



# ZONING EXAMINER

## REPORT TO MAYOR AND COUNCIL

October 17, 2014

**C9-14-08 Arizona Lotus Corporation – Copper Street, R-2 to I-1  
Public Hearing: October 10, 2014**

### **BACKGROUND**

This is a request by Joseph Maher, on behalf of the property owner, Arizona Lotus Corporation, to rezone approximately 7.82 acres from R-2 to I-1 zoning. The rezoning site is located 1160 feet north of Grant Road and 220 feet west of Jackrabbit Avenue in the 1900 block of West Copper Street.

Land use policy direction for this area is provided by the *Santa Cruz Area Plan (SCAP)* and *Plan Tucson*.

### **PUBLIC HEARING SUMMARY (Minutes Attached)**

Glenn Moyer, Planning and Development Services Department, presented the staff report with a recommendation for approval. Mr. Moyer commented that one approval and no protests were received in the formal protest area.

### **FINDINGS OF FACT**

This is a request to rezone a 7.82 acre vacant parcel from R-2 to I-1 zoning. The rezoning site is located in the 1900 block of West Copper Street, approximately 1160 feet north of Grant Road and 220 feet west of Jackrabbit Avenue. The preliminary development plan proposes two 68,500 square-foot, two-story buildings with a height of 45 feet. The applicant proposes to develop the site for industrial, warehousing, commercial, and office uses

Vehicular access to the site is proposed to be from Jackrabbit Avenue connecting to Grant Road. Grant Road is identified as an arterial route on the *Major Streets and Routes Plan* map. Jackrabbit Avenue is a local street serving the industrial area to the east and south of the rezoning site. The Pima Association of Government – Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 1,270 vehicle trips per day.

Immediately to the south and east of the rezoning site are industrial uses, zoned I-1. To the north is the Santa Cruz River and linear park, zoned R-2 and C-1. West of the site are three 200-foot tall communications towers located on parcels zoned R-2. Also on this site is what appears to be a dilapidated structure related to the communications tower use. This parcel is also owned by Lotus Arizona Corp. The nearest residentially developed property is located approximately 350 feet to the southwest, across Silvercroft Wash.

**C9-14-08 Arizona Lotus Corporation – Copper Street  
Rezoning: R-2 to I-1**

Land use policy direction for this area is provided by the *Santa Cruz Area Plan (SCAP)* and *Plan Tucson*. The rezoning site is located within a designated business center as identified on the Future Growth Scenario Map of *Plan Tucson*. Business centers are major commercial or employment districts that act as major drivers of Tucson's economy, and include commercial, office, industrial, or retail uses. Within business centers, *Plan Tucson* calls for environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. Urban heat island effects should be mitigated by expanding and maintaining a healthy drought-tolerant low-water use urban forest. New development should utilize solutions and strategies included in the Design Guidelines Manual to provide an improved level of community design.

The rezoning site is within *Santa Cruz Area Plan* Key Parcel 11. Commercial, office or industrial zoning east of Silvercroft Wash and north of Grant Road is supported by the *SCAP*. Industrial areas are to be located toward the eastern portion of the area, with access oriented toward Grant Road. New development near existing neighborhoods should be designed and scaled to be compatible with existing neighborhood characteristics.

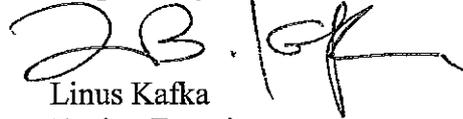
**CONCLUSION**

The proposed rezoning is consistent with the policies of the *Santa Cruz Area Plan* and *Plan Tucson* and compatible with the scale, density, and character of surrounding development. Subject to compliance with the attached preliminary conditions, approval of the requested I-1 zoning is appropriate.

**RECOMMENDATION**

The Zoning Examiner recommends approval of I-1 zoning.

Respectfully Submitted,



Linus Kafka  
Zoning Examiner

**ATTACHMENTS:**

Public Hearing Minutes

ZONING MEMBERS PRESENT:

Linus Kafka, Zoning Examiner  
Glenn Moyer, Planning & Development Services  
Delma Sanchez, City Recording Clerk

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1           ZONING EXAMINER: I'm just gonna go through my  
2 preliminary comments, and then we'll get to the heart of the  
3 matter. My name is Linus Kafka, and I'm the Zoning Examiner for  
4 the City of Tucson. I conduct rezoning hearings on behalf of the  
5 Mayor and Council, and I make findings of fact which I put into a  
6 report, along with my recommendation which I then send on to the  
7 Mayor and Council.

8           My report will be based on the evidence submitted to me  
9 as part of the rezoning application as well as on testimony taken  
10 tonight. A tape recording is being made of tonight's testimony  
11 by the City Clerk's Office. And if necessary, a transcript will  
12 be prepared.

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

17           If you wish to receive a copy of my preliminary report,  
18 and you're not already a principal listed on the case, you can  
19 fill out one of the orange cards on the podium, and we'll send  
20 one to you. A copy of the final report will be available from  
21 the Planning & Development Services Department, and I'll send

1 that report along to the Mayor and Council. They may consider my  
2 recommendation, along with other factors and make their decision  
3 on that.

4 At the start of the hearing, I'd like to have Mr. Glenn  
5 Moyer of the Planning & Development Services Department give me a  
6 presentation on the case. After that, I'll have the Applicant,  
7 the Applicant's agent come up and present, and then I'll call  
8 anyone who may wish to speak about the case.

9 Since I cannot have any communications with parties  
10 involved in the case, now is the time to speak. If you're  
11 planning on speaking tonight, I'll call you up to the podium and  
12 have you sign in at the sign-in sheet. Also ask you to announce  
13 your name before you testify.

14 Also, if you're wishing to speak this evening, if you  
15 would now stand, I'll swear you in. All right. Mr. Maher, if  
16 you'll raise your right hand. Do you swear or affirm to tell the  
17 truth, the whole truth, and nothing but the truth?

18 MR. MAHER: I do.

19 ZONING EXAMINER: All right. Thank you. This is Case  
20 No. C9-14-08 AZ Lotus Corporation - Copper Street, Rezoning R-2  
21 to I-1. Mr. Moyer.

22 MR. MOYER: This is a request by Joseph Maher on behalf  
23 of the property owner, AZ Lotus Corporation to rezone  
24 approximately 7.82 acres from R-2 to I-1 zoning. The rezoning

1 site is located 1160 feet north of Grant Road and 220 west of  
2 Jackrabbit Avenue. The Preliminary Development Plan proposes two  
3 68,500-square-foot two-story 45-foot-tall buildings.

4 Land use policy direction for this area is provided by  
5 the Santa Cruz Area Plan and Plan Tucson. The rezoning site is  
6 located within a designated business center as identified on the  
7 Future Growth Scenario map of Plan Tucson.

8 Business centers are major employment or commercial  
9 districts that act as major drivers of Tucson's economy and  
10 include commercial, office, industrial or retail uses. Within  
11 business centers, Plan Tucson calls for environmentally sensitive  
12 design that protects the integrity of existing neighborhoods,  
13 complements adjacent land uses and enhances the overall function  
14 and visual quality of the street, adjacent properties in the  
15 community. New development should utilize solutions and  
16 strategies included in the design guidelines manual to improve  
17 the level of community design.

18 The rezoning site is within Santa Cruz Area Plan Key  
19 Parcel 11. Commercial, office or industrial zoning east of  
20 Silver Croft (sic) Wash and north of Grant Road is supported.  
21 New development near existing neighborhoods should be designed  
22 and scaled to be compatible with existing neighborhood  
23 characteristics.

24 The site layout with two parallel buildings and a

1 curbing and fencing and screening containing truck maneuvering  
2 and loading areas between the two buildings will reduce visual  
3 and noise impacts to residential properties to the west and  
4 southwest as well as to the River Park area to the north.

5 Automobile parking surrounds the exterior of the  
6 buildings. To insure the impact of truck - trucking, of the  
7 trucking use is minimized, truck and trailer storage should not  
8 be permitted in the automobile parking area shown on the  
9 Preliminary Development Plan.

10 Soils in the area are very fine and prone to erosion.  
11 A drainage report should be prepared to determine the required  
12 erosion setback hazard (sic), erosion hazard setback from the  
13 Santa Cruz River.

14 To mitigate the views of the industrial site from the  
15 residential property to the southwest and the Silver Croft Wash,  
16 an off-site landscape easement should be provided and improved  
17 adjacent to the full length of the southwestern property line.

18 Significant cultural resources are known to exist on  
19 the site. A cultural resource study should be undertaken prior  
20 to the start of any ground disturbing activities, and an  
21 appropriate treatment plan for the resources should be developed  
22 for review by the City of Tucson Historic Preservation Office.

23 Access is via an easement connecting to Jackrabbit  
24 Avenue to the east at the Copper Street alignment. Proposed

1 access easement is approximately 30 feet wide. The Pima  
2 Association of Government's Transportation Planning Division  
3 estimates that the proposed development will generate 1,270  
4 vehicle trips per day.

5 Further information needs to be provided as to how the  
6 configuration of the off-site shared access easement will provide  
7 adequate ingress and egress for the rezoning site and the  
8 landlocked parcels to the west and south.

9 The proposed land use is supported by and consistent  
10 with the direction provided by Plan Tucson and the Santa Cruz  
11 Area Plan. Subject to compliance with the attached preliminary  
12 conditions, approval of the I-1 zoning is appropriate.

13 As of today, the Planning & Development Services  
14 Department has received one written approval and zero protests.

15 ZONING EXAMINER: Thank you. Mr. Maher.

16 MR. MAHER: (Inaudible)

17 ZONING EXAMINER: Is that, is that one -

18 MR. MAHER: I should read that.

19 ZONING EXAMINER: Ah.

20 MR. MAHER: Good evening. Joseph Maher, Jr. I'm the  
21 agent for the owner for the project, and architect. I've decided  
22 to go old school, so I have some materials to deliver to you at  
23 this point. One copy each, yes.

24 Gentlemen, what I, what I have in there is basically a,

1 a memorandum discussing the project. I have also some exhibits  
2 in there, little mini-Preliminary Development Plan, architectural  
3 site plan we started, I started with to design the project, as  
4 well as a discussion of the revisions to the conditions, if  
5 possible tonight, that I've distributed to Staff previously.

6 And then in the back is also the listing of the, of the  
7 report and the conditions for this project. So, and as I  
8 understand it, I basically need to read this into the record,  
9 so -

10 ZONING EXAMINER: Well, let me, let me just -

11 MR. MAHER: You want to peruse -

12 ZONING EXAMINER: I can accept it into the record. I  
13 think actually much of it, in one way or the other, is already  
14 part of the record. At least I've seen some of it except for  
15 this discussion exhibit. So let me just enter the whole -

16 MR. MAHER: All right.

17 ZONING EXAMINER: - pamphlet information packet into  
18 the record, as well as the letter -

19 MR. MAHER: Letter from the owner came late, and so I  
20 didn't get a chance to put it in the packet.

21 ZONING EXAMINER: Okay.

22 MR. MAHER: And so, yes, if that's the case, sir, then,  
23 then perhaps I'll just paraphrase or jump around in terms of some  
24 of the important things so we not, not take your time, etc. One

1 of the little dumb things is, is a clarification that they have  
2 on the agenda that I do not have. That's not the name of my  
3 company, JM JR Architecture, that's always confused with my  
4 little graphic logo. So I'm Joseph Maher, Jr. AI Architect.  
5 That's my company name.

6 ZONING EXAMINER: Okay.

7 MR. MAHER: And needless to say, very grateful for the  
8 assistance with Staff on this project. They've been extremely  
9 helpful and, and we've moved along pretty quickly. I have in the  
10 audience with me, Chuck Martin with Rick Engineering, our main  
11 consultant, and Ike Isaacson with CB Real Estate, if there's a  
12 desire to hear from them concerning the project.

13 Basically what I talk about in my memorandum is just  
14 really highlighting some of the important things that have  
15 already been discussed by Glenn Moyer in this pro- -- the  
16 advantages of this project in terms of being zoned industrial.  
17 I mean we're surrounded basically by natural features and, and,  
18 and other industrial projects that are existing on the east and  
19 south.

20 Got the river to the north. We have a, we have a flood  
21 plain in our towers, the radio towers to the west. And then  
22 there's the, the wash, the Silver Crest Wash before you hit some  
23 of the R-1 property which is several hundred feet away. And this  
24 is very much an industrial zone and, and appropriate for being

1 that.

2 We, we - and the freeway's nearby. Grant Road is  
3 access to this and then as you travel to this property, you  
4 travel by a lot of industrial properties and business properties  
5 in that area as you get to our property. So it's not like we're  
6 going, they're driving trucks through a residential area to get  
7 to the property.

8 I think one of the things that, that I'm concerned  
9 about, there's several things that I'm concerning and suggesting  
10 some revisions to the conditions. And I guess the easy ones I  
11 think I'll hit first, and that is in the conditions I've listed  
12 in, in part of the articles towards the back is that it's my  
13 understanding on Condition - I'm, I'm gonna work backwards from  
14 the easiest ones.

15 Condition 20 that talks about the, the landscape buffer  
16 on the southwest property line's about 445 feet long. It's my  
17 understanding I wanted to be - I wanted to clarify that we're  
18 doing trees only and not small plants and bushes. I mean in my  
19 mind, that's contrary to the sustainable code that we just passed  
20 a few months go. The general plan, a sustainable code.  
21 And so I'm hoping that that's something that can be clarified  
22 without the major to do and in agreement.

23 ZONING EXAMINER: Yeah. Let me, let me ask for some  
24 information on that because my understanding is the code

1 requirements on landscape buffers do include additional plantings  
2 in addition to trees. So, Mr. Moyer -

3 MR. MOYER: Mr. Kafka, the Condition 20 would require  
4 trees only, not a full landscape border.

5 ZONING EXAMINER: Okay.

6 MR. MOYER: The UDC would require an on-site landscape  
7 border. This would be in addition to that.

8 ZONING EXAMINER: The condition only requires the  
9 trees. It's the UDC that would require the, the full landscape  
10 border.

11 MR. MOYER: Correct.

12 ZONING EXAMINER: So -

13 MR. MAHER: Excuse me, gentlemen. Would that a require  
14 a variance at some point, is that what you're talking to, to  
15 eliminate that requirement then in this, in this easement we're  
16 talking about?

17 ZONING EXAMINER: Well, for relaxation of the sta- --  
18 UDC standards, I wouldn't want to talk about - I wouldn't want to  
19 talk to the issue of var- -- whether you want to get a variance  
20 or any other -

21 MR. MAHER: Okay.

22 ZONING EXAMINER: - issue about relaxation. I, I mean  
23 if, if there's a UD- -- there's a code provision requiring it, I  
24 wouldn't be comfortable relaxing it in a condition. But I - but

1 as a condition that it specifies just trees, that's fine. But  
2 if, you know, when you go through the process and your  
3 development plan is gonna be, have to be code compliant of  
4 course. And that's, at that point, gonna require either -

5 MR. MAHER: Okay.

6 ZONING EXAMINER: - either the plantings or somebody's  
7 relaxation of standards, if that requires a variance. I don't  
8 know.

9 MR. MAHER: All right. We get to that stage, we'll  
10 address it when we get to that stage. I just, for, for what it's  
11 worth, a sustainable code as well as it's my understanding  
12 they've been trying to work on the landscape code to kind of  
13 delete the heavy requirements of small plants. It just takes too  
14 much water, or one down.

15 ZONING EXAMINER: This is the southwestern landscape  
16 border, correct?

17 MR. MAHER: Yes.

18 ZONING EXAMINER: You, you don't have any objection to  
19 the shrubs in the northern planting border?

20 MR. MAHER: No.

21 ZONING EXAMINER: Okay.

22 MR. MAHER: Not at all.

23 ZONING EXAMINER: All right. And, and the specific  
24 language of 20 doesn't actually talk to the issue of shrubs.

1 MR. MAHER: Just it was -

2 ZONING EXAMINER: Yeah.

3 MR. MAHER: - more of a clarification as I put in my  
4 notes. And hoping that it was still just trees not something  
5 future. That's the way, that's the way it goes.

6 ZONING EXAMINER: Yeah. All right. So that, that was  
7 the easy one?

8 MR. MAHER: Well, yeah, that was the easy one. There's  
9 one, No. 12, my, my pet peeve about designing the building. I  
10 guess I'm hoping I can delete this little phrase that says I have  
11 to have a three-foot minimum of some sort of different materials  
12 on Condition No. 12.

13 We, we will satisfy designing a beautiful building, but  
14 I, I, I laugh when I see this condition, 'cause it has answered a  
15 question for me that I see industrial buildings that are all  
16 white, and then they have a three-foot band of red along the  
17 bottom. And that's -

18 ZONING EXAMINER: I, I personally trust your  
19 architectural -

20 MR. MAHER: Okay.

21 ZONING EXAMINER: - integrity and, and design choices.  
22 This is a, this is not a code provision, though, is it? The, the  
23 three-foot high standard decorative band, it's not a - is that a  
24 development standard?

1 MR. MOYER: Mr. Kafka, the, the band is our attempt -

2 ZONING EXAMINER: Standard?

3 MR. MOYER: - to require a beautiful building. It  
4 could be written other ways and, and -

5 ZONING EXAMINER: Yeah.

6 MR. MOYER: - we'd be open to hearing other ways of  
7 writing. But just some way to get some reliance that there'll be  
8 some variation in that, in that wall that will form, you know,  
9 pretty visible element on the eastern horizon for the folks to  
10 the west.

11 ZONING EXAMINER: Why don't I put in either a minimum  
12 of three-foot of architectural decorative band, or a design that  
13 is, that includes decorative features acceptable to, in the  
14 preliminary plans.

15 MR. MAHER: Thank you. It just -

16 ZONING EXAMINER: Okay.

17 MR. MAHER: - it just, with all due respect, it kind of  
18 annoyed me. I'm sorry. Three feet.

19 ZONING EXAMINER: I didn't hear the last.

20 MR. MAHER: I said it just, forgive me, it just kind of  
21 annoyed me, the three feet.

22 ZONING EXAMINER: I, I, you know, some -

23 MR. MAHER: There's a lot of ugly tilt-ups out there,  
24 but that's not our intention, that's for sure.

1 ZONING EXAMINER: I'll put in language for alternatives  
2 for that.

3 MR. MAHER: Okay. Now on to the more difficult ones  
4 concerning truck parking, or Class A parking on the site. And  
5 essentially the long and the short of it is the conditions sort  
6 of restrict us to major vehicles in the so-called truck well.

7 And I, I put in this package a couple of little mini-  
8 plans for reference, and then I decided to color them up to give  
9 a little bit more emphasis, is that the truck well is the area  
10 between the buildings which is basically the delivery area.

11 Typically you don't park semi's or other vehicles in  
12 the delivery area. So there, there is a need for other parking,  
13 whether it's three- -- three-quarter ton, one-ton vans, or semi's  
14 to be parked on this property elsewhere as they're waiting to go  
15 into the delivery area.

16 And, you know, we do not have - unfortunately, we do  
17 not have a, a set use. We don't have a set tenant at this point,  
18 and foolishly trying to make this thing as flexible as possible.  
19 But, but the obvious thing is that there's - there may, in fact,  
20 be a need for, for truck parking, semi truck parking.

21 I'm assuming that the other parking for, you know, for  
22 vans or other things that do fit in a regular space would be  
23 fine. I mean that this - it just seems to be limiting. We do  
24 have industrial on the east side. We do have industrial

1 businesses on the south side. And I do have a, a area on the  
2 south side that could be set as, as parking for, for these semi's  
3 and, and really not disrupt the PDP.

4 But as I've put in my documentation you've accepted,  
5 I've, I've suggested that the - well, originally this Preliminary  
6 Development Plans were concepts. They were never hard and fast,  
7 and so we, we go by conditions and, and setbacks, square footages  
8 of buildings and, and parking requirements.

9 And so I'm, I'm concerned that we're set in stone when,  
10 in fact, we might have a use that changes the parking and perhaps  
11 changes the plan. And I would hate for that to be something that  
12 deters from, from the overall concept.

13 So I'm, I'm desperately looking maybe for some language  
14 or an understanding that maybe, maybe if, if truck parking is, is  
15 needed, that it could be along certain sides of the east and the  
16 south where we already have industrial buildings where we, we -  
17 are adjacent to us. And, and not necessarily fuddle too much  
18 with the overall language of what's there.

19 It talks about speakers and loudspeakers, etc. That  
20 makes sense for the truck well where they're doing deliveries and  
21 announcing, etc. But, and so that would, that would be, that  
22 would be fine. So, but that's, that's where I'm going with this  
23 is try to get even more flexibility since this is an industrial  
24 zone that we're going for.

1 ZONING EXAMINER: And, and you still have some  
2 flexibility in terms of being slightly over-parked -

3 MR. MAHER: Uh-huh.

4 ZONING EXAMINER: - right? So there is an opportunity  
5 to create some, I don't know how much. I think you're only about  
6 15 spaces over-parked or so.

7 MR. MAHER: Yeah. Fifteen. I think you hit it  
8 exactly.

9 ZONING EXAMINER: So there's an opportunity for some  
10 redesign for at least some truck parking if necessary.

11 MR. MAHER: So if it's a minor adjustment or even more,  
12 is it, is it - it's something we can, that can be handled  
13 administratively and not have to come back and see you, sir? I  
14 enjoy being here, but -

15 ZONING EXAMINER: And I enjoy having you here, but I  
16 think, I think if the - if you're talking about reconfiguring the  
17 extra parking spaces to fit, I think that you can have a truck  
18 parking space and take away 15 spaces without having - with, with  
19 it just being administrative, if, if you still meet your, your  
20 parking requirements.

21 MR. MAHER: Well, and there is that empty area to the  
22 south that I've sort of left as a flexible situation. So it  
23 could go there also without being a major change to the PDP and  
24 not drive Mr. Dougherty (ph.) crazy.

1 ZONING EXAMINER: And my, my only worry about the south  
2 portion -

3 MR. MAHER: Yes, sir.

4 ZONING EXAMINER: - is the visibility from the - our  
5 one parcel's across the wash. And perhaps you can talk to me a  
6 little bit about that.

7 MR. MAHER: Well, that is the area where we have the  
8 intense landscaping and trees spaced even not 33 on center, but  
9 25, I believe it states in the, in the conditions. So we've got  
10 a lot more trees and, and vegetation along there. I don't  
11 believe we have a wall or a fence, but a wall or fence could be  
12 added along that, along that portion. Or I say, when I say  
13 future -

14 ZONING EXAMINER: Yeah, that - so if I - let me go back  
15 to which - that's Condition -

16 MR. MAHER: Thank you for your help, sir.

17 ZONING EXAMINER: - Condition 12, is that -

18 MR. MAHER: It's, it's nine.

19 ZONING EXAMINER: Nine.

20 MR. MAHER: Eight and nine -

21 ZONING EXAMINER: Nine.

22 MR. MAHER: - are very similar. Eight is -

23 ZONING EXAMINER: Oh, it's not - it was in, I think it  
24 was in the notes. The commentary, I believe, also reflects

1 concern for keeping the storage of trucks -

2 MR. MAHER: Uh-huh.

3 ZONING EXAMINER: - out of the visibility from the  
4 residential area. And this is - this would be parking that  
5 would, that would not be long-term parking. Do you anticipate -)

6 MR. MAHER: No, that's - I don't believe so. That's  
7 not what we're talking about. But again, it could be that that  
8 southern portion could be, along with the vegetation, the, the  
9 landscape buffer we just talked about a second ago. There could  
10 be a wall added.

11 ZONING EXAMINER: And I would imagine if it were to be  
12 truck parking, then we'd be back to the more intense landscape -  
13 landscaping requirements.

14 MR. MAHER: Probably, yes. Yes, sir.

15 ZONING EXAMINER: Mr. Moyer, any concerns on that?

16 MR. MOYER: The, the condition was written to reflect  
17 the Preliminary Development Plan that was provided with this,  
18 which pretty much requires all the parking. It's, I think, 311.  
19 They got 297, something like that, parking spaces. I don't think  
20 that we would be dead set against trailer storage or truck  
21 parking in some of those parking areas.

22 But it would be appropriate to identify them now since,  
23 you know, a truck or trailer storage is really a different type  
24 of use than automobile parking. And the, the distances, the

1 views are fairly long, it's pretty open through there. And so if  
2 you're going from a car which is five feet tall to a truck which  
3 is 13 feet tall, it does make a difference. And that is also  
4 really why we have Condition 20 -

5 ZONING EXAMINER: Uh-huh.

6 MR. MOYER: - to augment the landscaping for those long  
7 views.

8 MR. MAHER: Makes sense.

9 ZONING EXAMINER: Yeah. I -

10 MR. MOYER: So like I say, we would not be opposed, but  
11 would feel it more appropriate if that truck parking was  
12 identified on the Preliminary Development Plan. And if it was  
13 all on the east side, or the south side, but primarily, you know,  
14 the east side's really the easy one.

15 South has some potential, but it is, you know, somewhat  
16 visible from the west. But it really, I think the most sensitive  
17 one is that, that, that long parking, and it's shown as  
18 automobile parking on the west side of the building.

19 MR. MAHER: West side, we wouldn't do it, no, that,  
20 that's for sure. Could it be at least some sort of language at  
21 this time that just states that, that truck parking future could  
22 be if - okay, now I'm headed back in my mind (inaudible) parking,  
23 truck parking would be suitable to the east and south if, if  
24 addressed with, with additional landscaping or screening to, to

1 satisfy those locations?

2 ZONING EXAMINER: Yeah. Especially, especially on the  
3 south side. The east, I don't think there's any problem. But  
4 that's your most limited area for truck parking. And if you take  
5 away too many spaces on the automobile parking spaces on the east  
6 side, you're gonna be putting them on the south side, I gather,  
7 in the future parking area also.

8 MR. MAHER: Could be, could be relocated over there.  
9 And, and, again, disappointingly, we don't have a use, we don't  
10 have a tenant. So, so all that could change at some point in  
11 terms of parking. But as I say, trying to make this as flexible  
12 as possible.

13 And then an understanding of what conditions are more  
14 important, and I understand what we're talking about here, Mr.  
15 Moyer, in terms of trying to shield that from the, the  
16 residential, even though gonna need binoculars to see it, that's  
17 - but that's okay.

18 ZONING EXAMINER: Well, let's -

19 MR. MAHER: But we do want to move forward, so -

20 ZONING EXAMINER: Why don't we try to hammer out some  
21 language for a condition? Do you want to - would this be an  
22 appropriate time I can take a few minutes if you want to discuss  
23 that with the Applicant?

24 MR. MOYER: I, I would be fine with that, yes.

1 ZONING EXAMINER: Okay. If you want to take a few  
2 minutes and see if you can hammer out a recommended condition on  
3 that?

4 MR. MAHER: Sure. Because I really think it's just an  
5 amendment to the one that's existing, if it can be.

6 ZONING EXAMINER: Okay. Let's do that.

7 MR. MAHER: No. 8 in my mind.

8 ZONING EXAMINER: Let's recess for five minutes.

9 MR. MAHER: Thank you, sir.

10 ZONING EXAMINER: See if you can do it.

11 MALE SPEAKER: (Inaudible)

12 MR. MAHER: That's because you're optimistic?

13 (A short recess was taken.)

14 ZONING EXAMINER: We're back, and I guess we have some  
15 proposed language for - where are my glasses?

16 MR. MAHER: Yes, we do. And, but, but I didn't, I did  
17 not see what you wrote there, but thank you for the, for the  
18 opportunity to do that. And it pertains to Condition 8 and 9  
19 where essentially, let's see. So on Condition 8, gonna take out  
20 the storage of heavy - let's see here. Oh, I have it restated.  
21 I see what I did. I'm sorry? Yeah, okay. Okay, I just  
22 (inaudible)

23 So we're, we're gonna take out of 8 the, the, at the  
24 top line, "storage, slash, parking of trucks and trailers," and

1 shift - take that out of 8 and shift that to 9, and add that in  
2 with, with - where this is limited to automobiles except for the  
3 trucks and trailers to be positioned, parked in the southern  
4 portion, or the east portion of this property to be screened  
5 properly per, per the UDC.

6 ZONING EXAMINER: All right. Let me just check with  
7 Mr. Moyer because I will not have this transcript back before I  
8 write up my, my preliminary report. So I want to just get the  
9 language, see if we have to (inaudible)

10 MR. MAHER: Help me out, Mr. Moyer, please. Thank you.

11 ZONING EXAMINER: Okay.

12 MR. MOYER: Mr. Kafka, I would agree with everything  
13 Joseph said in No. 8. You take out the words "storage, slash,  
14 parking of trucks and trailers", and you move that to the end of  
15 Condition 9 where it would now say "accept storage and parking of  
16 trucks and trailers on the east and south side".

17 And Mr. Maher said with screening per the UDC, but I  
18 would not include that in a condition because the UDC -

19 ZONING EXAMINER: It's already in the UDC.

20 MR. MOYER: - already - yeah.

21 ZONING EXAMINER: Yeah. Okay.

22 MR. MAHER: Thank you.

23 ZONING EXAMINER: "Accept storage of trucks and  
24 trailers on the east and south sides?"

1 MR. MAHER: Correct.

2 ZONING EXAMINER: Okay. All right.

3 MR. MAHER: South -

4 MALE SPEAKER: Perimeter side?

5 MR. MOYER: I, I'm comfortable. I mean you can say  
6 perimeter. I'm comfortable with east and south. We got a big  
7 building right in the middle under this -

8 MR. MAHER: Okay.

9 MR. MOYER: - concept. If you change the concept, you  
10 got other things to deal with, so -

11 MR. MAHER: We might be parking them on the roof.  
12 You never know. You never know. Make it into a Jim Click place.  
13 Okay, I didn't say that.

14 ZONING EXAMINER: Okay.

15 MR. MAHER: Other than that, sir, I just - we  
16 appreciate everybody's help in this situation.

17 ZONING EXAMINER: All right. So you're - you agree to  
18 all the other conditions?

19 MR. MAHER: Yes, sir.

20 ZONING EXAMINER: And we're going to be changing  
21 Conditions 8 and 9 to reflect the availability of possible truck  
22 and trailer parking on the east and south sides with - well, I  
23 won't put that in, but with the appropriate code required  
24 screening.

1 The No. 12 will have additional language to allow some  
2 flexibility for design alternatives to allow you more  
3 architectural creativity than might be otherwise permitted with a  
4 statement of the minimum of three-foot decorative band.

5 MR. MAHER: Thank you.

6 ZONING EXAMINER: And Condition -

7 MR. MAYER: 20. The, the (inaudible)

8 ZONING EXAMINER: Well, Condition 20, it doesn't say  
9 anything about shrubs, plants - or plants, so I'm gonna leave  
10 that as is, and then if there's -

11 MR. MAHER: That's fine -

12 ZONING EXAMINER: - another issue.

13 MR. MAHER: Thank you.

14 ZONING EXAMINER: All right. Thank you. Anything  
15 else? Anybody else wish to comment on this? All right. Seeing  
16 no one, Case No. C9-14-08 is hereby closed.

17 MR. MAHER: Thank you, sir.

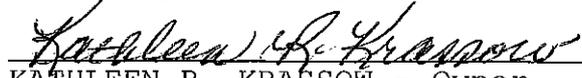
18 MALE SPEAKER: Thank you, gentlemen.

19 ZONING EXAMINER: Thank you.

20 (Case No. C90-14-08 was closed.)

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

Transcription Completed: 10/06/14

  
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