ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

November 2, 2017

C9-17-02 22nd & Houghton PAD
SR to PAD Zoning

BACKGROUND

This is a request by Linda Morales, on behalf of the property owner, Twenty-Second Street Baptist Church, to rezone approximately 16.3 acres from SR to PAD zoning. The intended use of the site is for commercial retail uses and food service uses. The rezoning site is located on the northeast corner of 22nd Street and Houghton Road. The Planned Area Development (PAD) proposes a Fry's Food and Drug Store and totaling 99,918 square feet and includes a fuel station and kiosk. Additional retail service uses totaling 18,500 square feet with outdoor patio area, a drive-through lane for a fast/casual restaurant, associated parking, landscaping, and detention basins. The maximum proposed building height on the rezoning site is 26 feet, as allowed in the C-1 zone.

Land use policy direction for this area is provided by *Plan Tucson (PT)* and the *Houghton East Neighborhood Plan (HENP).*

PUBLIC HEARING SUMMARY (Minutes Attached)

At the October 19, 2017 Zoning Examiner's Public Hearing, staff reported forty- eight written
approvals and fifty-one written protests. Staff noted that ten of the written protests were from within the 150-foot protest area. Besides the applicant, there were 12 speakers who supported the rezoning.

The applicant gave a detailed explanation of the project and discussed a change to the original preliminary development plan (a significant increase to open areas to 25% within the property). This change resulted from discussions between the applicant and the neighborhood after the rezoning request was submitted. It was stated the conditions put forth by Zoning Examiner in the April 27th meeting would all be accepted and included in the development by the applicant. A non-voting *Saguaro National Park (SNP)* representative will be added to the Design Review Committee to review wildlife access and interaction with functions relative to the development. The developer will provide a light dimming plan for approval by the Design Review Committee that includes a voting neighborhood representative. The perimeter wall and/or screening along the north and east property lines will be designed to ensure drainage will not damage adjacent residential properties. A noise mitigation plan and acoustical analysis shall be provided and approved by the DRC and include the PDSD Director. The developer shall provide to the PDSD director cool pavement technics and other heat island mitigation best practices that can be developed into the site, or part of the site if said options are determined to be cost prohibitive.

FINDINGS OF FACT

Speakers recommending approval of the rezoning request included individuals from the church group that presently own the property. Their reason for selling the property was they did not feel they were in a position to expand beyond their present facility, and that the proceeds from the sell would help them stabilize and enhance their existing location on another property. Other individuals in support of approval stated convenience of location, 'one stop' amenities, and inadequate nearby services as reasons for their support.

Speakers in opposition to the rezoning said that the rezoning did not conform to the *Houghton East Neighborhood Plan (HENP),* that the property linked to commercial application should be confined to the lot intersecting the corner only, and that C-2 zoning would be more appropriate than C-1. Others in opposition to the rezoning stated the proposed PAD does not support conservation of the open areas as a consolidated contiguous plan in the manner the *HENP* dictates. Further concerns relative to flooding, proximity of the gas pumps to residences, noise, trash pickup, and a statement that the size of proposed development in relation to the size of the actual properties is inadequate for the proposed PAD.

Existing Land Use and General Location

The rezoning site is vacant land. To the north are single- family residences zoned RX-1 (Residential). The properties to the south are zoned C-1 (Commercial) and RX-1 (Residential). To the east is RX-1 (Residential). To the west is Qwik Mart on C-1 (Commercial).

Land Use Plans

Plan Tucson states that sensitivity to the adjacent residential neighborhoods is a high priority. *PT* policy supports neighborhood commercial and retail uses along arterial streets, taking into consideration traffic safety and congestion issues. *PT* guidelines support the location of employment, retail and services in proximity to each other to allow easy access and reduce dependence on car travel, and supports infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines. *PT* also supports strategically located mixed-use activity centers and activity nodes in order to increase transit use, reduce air pollution, improve delivery of services, and create inviting places to live, work, and play, while protecting established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate non-residential land uses.

The proposed site is within an area identified in *PT* as "Existing Neighborhood", which are primarily developed, largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to protect and maintain the character of the neighborhood by accommodating new, compatible development, and encouraging reinvestment and new services as area amenities. *PT* also encourages context-sensitive community design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of adjacent streets.

The *HENP* recognizes distinct neighborhoods in the east Houghton Road Area and supports those changes which protect and enhance the character, identity, and residential quality of life in these neighborhoods. The *HENP* supports the development of new commercial uses on arterial streets to complement the scale and character of neighborhoods and commercial districts in the Houghton East area. The *HENP* calls out for the buffering of high intensity land uses by utilizing appropriate screening techniques to mitigate the impacts of new development on adjacent uses.

In 1985 the Mayor and Council adopted the *HENP*. The *HENP* includes open space preservation, height restrictions, drainage and erosion controls to protect residential property and provide wildlife corridors which enhance and buffer rural developments.

The rezoning site consists of two parcels. The site is rectangular in shape. Based on the PAD these two parcels correspond with three other C-1 zoned parcels on the other three corners of the intersection of Houghton and 22nd Street. Land uses in the vicinity of the rezoning site include single-family homes and a convenience store. Per the submitted PAD a landscape border with detention basins and a screen wall is proposed along the northern and east boundaries of the rezoning site. Trash pickup will be located a minimum of 50' from the north and east property lines with pickup limited to between 6 am to 12 am.

Site Plan Considerations

The applicant held meetings with the neighborhood and discussed increasing the open space, buffers, walls, view shed, lighting, and building heights. The applicant reduced the Fry's building to bring the footprint below the Large Retail Establishment threshold, increased the building setbacks and the open natural space, added a restriction on amplified music and smoking patios, and added a neighborhood and *Saguaro National Park* (*SNP*) representative to the Design Review Committee. Questions from the neighbors in attendance at those meetings related to impact on Saguaro National Park, night skies, noise control, wildlife, hours of operation, delivery, and dumpster locations. They also discussed possible noise impacts from the gas station and associated kiosk.

The applicant assured the neighbors that traffic would be directed away from the residences to the north, trash-pick up would be consolidated in one location to be at least 50 feet away from residential area to the north, and that delivery hours would be restricted along the northern edge of the site.

Pedestrian Access/Circulation – Multi-use trails along Houghton Road and public sidewalks along the site's frontages on Houghton and 22nd Street will provide pedestrian access to the site.

Vehicular Access/Circulation - The PAD shows that the site and its parking area will be accessed at two points from Houghton Road and at a two points from 22nd Street. Road improvements are complete along the frontages of both roads. The PAD shows dedication of right-of-way as required along the north side of 22nd Street adjacent to the rezoning site. Based on the PAD, the center access from the site onto Houghton Road, and the west side access on to 22nd Street will be limited to right-turn out only to reduce vehicle traffic flow congestion at the intersection of Houghton and 22nd.

A Traffic Impact Analysis was completed for this project. It concludes that the project area intersections will operate at acceptable levels of service.

CONCLUSION

The rezoning substantially complies with the associated land use plans, and the applicant has no exception to the Zoning Examiner rezoning conditions.

RECOMMENDATION

The Zoning Examiner recommends approval of C-1 zoning subject to the Zoning Examiner's conditions.

Respectfully Submitted,

Rick Gonzalez, RA
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes
Zoning Examiner Conditions

ZONING MEMBERS PRESENT
Rick Gonzales, Zoning Examiner
Michael Wyneken, Planning & Development Services
Judy Green, City Recording Clerk

ZONING EXAMINER: Good evening. My name is Rick Gonzales. I am the Zoning Examiner for the City of Tucson. I conduct rezoning hearings on behalf of the Mayor and Council and make findings of facts which I put into a report, along with my recommendation which I will send to the Mayor and Council.

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

A tape recording is being made of tonight's hearing by the City Clerk's Office, and if necessary, a transcript will be prepared. I will prepare a preliminary report and a final report.

After I close the hearing, I will prepare a preliminary report within five working days. I will prepare a final report two weeks after the close of this public hearing.

For those of you who wish to receive a copy of my preliminary report, and you're not already a principal listed on the case, please fill out one of the orange cards on the podium.

A copy of the final report will be available from the Planning & Development Services Department and I'll send that report along to the Mayor and the Council. They may consider my

recommendation, along with other factors. And they will base their vote on that.

At the start of the hearing, I'll have Michael Wyneken, representing the Planning & Zoning Development Services Department, to give a presentation on the case. Mr. Wyneken is seated here to my right. After that, I will hear from the Applicant. Following the Applicant, I will ask for testimony from the public.

Since I cannot have any communications with parties involved in this case, now is the time to speak. If you wish to speak tonight, wait for me to call you up to the podium. And please make sure to state your name and address very clearly, and put it on the sign-in sheet. I will also ask you to announce your name and address for the record, for the Recording Clerk.

At this time, I'd like to swear in those wishing to speak this evening. Anyone who thinks there is any possibility that he or she will speak tonight, please stand for the oath, and raise your right hand. Do you swear or affirm to tell the truth, the whole truth, nothing but the truth?

(Affirmative.)

ZONING EXAMINER: Thank you. The case we are dealing with tonight is rezoning C9-17-02 at 22nd Street and Houghton. It's a rezoning request for SR to a P-A-D, and located in Ward 2. At this time, I will ask Michael to present the, the Staff report. Thank you.

MR. WYNEKEN: Thank you. This is Case: C9-17-02 22nd and Houghton PAD. This is a request by Linda Morales of the Planning

1 Center on behalf of the property owner, 22nd Street, or 22nd Street
2 Baptist Church of Tucson to rezone approximately 16.3 acres from SR to
3 P-A-D, Planned Area Development zoning.
4 The Preliminary Development Plan proposes a Fry's Food and
5 Drug Store at 99,918 square feet with associated fuel station and
6 kiosk. Also proposed are two retail buildings at 12,000 square feet
7 and 6,500 square feet.
8 The proposed project consists of the anchor Fry's grocery
9 and department store offering groceries, furniture, apparel, expanded
10 meat counter and dining areas, pharmacy with a single drive-through
11 lane, and potential outdoor display area where products could be
12 displayed in a vestibule with doors that would remain open only during
13 store operating hours.
14 Fry's will have an associated fuel station and kiosk with
15 nine fuel pumps offering 18 fueling locations. Fuel station will
16 operate 24 hours a day, seven days a week. However, the kiosk will
17 only be operated during normal business hours.
18 The other two PADs, as I mentioned before, will be
19 commercial uses. And the project is proposing a 25% consolidated open
20 space along the perimeter of the site. Larger areas to the north and
21 the east perimeters to serve as buffer for adjacent residential uses.
22 Proposed site consists of two parcels that have been
23 combined into a single project. Both Houghton Road and 22nd Street
24 are identified as arterials on the Major Streets and Routes Plan.

The P-A-D will use the C-1 zone designation as the base zone which provides for low-intensity commercial uses and other uses that re compatible with adjacent residential uses. PAD makes the following modifications to the base zone. Eighteen fueling dispensing locations are gonna be - or are proposed in this PAD. The C-1 only allows 12 fuel dispensing locations.

Outdoor display and sales within the vestibule of the grocery store and at the fuel kiosk is proposed and the C-1 does not allow outdoor display.

The P-A-D also prohibits the following uses. Adult rehabilitation, cemetery, golf course, large retail establishment, shelter care, wireless communication, and multi-family residential.

The request to rezone the site to a PAD is consistent with the land use direction provided by both the Plan Tucson and the Houghton East Neighborhood Plan, both of which support non-residential uses at arterial intersections such as Houghton Road and 22nd Street.

The proposed rezoning is identified in the Plan Tucson Future Growth Scenario Map as neighborhoods with greater infill potential, which are neighborhoods that have potential for new development and redevelopment. The Houghton East Neighborhood Plan allows non-residential uses at the northeast corner of Houghton and 22nd Street.

The Mayor and Council on March 8th, 2016, adopted a resolution to amend the Houghton East Neighborhood Plan to allow

maximum building height of 26 feet for non-residential uses at the northeast corner of Houghton Road and 22nd Street.

Proposed project is to provide 25% consolidated open space along the perimeter of the site which provides a buffer to the residential uses to the north and east, while helping to maintain a suburban feel along Houghton Road and 22nd Street.

The design varies the open space and landscape border along the north perimeter with a width of ranging from 40 to 110 feet, and runs the entire length of the northern property line approximately 1200 feet, with a width of 60 to 95 feet.

The request to rezone the site to a P-A-D meets the purpose and intent of the PAD zone, and is consistent with the land use direction provided both by Plan Tucson and the Houghton East Neighborhood Plan.

The PAD document serves as the rezoning conditions for the proposed project. Therefore, no additional conditions are recommended. The project is appropriate automobile-oriented land use located at the intersection of two cross-town arterial roadways. Also incorporates context-sensitive architectural design landscape buffering features.

Approval of the requested PAD zoning is appropriate. To date, we have 48 approvals and 51 protests on file. Forty-one of the protests are outside of the 150-foot protest area, leaving ten within the 150-foot protest area.

By the percentage of lots, the protests within the 150-foot area constitute 45.5%. By the percentage of area within the 150-foot protest area, the protests represent 8.7% of the area.

Under a recent State of Arizona legislation, those protests are required to constitute at least 20% of both the lots and the area within the 150-foot protest area to require a super majority vote of the Mayor and Council.

Therefore, at only 8.7%, a simple, simple majority vote of the Mayor and Council is required to adopt the zoning ordinance. That concludes the report.

ZONING EXAMINER: I'll now move to the presentation by the - for the Applicant. I would also like to state that I will allow the Applicant to speak again after all the testimony has been put in. I'll also allow that for the other parties after they speak. Who will make the presentation for the Applicant?

MS. SILVYN: Mr. Zoning Examiner, Keri Silvyn, 5983 East Grant Road, representing the Applicant.

ZONING EXAMINER: Please proceed.

MS. SILVYN: Thank you. Linda Morales and I are both representing the Applicant. Linda's with the Planning Center, and has done a lion's share of the work on the P-A-D document. I'd also like to introduce some of the other team members who, who may be answering some questions if you have any.

Ryan Gaston with Fry's Food. Pastor Ashley Evans is here with the 22nd Street Baptist Church of Tucson, which is the owner of

1 the property. Brad Griffith with Brentwood Development, who's the
2 developer, could not be here with us this evening with all the
3 scheduling changes. So, he apologizes for that. And then (Inaudible)
4 Juneman with my office is here tonight.
5 So, as Staff has indicated, tonight we're requesting a
6 recommendation to approve the P-A-D for this project in conformance
7 with the Houghton East Neighborhood Plan. The location - there we go.
8 Just your presence worked.
9 The location, as I think everybody knows, is the northeast
10 corner of 22nd Street and, as I was told this morning, it's pronounced
11 "Hoeton" (ph.), not "Howton" (ph.). So, I will try to, I will try to
12 do that correctly, by the family who this road was named after.
13 The, the project, the property has been since at least
14 1979, if not before then, has been under single ownership for the 16
15 to 17 acres. It is two tax parcels, but it is single ownership, and
16 has been even before the Houghton East Neighborhood Plan existed.
17 The - as I think you're aware, the, the corner - the other
18 three corners - well, two of them are zoned C-1. The other one was
19 conditionally approved for rezoning for C-1. And as we said this
20 evening, we're asking for a P-A-D with the base zoning of C-1 as well
21 for this site.
22 The request tonight is a P-A-D and not straight C-1 zoning
23 for really three reasons. There are three things that we wanted to
24 modify in the P-A-D. First of all, C-1 is listed in the Unified
25 Development Code as providing for low-density -- low-intensity

1 commercial and other uses that are compatible with adjacent
2 residential uses. C-1 -- C-2 and C-3 are the more intense commercial
3 developments within the UDC that allow sort of the regional kind of
4 community commercial type uses.
5 So, the three modifications that we're requesting in the
6 P-A-D are the additional gas pumps as Staff indicated. We also wanted
7 to list some prohibited uses which we can do in the P-A-D that would
8 otherwise be permitted in the C-1 zone. And we also wanted some
9 limited outdoor storage, but contained within vestibules which I'll
10 show you in just a minute.
11 The way I've planned this presentation, I'm gonna give a
12 little bit of background on the Houghton East Neighborhood Plan which
13 we have to be in substantial conformance with, as well as the
14 amendment that started over two years ago to that Houghton East
15 Neighborhood Plan.
16 It was approved, but you can see the, the modifications to
17 the plan that have occurred. Go through the highlights of this actual
18 P-A-D proposal and the history of our interaction with the
19 neighborhood. So, with that, I'm gonna dive in.
20 Houghton East Neighborhood Plan, as you know from the Staff
21 report, it's a two-square mile bounded by 22nd Street, Houghton,
22 Melpomene, Tanque Verde Loop, and Speedway, that kind of area.
23 The Houghton East Neighborhood Plan was developed in the
24 mid-1980's when the property, this - a larger area, but this area
25 included, was annexed into the City of Tucson. At that time, Pima

1 County had established a one-mile buffer yard to protect the Saguaro
2 National Monument.
3 The east edge, which is the, the kind of squiggly lines
4 you're seeing over on the righthand side, is that one-mile buffer.
5 So, that is the - that is one mile from the, from the national park.
6 That is the buffer area, and there are policies in the Houghton East
7 Neighborhood Plan that address that buffer area.
8 Then, as you move further away another mile, you'll see the
9 two astrosies (ph.). Those two astrosies (sic) are the only
10 locations within the Houghton East Neighborhood Plan where non-
11 residential uses are permitted, either community commercial or
12 neighborhood commercial.
13 And those definitions are only important when it comes to
14 the amount of open space. Both of those community commercial, and
15 neighborhood commercial are permitted where those two astrosies (ph.)
16 are. And one of those astrosies (ph.) is on the corner that we're,
17 we're talking about at the, in the, at the northeast corner.
18 I'm gonna just put into the record the couple of
19 definitions that are important within the Houghton East Neighborhood
20 Plan related to community and, and neighborhood commercial.
21 These are definitions that are contained within the
22 Houghton East Neighborhood Plan. They were the definitions that
23 applied back in 1985 when this was approved. There's been some
24 discussion about some definitions within the Land Use Code, and the
25 Unified Development Code. Those actually did not exist in 1985 when

1 this, when this was adopted. These are the self-contained
2 definitions.
3 So, community commercial is retail and service uses and
4 centers which typically serve the population within a three-mile area
5 or greater radius. Neighborhood commercial is the low-intensity
6 commercial uses serving neighborhood retail and service needs.
7 And then there's a definition of neighborhood service which
8 helps to define the neighborhood commercial. Neighborhood services
9 are commercial services which meet neighborhood needs and gives
10 examples, banks and specifically grocery stores.
11 So, those are the definitions that we've, we've focused on
12 when we did the Houghton East Neighborhood Plan Amendment, and as
13 we've had discussions and presented materials relative to substantial
14 conformance with the Houghton East Neighborhood Plan. And those are
15 really the, the relevant definitions.
16 A couple of points I want to just highlight that I've
17 already talked about. 1985 was when the Houghton East Neighborhood
18 Plan was adopted. That northeast corner was single ownership. It was
19 16 to 17 acres. The corner was one of two corners that was designated
20 to intersections designated for non-residential uses, that is the
21 intent.
22 Actually, Plan Tucson also has some language designating
23 this is an area where we needed to put - do a little bit more of the
24 commercial type uses to provide for the, the neighbors. Those
25 definitions of neighborhood and community commercial are defined terms

1 in the plan. And their only relevance is related to the amount of
2 open space.
3 Community commercial is 25% open space. Neighborhood
4 commercial is 20%. And neighborhood commercial was not in the L-U-C,
5 the Land Use Code at the time that this was adopted.
6 So, two years ago, over two years ago now, we started
7 working on this project. This is the old site plan. It's the site
8 plan that was the very first site plan that we did, and we, we,
9 Brentwood and Fry's came into this project requesting and desiring a
10 big box.
11 It's over 124,000 square feet. That's what they wanted to
12 build. It did require, at that time, two amendments to the Houghton
13 East Neighborhood Plan. It required a reduction in even the 20% open
14 space. We also were requesting the height that was, that was actually
15 approved.
16 Part of the process for plan amendments as well as
17 rezonings is to go out and have discussions with Staff. Go out and
18 have discussions with stakeholders. Have discussions with neighbors.
19 There were a lot of people who were really excited about
20 this and wanted the larger project. There were a number of people who
21 were very concerned about the compliance with the Houghton East
22 Neighborhood Plan open space.
23 So, through that process, we modified the request, and we
24 pulled back on the request for the open space. At that time, we also
25 had dialogue with Staff that we felt we were neighborhood commercial,

1 and we would like to comply with the 20%. Again, this was back when
2 we did the Houghton East Neighborhood Plan.
3 We had pulled the open space request. So, we went ahead
4 and we moved forward with the, the height request, and that was
5 approved by the, the Mayor and Council.
6 Between that time and the P-A-D, we worked really hard on
7 the site plan. And what you're seeing right here is the site plan
8 that's part of our Planned Area Development. Significant reduction in
9 the Fry's store. It's a 20% reduction, down below the hundred
10 thousand square feet, and a significant increase in the open space
11 which Staff has indicated.
12 Now the definitions between neighborhood commercial and
13 community commercial are less significant. They're not significant at
14 all because we believe we meet the 25% open space. And I'm gonna walk
15 you through that in just a minute.
16 Just as a reminder, the three requests that we're asking
17 for in the P-A-D, the three pieces that make it different from the
18 C-1, the number of gas pumps. I want to talk about that for just a
19 minute.
20 C-1 allows six, what I call stations, which have two pumps
21 on either station. So, it's, it's capped at six stations, 12 pumps.
22 One of the things we're asking for is the ability to add three
23 stations which is six pumps.

1 I can tell you it's not being asked for because that's all
2 of a sudden gonna open up our market area and draw a whole bunch of
3 people to this gas station.
4 What it does is it allows there to be no idling. Whenever
5 somebody pulls in, there should be a gas pump available. That helps
6 with the, the environment. It helps with the circulation in this
7 project. And overall, it's a, it's a better project and gas station.
8 And what you'll see is that most gas stations, that is the
9 industry standard now. People don't want to wait for gas. They will
10 simply move on to the next fueling station. So, that's the, that's
11 one of the two requests.
12 The second request for the uses, which I talked about. So,
13 we're specifically precluding adult rehabilitation, a cemetery, a golf
14 course. We are precluding large retail establishment. We will comply
15 in this development plan with an under 100,000 square foot building so
16 that we don't kick in the large retail establishment, and it's
17 actually a precluded use in the P-A-D under prohibited uses. We also
18 preclude shelter care, stand-alone wireless towers and any multi-
19 family.
20 The vestibules is the other, the other request. So, this
21 is an existing Fry's store. That's with the vestibules closed. So,
22 that's what it will look like when they're closed. When they're open,
23 it's just another - it's an extended area where there can be product
24 for sale.

1 It's considered outdoor storage in the definitions of the
2 Unified Development Code. Even though it can, it can shut, it's under
3 roof and it's not permitted in C-1, and we'd like to include it in
4 the, in the project. So, it's in the P-A-D.
5 As I mentioned before, just some highlights. Reduction of
6 the Fry's store to under a hundred thousand square feet. We still do
7 believe that we are neighborhood commercial. When you think about
8 other centers that have a grocery store, they also have a restaurant.
9 They also have a pharmacy.
10 The difference between this project and those projects is a
11 lot of those are contained within the Fry's store. The consumer is
12 desiring people to go ahead and have a one-stop shop. So, instead of
13 having the L-shaped or the U-shaped shopping center with a grocery
14 store and all the other uses, they're contained.
15 Our market area's under a three-mile market area. Again,
16 the definitions are, are not as relevant, but we do still feel that
17 we're, we're in the neighborhood commercial as, as opposed to the
18 community commercial.
19 One of the issues that has been, that has been - come up,
20 and we've been asked about is the location of that service station.
21 There was a desire that the service station be on the corner. There's
22 a, there is a reason that we've asked for it to be where - and we've
23 sited it where it is, the (inaudible) Oh, that doesn't work. Okay.
24 Doesn't show on screen.

The, that northernmost entrance on Houghton is actually the only spot where there's a median cut for full turning movements. So, if somebody's gonna come into this area and just get gas and leave, what that does is it provides an ability for them to come in, get gas and then leave without any circulation issues with any of the other uses. And it gives them direct access to a full turning movement.

The other thing it does is it allows us an opportunity to do some nicer restaurant and other things in the - on the corner because a lot of the, the corner, that retailers and restaurants desire the corners.

The, the one thing to point out is the edge of that, of the - it's not the kiosk - the canopy. That northern edge of the canopy of the gas is still 113 feet from that northern property line.

What we don't have flexibility in doing is realigning that driveway because that curb cut was set when City of Tucson did the median cut in the, in the roadway. And that, that is a very recent improvement.

So, we pulled the canopy back. It's 113 feet from the property line, and then there's additional distance to the house as well. And then you'll see the other retail space.

I want to address the open space. The definition of consolidated open space in the Houghton East Neighborhood Plan is an undisturbed area free of structures or other improvements concentrated in areas of sufficient size as to create visual diversity and interest and/or passive recreation opportunities.

1 The open space should be contiguous within the project site
2 and linked with other open space areas surrounding the site to create
3 continuous areas of undisturbed natural vegetation.
4 Obviously, I highlighted the "S" under the areas. It is
5 not requiring it to be one area of 20 or 25% open space. What you're
6 seeing in the dark green, not the light green, the dark green is all
7 on our property, and that is 25%.
8 Twenty percent of that, and we did this on purpose, is on
9 the - when you combine the north and the east open space, that's,
10 that's on its own 20%. We put a majority of that there in large part
11 because as you can see, that's where we're adjacent to the residential
12 uses.
13 On the north area, that distance, that buffer, natural
14 buffer is between 40 and 110 feet. On the east, it's between 60 and
15 95 feet. I'll talk about this a little bit more in a minute, but
16 we're working with each of the individual property owners along the
17 north and the east boundary to find out from them what kind of
18 property line, either wall, wildlife fencing they want.
19 The standards in the P-A-D specifically say we're going to
20 do that during the development package process. It allows us to go as
21 high as an eight-foot wall, and there are some folks over there that
22 want the eight-foot wall. We will provide that.
23 The bottom line is we're gonna provide whatever it is each of
24 those property owners want. And I'll be - I'm gonna show you a cross

1 section in a minute. But that's gonna go along the northern property
2 line, and the eastern property line.
3 And then the vegetation is gonna be at the same elevation,
4 which is starting to come down, and all natural. And then we will
5 start the grading for the, for the development area. So, the brown is
6 also the grading boundaries of the project. The green areas will be
7 all, all natural.
8 When you add in the light green areas, which are the future
9 right-of-way landscaping, we're well over 25% in open space. A lot of
10 that property used to be part of this, this project, and was either
11 dedicated or acquired by the City of Tucson, and is the future
12 landscaping area for, for Houghton and for 22nd Street.
13 Just to talk a little bit about what that, what that then
14 looks like, what the edge treatments are looking like, I'm gonna start
15 on the south on 22nd Street. The P-A-D has a minimum setback and
16 landscape area of ten feet from our property line.
17 When you add in the future right-of-way, that landscape
18 buffer ends up being anywhere from 26 to 55 feet. You can tell it's
19 not consistent. So, at the, at the narrowest part, it's 26. At the
20 widest, it's 55.
21 Along the west on Houghton, it's a minimum of a 30-foot
22 buffer from our property line back. When you add in the, the future
23 right-of-way landscaping, it's anywhere from 45 to 55 feet, and 55
24 feet is at the corner.

1 There is a little bit of an area that you'll see that looks
2 gray. That is a drainage facility that was constructed during the,
3 the Houghton Road improvements. Even if you take that area out of the
4 buffer, it still is 25% percent open space in what was the dark green
5 on the other - on the previous page.
6 Along the north, I already mentioned it's 40 to 110 feet.
7 The other thing I want to point out is the canopy for the gas is 113
8 feet from the property line. The retail that's kind of in the middle
9 is about 165 feet, and the Fry's is 150 feet.
10 So, those are the building setbacks, again, from the
11 property line. Over on the east side, it's a 60 to 95-foot buffer.
12 And the building setback is at about 127 feet.
13 What I want to point out, and I can't - so, over on the
14 righthand side, over on the east side, you'll see where it says "A".
15 That's the cross section. What we did was created a cross section to
16 try to explain how we've - between the Houghton East Neighborhood Plan
17 and this plan. We modified how we were treating this open space.
18 Rather than grading the whole site and doing a landscape
19 buffer, which is what's traditionally done in a commercial
20 development, we're taking that border, that buffer natural landscape
21 area, which is the 90 feet - and you're following the natural grade as
22 it heads down, the actual grading is not occurring until you get to
23 the actual development. That's where the retaining wall's gonna be.
24 So, that's gonna be left in its natural grade, natural
25 landscaping. That's also one of the receiving areas for the riparian

1 mitigation for any of the other natural vegetation so that it'll be,
2 it'll be slightly enhanced with the natural vegetation.
3 This is the cross section along the north which shows the
4 same thing. So, you've got the home to the north on the righthand
5 side, and then you see the property line in red. And then it's
6 natural topography, and then you hit the, the retaining wall where the
7 grading is.
8 The site is not, is not level right now, so, they won't all
9 be six-foot and five-foot retaining walls. I think they range from
10 one feet (sic) - one foot to, - to eight? To eight, depending on
11 where we are and what the natural grade is doing adjacent to us.
12 Circulation and access. This is touched in the, in the
13 Staff report as well. There's four access points. The northern on
14 Houghton, and the eastern access point on 22nd are the full access
15 points. And then the other two are right in, right out.
16 The roadways have - Houghton, if you haven't been out
17 there, has been significantly improved as a, as a major right-of-way.
18 22nd as it tapers in front of the project was a part of that, was a
19 part of that project.
20 We also worked with Staff on the, the sidewalk
21 connectivity. There is a trail as part of the - a walking path is
22 part of the Houghton project. And we are connecting to that with all
23 of the shading trees and everything else that, that is in the, the
24 P-A-D document. I'm trying to hit highlights.

1 Elevations. After the Houghton East Neighborhood Plan -
2 actually through that process, we worked with a local architect to
3 incorporate local design. We dropped the architectural features.
4 What we were showing at the very beginning was the typical Fry's with
5 the, the kind of arch and a big Fry's sign.
6 So, we were asked to lower that and make it blend in more
7 with the materials and colors that were, were more of a kind of
8 Southwest, which we again worked with Staff. Worked with some of the,
9 the neighbors.
10 We also put in the P-A-D a Design Review Committee that is
11 going to be made up of - it's gonna include a neighborhood
12 representative, and I'll explain this in a minute, but an ad hoc non-
13 voting member from the Saguaro National Park as was requested by the
14 Zoning Examiner back in April.
15 So, we worked on the elevations. This is the, the other
16 elevation that shows the vestibules. So, the difference between these
17 - this one up on the top has just windows, and this shows the actual
18 vestibules that we've been talking about.
19 This is the edge treatment, the wall that I was talking
20 about. As we said, and, and this is what we understand people want
21 right now, but this is not set in stone. The P-A-D has us figuring
22 this out during the development package. We just wanted to give you
23 an example.
24 Our understanding is the first three property owners and
25 the folks over in that area are desiring an eight-foot wall. Then

1 there's a request for a six-foot wall. There's an existing wall, and
2 so there's a desire not to have two walls on top of each other.
3 And then some more six-feet (sic) wall, and then we're
4 working with the folks over on the east. That's where we getting some
5 requests for the wildlife-friendly fencing as well. We also, after
6 the Zoning Examiner, last Zoning Examiner hearing, incorporated his
7 recommendation that, that the wall also include the drainage, which we
8 were going to anyway to make sure that we weren't causing any sort of
9 drainage issues.
10 Bottom line is we're happy to accommodate whatever wall
11 treatment people want adjacent to their property, and on the property
12 line. And we will accommodate that. And that verbiage is in the
13 P-A-D.
14 Last topic is the neighborhood outreach. This project has
15 been going on for over two years. We have been working with the folks
16 willing to work with us and engage on the mitigation issues.
17 We know that there are, are folks who are - just don't want
18 this project developed, or for some reason, just don't want a, don't
19 want a Fry's. We've continued to have dialogue and we understand
20 everybody's entitled to, to their opinions.
21 We've reduced the scale of the development. We've
22 modified, we modified the Houghton East Neighborhood Plan request from
23 when it was first made, and the rezoning request all to accommodate
24 the concerns.

1 As part of this project, we held two formal neighborhood
2 meetings as part of the Houghton East Neighborhood Plan. We had nine
3 smaller meetings with groups. As a part of that amendment, included
4 meetings with individual homeowners directly adjacent to the project.
5 We've had at least two meetings with the Park Service as
6 well during the neighborhood plan process. We had, we had an open
7 house neighborhood meeting for the rezoning. We had a smaller meeting
8 with the primary folks who had concerns, and just didn't want the
9 project, at the Ward 2 Office, right before the April Zoning Examiner
10 hearing.
11 We also presented to the Eastside Neighborhood Association
12 the same night. We had a number of people come up to us after that
13 and say that having all of the facts, they actually are, are - were
14 excited about the project.
15 We also conducted a door-to-door survey during the Houghton
16 East Neighborhood Plan Amendment process. And there were 266
17 signatures of surrounding people in favor. Keep in mind, that was
18 when it was 126,000 square feet, and there was a lot of support for
19 it.
20 As a result of all of these meetings, we made a number of
21 revisions to the project. And to just name a few, I already talked
22 about the reduction in the building size, which is a legitimate
23 reduction. Fry's and the developer really did want to do a big box on
24 this project, on this site.

1 So, it wasn't a fluff up the plan in order to reduce it and
2 be able to say we've reduced it. It's a legitimate reduction of the
3 building's square footage. We increased the setbacks to the
4 neighbors. How we handled that open space so that it really does look
5 like it's natural open space in that area.
6 We revised the architecture and the site treatments to meet
7 the Council's request on height which came up when we had the Houghton
8 East Neighborhood Plan Amendment which was keeping the grade the same
9 and the building materials and colors that reflect the area.
10 After the P-A-D open house, we made even further changes
11 that are in the P-A-D. We added a restriction on amplified music or
12 smoking patios within 50 - 150 feet of the north and the east property
13 boundaries. That's imbedded in the permitted uses section.
14 We clarified the hours for deliveries and added
15 restrictions on truck idling. We added a neighborhood representative
16 to our Design Review Committee process. And then we had the Zoning
17 Examiner hearing on the - in April, and the Zoning Examiner had
18 recommendations, all of which are now incorporated in the P-A-D.
19 And those are the five recommendations from his report. Those are
20 already in the P-A-D document that's in front of you today.
21 So, at this point, we feel very strongly that we've met the
22 Houghton East Neighborhood Plan policies. We're certainly in
23 substantial conformance, which is the actual legal requirement for
24 compliance with that policy. We are abiding by everything that
25 protects the Saguaro National Park. The policies in the hemp (sic)

1 that talk about the Saguaro National Park are aimed at that buffer
2 area. We are a mile from the buffer area, two miles from the park.
3 We've acknowledged this is a major intersection in the
4 right place for this kind of commercial, which is encouraged by the
5 hemp (sic), and we respectfully request your recommendation to
6 approve. I'm happy to answer any questions and come up at the end as
7 desired.
8 ZONING EXAMINER: Thank you. At this time, I'll open the
9 hearing for those in support. The first name I have is Grace
10 Greggenheimer (ph.). Would you please approach the podium? State
11 your name and address for the record. Thank you.
12 MS. GEGGENHEIMER: My name is Grace Geggenheimer. I'm with
13 the Tucson Metro Chamber located at 465 West St. Mary's Road. The
14 Chamber represents 1500 businesses with a total of nearly 165,000
15 employees in the metro area, and has been following this case since
16 the Houghton East Neighborhood Plan Amendment process began.
17 The owners and developers of this project have gone above
18 and beyond in working with the neighbors, Saguaro National Park, City
19 Staff and Council Offices to balance all interests and ensure
20 conformance with all adopted policies.
21 Houghton Road and 22nd Street are both major arterials and
22 are ideal for commercial. Significant public resources have been used
23 to create Houghton as a major north-south corridor, and commercial
24 services are desperately needed in this area of the city to serve the
25 growing population on the east side. The proposed Fry's project will

1 provide amenities, services and quality development that is needed for
2 our neighborhoods.
3 I grew up on the far east side of Tucson and have lived at
4 Broadway and Houghton for all my life on the same property that my
5 grandparents bought in the 1940's. I've seen the growth and
6 development of that side of town, and have watched businesses come and
7 go. With this in mind, I, and many others, see the very clear need
8 for more convenient commercial in the area.
9 The addition of the proposed Fry's would reduce travel
10 time, not only for Ward 2 residents, but for tourists and visitors of
11 Tucson as well. This project will create a variety of good jobs, and
12 help with the growth of our local economy.
13 So, again, the Tucson Metro Chamber supports the approval
14 of the rezoning and strongly encourages others to do the same.
15 Thank you.
16 ZONING EXAMINER: Thank you. I'll now call Craig
17 Fingerfrock (sic). Do I have that correct?
18 MR. FINFROCK: (Inaudible)
19 ZONING EXAMINER: Finfrock. I'm sorry, sir.
20 MR. FINFROCK: I'm sorry. My handwriting leaves a little
21 bit to be desired. My name is not the easiest to begin with. I'm
22 Craig Finfrock. I live at 2104 North Water View Court, which is a
23 little bit over a mile north of the shopping center.
24 I urge you to support this project. I believe that
25 shopping center is well thought out, has been planned for over

1 two years, and is very appropriate for being situated on a major
2 intersection, which is what this is.
3 Houghton Road is a six-lane, major corridor. My
4 understanding is there's plans being made for it to be dedicated to
5 the State and become a State highway. And it's totally appropriate
6 for the area and for the intersection.
7 And I believe that the Applicant, the developer has gone
8 above and beyond to work with the neighbors to try and create a
9 project that everybody's hap- -- well, not everybody's gonna be happy
10 with it. That's clearly never gonna happen.
11 But for the majority of the people to have some input and
12 have created a very nice project, I think Fry's is probably - is
13 definitely one of the best grocery store operators in the United
14 States, and probably in the country. And a large majority of the
15 people that live in the area are going to be happy that this store is
16 here.
17 It's an amenity for the neighborhood, and I certainly am -
18 I'm a shopper of Fry's, and I can't wait for this store to be built
19 closer to my house. And I think it has a lot of, of value for the
20 store to be - store - grocery stores, people to not have to drive
21 miles to get to their grocery store. It cuts down on congestion and
22 pollution and so on and so forth.
23 And they're also gonna create a lot of jobs for the kids
24 growing up in the neighborhood, and for the community in general.

1 It's very beneficial to our economy to allow companies to grow and a
2 healthy economy makes for a happier, healthier community.
3 And they'll create a lot of jobs for Tucson and contribute
4 to the tax space, and companies need to be able to build new stores.
5 You can tell by looking throughout history that so many of the
6 original stores that were built in Tucson, almost none of them exist
7 anymore. And there's a reason for that. They've all been replaced.
8 Consumers are asking for newer, better shopping
9 experiences, and Fry's will deliver that. And I think that that
10 pretty much summarizes what I would like to say and why I would ask
11 for you to support this project. Thank you very much.
12 ZONING EXAMINER: Thank you. Next - Weston Knipe?
13 MR. KNIPE: My name is Weston Knipe. I live at 6982 East
14 Casey Place, Tucson. I am a member of 22nd Street Baptist Church. I
15 direct a special needs ministry there.
16 I have recently retired as a group home manager in that
17 area of the store. The company I worked for has three group homes in
18 that area, and we would commonly shop at the little Fry's store there
19 at 22nd Street and Harrison.
20 Our frustration is we get the sales ad, and we go there and
21 half of the products that were listed on sale are not available
22 because that store is too small. So, seeing this store open up is
23 gonna be a great asset to the community, to the group homes.
24 And also Fry's, it's been mentioned about the employment
25 opportunities for people in the area. Fry's is notorious for hiring

1 people with disabilities. And therefore, I'm - a big encouragement of
2 that. So, I just strongly feel that this is gonna be a positive asset
3 for the community all the way around. Thank you.
4 ZONING EXAMINER: Thank you, sir. Judy Kaiser?
5 MS. KAISER: I'm Judy Kaiser. I live at 9242 East 39th
6 Street. I moved to that area in 1997, and at that time, there was
7 very little retail in the area. I had to shop at Grant and Swan, and
8 Grant and Tanque Verde to do my shopping. I was really excited when
9 we ended up with a Target and a Alta and all of the shopping area on
10 Old Spanish Trail.
11 And, I, too, am a Fry's shopper. I will not shop at the
12 Fry's on 22nd and Harrison for that same fact. It's very small. I
13 can't get everything that I want there. So, I usually go to Harris-
14 -- or Kolb and Golf Links, or Kolb and 22nd to do my shopping.
15 So, it would be a plus to have a very nice big Fry's in our
16 area. It would cut down on my travel time. It would be more
17 convenient for me. As with most shopping centers, I'm sure people are
18 worried about, "Okay. If you move the Fry's, you have the, the empty
19 space in the shopping center."
20 And I think that has been proven over time that those will
21 be redeveloped and taken up by smaller stores, or maybe another big
22 store. But I am, I am in favor of the rezoning and I hope that it
23 goes through. Thank you.
24 ZONING EXAMINER: Thank you, ma'am. Ashley Evans?

1 MR. EVANS: My name is Ashley Evans. I'm the pastor at
2 22nd Street Baptist Church, 6620 East 22nd Street. We're the owners
3 of the property question. And thank you, Mr. Gonzales, for the
4 opportunity to speak to this proposed rezoning.
5 We own - we've owned this property for about 40 years, and
6 nearly 40 years ago, the plan was for us to relocate to this property
7 to build a new church. For various reasons, that never happened.
8 Over the past few decades, different pastors have come and
9 gone and different ideas have surfaced. None of them have ever seemed
10 to get past the, the planning stage.
11 A few years ago, our church felt convinced and convicted
12 that we were not done, that God wasn't done with us in the area that
13 we're at there on 22nd between Kolb and Wilmot. That there's just a
14 ton of people, a ton of needs and we can still be a good, strong,
15 healthy church in that area.
16 Since we knew that God's plan wasn't for us to relocate, we
17 decided the time had come for us to sell. And I will tell you, as
18 will some of the members of my church, that that was not an easy
19 discussion. There was a lot of prayer, a lot of discussion. A lot of
20 people for many years had said, "We'll never sell that property."
21 But when presented with the vision of taking the proceeds
22 from that sale and reinvesting in our current campus, as well as
23 reinvesting in the neighborhood around us, Terra Del Sol, Palo Verde
24 High School, Wheeler Elementary, and other places that we're making
25 partnerships with, our people were on board with that.

1 And so that's why we're selling the property. We can't fix
2 all the problems in Tucson. We can't even fix all the problems in our
3 back yard, but we want to do something. We want to be a strong,
4 healthy church in our community.
5 And at a time when urban churches are in decline, when
6 they're closing their doors, when many of them are moving to the
7 outskirts of, of the city of Tucson, our church is committed to
8 staying where we were planted 60 years ago. And we're, we're
9 committed to finishing our mission and purpose of being a strong
10 community partner.
11 So, for that reason, I hope that you will - I'm coming to
12 speak in support of this, and I hope that you'll vote in favor of this
13 rezoning.
14 ZONING EXAMINER: Thank you, sir. Next - Bill Allen.
15 MR. ALLEN: My name is Bill Allen, and I reside at 8912
16 East Alter Point Way in the city of Tucson. I represent 22nd Street
17 Baptist Church. And I have been a resident of Tucson's east side for
18 over 30 years.
19 And several years ago, when our church leadership and
20 membership began discussing the sale of our property at 22nd Street
21 and Houghton Road, one of our commitments as a church was that the
22 purpose for which this property was purchased would be for a project
23 that would complement and enhance the neighborhood in which it was
24 going to be built.

1 We did not want to see the property used for an apartment
2 complex, a convenience store, or a carwash. We wanted something to be
3 developed there that would be both attractive and beneficial to the
4 surrounding community. And we believe that the new Fry's store would
5 be that enhancement to this neighborhood.
6 And secondly, the existing Fry's store at 22nd Street and
7 Harrison Road, which has served that area for decades, is now situated
8 adjacent to a massive apartment complex on Spanish Trail, an area
9 which was - formerly consisted of single-family residences, and, and
10 notwithstanding the construction of more single-family residential
11 development in that same area. So, an additional Fry's store at 22nd
12 Street and Houghton Road would be a much needed and beneficial asset
13 to the community.
14 Finally, I would like to point out that some of the money
15 received, as Pastor Ashley pointed out, some of this money that we
16 receive from the sale of this property would be used by 22nd Street
17 Baptist Church for improvements and building projects to our existing
18 campus at 22nd Street and Kolb Road.
19 These improvements will benefit that community in this area
20 of our city by helping to provide a much-needed facelift along the
21 22nd Street corridor in that neighborhood. So, I would like to close
22 by urging the members of this body to approve the rezoning request as
23 submitted. Thank you.
24 ZONING EXAMINER: Thank you, sir. Vicki Senter-Sheley?

1 MS. SENTER-SHELEY: Good evening. And thank you for
2 allowing me this time. Both sides -
3 ZONING EXAMINER: I'm sorry. Could you state your
4 interests -
5 MS. SENTER-SHELEY: Sorry about that.
6 ZONING EXAMINER: - for the record?
7 MS. SENTER-SHELY: Vicki Senter-Sheley, S-H-E-L-E-Y.
8 920 South Camino de las Colinas.
9 ZONING EXAMINER: Thank you.
10 MS. SENTER-SHELEY: And our street actually is the north
11 perimeter of this new property. My husband and I have lived at 920
12 South Camino de las Colinas for nearly 40 years. We are the original
13 homeowners. Our street is on the northern perimeter of this proposed
14 new Fry's at Houghton and 22nd.
15 There are certain things in this process in the past two
16 years that as a retired teacher, I've learned some lessons. I've
17 learned about politics and I've learned about who listens and who
18 values what I say.
19 We want an eight-foot masonry wall to be built on that
20 north perimeter, and I think, Ms. Silvyn, you said that was gonna
21 happen. So, that, to me, is a plus. We see many more transients now
22 because we have a new bus stop. And the bus stop was built closest to
23 where the 24-hour gas station is to be built. I have a concern about
24 that even still. I hope that could be moved and the number of pumps
25 cut down.

1 This, this means more human traffic in our neighborhood,
2 and our back yard faces the, the trail that was put in place by the
3 winding of Houghton Road. So, we see a lot more people. We see
4 teenagers congregating out there on that trail at 11:00 P.M. at night
5 on a school night.
6 What I'd like to say about this process. People put in a
7 lot of their time and effort. And they have their own convictions.
8 And I have had a change of heart. I was at the first zoning hearing.
9 I sat in the back of the room, and I held a banner. "Save Houghton
10 East," and I'm still about protecting our neighborhood.
11 I'm still about valuing what's the most important thing -
12 Saguaro National Park. And I appreciate those people here tonight to
13 represent that, because we are getting very close to that area. But I
14 don't live in a buffer zone.
15 I am part of the Ranch Oeste Neighborhood, and I feel like
16 having the same property for 40 years, that's my forever home, and I
17 have a vested interest in my neighbors on my street. Their back yards
18 will face this new development.
19 I feel that Fry's and Brentwood Properties have listened to
20 what we said. They have valued what we said, and they've made
21 concessions. In a perfect world, none of us, that includes myself,
22 would be living there that close, 1.8 miles from the Saguaro National
23 Park, in a perfect world.
24 But unfortunately, this is what we have. We moved there
25 and bought the house in 1979 because I had taught at Augusta Christian

1 Academy in Augusta, Georgia. And the sales rep, Kurt Weiss, for Estes
2 Homes told us a church and a church school would be built there. And
3 I thought, even more impressive to live here.
4 I understand things change, but I also understand we cannot
5 seek peaceful resolution unless we all sit down together. Don't
6 threaten, don't get angry, but listen to each other. I don't think
7 that's always happened here.
8 So, I hope that what I say is valuable, because as I said,
9 I plan to live there. My son will live there one day. And this
10 area's important to me, and my neighbors are important to me. But I'm
11 not about a fight. I'm not about threatening lawsuits. I'm about
12 mutual respect. And I thank you.
13 ZONING EXAMINER: Thank you. Martin Stickley (ph.).
14 MR. STICKLEY: Mr. Zoning Examiner, my name's Martin
15 Stickley. I reside at 601 North Lazy J Way, Tucson. We're just
16 inside the area plan on the southeast corner of Speedway and Houghton.
17 I'll call it Houghton, 'cause that's what it's been to me for 23
18 years. We, we built out there, my wife and I, 23 years ago, and we
19 continue to enjoy the, the area.
20 We watched - when we first moved in there, up at Houghton
21 and Broadway was a stop sign in each direction, one lane each way.
22 And each day when I'd go to work, I'd say, "I wonder how long it's
23 gonna be until there's a stoplight here?" So, that happened pretty
24 quickly.

Now we fast forward 20-some years and, and Houghton Road is not Houghton Road, it's the Houghton Corridor. There's lots of activity along it. There's certain things that belong in that type of arterial. Just down the street there's a movie theater going in at an old Basha's.

So, there's lots happening. It's, it's, it's the right use for the right location. And my wife and I strongly support Fry's joining the fabric of the neighborhood. Thank you.

ZONING EXAMINER: Thank you, sir. Pat Johnson?

MR. JOHNSON: Name is Pat Johnson. I live at 1348 South Avenida Canalaya (ph.). My home is two blocks from this site just off of 22nd Street.

So, when I bought the property, the house, 14 years ago now, that corner at Houghton and 22nd I knew would become a development someday of some sort. It was empty property and I was sure it was zoned or meant to be commercial property, as the residential properties were - lined it.

Also, I'm a native Tucsonan and was born and raised in Tucson. I know in 1984 and '85 when the Neighborhood Association was being formed, Houghton Road was being sought as a corridor that would also connect with Sunrise Drive, and there would be a loop around the city of Tucson.

That was stopped just as so many projects in this town to where we're still a surface street city that has no, no major ways to get around without driving straight through 22nd all the way to I-10

1 for me to get to Phoenix or take Houghton south ten miles so I can get
2 to I-10. Yeah, didn't make any sense.
3 But I also understood this project was going to be
4 developed, as I said, when I moved there 14 years ago. I believe that
5 Brentwood has done a great job to become a master planned community
6 compared to what, as (inaudible) might, might be an apartment complex,
7 a couple more convenience stores, some fast food restaurants, a little
8 bit of this, a little bit of that.
9 We have that all over the city because we don't have master
10 plans approved by the Council, and because they're opposed by the
11 neighborhoods. This corner of 22nd and Houghton is a major arterial
12 and this property was meant to be a commercial property. In any other
13 city and any other place, this is where commercial property should be.
14 That's where Fry's grocery stores should be, restaurants, your, your
15 neighborhood type facilities.
16 Also, I shop at the Fry's store at Harrison and 22nd, and
17 it is very - too small. They don't have what they need. The parking
18 lots are congested. Fry's - my wife and I welcome this larger Fry's
19 that has more selections, more choices, more room to, to move around
20 and, and not run into each other while you're trying to shop in a
21 grocery store. So, I support this project on all sides. Thank you.
22 ZONING EXAMINER: Thank you, sir. Jaime Tresher (sic)?
23 MS. TRISLER: Good evening. My name is Jaime Trisler
24 (ph.).
25 ZONING EXAMINER: Sorry.

1 MS. TRISLER: It's all good. I get it all the time.
2 My address is 10832 East Bitter Root Court, and I do support the
3 rezoning.
4 I live about halfway between the current Rita Ranch Fry's
5 and the proposed Fry's at 22nd Street and Houghton. And as a member
6 of that neighborhood, I would be very happy. We drive past that area
7 all the time on a daily basis, and it would make us very happy. It
8 would be very convenient if we were able to shop at 22nd and Houghton.
9 So, thank you.
10 ZONING EXAMINER: Thank you. Ryan Wardrack (sic)?
11 MR. VONDRAK: Ryan Vondrak, 7341 East Sabino Vista Drive.
12 ZONING EXAMINER: Thank you.
13 MR. VONDRAK: I'm a Tucson native and a member of 22nd
14 Street Baptist Church for over 17 years. And I was part of the
15 initial committee that was exploring options of what to do with the
16 property. And so speaking to what Ashley spoke about, as well as to
17 what Bill spoke about, you know, we are very conscientious on who this
18 property is sold to, and what the use was gonna be.
19 It's been a long process, we've been very patient on the
20 sale of this property. And, you know, in looking at the plans from
21 the beginning to where they are now, I think you can see that Fry's
22 and Brentwood properties have compromised on so many different areas.
23 I mean they haven't - you know, they, they really involved
24 the neighborhood and we get it that there's not gonna be 100% buy-in,
25 but with less than 10% of the direct neighbors impacted with

1 opposition, I don't know why we're having this conversation. So, I
2 support the, the rezoning and I hope that you approve it.
3 ZONING EXAMINER: Thank you. Judy Knipe?
4 MS. KNIPE: I'm Judy Knipe, and I live at 6982 East Casey
5 Place. And I was a member of 22nd Street Baptist Church back when the
6 property was purchased.
7 At that time, we were very excited about moving out here to
8 22nd and Houghton and building a larger church and growing our church.
9 However, when the pastor that led us in the purchase of that property
10 left the church, I believe that dream died with him.
11 And now it's our intention to sell the property so that we
12 can make improvements on our own place and stay there where we called
13 to serve and to love the people around us.
14 I believe that Fry's going in is a great idea, as the town
15 is moving eastward and commercial buildings need to keep up with that.
16 Retail stores need to keep up with that growth.
17 My father was part of founding Southern Arizona
18 Homebuilders Association, and he also helped create Job Corps. So,
19 I have seen a lot of growth in this city. He was a, he was a
20 homebuilder. And if I were able to speak to him today, I believe he
21 would think that it was a great idea as well seeing as how the town is
22 growing so far east.
23 And I appreciate you listening to me and I hope you will
24 approve the, the zoning. Thank you.

1 ZONING EXAMINER: Thank you, ma'am. Well, that concludes
2 the cards I have relative to people wishing to speak in favor of the
3 project. I would like now to move to people that are in opposition to
4 the project. I would like to first call Ruth Beeker to the stand.
5 MS. BEEKER: Can we leave the power points turned on and we
6 don't know how to do that.
7 ZONING EXAMINER: Yeah. She can help you back there.
8 MS. BEEKER: Thank you. I'm Ruth Beeker, 3250 East
9 Hawthorne. We want to thank you for the opportunity to present our
10 case for denial of the 22nd and Houghton PAD rezoning in a coherent
11 organized manner.
12 We will provide you a hard copy of this power point
13 presentation which has additional documentation included. Our
14 position is clear. It is not the prerogative of Applicant or PDSD to
15 deviate from the Unified Development Code to justify any rezoning.
16 I'm Ruth Beeker. I live in midtown. I am not paid.
17 Eighteen months ago, Ward 2 staff suggested I might be of assistance
18 to a neighborhood coalition. Save Houghton East.
19 This evening, its members, and those of a more recently
20 organized Houghton East Neighborhood Association and others will
21 provide evidence that this PAD application should never have
22 progressed beyond PDSD's pre-application meeting.
23 If you are here this evening in support of denial, please
24 stand. This is a subset of the 1,000-plus people who have signed a
25 petition in person or on-line to oppose this rezoning. Thank you.

1 Today's residents of Houghton East have a comprehensive
2 neighborhood plan written in 1984, approved in 1985 by Mayor and
3 Council as a guarantee that their unique, two square miles would
4 remain a special place even after annexed to the City of Tucson.
5 It is the most restrictive neighborhood plan I have seen.
6 The authors recognized there would be development, which there has
7 been. But they built in regulations so that the area would be
8 primarily low density, single-family residential development.
9 They acknowledged their unique proximity to Saguaro
10 National Park. They took their stewardship of the area's flora, fauna
11 and topography seriously. Keeping open space for nature was a
12 priority.
13 This document is as relevant today as when it was written.
14 I will refer to it as "the hemp" (sic). Does this document have legal
15 standing today? No question. The Unified Development Code is clear.
16 It states, "Each PAD must be in compliance with the general plan, and
17 applicable subregional and neighborhood plans." That means all
18 aspects of the hemp.
19 Given that requirement, should this site ever have been
20 considered for high-intensity development? No way. The hemp does
21 state commercial and community service uses may be appropriate at
22 major intersections on Houghton Road.
23 On pages 15 to 18 entitled "Non-Residential Development", a
24 1990 amendment went into great detail spelling out that Houghton Road

1 at Broadway was to be the site of primary development. Buildings
2 there could be up to 35 feet tall.
3 Only two sentences in those four pages directly address
4 this intersection at 22nd and Houghton. One limits non-residential
5 uses to the intersections of Houghton Road with Broadway and 22nd
6 Street. And the other limited 22nd-Houghton building height to 20
7 feet.
8 On March 8th, 2016, Mayor and Council amended that to be
9 the 26 feet to accommodate this specific proposal. And please note
10 the hemp states, "Non-residential uses only at the intersection." As
11 you see here, this proposed development site includes two parcels.
12 The one to the east well beyond the intersection.
13 Zoning at the other three corners of this intersection sets
14 the precedent that commercial rezoning should be for the west parcel
15 only. Including the east parcel in this PAD brings disruptive
16 commercial intrusion into low-density RX-2 residential properties to
17 the north, east and south.
18 It was necessary to consider the two parcels as one to
19 accommodate a project this intense. If the square footage in the
20 application is correct, there is no question that this contains a
21 large retail establishment.
22 The UDC is clear in its definition. You have to combine
23 the building and the kiosk area. And when you do, you see it is over
24 100,000 square feet.

1 The final regulations on pages 15 to 18 for non-residential
2 development have proven to be a major stumbling block in reconciling
3 the hemp and the proposed PAD. The hemp non-residential goal stated
4 on page 15 makes clear that the non-residential development is to
5 serve neighborhood needs.
6 To that end, the hemp ties percentage of required open
7 space to intensity of site development. The greater the land surface
8 being used for commercial, the greater the percentage of consolid
9 (sic) space required.
10 If there is a less commercial development the (inaudible)
11 for immediate neighborhood needs, the percent of open space is 20. If
12 there is more intense development, community commercial, the percent
13 of open space is 25. These categories align with UDC zones.
14 Neighborhood commercial, NC, and community commercial, C-1.
15 Since the southern end of the Houghton East Neighborhood is
16 transitional to the natural desert, terrain and animal movements merit
17 special consideration. Consolidated open space has a very specific
18 multiple criteria, as what has to be met.
19 It has to be undisturbed area, free of structure,
20 contiguous within project site, linked to other open space, continuous
21 areas of undisturbed vegetation. We have evidence that the Applicant
22 was well aware of difficulty in meeting the open space requirements.
23 We will provide you the entire letter's excerpt here.
24 From the first announcement of a public meeting March 17th,
25 2015, the Applicant acknowledged the need to amend the open space

1 requirement. A second public meeting announcement, July 9th, 2015,
2 elaborated on that need.
3 However, in the third planning center communique, which we
4 will provide you, Linda Morales of Planning Center wrote to PDSD's
5 John Beall that she would not pursue any plan amendment for open
6 space, only for the height increase, the 20 to 26 which I mentioned
7 earlier.
8 We can only surmise that the Applicant decided that there
9 would not be support to amend open space requirements. That October
10 21st, 2015 letter details taking a path of less resistance, making an
11 end run to avoid the UDC's legal amendment process.
12 Together, they decided to declare this development large
13 retailing with 18-nozzle gas station and kiosk, nine to ten acres of
14 parking, and two smaller retail buildings a neighborhood commercial
15 enterprise.
16 Since this in no way could match the UDC's definition of
17 neighborhood commercial, Applicant and Staff substituted a definition
18 justified in an industry publication. This re-definition of
19 neighborhood commercial for this specific project meant the
20 developer's goal now was to meet the lower of the hemp requirements
21 20% open space.
22 Apparently, two years later now, Applicant and City Staff
23 thought they needed to make it - two years ago, they decided that they
24 needed to make it appear to be neighborhood commercial. Did this
25 breach of code enable the Applicants to achieve the desired outcome?

1 According to how the Applicants calculate it now, they more
2 than meet the 25% community commercial. Opponents strongly disagree.
3 This site map identifies nine areas, including open space requirements
4 where proponents find the proposal does not meet hemp requirements.
5 Linda Schaub, a member of both opposition groups will
6 detail these violations when called upon later. Others who wish to
7 speak this evening will address a variety of topics.
8 They will share with you what a unique area this is. It's
9 not your typical flat, vacant intersection land, and their stories
10 will make clear why the hemp is not your typical neighborhood plan.
11 The case is clear. The 22nd-Houghton PAD rezoning must be
12 denied. It does not comply with the hemp in spirit or in fact. We
13 ask that Collette Altaffer (ph.) and Bonnie Poulos now address larger
14 City process concerns before individuals of the Houghton East area who
15 would be directly impacted by this projected development testify.
16 Thank you. And I will leave this here for some Staff person to pick
17 up later. Thank you.
18 ZONING EXAMINER: Thank you. Collette Aftuller (sic)?
19 Did I -
20 MS. ALTAFFER: Getting, getting there.
21 ZONING EXAMINER: I screwed that up.
22 MS. ALTFFER: Getting there. My name is Collette Altaffer.
23 I live at 35 Sierra Vista Drive. I'm going to leave you also the
24 materials supporting what I have to say.

1 We live in a democracy. Our system depends on open and
2 public processes where citizens are allowed to participate in the
3 creation and passage of our codes and plans. Enforcing those codes is
4 the job of City employees like those in our City's Planning &
5 Development Services Department.
6 We rely on the PDSD Staff to remain neutral during the
7 development process so that our codes and plans can do what they were
8 intended to do, balance the competing interests of the residents and
9 the developer.
10 But that didn't happen here. Instead, some of those Staff
11 allied themselves with the Applicant and against the residents. Plan
12 requirements were ignored and codes were altered to further the
13 interests of the Applicant.
14 Over the summer, we pored through the documents from the
15 past two years of this PAD process. What we found was deeply
16 troubling. Although Staff initially acknowledged that this PAD
17 included a large retail establishment, which was subject to special
18 exception criteria, that information was quickly buried.
19 That same Staff expressed concerns that the open space
20 requirements of the Houghton East Neighborhood Plan were not being
21 honored. That, too, quickly disappeared from view.
22 We will leave you this documentation that outlines some of
23 what we found. However, there is a particularly troubling item that I
24 would like to bring to your attention. On page 57 of this latest PAD

1 document, under "Open Space Permitted Uses," the Applicant lists the
2 criteria that this PAD will permit any open space areas.
3 That list includes retaining walls, screening walls,
4 revegetation and riparian mitigation. All of these criteria are
5 things that will violate the hemp's consolidated open space
6 requirements. That the area remain undisturbed natural space, free of
7 structures or other improvements. Retaining walls and screening walls
8 are structures and revegetation and riparian mitigation will disturb
9 the space.
10 The Applicant originally sought plan amendments for the
11 open space, but they withdrew that request. Instead, they simply used
12 this PAD to grant the amendments to themselves. This deception is
13 very revealing. It is an admission that this project cannot be
14 constructed on this site without destroying the open space that the
15 Houghton East Neighborhood Plan was designed to protect.
16 If you pass this PAD, you will have, in effect, amended the
17 neighborhood plan. As the Zoning Examiner, you do not have the legal
18 authority to do that. Plan amendments are different processes, and
19 they should have occurred months ago.
20 This is what happens when an Applicant and City Staff
21 become a government unto themselves, accountable to no one. This
22 entire PAD process has been disrespectful and dismissive of our
23 citizens, our elected officials and our democratic processes.
24 There is only one way you can begin to right this ship, and
25 that is by rejecting this PAD rezoning request. Thank you.

1 ZONING EXAMINER: Thank you. Bonnie Poulos?

2 MS. POULOS: Thank you, Mr. Gonzales. My name is Bonnie

3 Poulos. I reside at 1208 East Smoot Drive in midtown Tucson.

4 I am here tonight as someone who has worked on planning

5 issues for the last 30 years in the City of Tucson as a neighborhood

6 activist, as a member of the Tucson Planning Commission, as a 13-year

7 member of the Pima County Planning and Zoning Commission. And now as

8 head of, Chair of the Tucson Residents for Responsive Government or

9 TRIG.

10 I would like to make a statement on behalf of TRIG. That

11 as you as the Zoning Examiner to require that any PAD zoning proposal

12 comply with the area's neighborhood plan as specified in the Unified

13 Development Code.

14 If the proposed PAD does not comply, then the Applicants

15 must follow the amendment process to change the neighborhood plan in a

16 legal transparent public manner to bring the proposal into compliance

17 with the neighborhood plan prior to granting an approval for a PAD.

18 I'd like to go back in history a little. When PADs were

19 first developed for the City of Tucson, they required a parcel that

20 was 40 acres or larger in size unless Mayor and Council specifically

21 requested a smaller parcel be considered for a Planned Area

22 Development.

23 The reason for developing a Planned Area Development was so

24 that large parcels could be developed with a multiple of uses and not

25 be required to go in for individual zonings for each use. So, if a

1 parcel that was large wanted to have a C-2 use in conjunction with a
2 C-1 use, possibly in conjunction with a residential use, they could go
3 through the Planned Area Development process and ask for all of those
4 uses under a single plan without having to spend money or go through
5 the process of getting individual rezonings for each use.
6 A PAD was not put in place to circumvent the Land Use Code.
7 It was also - it was a tool that meant for a large parcel to be
8 developed in a planned manner making good use of the land and
9 interacting with those who were impacted by it so that the
10 neighborhood and area plans could be complied with before the PAD ever
11 reached the point of a Zoning Examiner hearing, or a Mayor and Council
12 hearing.
13 This neighborhood plan, the hemp, was amended back earlier
14 this year for a change in height at this location. That amendment was
15 opposed by many people in the neighborhood. Again, a Planned Area
16 Development was not meant to put in a developed area over the
17 objections of those most impacted by it.
18 I believe that this plan does not meet the conditions of
19 the hemp, nor does it really meet the conditions of a PAD. As was
20 stated by Keri Silvyn earlier, she states that this is a C-1 based
21 PAD.
22 I would argue, and would ask the Zoning Examiner to look at
23 the definitions in the UDC that this is actually a C-2 proposal, and
24 that this developer could come in with a C-2 proposal for this parcel,
25 and get exactly what they're asking for in this PAD - the additional

1 gas pumps, the prohibited uses could be conditioned within a C-2
2 rezoning. And the outdoor storage areas could be allowed.
3 I feel that the use of this PAD, personally, was to
4 circumvent the land use plan and the neighborhood plan. And I request
5 personally that you reject this as a Planned Area Development because
6 it is not. Thank you.
7 ZONING EXAMINER: Thank you. Daniel Porizo (ph.).
8 MR. PORZIO: Porzio is the correct pronunciation, -
9 ZONING EXAMINER: Porzio.
10 MR. PORZIO: - but that's okay. It was a good try. Good
11 evening, Examiner Gonzales. Thank you very much for picking up the
12 mantel and doing this. My name is Daniel Porzio. I live at 10722
13 East Avenida Hacienda, 85748. I'm about a driver and a four iron from
14 the property.
15 I'm here tonight as a participant in the Save Houghton East
16 Coalition, and as the newly-elected President of the Houghton East
17 Neighborhood Association. At our association meeting which took place
18 earlier this summer, the majority of the membership present voted to
19 stand in opposition of the rezoning.
20 As the previous speakers have illustrated, there are many
21 troubling aspects with the PAD process, and I'd like to focus my
22 comments on some of the topographical conditions emphasized in the
23 Houghton East Neighborhood Plan, and my own experience as a retired
24 developer.

1 The HEN-P was written to address the unique topography and
2 natural drainage. My eyesight is really getting bad. Sorry. And
3 natural drainage characteristics of this area. It is peppered with
4 words like drainage, erosion, washes and sheet flow flooding.
5 Page six of the HEN-P specifically describes this area as
6 characterized by sheet flow flooding and a system (inaudible) shallow
7 washes. The soil lacks cohesive elements and heavy runoff creates
8 severe erosion during storms. And construction activity would
9 severely exacerbate those conditions.
10 It is critical that the HEN-P's open space requirements be
11 honored and enforced. This PAD, however, does not do that. It
12 dismisses the importance of riparian areas and the 100-year flood
13 plain on the site, and it modifies the UDC's technical standards for
14 the flood plain, wash and the environmental resource zone, which is on
15 page 63 of the PAD.
16 It even allows the development to impact the existing
17 regulated areas and the protected riparian area, and here's the key
18 phrase, "as needed". As a developer, I always loved that one. That's
19 on page 63.
20 My years of experience in the field of development provide
21 me with a unique perspective on this project. When I examine a parcel
22 of land, I do so with the knowledge of topography, drainage, and the
23 degree of difficulty to develop the site. These skills are essential
24 for any developer who wants to remain profitable.

1 I live - I have lived near this project for 18 years. I've
2 observed the storm water runoff from numerous rain events. I have
3 also walked this land many times, and I can tell you with certainty,
4 the engineering needed to construct the various screening, retaining
5 walls and manage numerous off-site rainwater flows cannot be done
6 without severe disturbance to the open space.
7 And, in fact, the grading plan contained within the PAD
8 reveals as much. That's found on page 62 which shows substantial
9 disturbances in the required open space, including a five-foot-wide
10 channel lined with riffraff (sic) that extends for a substantial
11 number of linear feet in the north open space area.
12 Codes, rules and plans are put into place for a reason.
13 They protect the community's valuable assets like the unique
14 topography of the Houghton East Neighborhood Plan, and the fergility
15 (ph.) of the environment around Saguaro National Monument. They
16 protect the homes of residents which are their most expensive
17 investment, and they also do something else. They protect a developer
18 from themselves.
19 This PAD is stunning in its overreach. It is something all
20 of us, including the developer needs to be protected from. I urge you
21 at this time to reject this proposed PAD development as Association
22 President. I have brought you several more documents to add to the
23 pile, and I thank you that you will consider them during your
24 deliberation. Thank you very much indeed.
25 ZONING EXAMINER: Thank you, sir. Next - Linda Schaub.

MS. SCHAUB: Thank you. I do have a visual here of -

ZONING EXAMINER: Could I -

MS. SCHAUB: I'm sorry.

ZONING EXAMINER: - get your address?

MS. SCHAUB: Linda Schaub at 1361 South Barbara Drive. I am one of the team leads for the Houghton East, Save Houghton East Coalition, and a Board Member of the Houghton East Neighborhood Association.

This visual here that was on Slide 8 that we showed you before, I want to point out Point 1. As Ruth elaborated, the HEN-P calls for non-residential uses only at the intersection.

Number 2. In a few places, the HEN-P requires open space to be contiguous and continuous. Segmented linear strips of street landscaping, broken by access points, and riffraff is not open space.

There is a west portion here, a linear strip. It's approximately 30 feet wide, six feet deep, and extends 650 feet. It is a drainage ditch lined with riffraff to mitigate erosion. It is not open space. The HEN-P requires open space to be natural and undisturbed. Revegetation is not an option, as it is neither natural nor undisturbed.

Bring your attention to Point 4. The HEN-P requires open space to be free of structures. The north wall alone is equivalent to four football fields in length. Any wall, whether eight feet, or 30 inches is considered a structure.

In order to build the eight-foot wall, they would have to denude a swath of approximately 25 to 35 feet wide in order for backhoes and other equipment to get in there to dig trenches and maneuver. To be able to build a wall within the confines of the HEN-P it would have to be dug by hand to minimize any disturbance.

Point 5. Open space. The HEN-P requires neighborhood open - neighborhood commercial to be 20% and community commercial to be 25%. As community - as commercial use is intensified, more open space is required. Only by using their own definition for neighborhood commercial can they meet the lesser amount of 20%.

However, there is a problem calling this neighborhood commercial. According to the City's own Land Use Code for neighborhood commercial, this development would be limited to 2,000 square feet gross floor area, no drive-through services would be allowed, and is therefore prohibited. Due to their intense design, there isn't any way they can meet the 25% requirement for community commercial.

Bring your attention to 6, the parking lot. The HEN-P calls for minimal grading. This site drops nearly 30 feet from the east end to the west requiring major grading. They also plan on putting in an underground storage tank for rain runoff about the size of ten swimming pools, which is eventually doomed to fail due to sediment buildup.

1 Point 7. The HEN-P requires spine washes to remain
2 natural. The major grading required for this development would
3 eliminate all of them.
4 Point 8. Service station. The HEN-P requires non-
5 residential to be sensitive to the natural terrain. The major grading
6 required for the site will obliterate the natural terrain. Add on top
7 of that an 18-nozzle gas station which, by the way, is only allowed in
8 the C-2 zone, situated on top of a 100-year flood plain, and the whole
9 thing becomes incredibly insensitive.
10 According to their PAD doc on page 57, they cite the UDC
11 code of 499-B as allowing 18 fuel dispensaries. But if you look that
12 up in the actual UDC code, it is clearly limited to 12. Their
13 document is riddled with troubling inconsistencies and errors.
14 Point 9. The HEN-P requires non-residential development to
15 be compatible with adjacent uses. Adjacent to this site is RX-1,
16 suburban low-density, single-family residential. The HEN-P also
17 states that commercial development must meet the needs of the
18 surrounding residents.
19 We already have seven grocery stores and 120 fuel nozzles
20 within three miles. This development merely duplicates services
21 readily available within three miles. Progress is when something is
22 put in that is needed. This is not progress. Thank you.
23 ZONING EXAMINER: Thank you. Dana Robinson (sic)?
24 MS. ROBSON: Thank you. My name is Dana Robson and I live
25 at 1060 South Rockcrest Avenue, Tucson, Arizona.

1 Thank you so much for listening to us this evening.
2 Thirty-two years ago, the City of Tucson made an agreement with HEN-P
3 to ensure low-intensity development of the 22nd and Houghton area.
4 We stand here today in fear of this being broken, this
5 agreement, and our trust by allowing a big corporation with big money
6 to change that zoning and to rip out the desert vegetation, to destroy
7 thousands of homes for our native wildlife, and to negatively impact
8 people's lives whose property borders this land.
9 Their property value will go down with back yards looking
10 at a big wall and parking lot lights instead of the desert and sunsets
11 that have been their backdrop for 40-plus years.
12 The sacrifice for yet another shopping center, no, it's a
13 waste. One mile in three directions from this spot, we have access to
14 four grocery stores, including Fry's, shops, restaurants and other
15 services. It's a waste of desert that keeps our temperatures from
16 escalating, keeps the noise down, and stars brighter.
17 It seems like these big stores and shopping centers can't
18 get enough corners to occupy. They destroy it, make their money and
19 find another corner, sometimes right across the street. And then the
20 previous building seems to stay unoccupied for quite some time. The
21 sequels waste.
22 We have enough amenities to service our neighborhoods
23 within a close distance. We do not want more. We do not want more
24 noise pollution, more light pollution, higher temperatures. We do not
25 want more. We have enough. Thank you very much.

ZONING EXAMINER: Thank you. Catherine Gale.

MS. GALE: Good evening. My name is Catherine Gale, G-A-L-E. I live at 11651 East Camino Lejano, L-E-J-A-N-O, Tucson, Arizona, 85748. I am speaking on behalf of myself and I am not paid.

The Houghton East Neighborhood Plan is a beautiful plan, and it has worked accordingly to the desires of those that put it together back in the 1980's. It's worked because people came together, neighbors and the City, and put it together 'cause they promised to the, to the residents in the area who agreed to be annexed into the City of Tucson.

It made sure that there was going to wildlife corridors and natural vegetation. And it was meant to be a transitional zone between the Pima County buffer overlay zone which was enacted in the 1980's to protect public preserves such as Saguaro National Park.

The buffer overlay zone exists around one mile past the boundary of Saguaro National Park. Then the Houghton East Neighborhood Plan was designed to be a transitional zone to protect the buffer overlay zone to higher urban density. The plan has worked.

I live in the buffer overlay zone. We have large parcels of land. Our area is pretty much already developed. There's not gonna be anymore high-density development in that area because we have - we live in the buffer overlay zone. We are required to have certain acreage of land.

We have to require that any type of fencing be 16 inches off the ground to allow wildlife to pass. And there's other

1 restrictive measures as well as far as grading property. The whole
2 purpose of the buffer overlay zone is to protect Saguaro National
3 Park, which is a national and international treasure.
4 I understand that back in nine- -- excuse me. Back in
5 2013, that visitors to Saguaro National Park spent over $14 million in
6 Tucson and nearby communities. That spending supported 569 jobs. I
7 understand that in 2016, that amount went from 41 million to $52.8
8 million, and there was an increase from 569 jobs to 762 jobs.
9 We need to protect Saguaro National Park. Our area is not
10 like any other area where it would be suitable to put in a big box
11 store within less than a mile of the buffer overlay zone and within
12 less than two miles to Saguaro National Park.
13 The other thing I would like to point out is if you, if you
14 want to have this three-mile radius around a grocery store where
15 that's going to your people that are supporting that store, the
16 necessary people, there's not three miles, because three miles to the
17 east, you are in Saguaro National Park.
18 And I'm not trying to be flippant, but I really don't think
19 the coyotes and the javelina and the mountain lions are gonna be going
20 over and shopping at Fry's. I have nothing against Fry's. I love
21 Fry's. It's a wonderful store and their employees are, are great.
22 However, this project just does not belong on the small parcel of
23 land.
24 The City of Tucson promised the residents in the
25 neighborhood in exchange for agreeing to be annexed that it would

1 protect the neighborhood by establishing the Houghton East
2 Neighborhood Plan. The City of Tucson needs to stick to its promise
3 to the citizens. The Houghton East Neighborhood Plan was established
4 to protect Saguaro National Park and the buffer overlay zone.
5 My concern and position should not be dismissed simply
6 because I live more than 150 feet, or 1500 feet away from the proposed
7 development. The Houghton East Neighborhood Plan has worked. I
8 request that you do not destroy it.
9 The plan protects the neighborhood, it protects the buffer
10 overlay zone, and most importantly, it protects Sahuaro National Park.
11 Thank you very much for your time.
12 ZONING EXAMINER: Thank you. Leah McGinnis?
13 MS. McGINNIS: Good evening, Examiner Gonzales. Thank you
14 for allowing me to speak tonight. I'm Leah McGinnis. I am the
15 Superintendent at Saguaro National Park located at 3693 South Old
16 Spanish Trail.
17 I am here today because the property in question falls
18 within the area covered by the Houghton East Neighborhood Plan.
19 It's also located within 1.8 miles of Saguaro National Park.
20 Interestingly, I have been asked on more than occasion why
21 the park would be interested in this development since it is outside
22 the buffer overlay zone nearly two miles away from the park boundary.
23 The park does not function as an oasis. To have a viable,
24 healthy ecosystem, it is vital to be able to maintain some of the
25 natural environment beyond the boundaries of the park. We see this

1 concept being supported by the creation of the buffer overlay zone,
2 and in the drafting of the Houghton East Neighborhood Plan.
3 One of the three primary goals listed in the Houghton East
4 Neighborhood Plan states: Integrate new development with the Saguaro
5 National Monument and the Monument buffer, now a national park, by
6 retaining natural (inaudible) for wildlife movement, visually-
7 enhancing views from the Monument of the valley and buffering existing
8 rural density development in the Monument buffer.
9 This plan is looking to find that balance between
10 development and the natural environment. What is impressive about the
11 Houghton East Neighborhood Plan is that it is driven by a group of
12 private landowners who recognize that how they utilize their land can
13 and will have an impact on the park, even being two miles away, so
14 much so that they willingly impose restrictions and adopted guidelines
15 for development on their private land to create a transition zone that
16 expands beyond the buffer overlay zone.
17 The Houghton East Neighborhood Plan also includes a section
18 dedicated to Saguaro National Monument with a stated goal - to promote
19 development in the Houghton East Neighborhood which is sensitive to
20 the Rincon Mountain unit of Saguaro National Monument, and the one-
21 mile buffer adjacent to the Monument.
22 How can the park not support these efforts to fall in line
23 with the mission of a National Park Service and help to find that
24 balance between development and the natural environment? This is not

about slowing growth or hindering development. It is about adhering to these well-thought-out conservation-minded plans.

If we continue to allow exceptions to these plans, it will inevitably lead to unacceptable impacts and continued cumulative degradation of these identified and valuable resources.

So, this is our concern, that based on the definition of consolidated open space and its associated constraints which are contained in the Houghton East Neighborhood Plan, we believe that the PAD as proposed is not in conformance with the Houghton East Neighborhood Plan.

As defined in the plan, consolidated open space is an undisturbed area free of structures or other improvements concentrated in areas of significant size as to create visual diversity and interests and/or (inaudible) opportunities.

The open space should be contiguous within the project site and linked with other open space surrounding the site to create contiguous areas of undisturbed natural vegetation. The current site plan indicates that a large screening wall, riffraff and other drainage structures would be placed within the designated open space area.

And some of the narrow sections of vegetation that would first be graded and then revegetated around the perimeter of the parking lot, are being included in the required open space calculation. The map on page 68 of the PAD depicts open space as a 40-foot to 110-foot landscaped border with an eight-foot screening

1 wall. Grading an area, stripping it of its natural vegetation, and
2 then replanting it results in an area that is far less beneficial than
3 naturally undisturbed soil and associated vegetation.
4 The Houghton East Neighborhood Plan included a very
5 specific definition of open space as undisturbed and free of
6 structures in order to protect a portion of developed parcels for the
7 purpose of habitat and wildlife conservation of this neighborhood due
8 to its proximity to what is now a national park.
9 I understand the difficulties involved in trying to satisfy
10 everyone's needs. So, I appreciate the effort being put forward to
11 accommodate the concerns that have been voiced. One recommendation we
12 would have would be to consider bringing the screening wall to the
13 edge of the developed area rather than pushing it out to the boundary
14 of the property, leaving the remainder of the property as undisturbed
15 with natural vegetation.
16 I would also like to state for the record that the Park
17 Service did not request to be a part of the committee on the
18 development of the wall. We believe that it is not possible to build
19 a wall and be able to fall within the definition of open space as
20 undisturbed and natural. Thank you for your consideration.
21 ZONING EXAMINER: Thank you. Donna Walton?
22 MS. WALTON: Hello. My name is Donna Walton. I live at
23 1100 South Avenida Conalea. My property is directly adjacent to the
24 proposed plan on the east border.

We talked about several things today, or tonight, regarding the plan and regarding the PAD. One of the things we've discussed is the HEN-P and the allowance for transition, and a natural transition from our residential areas of one-acre lots to any commercial property or buildings.

I don't believe that a 8-to-13-foot wall at the end of my property, 95 feet from the edge of my property, to be a transition, or natural transition from residential to commercial property.

We have some very major concerns with the PAD. The drainage of properties to the northeast of this site with the eight-foot wall proposed. At least one home is at risk for severe flooding during any rain with any amount of rain runoff.

I understand that the developers in the planning (inaudible) department is going to be discussing that with the homeowner. But it is a huge concern for us on that east side, no matter how it's remediated or proposed to be remediated.

The delivery trucks are not to deliver between 12 midnight and 6:00 A.M. During delivery, they are not allowed to idle, but the refrigeration units on the trucks will continue to run and be loud until midnight and then start again until (sic) 6:00 A.M. - at 6:00 A.M. I'm sorry.

The Fry's representative stated in the past that the backup alarms will be turned off on the trucks when they're behind the store and maneuvering out of the delivery area bays and onto the passages to the north and south of the buildings.

1 It's unsafe and probably illegal at this time to turn the
2 backup alarms off, and Fry's would have no control of the many
3 different vendors' trucks to be sure this is enforced, even if it was
4 not a safety issue to do so, which it is. This, this will be
5 additional noise in the area that we do not have now which is a big
6 concern for homeowners in this quiet neighborhood.
7 The gas station is being built on a 100-year flood plain.
8 This should not be allowed at any time anywhere due to the risk to our
9 environment. No reason to take that risk. This PAD would cause a
10 huge heat island and reduce the number of animals and plant life we've
11 come to enjoy on a daily basis.
12 Also, I don't believe that it's been discussed on how they
13 will address the drainage. It was proposed earlier but not spoken
14 about tonight regarding how the drainage would occur from the east
15 side down the slope to the west side of the property.
16 There is a drainage area that was built under Houghton when
17 it was expanded to six lanes. But how that water gets there and how
18 it's going to be addressed and kept off the asphalt and off of our
19 property has not been addressed.
20 I'm very concerned about the discussion of the traffic and
21 the ability for this to be on a major intersection. I think the HEN-P
22 addressed it very well by saying that the corner of Broadway and
23 Houghton would be the major commercial area in this plan. 22nd
24 remains a two-lane road, and it will remain a two-lane road probably

for many years to come, all the way from Old Spanish Trail east to Melpomene.

I don't understand how it can accommodate the trucks, the pharmacy traffic and all of the other traffic in and out of that area. I'm very concerned about the trucks and the pharmacy area on the southeast corner of the building. The trucks to enter the bays for delivery has to enter either on the north end or the south end, and they will have to exit.

The only way the pharmacy can be accessed is through that south end, and they would have to make a U-turn and turn around amongst the other traffic. I don't believe that is a safe egress. I think that should be looked at more and addressed.

The growth and development of the area has been mentioned. But there is no room for growth east of Houghton. From Old Spanish Trail to Speedway and east, all the land has been developed either with residential or commercial. There is no other growth that can support this PAD and this store.

The bottom line for the homeowners on the east side of this proposed PAD is that it should never have been considered because of the two parcels of land that were addressed earlier. I believe the Zoning Commission should make that one of the first considerations of this proposal and not allow it to proceed for rezoning, also, in accordance with the other items that I've mentioned that haven't been mentioned prior. Thank you for your time.

ZONING EXAMINER: Thank you. Carleen Carlson?

1 MS. CARLSON: I'm Carleen Carlson. I live at 1550 South
2 Monument Trail, and I'm only a half a mile from the national park, and
3 so this project doesn't really affect me personally except that I've
4 been against it from the outset because I think Tucson has kind of
5 lost sight of its vision.
6 I think that this, all this rezoning should stop, and it
7 should stop now. Look very closely, please, at not rezoning this
8 area. Everything that's been said tonight is, that my compatriots
9 have told you is true, and I just ask you to not allow this to happen.
10 Thank you.
11 ZONING EXAMINER: Thank you. Laurie Colburn?
12 MS. COLBURN: Hi. I'm Laurie Colburn. I live at 1020
13 South Camino de las Colinas, and I am right on the north side.
14 Potentially - where the potential strip mall is.
15 And I do know that Fry's has made a lot of promises to a
16 lot of people on the east side, but as the strip malls are developed,
17 you can't control the noise, the people smoking, the - everybody
18 that's going to be right there. The garbage. I mean I can come up
19 with a, a thousand things.
20 But, I did have a couple of things that I really wanted.
21 Most everybody here already said everything that needed to be said,
22 but I know that everybody talks about new jobs. But they're just
23 gonna transfer employees from one store to another. So, there will
24 probably be a few new jobs. But I don't think there's gonna be that
25 many new jobs.

1 And there - where they were showing on the map of Houghton,
2 and they said there was a cutout in the, in the median, there is no
3 cutout in the median. You go to my house from the very first cutout,
4 and that's on Camino de Oeste. It is not in front of the property.
5 So, that is - I don't know where that came from, but there's no break
6 in the thing there.
7 But I really think that this development will substantially
8 affect the way that me and my neighbors can enjoy our back yards.
9 And, like I said, everything else has been pretty much said. So,
10 thank you.
11 ZONING EXAMINER: Thank you. Reed Palmer?
12 MR. PALMER: (Inaudible)
13 ZONING EXAMINER: Appreciate that. Thank you. I believe
14 it says Terry Sapp, is that correct?
15 MR. SAPP: (Inaudible)
16 ZONING EXAMINER: Thank you.
17 MR. SAPP: My name is Terry Sapp. I live at 1080 South
18 Avenida Conalea. I own the adjoining property east of the proposed
19 development at the northeast corner of the site. A few hundred feet
20 of my property line borders the lot. I've lived there for 23 years.
21 I strongly oppose this project. The property under
22 consideration is within our residential neighborhood. It is currently
23 unbuilt, undisturbed natural land which harbors and helps to sustain
24 the numerous neighborhood wildlife populations which are crucial to

1 the character and desirability of the area. It serves as a buffer
2 between our homes and the intersection at 22nd and Houghton.
3 This is a low density, quiet residential community on the
4 outskirts of town. It consists of single-story homes on one-acre lots
5 which retain a significant portion of the native desert plants and
6 wildlife. It is scenic and quiet and dark at night.
7 The proposed changes would impose a large-scale retail
8 operation directly inside the bounds of our residential neighborhood
9 and cause a huge disruption to our quality of life. The changes would
10 bring excessive unwanted crowding and traffic and dissipate the serene
11 desert setting which is fundamental to the character and identity of
12 the community.
13 We had a very reasonable neighborhood plan and associated
14 restrictions agreed to and adopted years ago specifically to protect
15 us and this area of the community from destructive exploitation of the
16 land and to preserve the basic integrity of the area.
17 Rather than work within the constraints of the plan and in
18 the interests of our community, this proposal effectively dismantles
19 and circumvents these guidelines. The proposed plan would place a
20 2.3-acre concrete structure 25 to 30 feet high less than 200 feet from
21 my property line.
22 It would create a ten-acre paved, asphalt parking lot with
23 over 600-car capacity on the property. Assuming a turnover of twice
24 per hour, this would potentially introduce 20-plus cars per minute
25 entering and 20 cars per minute exiting the facility, or 40 cars per

1 minute total additional traffic congestion at the 22nd Street
2 entrance. This does not include the gas station traffic on Houghton.
3 This will cause great inconvenience and frustration for
4 those of us who have to access 22nd Street and the intersection
5 frequently as the only way out of the neighborhood.
6 Also totally unacceptable are the imposing silhouette of a
7 giant structure towering both my roofline, the loss of scenic view,
8 industrial-scale lighting which obscures the black star-filled night
9 sky and the noise. The proposal places loading docks and truck access
10 120 feet of my bedroom window
11 Apart from this visual impact of large freight semi-trucks
12 virtually in my back yard, the noise will be reflected off the tall
13 building wall back toward my property effectively destroying the peace
14 and quiet and drowning out any remaining sounds of nature.
15 This project represents an extremely abrupt transition from
16 low-density residential to high-density use commercial without
17 sufficient barrier. Even for the smaller proposed strips of open
18 space, the developer has proposed large eight-foot walls along both
19 perimeters of the natural barrier completely enclosing it and cutting
20 off access from adjoining land except for the openings directly onto
21 the two main streets.
22 This is absolutely contrary to the concept of undisturbed
23 natural open spaces as defined in and specified by our neighborhood
24 plan. This undisturbed land's absolutely essential to preserve any
25 remnant of the wildlife, natural beauty and character of the area.

The bottom line is that this development is too big for the space, too close to the neighbors and the large volume business is too invasive for the surroundings.

Finally, it's worth pointing out that Houghton Road is the main north-south artery for those of us living east of town. It runs from the Pima County Fairgrounds and I-10 all the way to Catalina Highway to Mt. Lemmon. It's a primary route for visitors from I-10 to reach destinations such as Colossal Cave, Davis Monthan, Saguaro Park East, and Mt. Lemmon.

Locals from the adjoining communities depend on it as the de facto north-south highway allowing fast and easy access to many destinations. A great deal of taxpayer money has been spent to facilitate this.

To artificially induce high volume, local short trip traffic onto this intersection corridor for commercial benefit is in my view an inappropriate exploitation of this public resource which will inevitably and unnecessarily lead to slower traffic, congestion, longer waits at the traffic lights and reduced speed limits. Thank you.

ZONING EXAMINER: Thank you. That concludes testimony from people in opposition to the project. I would now like to ask if there are anyone who would like to speak that is neutral toward the project? Okay. Having no one to speak on that, I would now like to offer the Applicant a chance to restate, or respond to what's been said. Thank you.

1 MS. SILVYN: Thank you. Mr. Zoning Examiner, I think what
2 I - what I want to do is focus just on factual clarifications. I
3 think probably what you're hearing, we're all quoting from the same
4 Houghton East Neighborhood Plan, same words, -
5 ZONING EXAMINER: Uh-huh.
6 MS. SILVYN: - different interpretations. And I don't
7 really feel like I need to go back through the, the arguments that we
8 made. A couple of, of quick clarifications and then if you have any
9 questions that I haven't addressed that I need to, I can.
10 On the open space, it is - that is true. Within the P-A-D,
11 it lists the retaining wall and the screen wall. Those are actually
12 not part of our cal- -- of our 20 and 25 (inaudible) calculations.
13 So, when we did the 20% along the north and the east, and
14 then the 25% around what was - and I apologize for not saying this -
15 what was excluded because those walls are direct, are on the
16 perimeter. The disturbance is not - any disturbance required is not
17 calculated within those percentages.
18 So, we're still meeting those percentages with those, with
19 those listed. The reason we listed it in the open space area is
20 because it is neighbors have requested. We know the park desires for
21 those walls to be down where it transitions to the developable area.
22 But the neighbors have asked that it be up at their property lines.
23 And since there's no other designated development area,
24 it's, it's in the northern area of the open space. So, I apologize

1 for not clarifying that a little bit better, but it's not included in
2 those percentages.
3 I want to talk to you a little bit about the loading areas.
4 We didn't talk a lot about that. All of this is in the, in the P-A-D.
5 Those loading areas are over 100 feet from the, from the property
6 line. They're depressed four feet, and then there's gonna be an
7 additional nine-foot wall adjacent to that, that four-foot depression.
8 So, and then the, the trucks come in and they're - all the
9 loading goes on internal to the, to the project. So, it's not a
10 loading area that's external where things happen outside. The idling
11 does cover the refrigerations.
12 So, when there's no idling, it's not just the, it's not
13 just the engine, it's also the, the refrigeration because they're
14 unloading and they're unloading directly into an air conditioned and a
15 refrigerator at that point. The refrigeration doesn't need to be on.
16 The delivery trucks are Fry's delivery trucks. They do not
17 have the beepers. So, we made that statement at the, at the last
18 Zoning Examiner meeting as well. And the language is in the P-A-D
19 acknowledging that.
20 I am the one who misspoke on the curb cut, and I apologize.
21 The curb cut is not existing. What we were doing, what, what - that
22 curb cut doesn't exist, or that median cut doesn't exist.
23 Transportation has approved it. They approved it at the beginning of
24 this, of this project. So, we have an approved traffic impact

1 analysis that is making an exception to be able to put a median in
2 there.
3 We started engaging with the Traffic Department and the
4 City before those improvements were complete. They needed to complete
5 the improvements, but we got the, the okay to put that median cut.
6 So, that's, that's mine to own. I misspoke and I apologize for that.
7 I think - again, I don't need to reiterate all of our
8 arguments. If you have any questions, anything that you heard that
9 you want me to clarify, I wanted to focus this on just factual
10 clarifications.
11 ZONING EXAMINER: I think I'm pretty clear on, on your
12 presentation. It was well done. Thank you.
13 MS. SILVYN: Thanks.
14 ZONING EXAMINER: Now, I'd like to offer anyone that has
15 already spoken the opportunity to come up and say something if they
16 prefer to do that. Please restate your name and address for the
17 record.
18 MR. PORZIO: Daniel Porzio, 10722 East Avenida Hacienda,
19 85748. And I'm not a compensated speaker.
20 I just have a couple of quick points. We've, we've heard a
21 lot tonight, but the rationale for the phrase "substantial conformity
22 to the HEN-P" cannot be supported factually if you take it point by
23 point by point.
24 Secondary to that, I just had a two-week vacation in the
25 suburbs of Dallas. And I spent three days driving around examining

1 all the Kroeger - they call them signature stores, super stores,
2 whatever they call them. And they were in the towns of Allen, Plano,
3 Frisco, Murphy, South Lake, Cappell, McKinney, Parker, Richardson,
4 Buckingham, Princeton.
5 I interviewed store managers, store employees. But the
6 interesting thing, Examiner Gonzales, was every single one of those
7 stores were big in size had, a lot of them had a similar footprint.
8 The fueling station diagonally across from the center, a bank on the
9 corner, or a restaurant on the corner.
10 But the thing that stuck out I my mind in my travels was
11 the size of the properties. They were 40 acres, 30 acres, 32 acres,
12 28, 26, 24. I could go on and on and on. Nowhere did I find any
13 Kroeger store that was on acreage this small.
14 This PAD, they want to shoehorn it in, and it can't be
15 shoehorned in. As neat as it is, I was in every single one of those
16 stores. They're really neat. They're really cool. You could spend a
17 whole afternoon in there, but it's not appropriate and it is not in
18 the spirit or in the specifications of the Houghton East Neighborhood
19 Plan. Thank you very much.
20 ZONING EXAMINER: Thank you. Anyone else?
21 MS. SCHAUB: Again, Linda Schaub, 1361 South Barbara Drive.
22 I'm not a paid speaker. I neglected to mention that.
23 We're well aware that the church has every right to sell
24 its property. And most likely, the parcels will need to be rezoned

1 from SR to do so. Given that there are two parcels, it would be more
2 appropriate to rezone each separately.
3 That, unlike this attempt to rezone, the Houghton East
4 Neighborhood Association would like to be engaged from the very start
5 in negotiations so that there can be a positive interaction and
6 understanding that results in a resolution which aligns with the
7 HEN-P.
8 This brought home how important it is to have a meaningful
9 public process prior to a PAD proposal being finalized. Neighbors
10 were presented a done deal. Nobody was ever engaged in thinking about
11 what would be the best use from the residents' perspective for the two
12 separate parcels. Thank you.
13 ZONING EXAMINER: Thank you. Anyone else? Okay. Taking
14 the testimony, the evidence and the documentation provided, this
15 hearing is hereby closed. I will prepare a preliminary report within
16 five working days. Thank you for coming tonight and have a nice trip
17 home.
18 (Case: C9-17-02 was closed.)

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

Transcription Completed: 10/25/17

Kathleen R. Krassow

KATHLEEN R. KRASSOW - Owner
M&M Typing Service

ZONING EXAMINER CONDITIONS - C9-17-02 (22nd and Houghton PAD)

1. The developer agrees to adhere to all of the conditions set forth in the Zoning Examiner Conditions and Preliminary Report from the Public Hearing on April 27th, 2017

2. The developer shall report to the PDSD director the ability to add a second perimeter wall along the edge of the proposed grading limits of the project separating the open area and developed areas along the north and east sides. The requested walls shall be built on top of the proposed retaining walls and/or grading edge. Said walls shall be between 6' and 8' high measured from the lowest finished grade of the retaining walls or finished grade of the proposed walls. If it is the determination of PDSD director that the cost of the added walls are prohibitive, the walls shall be installed only along portions of the site that offer the most protection to avoid negative interaction of wildlife and users of the development.

3. At the perimeter along the north and east property lines the developer will provide a wall, or wrought iron screen between 6' and 8' as selected by each adjacent property owner along their specific individual boundary and the PAD.