --

18 MR. ADANG: -- in this area, Bear Canyon, Bear
19 Path --

20 ZONING EXAMINER: Excuse me. Can you speak in --
21 I'm sorry, I have two people, so you both still have to use the
22 microphone.

23 MR. ADANG: Yes, the Bear -- Bear Path community,
24 they're speaking here today as one of 12 communities, some HOAs,
25 some not HOAs, they're part of the broader Bear Canyon

1 Neighborhood Association.

2 As the Zoning Examiner mentioned as -- a Bear Canyon
3 Neighborhood Plan formed in -- actually signed with the City in
4 November of 1984. And since that time, especially in the last
5 four years, there were very little changes that were done prior
6 to the last four years. In that time, there have been a
7 substantial number of efforts to -- to take a normally suburban
8 community and turn it into urban sprawl and put a whole lot more
9 non-suburban effort into this area where the association is also
10 abutted to a scenic highway. So, we've gone from urban,
11 suburban, scenic highway, to urban -- urban light, scenic
12 highway. That's my view. And this is just one -- something else
13 because this -- this becomes something -- this does not make any
14 sense.

15 ZONING EXAMINER: Could I -- I --

16 MR. ADANG: Sure.

17 ZONING EXAMINER: Mr. Blood, if -- if you could
18 see if I'm getting this right. The HOA you're referring to is a
19 prop- -- is treated like a property owner. The prop- -- the
20 subdivision has two kinds of property owners, each lot is owned
21 by a property owner and the common areas are owned by the HOA.
22 They each are given a parcel number, just like the individual
23 properties have a parcel number, under the Assessor's Office.
24 So, the Assessor's Office sees the HOA as the property owner of
25 the common areas; and the individual lots, those property owners

1 have an Assessor's number and they're the property owners of
2 their property. Did I say anything incorrect there?

3 MR. BLOOD: No, that's correct. And it's that
4 owner, that association, that would be liable and -- and
5 maintaining those -- those basins.

6 ZONING EXAMINER: Right. And they have to hire
7 the contractors to come in and clean the basins. They have to
8 hire the attorneys, or whomever if there is a failure, to handle
9 the case. They're treated just like a regular property owner.

10 MR. BLOOD: That is correct.

11 ZONING EXAMINER: Okay. Thank you.

12 MR. ADANG: I'll have -- I'll have more to say
13 outside this community at -- at another time.

14 The next concern that I have has to do with flooding.
15 The developer talked about the -- the flood -- the floodplain and
16 -- and the challenges that can come with -- with this community.
17 He talked about the drainage and all. But there's a two-way
18 flood problem with this community. You do have drainage that
19 comes from the Fahringer Wash to the north, but you -- and as was
20 described by the developer, you have part of the floodplain from
21 the Tanque Verde Creek that actually crosses the southwest
22 portion of Ms. Larabee's property very close to where this -- the
23 rest of this development is going to be.

24 And the biggest challenge that I have -- and my
25 background is I'm a degreed meteorologist. I have been looking

1 at this for -- I mean, the whole process here in -- in northeast
2 Tucson for ten years, but I've been doing this business between
3 meteorologist and hydrologist for -- for over 55 years. I have
4 looked at the -- the -- the flood zones and the challenges we
5 have in this part of the city. You have the Agua Caliente Wash
6 that comes down from the Catalinas. You have the Tanque Verde
7 Wash that comes in from the Santa -- from the Rincons. And they
8 merge on the south -- southeastern side of Bear Canyon
9 Neighborhood Association, and when they merge they have a lot
10 more flow coming in that area. And where is the strongest flow
11 coming? To the south of Lakes at Castle Rock and right to the
12 south of Bears Path here. It's an accelerated flow. And when we
13 have peak flow and we have the types of floods that we've had,
14 substantially more in the last five years than we've had in the
15 past -- and I can list a number of those -- the danger of the --
16 of that -- of that wash, then a roaring river, overflowing and
17 coming into this area is very high. So, that needs to be looked
18 at as a double flood problem and the impact that can be done
19 there.

20 And most of these people already have or will need
21 flood insurance. I've seen the FIRM maps, flood insurance rate
22 map, the FIRM maps, because they haven't done an update and
23 they're not -- it's not been necessary unless typically you have
24 a letter -- a conditional letter of map revision, a CLOMR, when
25 you have to do that. Probably not necessary here, but if you had

1 to do a FIRM -- a FIRM, flood rate insurance map would -- would
2 be done -- a flood insurance rate map. And so that is a problem
3 that still -- I've not heard a good solution to that. And the
4 risk of flooding in this area, I would rate that as high.

5 Now, the -- the -- that leads to a third item because
6 -- having worked -- worked with the City to understand better the
7 challenges at Casita Village on the -- on the east side of Bear
8 Canyon Neighborhood Association. In that area, close to,
9 adjacent to or in a floodplain, Trinity Westlands conducted a
10 normal -- in fact, a ten-month study of assessing the presence of
11 Native American remains, and it's a very lengthy effort for
12 Casita Village. This -- this area, in my mind -- and Casita
13 Village about 19 acres -- this area of development about 11
14 acres. My question is: Has there been any -- any plan, an
15 assessment, to get someone like Trinity Westlands who the City
16 used for the -- to look at this here?

17 ZONING EXAMINER: Could I -- could I Staff that
18 question?

19 MR. ADANG: Sure.

20 ZONING EXAMINER: Staff, you have prepared a set
21 of conditions, is there any condition that takes this into
22 consideration, finding of artifacts and remains?

23 MR. SLEIGHTER: Yes. So, there is a standard
24 condition on rezonings as far as contacting the Historic
25 Preservation Office if any artifacts are found; and contacting

1 the Arizona State Museum if there are any discovered human
2 remains.

3 ZONING EXAMINER: Okay.

4 MR. SLEIGHTER: So, that is -- the historic review
5 is part of the development process.

6 ZONING EXAMINER: Okay. As -- if -- if this goes
7 forward as a subdivision plat, they would -- that would be
8 something that would be addressed at some point.

9 MR. SLEIGHTER: Correct.

10 ZONING EXAMINER: Okay. Thank you.

11 MR. ADANG: Okay. That's -- that's the answer I
12 was hoping I would hear, because that's a condition that I
13 would've expected given the similarity in -- in these -- in these
14 two areas.

15 And I'll get to the last one on that -- and the last is
16 the traffic study and this goes to the concerns that I've been
17 dealing with since -- since the time I first worked with Bear
18 Canyon Neighborhood Association and then became the President.
19 And that is I see individual traffic studies, but I don't see a
20 system traffic study. If you -- if any of you today drive from
21 Adobe Vet east on -- on Tanque Verde -- on Tanque Verde and go to
22 Houghton and turn south -- and turn south and go down to
23 Speedway, there are a number of traffic studies that have
24 probably been done individually. In the last five months, we've
25 had the work of all the sewage lines being -- being done on the

1 north side of Tanque Verde to just east of the Tanque Verde
2 Lutheran Church, and then the sewer lines going up to the Mason
3 Ranch Apartments, which really are more in the county than they
4 are city, but they have substantially impacted the traffic in the
5 Bear Canyon Neighborhood Association. That was, again, supposed
6 to have been completed in March and then to May and it's supposed
7 to be completed by Memorial Day, the last Monday, and it's not
8 going to be done then.

9 At the same time, they started building Mister Car
10 Wash, which was approved two years ago this coming August, and
11 they're already starting to development. And then we -- we
12 already had Circle K who is building their -- their -- their --
13 one of five different developments or destructions within the
14 Bear Canyon Neighborhood Association or just south. Circle K,
15 that development on the corner of Tanque Verde and Houghton is
16 already well underway.

17 And then if you go another development that is proposed
18 and has been heard by the Zoning -- the Zoning Examiner before
19 and that's La Roca Vista. That is a five-acre lot just on the
20 east side of Tanque Verde Acres, which is the one we've had a
21 discussion -- I've had a discussion about a deceleration if you
22 have to do that.

23 And then shortly Circle K is -- is applying for another
24 Circle K at the intersection of Tanque Verde and Catalina
25 Highway, and then with the intention of closing down the -- the

1 Circle K at Tanque Verde and Bear Canyon. And then there's also
2 the one -- the Circle K they want to take down by Tanque Verde
3 Loop and to use those gas pumps at -- at the one on Catalina
4 Highway. Then you go south, not only did you have the traffic
5 study for Circle K at Tanque Verde and Houghton, then you have
6 the traffic study for the Casitas at La Mariposa. Then you go
7 down to the Circle K at -- at Speedway and Houghton, and then
8 they said, oh, we're going to close that down but we're not going
9 to do it for three years. That whole less-than-three-mile-
10 stretch is going to be under a tremendous amount of -- of
11 traffic, not to include anything that has to do with the -- with
12 the schools getting out at Sabino -- at Sabino High School and
13 the rest of the normal road. A tremendous amount of -- of
14 traffic. I've not seen any traffic study that addresses that in
15 toto, it's all individual pieces. And I think from -- as a
16 systems engineer as well, that hurts my head. I would look to
17 the City to look at that in total and do the studies at the peak
18 --

19 ZONING EXAMINER: I'm going to ask you to start
20 winding up. We have a lot of --

21 MR. ADANG: Sure.

22 ZONING EXAMINER: -- speakers yet.

23 MR. ADANG: I'm -- I'm addressing the major
24 points.

25 ZONING EXAMINER: Okay.

1 MR. ADANG: You asked me to come up and speak as a
2 --

3 ZONING EXAMINER: Sure.

4 MR. ADANG: -- president, those are the ones --

5 ZONING EXAMINER: Sure.

6 MR. ADANG: -- you're going to hear, specifics on
7 the others, but those are the big ones that I see taking a look
8 at the totality of Bear Canyon Neighborhood Association and one
9 of our 12 communities within that. Thank you very much for your
10 time.

11 ZONING EXAMINER: Okay. Thank you for coming
12 forth.

13 The next speaker is Laura Harsh. I hope I pronounced
14 that correct.

15 MS. HARSH: Hi. Thank you. I'm Laura Harsh. I
16 reside at 8951 East Bears Path Road. I just want to thank you,
17 Mr. Zoning Examiner, for extending the hearing so you could
18 better understand our concerns. We really do appreciate your
19 complete thoroughness on this.

20 You know, last night I was thinking about what I was
21 going to speak on, and I think you -- you've heard a lot about
22 the flooding. You've heard a lot about the traffic, you've --
23 the basins, the nonconformity, all of those things. And, you
24 know, I was trying to think of what I would speak on and I was
25 feeling kind of down because of a conversation I had had earlier

1 yesterday with a City official who, when I was asking about the
2 possibility -- separate even from what's happening with the
3 rezoning -- the possibility of getting a flashing crosswalk at --
4 across Tanque Verde between Bears Path Road and the Casitas
5 across the street from us, because there's an elementary school
6 boy over there that has to cross Tanque Verde every day to catch
7 the bus in our neighborhood.

8 The response that I got from him was we don't want to
9 install flashing crosswalks because that encourages people to
10 walk out into traffic. And I was kind of shocked by that
11 response, because, A, people are going to walk anyways. But this
12 was a child, I'm like -- and the child doesn't have a choice
13 about crossing Tanque Verde to get to the bus. But that was the
14 response and it's just -- it -- it made me realize that that is
15 kind of the same sort of pat responses that we're getting for
16 traffic reports, for the sewer status, like any of those sorts of
17 things. It's just we've done our calculations and everything
18 should be A-okay. Like the number of cars that are being added
19 is a small number and it's not going to affect anything. Like
20 we're -- we're aware of that. We know there's construction going
21 on. We know there's traffic in the area and the traffic is going
22 to be heavy.

23 But all -- I feel like all of these officials with all
24 of these reports are missing the point, like completely missing
25 the point. We have no emergency access, ingress or egress out of

1 our neighborhood. And not only in case of a catastrophic
2 emergency, but like two weeks ago when the gas line was hit,
3 traffic was stopped for hours in both directions. They never
4 would've been able to get an ambulance into our neighborhood if
5 that were -- if that were needed. Like Chuck Baumgard (ph.) down
6 the street from us who died last year, the ambulance came monthly
7 for him and that would not have been able to happen. So, those
8 are the things that we're talking about. It's not, oh, there's
9 going to be 51 more trips or however many coming out of the
10 neighborhood. It's -- there's no way to get in and out.

11 The sewer still is a problem. They would not come and
12 monitor it at all of those spots monthly if it were not a
13 problem. It's clearly a problem. The Browns still have sewer
14 backing up into their recessed tubs in their house that's two
15 doors down from me. So, there's clearly still issues that are
16 happening, but I feel like it's just being dismissed because
17 somebody is sitting at their computer looking at something and
18 doing some calculations. They're working at this 30,000-foot
19 level and not coming down to really where we are and seeing
20 what's happening.

21 The basins, yes, I'm sure they're great and will
22 capture water, but that is mainly sheet runoff that comes off of
23 that property that is sustaining all of us. There are flooding
24 issues in some definite -- like channeled areas where it comes
25 through when the rain is super-heavy, but when it's not, it's

1 coming as a sheet and sustaining the entire neighborhood. If
2 we're putting in basins that are capturing like less than 6,000
3 square feet now -- thank you for looking at that, I appreciate
4 that -- but still it's capturing water that now is not going to
5 come to us. So, it'll help when there's that catastrophic event,
6 but not just on the regular day-to-day.

7 You know, I think -- I was feeling kind of despondent
8 about all this trying to figure out what I would do and, like, at
9 that same time like the nighthawks started coming up. I don't
10 know if you know what nighthawks are, but they're birds that nest
11 on the ground and they come out at night and they -- they hunt at
12 night. And they nest in open spaces like on Ms. Larabee's
13 property. I'm sure you've seen them. They're -- they're
14 amazing. They're beautiful. They come out -- they're very
15 acrobatic and catch bugs. And I was reminded that this is a very
16 strong riparian zone and, you know, we get birds all the time.
17 We had an oriole at our feeder just the other morning. Blue
18 birds. We've had a blue footed booby come through our -- our
19 yard, you know. Hawks, so many varieties of hawks, including
20 like a prairie hawk, which is extremely rare in this area, and it
21 comes regularly. There's all of that that's just going to be
22 gone.

23 And when I was sitting here thinking about all of this
24 like -- all I could think was like why? This is for six houses.
25 Why would we risk flooding of our neighborhood, risk damage to

1 our property, risk all of our -- you know, many of our mesquites
2 and our bosques dying from the water not arriving to it anymore.
3 Why would we put neighbors that have gone through crazy PTSD
4 about flooding from sewers, flooding from -- from the shopping
5 center above us, like they're still dealing with that years into
6 this. And to have an HOA take care of a basin, that's great in
7 theory, but we've been trying to deal with that with the shopping
8 center for decades. It's just -- like there's nobody to take
9 care of these things. And you can send a letter all you want to
10 an HOA, but it doesn't do anything if there's no teeth behind it.
11 So, I mean, I just -- I don't understand. I can't -- I can't
12 understand the -- why we would do this for six houses. It's 12
13 parcels. She's only planning to sell six of them. Like this is
14 something that could be potentially catastrophic to our
15 neighborhood, to the character of our neighborhood, to our
16 properties for six houses. I just -- it makes no sense to me.

17 So, I just -- I really -- you know, previously when I
18 was like I think can get around this, get my head around it if we
19 have some conditions, I just -- I can't anymore. And this --
20 again, I really appreciate you looking at the basins, but I
21 really request that you please do not approve this rezoning. It
22 just has so much potential for so much catastrophic events in our
23 neighborhood and we just -- we'd like to not have that anymore.
24 So, thank you for your consideration.

25 ZONING EXAMINER: Thank you. Okay. This

1 gentleman lives at 1352 East King Road. I know his first name's
2 Thomas, but I can't read the last name. I'm sorry?

3 (Inaudible; not using microphone.)

4 ZONING EXAMINER: Oh, oh, oh, sorry. Okay.

5 Lisa Irvin?

6 MS. IRVIN: Good evening. My name's Lisa Irvin.
7 I live at 8741 East Little Bear. The area I live in is
8 northwest, adjacent to where they're going to try to rezone.
9 Hmm? Sure. Is that better? Okay.

10 So, I am concerned over the basins. Again, I -- I feel
11 like -- what Laura mentioned about, you know, them being properly
12 designed and maintained. If they do fail, there's a good chance
13 that it will flood my -- the wash. The wash is on my property.
14 And last year the -- it was up to maximum capacity. And if
15 there, you know, continues to be more of an issue of this going
16 on, it can -- it will -- and they fail, they will flood the wash
17 and into my property and into my house. So, that's a big concern
18 of mine, of course.

19 As Laura mentioned, the sewer systems, every time I
20 take my dog for a walk just around the corner near Nancy's house,
21 there is a sewer smell consistently. And as Nancy mentioned,
22 they had just last -- was it last month or two months ago? Yeah,
23 that she had sewage backing up into her shower and bath. And
24 these are things that, in our neighborhood, need to be remedied
25 before we add to the problem.

1 And I -- you know, I agree with Laura. For some
2 reason, I'm not sure why, but the City thinks that we need to
3 have a Circle K and a Mister Car Wash within every, like, three
4 blocks and you're -- you know, you're -- you're adding to the
5 light pollution of the city, you know. You're degrading the
6 beauty of Tanque Verde, you know. The -- right into -- Tucson
7 has everything you need, but they keep wanting to build out and
8 out. The traffic is horrible. Trying to get across there is
9 just -- it's always scary trying to get to work in the mornings.
10 Trying to get out, you have to pull in the middle, especially
11 with the construction it's worse, and you just keep adding and
12 adding to the problem.

13 So, these are basically -- kind of the concerns that I
14 have is the additional flooding and the degrading of the beauty
15 of the property. And also the two-story homes that have been
16 brought up as far as being a possibility that won't fit within
17 the neighborhood that we have and I would just find that
18 unfortunate. And I guess that's about all I'd like to add.
19 Thank you for your time.

20 ZONING EXAMINER: Thank you. It's 8800 Jacaranda
21 -- Jacaranda Way, but I can't read your name. It could be
22 Christina. I'm not sure. Do you know who I'm getting at?

23 MS. TREVOR: Katrina maybe.

24 ZONING EXAMINER: Katrina? Oh, okay.

25 MS. TREVOR: Yeah.

1 ZONING EXAMINER: Yeah.

2 MS. TREVOR: It's there.

3 ZONING EXAMINER: Okay. We don't have to discuss
4 this, actually you can come up and speak, you know.

5 MS. TREVOR: Oh.

6 ZONING EXAMINER: And you can state your name and
7 that's even better, because then I don't have to --

8 MS. TREVOR: I just --

9 ZONING EXAMINER: -- read it.

10 MS. TREVOR: We were so late and I was like --
11 anyway, sorry to -- hi. Thank you so much. My name's Katrina
12 Trevor, and my spouse and I live at 8755 East Bears Path Road,
13 within 150 feet of the Larabee property. We've been there 16
14 years.

15 We moved to this area believing that the BCNP agreement
16 would hold and that -- that it would be respected. And this has
17 to do with encouraging and stabilizing the character of our
18 neighborhood. And so I -- I did leave my -- I had some figures
19 that I wanted to show you. This is really about preserving the
20 one-story character of our neighborhood, and this is a promise --
21 or basically what we felt like was a promise when we were -- when
22 we originally bought into this area.

23 And this -- what I show you on the first figure is a
24 figure of all the one-story homes in our area. If you look at
25 this, there's the Jacaranda property, all the casitas on the

1 Jacaranda property are one story, every home in this area is one
2 story. And you can see all the way down to -- there's the guest
3 ranch off of Woodland, it is low-profile. The commercial
4 property is low-profile. The -- the casitas across the road on
5 Tanque Verde, they are all one story. And so we are asking,
6 again, that we have a 16-foot limit to the height.

7 And on the next figure that I show you is actually a
8 representation of what it looks like -- it's Figure 2 -- of me
9 standing next to my 11-foot-high house, and me standing next to a
10 telephone pole that's right there on the property. And you can
11 see 30 feet is huge. These homes are going to be monstrous.
12 They're going to dwarf the rest of the neighborhood. So, again,
13 we're asking --

14 ZONING EXAMINER: Can I ask you a question?

15 MS. TREVOR: Yes.

16 ZONING EXAMINER: Why did you pick 16 feet, was
17 there a particular reason?

18 MS. TREVOR: No, we kind of discussed 16 to 20
19 feet, something like that, but to keep it as a one-story. And,
20 when you consider that the ADUs can also be 30 feet, you're
21 looking at monstrous homes that are basically dwarfing all the
22 houses around it. I might add -- it's on the map, the building
23 map -- all the houses around it are 12 feet. There is one house
24 that's a little bit of a bi-level that's not too far away, but
25 it's -- from the front of house, it's definitely one story.

1 ZONING EXAMINER: Do you know how tall the tallest
2 one- -- one-story house is in your neighborhood by any chance?

3 MS. TREVOR: Yeah.

4 ZONING EXAMINER: Someone's going to speak to
5 that?

6 MS. TREVOR: So, I think he's going to speak to
7 that.

8 ZONING EXAMINER: Okay.

9 MS. TREVOR: But I just wanted to give you a sense
10 of what 30 feet looks like around -- surrounded by all these --
11 classic one-story Tucson neighborhood that we have.

12 I would like to address a couple of things -- and I
13 think we've already talked about this -- but my issue is whether
14 we can trust the City and trust an HOA to care -- take care of
15 these basins. These -- these basins are huge. And I have
16 another figure there -- I think it's on Figure 2 -- Figure 2 that
17 kind of shows what the waterflow is like in our neighborhood;
18 it's the one with the blue arrows.

19 And the concern is that we're already overwhelmed with
20 water in our neighborhood. During a storm, it is pretty
21 outrageous what happens. So, you not only have -- this is our
22 concern about City design, et cetera. If you look at the
23 commercial hardscape, you can see water flows -- it's designed --
24 virtually designed to pour onto Bear Canyon, to pour onto Bears
25 Path Road. It's also designed to come down into people's

1 property. There's been a lot of damage in that area of -- of --
2 behind people's homes. Then all the water comes down Bears Path,
3 it also comes down East Little -- East Little Bear, down the
4 Fahringer Wash, and you have all this water gathering at the base
5 of the Fahringer Wash in front of some people's homes actually.
6 So, if you look at the Jacaranda property, and if you stand there
7 in -- in our neighbor's backyard and look up, it literally goes
8 up. So, this water is pouring -- has a potential to pour off
9 this property and pour down and, again, heads toward East Little
10 Bears Path Road. So, we're really ask that -- that there is
11 consideration and some stipulations made about these basins.
12 We've talked about the -- what we felt was inadequate design;
13 who's responsible for it.

14 We've also had issues with Ms. Larabee regarding her
15 property. There have been numerous complaints about maintenance,
16 et cetera. The question is: Who's going to maintain the basins
17 on the property that she will retain? And that's an issue.

18 Mosquito control is huge. We all know this in our
19 area. So, we're going to have these seven huge basins around the
20 perimeter of this property that's going to have mosquitos. We
21 also might add, as some of -- some of us have been discussing,
22 the El Nino this year is supposed to be really bad. There is
23 going to be a lot of wet -- wetness throughout the southwest, so
24 we have to be concerned about that.

25 We also want to make sure that we understand there's a

1 need for -- and I think this was discussed a bit by -- by Jeff --
2 regarding semipermeable hardscape. If we're going to have
3 hardscape there, it needs to be gravel or something else.

4 The other thing is the sewers and we've already kind of
5 talked about this. But, in terms of the prop- -- the Jacaranda
6 property, there's a six-inch line up in the northwest corner and
7 an eight-inch line in the southeast corner that this is to feed
8 into. So, we're on an eight-inch line and there's the other six-
9 inch line. The Larabee property I understand is going to add
10 some individual residences to that sewer system and it's going to
11 -- and we're going to add the other six homes that are going to
12 be on the other side. So, we feel that we are at capacity and so
13 I don't need to belabor that, but we've talked about it. These
14 lines are from 1965. We had a horrendous tragic accident, or
15 whatever, in 2001, that huge amount of litigation around that.
16 We also still have litigation -- and it's what Laura said -- all
17 the water coming off the hardscape from the commercial property.
18 So, we believe we have to look at -- we have to have some
19 guarantee about the sewer capacity before rezoning takes place.

20 The traffic impact -- and I understand and I sort of
21 looked at this from -- this is a handbook from the Florida DOT
22 that's used by a lot of cities I assume, where they have all
23 sorts of calculations and a way to figure these things -- sort of
24 things out. But LOS D, this really means we're pretty much at a
25 maximum.

1 But the other thing that -- that this -- this handbook
2 talks about is managing the intersections and the ability to
3 access. So, if you look at -- I think my third figure on there
4 -- is that the biggest issue here is the intersection at Bear
5 Canyon and Tanque Verde. We've already talked about we have
6 casitas across the way. We have Mister Car Wash going in. We
7 have a gas station actually on the corner at Bear Canyon Road
8 right there. We have the Mason Ranch properties, you know, the
9 apartments there. So, we're -- this whole intersection is an
10 absolute mess already. We can't get out. People can't get in.
11 And we've had accidents; unfortunately, fatalities. So, we've
12 really got to think about how we're going to design and what
13 we're going to do about this, because we can't get in and we
14 can't get out. And this is a huge issue and I don't have to
15 belabor it any more. So, thank you so much for listening.
16 Appreciate it.

17 ZONING EXAMINER: Thank you. This is the same
18 name you've got. So, there -- there's two Katrina -- Katrinas
19 here.

20 MS. RENNER: One is a couple of neighbors have
21 asked us to read letters. Can we do that?

22 ZONING EXAMINER: I can't hear you.

23 MS. RENNER: Oh, two of the neighbors have asked
24 if we'd read letters for them. Can we do that?

25 ZONING EXAMINER: Sure.

1 MS. RENNER: This is from (inaudible; not at
2 microphone) neighborhood.

3 ZONING EXAMINER: So, you still have to identify
4 yourself.

5 MS. RENNER: Sure. My name is Stacy Renner, and I
6 reside at 8755 East Bears Path Road.

7 And I'm reading -- our neighbor had a little tragedy
8 with one of her horses and she wasn't able to attend tonight.

9 ZONING EXAMINER: Okay.

10 MS. RENNER: So, she asked if we could read this
11 letter for her --

12 ZONING EXAMINER: Okay.

13 MS. RENNER: -- all right?

14 "My name is Julie Tabor, and I am a
15 resident and property owner in the Bears Path
16 and Tanque Verde equestrian area. I
17 appreciate the opportunity to speak today
18 because this rezoning is not just about
19 density numbers on paper, it is about safety,
20 character and survival of one of the last
21 truly rural equine communities in this part
22 of Tucson. This area is unique. Families
23 here have invested decades preserving horse
24 properties, maintaining wash corridors,
25 caring for livestock, and protecting the

1 open, rural character that defines Tanque
2 Verde."

3 And if ever get a chance to go down there, it's
4 beautiful. All right. That was my opinion.

5 ZONING EXAMINER: Okay.

6 MS. RENNER: "Many of us did not move here for
7 suburban density. We moved here because this
8 is one of the few remaining places where
9 horses, livestock, and rural living still
10 coexist with the natural desert environment.

11 "What concerns me most is that
12 infrastructure and emergency access in this
13 area are already falling under existing
14 conditions. The sewer system serving the
15 neighborhood is outdated and vulnerable. My
16 concern is not hypothetical. My family
17 personally experienced a catastrophic sewer
18 failure when approximately 15,000 gallons of
19 raw sewage entered our home. We suffered
20 severe contamination, property damage, and
21 lasting impacts from the event. That failure
22 with -- that failure occurred with the
23 current density levels. I have been in
24 communication with the Pima County Regional
25 Wastewater Reclamation Department and believe

1 their response is in theory, and I -- their
2 response is in theory, and I remain
3 unconvinced since the three eight-inch lines
4 that flow into one eight-inch line where the
5 failure occurred is unchanged. If they are
6 certain the system can handle the additional
7 capacity, why do they continue to scope and
8 flush? They do that about every month.

9 "Equally important is the floodplain and
10 evacuation concern. Our neighborhood sits
11 within the FEMA floodplain, and during major
12 storm events, our exits become impassable.
13 Residents here are not only evacuating cars,
14 we are responsible for horses, livestock,
15 livestock trailers, elderly animals, therapy
16 horses, and, in many cases, multi-area
17 properties with limited maneuverability.
18 When washes rise, we become trapped. There's
19 currently no reliable all-weather evacuation
20 route for this equine community. That means
21 if there's a flood emergency, wildfire or
22 infrastructure failure, hundreds of animals
23 and residents could be left with no safe
24 exit. And I think the gas line was proof of
25 that recently.

1 "This community is also home to
2 Therapeutic Riding of Tucson, where therapy
3 horses are boarded and cared for. These are
4 not disposable properties or empty parcels.
5 This is a living equestrian community with
6 real people, animals, responsibilities that
7 cannot simply be evacuated in minutes.

8 "Under Tucson Code § 26-1.4, the City
9 has a duty to avoid approving uses that
10 create hazards to public safety. I do not
11 believe increasing density is a trapped -- I
12 do not believe" -- sorry, it went silent on
13 me -- "I do not believe that increasing
14 density" -- I lost my place, I'm sorry -- "in
15 a trapped floodplain area without a formal
16 evacuation and egress plan is consistent with
17 that obligation.

18 "There's also the daily safety reality
19 of Tanque Verde Road. Residents towing horse
20 trailers already struggle to safely enter and
21 exit traffic. The roadway is becoming
22 increasingly dangerous because of the
23 cumulative high-density projects throughout
24 the corridor, combined with commercial
25 development and constant heavy construction

1 traffic. The issue is not just the single
2 rezoning application in isolation, it is the
3 cumulative impact of repeated density
4 increases on infrastructure that was never
5 designed for this level of urbanization.

6 "Residents in this area have worked hard
7 to preserve one of Tucson's remaining
8 equestrian corridors. Once this corridor --
9 once this character is lost, it cannot be
10 recreated. High-density rezoning may benefit
11 developers financially, but the long-term
12 burden falls on the existent resident --
13 existing residents who absorb the flooding
14 risks, traffic dangers, infrastructure
15 failures, and the loss of rural safety. I
16 respectfully ask that the rezoning be denied.

17 Best regards, Julie Tabor."

18 MR. BEALL: Staff would just like to make a quick
19 announcement that the -- just to note that the El Presidio Garage
20 closes at 8:00, so in case anybody's parked in there.

21 ZONING EXAMINER: Okay. Going to the -- I think
22 this is the last speaker. It's again the same -- same -- is
23 there another letter you want to read? What is -- what is the
24 last name again because I just can't read it.

25 MS. TREVOR: Trevor.

1 ZONING EXAMINER: Trev- -- okay.

2 MS. TREVOR: Trevor, Trevor. I know, that's --
3 that's the problem with being a doctor, your handwriting is an
4 issue. Okay.

5 This is a letter by Ella Tabor:

6 "Dear Zoning Commissioners: I am
7 revising my initial letter of protest to
8 include the flood maps with an alert system
9 that clearly shows that the washes that flow
10 through my home and surrounding horse
11 properties. I formally oppose the Case TP-
12 ENT-1125-00023 -- got it -- regarding the
13 proposed rezoning of the 8800 East Jacaranda
14 Way from Suburban Ranch to -- from SR to RX-
15 1. As a resident of 8760 East Bears Path
16 Road, the University of Arizona -- a
17 University of Arizona student pursuing a
18 career in equine veterinary medicine, and a
19 local horse owner actively involved in
20 Tucson's equestrian community, I strongly
21 object to this proposal and respectfully urge
22 its denial. Even the proposed 12-lot
23 division represents an overdevelopment
24 incompatible with the rural character,
25 infrastructure limitation, flood risks, and

1 equestrian lifestyle that define the Tanque
2 Verde Valley.

3 "Traffic and public safety are already
4 major concerns in this area." I think you've
5 heard that a few times today. "According to
6 the Applicant's own traffic analysis, Tanque
7 Verde Road west of Bears Path Road currently
8 carries more than 31,000 vehicles per day and
9 operates at a borderline level of service D.
10 Additional residential density will increase
11 congestion and create even greater safety
12 hazards along the only practical route in and
13 out of this community. These impacts are
14 especially serious for residents involved in
15 equestrian and veterinary operations.

16 "In both my personal and professional
17 life, I -- I routinely haul horses from my
18 home to Bandalero and other equestrian
19 facilities, as well to the Adobe Veterinary
20 Clinic which is up the road on Tanque Verde.
21 Maneuvering a 30-to-40-foot horse trailer,
22 though already congested, high-speed traffic
23 is dangerous under current conditions --
24 would be dangerous under current conditions.
25 Standard traffic studies fail to account for

1 the spacing, turning radius and safety
2 considerations regarded for large live --
3 live animal trailers, particularly when
4 transporting injured or distressed horses.
5 Recent road closures have already
6 demonstrated how vulnerable the area is.
7 During one closure, residents completely lost
8 access to Bandalero and surrounding
9 facilities. Had I been transporting horses
10 at that moment, I would've been stranded with
11 a live animal trailer and no alternative
12 evacuation route available. There is
13 currently no realistic evacuation plan for
14 the equestrian community, despite the
15 concentration of horses, boarding operations,
16 therapeutic riding facilities, ranches,
17 veterinary-related services in this corridor.

18 "The flooding concerns in this area make
19 these evacuation limitations even more
20 alarming. In a major storm event, evacuating
21 hundreds of horses and livestock from
22 ranches, boarding facilities, therapeutic
23 riding centers and private properties would
24 be an enormous logistical challenge.

25 Increased density and additional traffic

1 congestion would only worsen these conditions
2 and would create devastating consequences for
3 both the residents and animals during the
4 emergency situation.

5 "This area is home to some of the finest
6 equine facilities in Tucson, including
7 veterinary services, therapeutic riding
8 programs, horse-training operations, boarding
9 facilities that serve the broader community.
10 These longstanding agriculture and equestrian
11 resources are part of what makes the Tanque
12 Verde Valley unique and valuable. They
13 deserve to be respected and prioritized
14 rather than gradually displaced by
15 incompatible higher-density development.

16 "I am also deeply concerned about the
17 flood -- worsening flood risk and stormwater
18 impacts. The Tanque Verde Valley Creek
19 corridor and surrounding washes already
20 present serious damage, serious drainage and
21 flood hazards that's reflected in the current
22 -- the county floodplain and flood alert
23 mapping. Continued upstream development and
24 the loss of open land increase runoff,
25 erosion and downstream pressure on the

1 existing properties. My family has already
2 experienced these consequences firsthand. We
3 have sustained substantial property damage,
4 erosion and physical injury related to the
5 flooding storm impacts in this area. During
6 one incident, my father fell and cracked his
7 head open. These are not hypothetical
8 concerns to our family, they're -- they're
9 real for those of us who live here.

10 Continued higher-density development upstream
11 threatens the intensity of already dangerous
12 conditions and places existent homes,
13 residents, livestock and infrastructure at
14 greater risk. Given the documented flood
15 hazards in this corridor, approved additional
16 density appears inconsistent with responsible
17 floodplain and stormwater management.

18 Existing residents should not bear the
19 consequences of increased runoff, evacuation
20 limitations, and infrastructure strain caused
21 by continued overdevelopment.

22 "Finally, this rezoning undermines the
23 purpose of the Suburban Ranch zoning which
24 was intended to preserve the rural,
25 agricultural and equestrian character of the

1 Tanque Verde Valley. Incrementally replacing
2 SR zoning with higher-density residential
3 development erodes the environment necessary
4 to -- to sustain Tucson's equine community
5 and future veterinary professionals who
6 depend on it. I respectfully ask that you
7 prioritize public safety, flood realities,
8 evacuation limitations and presentation (sic)
9 of the Tanque Verde's rural and equestrian --
10 by recommending denial of this case.

11 Sincerely submitted, Ella Tabor."

12 Can I -- can I say one thing? I would like to add too
13 that --

14 ZONING EXAMINER: Go ahead.

15 MS. TREVOR: -- I -- I really want to just say I
16 think all of us who live in that area aren't against the
17 building. We're just -- we would like people to stay within the
18 zoning regulations currently there and not, you know, make this
19 bigger than it has to be, to support us so that we can continue
20 being that prize or that jewel of Tucson. So, I hope that you
21 hear what we're saying. Thank you.

22 ZONING EXAMINER: Thank you. There was a question
23 that I asked earlier -- not to you --

24 MS. TREVOR: Oh.

25 ZONING EXAMINER: -- you can sit down -- and it

1 had to do with building height. And the gentleman in the black
2 shirt, I don't have you as a card, but -- but if you would --

3 UNIDENTIFIED MALE: (Inaudible; not at
4 microphone.) I signed up to speak on the (inaudible). It's
5 here.

6 ZONING EXAMINER: Okay. Is there anybody else who
7 signed up by email that I haven't called? Okay. You and -- and
8 just you. Okay. Okay.

9 So, Mr. Korf (ph.), go ahead and --

10 MR. KORF: Hi, my name is Aaron Korf. My name is
11 Aaron Korf. I live at 8951 East Bears Path with my wife. I have
12 two decks here for your consideration that speak to the -- the
13 height and character of our neighborhood. My name is Aaron Korf.
14 My wife and I live at 8951 East Bears Path Road. We live
15 directly south of the Jacaranda property and are opposed to the
16 rezoning of the parcel to RX-1.

17 The page that I've turned it to shows the character of
18 the Bear Canyon Woods Neighborhood. All of the existing homes on
19 the 46 parcels within Bear Canyon Woods are single-story homes,
20 approximately 12 feet -- 12 feet in height, with the exception of
21 the two pictured below. They are technically two-story homes but
22 are still in character with the rest of the neighborhood and are
23 far lower than the 30-foot-high permitted in RX-1 rezoning. The
24 one at 9040 East Bears Path Road measures 17 feet, 10 inches, and
25 the other one is just under 16 feet. We are requesting -- and we

1 still consistently ask for a height limitation as a -- as a
2 condition of rezoning.

3 To my point -- my main point is -- I have -- I have two
4 questions before we move on, Mr. Mazzocco and Mr. Blood. One
5 pertinent question is: Does the Zoning Examiner have the
6 authority to mandate a homeowners -- homeowners association as a
7 condition of rezoning?

8 ZONING EXAMINER: I don't believe so. Well, that
9 all -- that all depends. But I think in this case -- and Mr.
10 Blood has made this clear -- when you have common area as part of
11 the design of the subdivision, the common area has to have an
12 owner, and it can't be the property owner where the common area
13 is located, if it's located within a private lot, that has to be
14 the homeowners association. So, that just goes with how
15 subdivisions are approved in just about any jurisdiction. When
16 you have a common area, somebody has to own it and it has its own
17 assessor's number and parcel number.

18 MR. KORF: So, what guarantee is there that a
19 homeowners association will be formed for maintenance of these --
20 of the erosion -- of the hydrology basins; is that -- will that
21 be mandated in the -- in the permitting process?

22 ZONING EXAMINER: They won't be given -- their --
23 their plat won't be approved unless they have that formed. But,
24 Mr. Blood probably knows better than I how to answer that
25 question; if you would, Mr. --

1 MR. KORF: That's very critical for us, because in
2 times past -- we understand that the City is held without harm in
3 approving any of these designs. The maintenance has been a
4 perennial problem. We've seen -- with the example of a couple of
5 neighbors of ours that live below the commercial properties at
6 Tanque Verde and Bears Canyon -- that the -- even though approved
7 -- erosion control was approved during the permitting process,
8 maintenance has been a perennial issue, requiring in the case of
9 Judy Dax's (ph.) property remediation that took over eight years.
10 So, maintenance and the guarantee of a -- of a homeowners --

11 ZONING EXAMINER: Okay. Why don't we --

12 MR. KORF: -- association --

13 ZONING EXAMINER: -- have Mr. Blood -- okay, I
14 think we understand the problem that you're talking about -- the
15 basic problem. Mr. Blood, could you just say what is the City's
16 standard operating procedure for homeowners associations in
17 subdivisions and common areas.

18 MR. BLOOD: So -- so as you pointed out, that it
19 -- it is true. So, the plat itself is a recorded document
20 through the County, approved by the City, and it's a legal
21 binding document that doesn't happen until, like you said, the
22 homeowners -- homeowners association is formed and it's -- and
23 it's -- and it's there.

24 When it comes to the maintenance of it, yes, they are
25 liable. We do inspect it. When maintenance is not happening, we

1 don't just send letter after letter and hope that it happens. We
2 have follow-up inspections depending on the severity of the basin
3 at the time of the inspection. And we have -- if there's no
4 response within that 60 days after we send the letter out, or
5 after we come back to inspect it again, then we -- we get Code
6 Enforcement involved and so it's not just an empty thing.

7 Now, has -- is every single basin in the city perfectly
8 maintained? No, but, you know, we're -- we do the best we can as
9 far as ensuring that the homeowners association, the businesses,
10 whoever owns and maintains those basins are informed when they're
11 inadequate and we hold them to accountability as best we can.

12 ZONING EXAMINER: So, when you say "Code
13 Enforcement gets involved," the City standards -- or Code
14 Enforcement, they can take it before a judge I believe.

15 MR. BLOOD: That is correct.

16 ZONING EXAMINER: And the judge can make a fine or
17 even -- even jail time I -- I think in very rare cases.

18 MR. BLOOD: Yes.

19 ZONING EXAMINER: Okay, okay. So, that's your
20 answer.

21 MR. KORF: Thank you for that clarification. We
22 still -- we still express our concern about maintenance of any
23 issues that would -- that would impact downstream effects onto
24 properties adjacent to the Jacaranda property.

25 May I say that I and 14 neighbors bordering the

1 Jacaranda property assembled a petition of opposition and
2 submitted it to the Zoning Examiner for the April 23rd meeting.
3 Since then, we've continued as a neighborhood to work through
4 issues with engineer Jeff Stanley and Carolyn Larabee about our
5 concerns.

6 We had Jeff over to our house on April 28th to look at
7 what he had proposed. We walked the property line. We pointed
8 out two of the proposed -- of the seven proposed retention basins
9 that sit directly on our property line and above our structures.
10 These basins originally measured a staggering 95 feet wide by 67
11 feet high, and 67-by-20 feet.

12 We pointed out how his design would change the
13 landscape. We counted the mesquite trees that would be pulled
14 out for construction. We repeatedly asked Jeff if he could see a
15 better solution to the hydrology problem than putting enormous
16 basins directly on our property line. In the end, he deferred
17 any suggestions until now, stating that his design was just
18 trying to meet the calculations required for the rezoning
19 proposal, and that those basins did what was needed. I think
20 this drastically misses the point of this hearing. You cannot
21 undo such a significant rezoning.

22 This hearing and the Zoning Examiner's recommendation
23 has a monumental responsibility that shouldn't be taken lightly.
24 Changing the zoning from Suburban Ranch cannot be undone. This
25 area has significant concern that we've already raised.

1 Hydrology, sewer, and traffic infrastructure are already
2 critically stressed. And given the developments -- the
3 developments of Mason Ranch to our north and the Casitas at -- at
4 Mariposa to the east, we've yet to understand how these changes
5 -- what these changes will do to the area on all fronts. On the
6 one hand, we have assurances from the City Department of
7 Transportation that traffic plans are adequate. We have
8 assurances from Jeff Stanley that erosion planning is adequate.
9 We have assurances from Pima County Wastewater that current sewer
10 is adequate. This all misses the point. You can't undo such a
11 significant rezoning.

12 Yesterday we had City Council Member Paul Cunningham
13 over to see the proposed rezoning with about ten of our
14 neighbors. We raised all of these concerns, the criticality of
15 the hydrology, infrastructure, and emergency access. And he
16 agreed with our concerns. He told us point blank that he would
17 not consider rezoning of this parcel to RX-1, saying there are
18 too many projects going on in the area right now to consider
19 another one right now. We agree. This area is too delicate,
20 currently too fragile and with too many questions left
21 unanswered. You cannot put this genie back in the bottle after
22 it is let out. We vehemently oppose the rezoning to RX-1.

23 ZONING EXAMINER: I think we have one last
24 speaker. Okay.

25 MR. SMITH: I'm Steve Smith. My wife and I, Ann,

1 we live at 8900 East Bears Path. All these people who are
2 abutting up against these drainage basins -- well, we're across
3 the street and we get to watch the river going down Bears Path.

4 A lot of my issues have been answered. So, I'll ask
5 Mr. Blood -- I was -- my big thing -- about the maintenance. We
6 heard Ms. Larabee say they'll form an HOA and apparently it is
7 required. My wife, Ann, pointed out -- you know, a lot of
8 people, there are HOAs, there's 40 residences, 80, 120, whatever
9 -- as I understand this, Ms. Larabee, she rents all her others.
10 So, these six, plus her, that's an HOA of seven people and that
11 is a hell of a small thing to spread out maintenance. So, what's
12 our guarantee? We've lived here 33 years and we just touched
13 upon -- we get assurances and assurances and assurances it'll be
14 fine. And when there's a problem, that developer's long gone or
15 the person from the City of Tucson is gone.

16 So, I think that what happens ten, 15, five, whatever
17 it is, when the basins require maintenance, those six other
18 people, they just said we ain't paying it. Now, apparently the
19 City will come and pimp them. Is anybody going to be put in
20 handcuffs? Is anything -- assets to be garnished, you know, to
21 pay for it? To force them? Or is it going to be a strongly-
22 worded letter? Or is it going to take 18 months of litigation
23 and then appeals? So, we have real concerns on this that -- oh,
24 what happens to the HOA when it finally hits the fan? They say
25 -- some say they answer us. I wouldn't put much past Ms.

1 Larabee. Oh, we dissolved our HOA two years ago. What's the
2 City going to do? So, those are our concerns. I don't think
3 those seven people are going to be thrilled about paying for all
4 that maintenance. Thank you.

5 ZONING EXAMINER: Okay. Thank you. So, we don't
6 have anymore speakers? No more -- no, no, no, if you're first
7 time, yeah, but we're not going to seconds around. If you -- so
8 what's your name, ma'am?

9 MS. FAHRINGER: (Inaudible; not at microphone.)

10 ZONING EXAMINER: Okay. Go ahead.

11 MS. FAHRINGER: I didn't -- I didn't intend to
12 speak because the people in our neighborhood are united, so very
13 strongly opposed to this development. But I have lived -- my
14 name is Nancy Fahringer and it's the Fahringer Wash.

15 ZONING EXAMINER: Okay.

16 MS. FAHRINGER: I've lived -- I'm 90 -- I've lived
17 there for more than 50 years, 55 years, so we've seen a lot of
18 changes over the years, both to Tanque Verde and to Bears Path.
19 And we have -- if there's a rectangle of the proposed
20 development, we are completely on one side of the development
21 from top to bottom, about three -- a little less than three
22 acres. It's just wooded and we've had horses.

23 But what I wanted to say is it's very hard to describe
24 our neighborhood adequately, but I just was -- I happened to
25 bring with me some photographs of the floods that we've had.

1 We've had many floods over the years. I don't know whether I --
2 I could see that this seemed to work. Would you like to see a
3 picture or two of the floods or does it matter really?

4 ZONING EXAMINER: Do you have large pictures?

5 MS. FAHRINGER: Yeah, they're pretty large.

6 ZONING EXAMINER: Okay. Yeah, if -- Gabriel will
7 come down and --

8 MS. FAHRINGER: Okay.

9 MR. SLEIGHTER: (Inaudible; not at microphone.)

10 MS. FAHRINGER: Eventually, doesn't --

11 MR. SLEIGHTER: Okay.

12 ZONING EXAMINER: I'll just -- okay, you're done.
13 So, I'm just going to take a quick look here. And, Mr. Stanley,
14 or Mrs. Larabee, if you both want to make a comment, I think
15 we've had everybody else speak. So, the Applicant has an
16 opportunity to -- to speak again. You're not going to? Okay. I
17 kind of get the picture. And thank you. Thank you for showing
18 your pictures.

19 I have a couple questions, though, for you; if I could
20 ask? And then maybe this is something you can think about. So
21 -- so my understanding is this is under the Bear Canyon
22 Neighborhood Plan, and the only reason this has come forward as a
23 rezoning is it -- it was compatible with the Bear Canyon
24 Neighborhood Plan; am I correct, Staff?

25 MR. BEALL: That is correct. It's the same

1 zoning.

2 ZONING EXAMINER: So, this particular property in
3 the Bear Canyon Neighborhood Plan would allow RX-1 zoning as --
4 as a proposal?

5 MR. BEALL: Yes, that is -- yes, that is correct.

6 ZONING EXAMINER: Okay. And you can't bring a
7 case forward because of state statutes, they say you can only
8 bring a rezoning that complies with the -- the plan that applies
9 to it?

10 MR. BEALL: Yes, that is correct. Originally, the
11 Applicant was thinking about an RX-2 possibility and would have
12 to go through a concurrent amendment for that plan, but then
13 decided not to go through that amendment and do the RX-1.

14 ZONING EXAMINER: So, all these lots being -- in
15 this proposal would meet the RX-1 lot size, and some are slightly
16 larger than the 36,000 square feet.

17 MR. STANLEY: Correct.

18 ZONING EXAMINER: And you currently have SR on the
19 lot. If you take out the six western lots, how many lots -- if
20 you just were developing and this is SR, would you be able to
21 develop two -- two lots?

22 MR. STANLEY: I think maybe two. I don't know.
23 What's the SR size?

24 ZONING EXAMINER: I'm sorry. I didn't hear that.

25 MR. STANLEY: I'm not sure. The SR --

1 ZONING EXAMINER: SR is 144,000 square feet.

2 MR. STANLEY: Okay. That is -- yeah, two I think.

3 ZONING EXAMINER: That's about two.

4 MR. STANLEY: Yeah.

5 ZONING EXAMINER: Okay. So --

6 MR. STANLEY: There's 11- -- 11.2 acres total
7 right now so --

8 ZONING EXAMINER: Yeah, and if you throw on two
9 more ADUs per lot, you get six -- six units, two -- two minor
10 units and one primary unit. Okay.

11 This issue of height. The last time -- we talked at
12 the last hearing. Ms. Larabee said absolutely not on 16 feet;
13 that you wanted to keep the 30 foot as the height limit on this
14 proposal. Mrs. Larabee, do you want to say something?

15 MS. LARABEE: (Inaudible; not at microphone.)

16 ZONING EXAMINER: Okay. Okay. Okay. Okay.

17 MS. LARABEE: (Inaudible; not at microphone.)

18 ZONING EXAMINER: Oh, you know, it's better if you
19 speak up here rather than there 'cause this is -- this is all
20 being recorded. So -- so I -- I heard what you said. You're
21 willing to go to 20 feet.

22 MS. LARABEE: The 20 feet is fine. And I think
23 that's a middle ground for me and them. And there are other two-
24 story homes in the area. There is one right there on Bears Path,
25 not even a block from me. There's another -- looks to be a tri-

1 level from the pictures I took.

2 ZONING EXAMINER: Okay. Could you just give your
3 name and address for the record so --

4 MS. LARABEE: Oh, okay. My name is Carolyn
5 Larabee, and I am the owner of the property at 8800 East
6 Jacaranda Way.

7 ZONING EXAMINER: Okay.

8 MS. LARABEE: And, also, I went and took pictures
9 of two -- three other two-story homes on Woodland. So, there are
10 other two-story homes.

11 Now, the 20 feet, that's okay. I --

12 ZONING EXAMINER: Okay.

13 MS. LARABEE: -- I -- I don't think that'll hurt.

14 ZONING EXAMINER: Okay. The setbacks for RX-1 --
15 and I'm going to ask Staff this -- on the side yards and the rear
16 yards that would impact the adjoining properties, what is the
17 current setback for RX-1? (Inaudible response.) Okay. The
18 answer's 20 feet.

19 MS. LARABEE: Twenty feet, yeah.

20 ZONING EXAMINER: Twenty feet. And would you
21 increase that setback where it adjoins the adjoining property
22 lines?

23 MS. LARABEE: Yeah, I don't have a problem with
24 that.

25 ZONING EXAMINER: Okay.

1 MS. LARABEE: Nobody's going to build their home
2 on the very back of the land anyway.

3 ZONING EXAMINER: Okay. So -- so you're -- you're
4 willing for some lessening of height and -- and -- and increasing
5 of building setback from the property lines of the adjoining
6 properties?

7 MS. LARABEE: Yes.

8 ZONING EXAMINER: Okay. Okay. This is a question
9 for Mr. Blood: Are you aware of this area being this major flood
10 area that happens on some sort of regular basis?

11 MR. BLOOD: Yes. So, the whole area surrounding
12 this parcel, as everybody's talked about, is -- you know, there
13 is major flooding in the Fahringer Wash and, you know, a lot of
14 the surrounding washes around in the area are -- are major
15 concerns. And that's -- that's why this area is in what we
16 called a critical basin designation and this development would
17 require a reduction in -- in -- in flows offsite so that -- to
18 mitigate, not solve the problem, but not make it worse.

19 ZONING EXAMINER: So, the -- the -- the one thing
20 that you said about this property, if it were divided into a
21 subdivision -- at its current state it has a baseline drainage
22 off the property into surrounding properties and onto the roads
23 or wherever it goes. But, if it were developed as a subdivision,
24 that baseline would be reduced by 15-percent -- it would contain
25 15-percent of the runoff that normally would run off; am I

1 getting that right?

2 MR. BLOOD: Well, yes and no.

3 ZONING EXAMINER: Okay.

4 MR. BLOOD: It -- it reduces the peak discharge
5 and that's what causes flooding, is during your -- during your
6 storm event you have your peak discharge and that's where your
7 flood waters come up high, you know. The storm lasts a long time
8 and water flows a long time after the storm is completely done,
9 right? And so, you know, you have -- there's a time in the
10 middle where you've got your peak flows at any given point of
11 that watershed and it's -- it's -- that is what we're looking at.

12 When it comes in terms of the amount of water leaving
13 the property, that's going to remain pretty much the same, it's
14 just going to be stretched out and, you know, detained on the
15 site. Stretched out so that it's not flooding anybody or
16 increasing the flooding that's already happening in the
17 surrounding area. There is a portion of this site that is in the
18 flood -- 100-year floodplain and any development in that -- or
19 near that area would be highly regulated by -- by floodplain
20 ordinance from the City. But, yes, the majority of this parcel
21 is out of that floodplain and would only be contributing to those
22 major washes and flooding areas. And so it's our job to -- to
23 make sure any new development coming in is not making things
24 worse and so --

25 ZONING EXAMINER: And -- and a lot of the

1 testimony tonight was this property and this development with
2 this number of units is going to make things worse on -- on many
3 issues, but the focal point here I'm talking about is the
4 flooding. Do you think that is a true statement? Is that
5 something that you would make as a -- you know, a City official?

6 MR. BLOOD: Well, that -- that's -- that's our job
7 is to analyze both the existing and proposed hydrology for the
8 site and to make sure that that's not happening. And so I would
9 say, given the reports that I've looked at so far and that I'm
10 going to look at in the future, that's -- that's my job, to make
11 sure that that's not happening --

12 ZONING EXAMINER: Okay.

13 MR. BLOOD: -- because that -- that is the
14 concern.

15 ZONING EXAMINER: Okay. Well, I understand there
16 are other issues with transportation of the surrounding area and
17 I think the position of the City has been, yes, it's at level of
18 service D, and whether this goes in or doesn't go in, it's still
19 going to be level of service D, and that's a problem that the
20 City has to figure out in the future for that entire area. And
21 this -- this is not the breaking point, the straw that breaks the
22 camel's back, which is kind of what I'm hearing is -- that this
23 is just the point where it's all going to be coming apart. You
24 would -- you -- would you agree with the City official that said,
25 yes, it's level of service D with or without this development?

1 MR. BLOOD: I can't speak to that.

2 ZONING EXAMINER: Okay.

3 MR. BLOOD: I look at grading and drainage and
4 that's about it.

5 ZONING EXAMINER: Okay, okay. That's enough.
6 Good --

7 MR. BLOOD: Sorry.

8 ZONING EXAMINER: -- good, good. Okay. I -- I
9 think that would be what they would so. So, okay, I won't
10 torture you any more, Mr. Blood. You've been more than helpful
11 in this hearing.

12 So, I think I've heard just about everybody. I don't
13 do, you know, second -- second rounds. I think I've heard a lot
14 from the two particular Public Hearings. You live in a beautiful
15 area. I -- I was able to visit it and I -- I experienced your
16 problems, at least a couple of them, so I -- I understand that.
17 And I -- I understand the other side, too. So, this is something
18 that I have to, you know, take into consideration and I'll do my
19 best.

20 And I thank you all for coming and this Public Hearing
21 is closed for the Jacaranda Way rezoning. Thank you all for
22 coming.

23 And we'll take a five-minute break.

24 (Recess.)

25 ZONING EXAMINER: Okay. The folks from Jacaranda

1 Way, you may want to go outside and speak. We're going to
2 continue the hearing here. So, let's see, our next case -- where
3 is it? This one. Okay. The case is TP-MOD-0326-000028, Town
4 West, First Avenue.

5 Staff report?

6 MR. SLEIGHTER: Thank you. So, this is a request
7 by Lazarus & Silvyn on behalf of the property owner to -- for a
8 major change to the Preliminary Development Plan and conditions
9 for rezoning Case C9-19-03. The Applicant seeks to revise a
10 Preliminary Development Plan to modify some conditions allowing
11 one overnight delivery to a proposed Aldi grocery store and
12 future restaurant, with some additional conditions requiring
13 onsite uses to close by 10:00, and implementing design features
14 in the Aldi kind of loading dock area to mitigate any kind of
15 light or noise trespass from that overnight delivery.

16 The proposal conforms to Plan Tucson and the North
17 Stone Area Plan, and is appropriate for this location and
18 compatible with surrounding land uses. Subject to compliance
19 with attached Preliminary Conditions, as well as an additional
20 condition that the Applicant has proposed after communication
21 with Ward 3 regarding plant pallets, approval of the modified
22 conditions and Preliminary Development Plan is recommended by
23 Staff.

24 For this case, we have received four approvals and a
25 protest from one property. None of those approvals or protests

1 were within the notification area.

2 ZONING EXAMINER: Okay. Thank you. The
3 Applicant?

4 MS. SILVYN: Good evening. Keri Silvyn with
5 Lazarus & Silvyn. I'm going to introduce a few -- thank you --
6 I'm going to introduce a few of the people who are here today. I
7 would like for Matthew Baca from Aldi to -- to address you, and
8 then I am going to try and go very quickly after he's done on the
9 PowerPoint. And if there's anything I need to slow down on, you
10 can let me know, but I think it's all pretty self-explanatory. I
11 just wanted to highlight a couple of things.

12 So, again, I'm Keri Silvyn. With me tonight are Toby
13 Horvath and Josie Larger from Town West Reality which is the
14 property owner. Matthew Baca is here from Aldi who will speak in
15 a minute. And Jackson Cassidy from -- from my office. And, with
16 that, I'm going to ask Matthew to come up for a couple minutes,
17 and then I will try and scream through the presentation.

18 MR. BACA: Good evening, Mr. Examiner. Thank you
19 for having us here tonight. My name is Matthew Baca. I am the
20 Director of Real Estate for Aldi.

21 Would love to give you a full spiel about Aldi, but
22 I'll keep it -- keep it very simple this evening. We are a small
23 form- -- small format, selected assortment grocery store focused
24 on providing great value to the communities which we serve. We
25 are planning to enter the Tucson market once we open our Arizona

1 distribution facility which will be sometime in the next several
2 years. Once that gets under construction, we'll be able to more
3 directly pinpoint our opening date. But we are in the process of
4 acquiring some sites in the City of Tucson and the surrounding
5 areas to build out a network of stores. We do already have one
6 approved and purchased which we own in the City of Tucson, and
7 we're looking to add this and several others.

8 If you have any questions about Aldi, our operations, I
9 was -- this was 12 years ago -- on the operations side, but I
10 have been in real estate since then and certainly happy to answer
11 any questions about how we operate or who we are if you've not
12 experienced us elsewhere in the country or in one of our -- I
13 think we're closing in on about 20 stores in Arizona, including
14 -- we just opened our second store in Mesa, Arizona, today. And
15 the closest store to Tucson is in Casa Grande just up the road.
16 Well, I little bit far for a grocery trip, but hopefully you get
17 a chance to experience us soon once we open here in Tucson.

18 ZONING EXAMINER: Thank you. And I have been to
19 an Aldi in another state, so I kind of know what they're about.

20 MR. BACA: Thank you.

21 MS. SILVYN: Okay. I'm not going to go through
22 this slide. You know where the property's located, what's around
23 it. The only thing that I would add is that there is a pretty
24 significant transportation project that's coming down the
25 pipeline at First and it'll come down Limberlost a little bit,

1 and we have been working very closely with DTM on that to make
2 sure that we're -- we are all aligned as the project moves
3 forward.

4 The zoning background is very well outlined in the
5 Staff Report. There was a lot of history even before 2019 --
6 2019 are the zoning conditions that we're asking to be amended.
7 We got as far -- in 2024 with a modification at that time to the
8 zoning conditions, including a full-blown development package
9 approval for a Salad and Go, and then Salad and Go started to
10 pull back in the market and never pulled the building permit.
11 So, the history, there was -- it was great because at the
12 neighborhood meeting there was -- there were a lot of questions
13 and just understanding that history, and Staff was very helpful
14 in -- in helping us figure that out so that we could explain
15 everything that was going on. The bottom line is, is that both
16 the original rezoning, 2024 rezoning, all had conditions that
17 were right-size for those projects. So, what we're here before
18 you requesting is a modification to the existing conditions to
19 right-size it for -- for this project and having worked with the
20 neighbors.

21 I want to focus on this slide for -- for just a minute,
22 which is the Preliminary Development Plan. You know the proposal
23 is the Aldi's, as well as a potential -- a restaurant with a
24 potential drive-thru. A couple of things -- and the reasons that
25 we are requesting the -- the changes that we are. There's a

1 little bit of a different architecture with the Aldi's than there
2 was before. There's a rezoning condition that conditions the
3 height at 18 feet, and architectural treatments up to 24 feet.
4 We are requesting 19 feet, and then to increase the 24 to 29. I
5 will show you elevations in just a minute. Aldi's very much is
6 able to keep their costs low because their -- their stores are
7 formatted in a way where they -- it's just -- it's easier when
8 it's a similar format. So, inside -- because of the way that
9 they need to format themselves inside for both the consumer, as
10 well as the operations, they need the -- the outside roof needs
11 to be -- or building height needs to be 19 feet. Again, it's the
12 difference between 18 feet and 19 feet, and -- and we spoke very
13 honestly with the neighbors about that need, along with the
14 architectural treatment.

15 The loading is another one. So, there's a condition on
16 the zoning that -- that says no overnight deliveries. Aldi's, in
17 order to bring forward any of their -- their stores, they need
18 one overnight delivery, that is to bring in fresh produce. They
19 are very sensitive to being in and around neighborhoods, so they
20 operate where it's -- the loading is going to come in off of
21 Limberlost, come around the building, and then there's a
22 depressed dock that you'll see -- that you see in that -- oh, it
23 never works, sorry -- in the area over on the -- on the south
24 side of the building. The -- the truck backs up -- we're turning
25 off the back-up beepers -- and it locks into the building and all

1 engines and refrigeration will be turned off. There's also the
2 four-foot CMU wall. So, in addition to going down and being
3 depressed, there's also the wall there on the south side. All of
4 that is their regular design and, again, it's -- Aldi's goes into
5 areas of high population and -- and knows how they need to
6 operate.

7 We were initially requesting that the condition be
8 completely deleted; that we just be allowed to have overnight
9 deliveries, not have that restriction in place. When we put in
10 the application, we went ahead and right-sized that language to
11 acknowledge a lot of what I just told you, as well as some
12 additional conditions and Staff's condition, which we're
13 comfortable with, that really locks that -- locks that all up in
14 the conditions.

15 One of the things that we had not addressed until after
16 the neighborhood meeting was the restaurant loading and that --
17 because, per code, we don't have to have a loading area, most of
18 those trucks are a lot smaller, and the owner has tried to
19 attract a breakfast-type place, which the neighbors are -- are
20 interested in, there does need to be a sort of off-hours
21 overnight -- at least one delivery. So, in working with the
22 neighbors, as well as the Ward 3 office, we talked about
23 modifying that condition so that each of the uses is allowed one
24 overnight delivery, and both uses have to comply with the no
25 back-up beeper and all engines and refrigeration be turned off.

1 And, again, that's all in the -- in the conditions and we've --
2 we've agreed to those. The loading area for the restaurant, the
3 front door is in the north -- northeast corner of the -- of the
4 restaurant, and that is where the loading would take place. So,
5 it's as far away from the neighbors as possible.

6 For the landscape and screening, there is an existing
7 condition that we are not asking be modified that increased the
8 landscaping along -- adjacent to the neighbors along the west to
9 15 feet and requires a six-foot CMU wall. We are providing that.
10 And the neighbor particularly to the west was happy to see that
11 we were -- we were complying with that.

12 The other thing we worked with Staff on shortly before
13 -- a few weeks before the -- this hearing -- and want to thank
14 Gabriel and engineering was very helpful -- that western edge,
15 it's a one-way that -- for -- and it's going to be loading trucks
16 only. So, on that -- yes?

17 ZONING EXAMINER: Would you just orient me here?
18 The bottom of the screen is what?

19 MS. SILVYN: Yeah, I know. The -- the top of the
20 screen is not north. The bottom of the screen -- so that the
21 north arrow is to your right. The bottom of the screen is
22 actually east. The top is west and the left --

23 ZONING EXAMINER: Okay, okay.

24 MS. SILVYN: -- yeah.

25 ZONING EXAMINER: That's what I thought, but I

1 just wanted to make sure. Okay.

2 MS. SILVYN: It didn't work very well on a
3 PowerPoint anyway.

4 ZONING EXAMINER: And the long part that's on the
5 left side of the -- the site plan, what is -- is that the
6 restaurant?

7 MS. SILVYN: Yes, that's the 2,400-square-foot
8 restaurant that's kind of in that corner. It's directly adjacent
9 to Calle Arizona and there is no access to Calle Arizona.

10 ZONING EXAMINER: Okay.

11 MS. SILVYN: So, our only access is to First
12 Avenue, which is on the bottom, and then Limberlost which is over
13 on the --

14 ZONING EXAMINER: Okay. Got it, got it, got it.
15 Okay.

16 MS. SILVYN: I apologize. I should've done that.

17 ZONING EXAMINER: It's okay.

18 MS. SILVYN: Talked about the landscaping, the
19 loading, the access. Aldi's -- I'll just add this as one
20 operational point. Aldi's grocery carts -- 'cause this came up
21 at the neighborhood meeting -- it's a quarter system -- and, no,
22 that's not a basketball term. You have to actually put in a
23 quarter to get your -- your grocery cart and then you get your
24 quarter back if you take it back to the grocery; otherwise, you
25 don't get your quarter back. And Aldi's experience is that works

1 phenomenally well, because people want their quarter back,
2 especially today. So, that is how they operate. One of the
3 questions was making sure that, you know, the grocery carts don't
4 come off the property and are found in our washes and other
5 places, and so that's -- that's their operational -- I joke that
6 that's how you'll know an Aldi customer, 'cause they'll be --

7 ZONING EXAMINER: Does Aldi provide quarters that
8 you can get?

9 MS. SILVYN: No, you have to come with your own
10 quarters. That's how you know the Aldi's customers, 'cause
11 they're the ones walking around with the quarters.

12 ZONING EXAMINER: Who still has quarters?

13 MS. SILVYN: Not many.

14 ZONING EXAMINER: Okay, okay, okay.

15 MS. SILVYN: I think that's everything. This is
16 just examples of the architecture and this is on the First Avenue
17 side. So, you can see it's -- 19 foot is the -- is the roof
18 line. It is the Aldi's architecture that comes up. The 29 feet
19 is at the very -- is at the very corner and that is at the
20 intersection. So, this is all stepping away. You can see,
21 because it's an elevation that the -- the mechanical equipment is
22 all in the middle of the roof and it will all be completely
23 screened. So, as an elevation, we're showing it -- I mean, as
24 you know, when it's more of perspective and you're further away
25 and down, when that's in the middle of the building, you won't be

1 able to see the -- the mechanical equipment. And we can come
2 back to any of these. This is over on the -- we did the -- we
3 did the -- the elevations from the two roadways, so this is now
4 from -- from Limberlost. So, you can see the other part of the
5 entry into the Aldi's. And, again, this was to show the
6 neighbors, too, the difference between 18 and 19 feet is de
7 minimis, and then the 29 feet is at the corner of the
8 intersection.

9 The next slides just run through the change of
10 condition. So, DP, the Preliminary Development Plan date. I
11 mentioned we wanted to completely delete the -- the delivery
12 hours, but we went ahead and put in the language with all of
13 those commitments. We can come back to any of these.

14 The architectural changes. We requested the addition
15 of the closing to the public by 10:00; that also came from the
16 neighborhood meeting. Aldi's closes -- closes at 9:00 o'clock to
17 the public, and their employees probably take about another hour
18 to -- to get everything squared away and leave.

19 With the restaurant, if it is something that stays open
20 for dinner, we'd like it open to the public until 10:00. And
21 they appreciated that we were putting hours of operation; that
22 wasn't actually on the original set of 2019 conditions.

23 Fifteen is a condition Staff added. We are very
24 comfortable with it. It's everything that we're going to be
25 doing at the grocery store.

1 And then Condition No. 16 was after the neighborhood
2 meeting, we met with the Ward 3 staff and had a discussion with
3 them and they wanted us to commit to that limited plant pallet,
4 and so that condition is in front of you. I think I provided it
5 and Staff provided it to you. I have a copy. I don't really
6 need to hand it to you because I think you have it with that
7 approved plant pallet.

8 We had our neighborhood meeting. It was great. It was
9 long. There were a lot of questions. Overall, there was a lot
10 of excitement from people who are -- have come from other places
11 and really are excited about the Aldi's grocery store, excited
12 that the project is being -- the property is being developed.
13 It's been vacant for quite some time. We were able to answer all
14 of the questions. They're outlined in our neighborhood meeting
15 summary.

16 So, I'm happy to answer any questions you may have. I
17 scripted myself to go through all of these, but I don't really
18 need to. And then we had the Ward 3 meeting onsite and that's
19 where the plant pallet kind of came up. So, happy to go through
20 these if you want me to; otherwise, we're happy to answer any
21 questions now or after the Public Hearing.

22 ZONING EXAMINER: So, you've seen the conditions
23 that Staff has put in their report and you're okay with those
24 conditions?

25 MS. SILVYN: We are.

1 ZONING EXAMINER: And you would add the plant list
2 as an additional condition?

3 MS. SILVYN: Yes.

4 ZONING EXAMINER: Okay. Is there anything else
5 about the conditions -- conditions or any -- and this -- this
6 preliminary -- the plan is the one that -- that I'm seeing is the
7 one that you're offering and it's the one that's being talked
8 about in the conditions?

9 MS. SILVYN: Yes, and that was the one -- in
10 particular, the date that's on that Condition No. 1 is the -- is
11 the Staff condition -- or, I'm sorry -- the Preliminary
12 Development Plan that also codifies the one-way along the west;
13 pedestrians will not be back there and there will be signage that
14 says it's for loading only. And the neighbor to our west was --
15 was -- wanted that, wanted to make sure that it wasn't a high-
16 traffic area adjacent to his house.

17 ZONING EXAMINER: Right. And you -- you talked
18 about increasing the landscape buffer on the west side, too, and
19 having a six-foot CMU wall.

20 MS. SILVYN: And that's an existing condition --

21 ZONING EXAMINER: Okay.

22 MS. SILVYN: -- I can't remember which condition,
23 but I can find it, but there -- it's an existing condition that
24 requires that; and we are complying with that and our Preliminary
25 Development Plan shows that.

1 ZONING EXAMINER: Okay. I think that's all I
2 have.

3 So, with that, we'll open it up to the public. We have
4 Thomas Tronsdal. Okay.

5 MR. TRONSDAL: Thomas Tronsdal, 1352 East King
6 Road, Tucson, Arizona, 85719. I also am the President of the
7 Campus Farm Neighborhood Association adjacent to it. I'll make
8 this very brief.

9 First of all, we are very pleased with actually a very
10 positive development on that corner. It's been vacant for as
11 long as I can remember and I've lived in that neighborhood since
12 the early '90s.

13 And, secondly, we really appreciate the efforts by
14 Aldi's and their team to accommodate the neighbors from the
15 neighborhood meeting. Most of the feedback has been very
16 positive just for having an Aldi's, but people are really excited
17 that Aldi's and their team really responded to the concerns of
18 the neighborhood, especially the immediate neighbors, to
19 accommodate any concerns they had. And from all the main
20 projects I've seen, this has probably been the most accommodating
21 I've seen a developer be towards the neighborhood and willingly
22 do it. So, thank you for your time.

23 ZONING EXAMINER: Okay. Thank you. Is there
24 anybody else that wishes to speak?

25 Ms. Silvyn, I don't think you need to speak unless you

1 want to speak because what else are you going to say? Okay.

2 We're good. Okay.

3 So, I think -- I think everything has been said that
4 needs to be said. And I thank you all for coming. And I'll
5 close the Public Hearing. It is -- what time? -- 8:19 p.m. And
6 I'll have a Preliminary Report in five working days. Thank you
7 all for coming. This Public Hearing is closed.

8 (Conclusion of the hearing.)

9 * * * * *

CERTIFICATE

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the digitally-recorded City of Tucson Zoning Examiner Public Hearing held on May 21, 2026.

Transcription completed: May 27, 2026.

/S/ Danielle L. Krassow
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