



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

July 24, 2014

**C9-14-03 Broadway Festival – Leonora Avenue, R-3 to C-1
Public Hearing: June 19, 2014; July 10, 2014**

BACKGROUND

This is a request to rezone approximately 0.80 of an acre, from R-3 to C-1, to create a commercial development with retail and restaurant uses. The site is located on the northwest corner of Broadway Boulevard and Leonora Avenue, east of Craycroft Road.

Land use policy direction for this area is provided by the *Sewell-Hudlow Neighborhood Plan (SHNP)* and *Plan Tucson*.

PUBLIC HEARING SUMMARY (Minutes Attached)

Carolyn Laurie, Planning and Development Services Department, presented the staff report with a recommendation for approval. Ms. Laurie commented that two approvals and two protests were received in the formal protest area. Numerous written comments outside the formal protest area were received.

Steve Shenitzer and Bill Viner presented the rezoning request. Members of the community including representatives from the Sewell Neighborhood Association, neighbors, city staff and representatives, and the pastor of the Christian Faith Fellowship Church located on the subject property also testified.

FINDINGS OF FACT

This is a request by Steve Shenitzer, on behalf of the property owners, Ina Road Group, LLC, to rezone approximately 0.80 of an acre, from R-3 to C-1, to create one unified C-1 zoning designation on an approximately 1.92 acre development site. The portion of the property fronting on Broadway is currently zoned C-1 while the northern portion of the property is zoned R-3. The site is located on the northwest corner of Broadway Boulevard and Leonora Avenue.

This rezoning case is being concurrently reviewed with an associated development plan package. The development plan must demonstrate conformance with all applicable standards and conditions prior to Mayor and Council of adoption of the rezoning ordinance.

The preliminary development plan proposes to clear the existing Christian Faith Fellowship Church buildings and redevelop the parcel with two new buildings and associated pedestrian and vehicle circulation. The development plan proposes a mix of retail and restaurants including drive-through services. Access to the site is proposed to be from Broadway Boulevard with an additional access point from Leonora Avenue. The developer

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shall amend the preliminary development plan to restrict turning movements into the neighborhood. It is additionally recommended that developer provide for off-site traffic mitigation as indicated below and in the proposed conditions.

Broadway Boulevard is a six-lane arterial with a shared multi-use bike and turn lane adjacent to the redevelopment site. There is a raised median with eastbound left turn lanes into the shopping plaza to the east and to Leonora Avenue. There is an existing bus stop for SunTran Route 8 on Broadway Boulevard approximately 110 feet west of the intersection of Broadway Boulevard and Leonora Avenue. According the *Major Streets and Routes Plan* map, Broadway Boulevard is a gateway arterial street. Leonora is designated a local street.

To the north of the rezoning site, across 10th Street, are single story residences zoned R-1. To the south of the site is the associated C-1 parcel. Across Broadway to the south are neighborhood commercial uses, also zoned C-1. To the east of the site are several high density residential apartment buildings, as well as an auto title loan company, a weapons store, and other neighborhood commercial uses, zoned R-3 and C-1. To the west is a commercial shopping anchored by a hobby and crafts store, zoned C-1.

Land use policy direction for this area is provided by the *Sewell-Hudlow Neighborhood Plan (SHNP)* and *Plan Tucson*.

The goals of the *SHNP* are to preserve and protect the integrity of established low-density neighborhoods and identify appropriate locations for redevelopment. The Plan also supports efficiently designed, nonresidential developments that minimize the number of vehicular access points and integrate vehicular and pedestrian circulation systems and other common amenities such as landscaping and buffer walls. Commercial development is supported along Broadway Boulevard, including the subject parcel, as shown on Land Use Development Maps.

The “Future Growth Scenario map” of *Plan Tucson* designates Broadway Boulevard as a mixed-use corridor, which allows for a higher intensity mix of jobs, services, and housing along major streets. *Plan Tucson* also supports a mix of high frequency transit options, as well as pedestrian and bicycle facilities. Plan policies protect residential neighborhoods by supporting compatible development (Policy LT4). Non-residential uses are supported, where the scale and intensity of use will be compatible with adjacent uses (Policy LT1). Appropriate locations for commercial uses are supported, with priority for development in the existing urbanized area and promote the use and improvement of existing infrastructure, increase pedestrian activity and transit use. Plan Guideline LT28.1.7 supports developments that preserve and strengthen the distinctive physical character and identity of individual neighborhoods and commercial districts in the community.

The proposed redevelopment site can meet the policy guidance of the *SHNP* and *Plan Tucson* with appropriate traffic mitigation measures that preserve the physical character of the low-density residential neighborhood to the north.

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During the Zoning Examiner public hearing, the applicant, representatives of the Sewell Neighborhood Association, owners of the church property, and other parties met and discussed options for minimizing the impact of traffic into the neighborhood caused by the proposed development. Agreed upon changes will require modification of the site design. The proposed redesign for ingress and egress from Leonora Avenue includes a median running from Broadway Boulevard approximately to the northern boundary of the development near 10th Street. This design prevents traffic exiting the development on Leonora Avenue from traveling north into the neighborhood. The north side of that ingress/egress will be squared off to the extent possible. This design is intended to discourage right turns into the development from traffic originating north of the 10th Street – Leonora intersection. Where appropriate, the applicant will provide additional signage, as recommended by TDOT.

Although a Traffic Engineering and Impact Analysis, dated May 15, 2014, was submitted, the analysis emphasized projected traffic numbers. As was pointed out at the Zoning Examiner hearing, a baseline for current traffic conditions should be available, as well as a follow-up study to determine actual impacts of traffic from the development. As part of the development plan package the applicant shall submit an updated traffic study reflecting current traffic conditions, to be conducted over a period of three days, including one weekend day, when TUSD is in session. Six months from the date of issue of a certificate of occupancy, the applicant agrees to conduct another traffic study.

Should this post-development traffic study indicate a statistically significant increase in neighborhood traffic, as determined by TDOT, it is recommended that applicant provide additional mitigation and remediation, including but not limited to partial closure of the 10th Street – Leonora Avenue intersection, subject to applicable standards. Applicant shall deliver a copy of both traffic studies to the Sewell Neighborhood Association at the time of submittal to PDS.

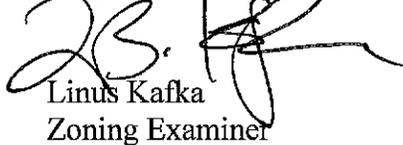
CONCLUSION

The proposed rezoning is consistent with, and supported by, the policy direction provided in *Plan Tucson* and the *Sewell-Hudlow Neighborhood Plan (SHNP)*. Subject to compliance with the revised preliminary conditions, approval of the requested rezoning is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of C-1 zoning.

Respectfully Submitted,


Linus Kafka
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes
Rezoning Staff Report

July 21, 2014

Recommended Conditions

PROCEDURAL

1. A development package in substantial compliance with the development package and required reports dated 4/23/2014 is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”. The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County’s public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning with a site inspection.

LAND USE COMPATIBILITY

8. No direct vehicular access permitted from rezoning site onto 10th Street.

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Recommended Conditions

9. Outdoor activities, such as restaurant patios, speakers and music which may generate noise impacts to area residents located north shall be located a minimum of fifty (50) feet from the north property line.
10. An integrated outdoor lighting plan, in compliance with the Outdoor Lighting Code (OLC), shall be included in the development plan package. The plan shall show even lighting distribution over the entire proposed site, and shall minimize spill-over light to the north.
11. The development package shall include scaled color building elevations for all sides of each building and for masonry perimeter walls. Building design shall include architectural features and design elements at the same level of detail on all elevations (side and rear elevations will be commensurate with front elevation). Wall design shall complement building design. The elevation shall be approved by Community Planning.
12. The dumpster enclosures shall be screened with a masonry wall a minimum of six (6) feet in height. Colors and materials shall be complimentary to the buildings and/or perimeter walls.
13. A six (6') foot tall masonry wall with no less than six (6) inch wide masonry block material shall be located as part of the landscape buffer along the full length of the north perimeter adjacent to 10th Street, and that portion of the east perimeter landscape buffer located north of the Leonora Avenue access entrance.
14. All required perimeter screen walls and dumpster enclosures visible from a public right-of-way and/or adjacent to existing development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, rustic metal, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

15. The submittal of a drainage report/statement that addresses onsite and offsite drainage and its impact on the proposed improvements. The drainage report shall determine if runoff retention is required for this development.
16. There shall be no greater than a 10 percent surplus over the number of vehicle parking spaces required by the *UDC* for the proposed use. Additional spaces may be mitigated on a four to one ratio with the planting of additional native canopy trees.

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Recommended Conditions

17. Owner/applicant is responsible for providing a special inspection and delivering results to PDSB building code review for the following condition. Provide materials with building permit application and reference rezoning case number C9-14-03. New roofing material shall be Energy Star rated, or cool roof rated with Initial Solar Reflectance Greater than or equal to 0.65, and minimum infrared emittance to be 85% or more. Placement of and utilization of energy from solar panels on roofs is an acceptable alternative.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

18. Applicant shall submit an updated Traffic Study that reflects current traffic conditions, to be conducted over a period of three days when TUSD is in session, including one weekend day.
19. A right of way permit or a Private Improvement Agreement (PIA) with the City of Tucson Department of Transportation will be required for any work completed in the right of way, including any possible utility updates.
20. A minimum of 13 stacking spaces shall be provided for each drive through window. Alternatively, drive-through lane(s) entry points shall be located a minimum of fifty (50) feet from public street access points.
21. The installation of standard 6' width sidewalks and standard wheelchair ramps along Broadway Boulevard.
22. The installation of standard curb and sidewalk and wheelchair ramps along Leonora Avenue frontage.
23. The closure of all existing driveways that are proposed to be removed. Curb openings will be closed with new curb and sidewalks.
24. A median providing left turn access to the development and running from Broadway Boulevard approximately to the northern boundary of the development near 10th Street shall be installed by the developer, consistent with applicable standards and guidelines, prior to the issuance of the first Certificate of Occupancy.
25. Leonora Avenue access shall be designed to inhibit right-in access from southbound traffic.
26. Chip Seal Leonora from Broadway to 10th Street.

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Recommended Conditions

27. Developer shall provide an addendum to the Traffic Impact Statement completed by Mathieu Engineering Corp. dated May 15, 2014, documenting traffic volume at the southern point of the intersection of 10th Street and Leonora Avenue, six months after issuance of the first Certificate of Occupancy for the project. If the addendum shows a substantial increase of traffic volume, as determined by TDOT, the developer shall provide additional mitigation and remediation, including but not limited to partial closure of the 10th Street – Leonora Avenue intersection, subject to applicable roadway design standards and guidelines. The addendum shall be prepared by a professional engineer registered in the State of Arizona.

ZONING MEMBERS PRESENT:

Linus Kafka, Zoning Examiner
Carolyn Laurie, Planning & Development Services
Delma Sanchez, City Recording Clerk

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1 ZONING EXAMINER: Gentlemen, those are the TV lights
2 and they get kind of hot, so want to make sure that those were
3 off. All right. It's a nice crowd this evening.

4 Good evening. My name is Linus Kafka, and I'm the
5 Zoning Examiner for the City of Tucson. I conduct rezoning
6 hearings on behalf of the Mayor and Council. I make findings of
7 fact which I put into a report, and that recommendation is sent
8 on to Mayor and Council. They vote on that recommendation.

9 My report will be based on the evidence submitted to me
10 as part of the rezoning application as well as any testimony we
11 take tonight, and from the prior hearing and any future hearings.
12 I'd also like to take - well, I'm not gonna do that yet.

13 A tape recording is being made of tonight's testimony
14 by the City Clerk's Office. You can't see them, but they're
15 behind that wall, and there's a recording machine back there.
16 And if necessary, a transcript will be prepared. Typically, a
17 transcript is prepared.

18 I'll prepare a preliminary report and a final report.
19 After I close the hearing, I'll prepare the preliminary report
20 within five working days. I'll prepare the final report two
21 weeks after I close the public hearing. For those of you who

1 wish to receive a copy of the preliminary report, and you're not
2 already listed on this case as a principal, you'll have an
3 opportunity to receive that if you fill out one of those orange
4 cards. Now don't everybody rush to the front here. You'll have
5 an opportunity to fill them out at some point.

6 A copy of the final report, if you don't want the
7 preliminary report, the copy of the final report will be
8 available from the Planning & Development Services Department.
9 Typically, they post that on a web site, and I'll send that
10 report along to the Mayor and Council. Then they may consider my
11 report, and my recommendation. They can consider other factors,
12 and they'll base their vote on that.

13 At the start of the hearing, I'd like to have Ms.
14 Carolyn Laurie of the Planning & Development Service Department,
15 seated to my right, give me a brief presentation on the case.
16 After that, I'll ask for input testimony from the public.

17 And since I cannot have any communication, or direct
18 communication with parties involved in the case outside of
19 hearings, now is the time to speak. So if you wish to speak
20 tonight, if you're interested in speaking tonight, wait for me to
21 call you up at the podium, and I'll - I handle that with raised
22 hands and I know there's a lot of people, but we can manage.

23 When you do come up, make sure to print your name and
24 address on the sign-in sheet. So now you have two options.

1 There's the orange card and the sign-in sheet. If you're
2 talking, you're gonna have to sign the sign-in sheet. The orange
3 card is just if you want a copy of my report.

4 I'll also ask you to announce your name and address for
5 the record, and for the Recording Clerk, when we do make a
6 transcript, it's very nice to be able to have the beginning of
7 someone's testimony start with the name so we get an accurate
8 transcript.

9 So at this time I'd like to swear in any of you wishing
10 to speak this evening. So if you would like to speak this
11 evening, just stand up and raise your right hand and I'll
12 administer the oath. All right. Do you swear or affirm to tell
13 the truth, the whole truth, and nothing but the truth?

14 (Affirmative.)

15 ZONING EXAMINER: All right. Thank you. All right.
16 The only case we have on the agenda this evening is Case No. C9-
17 14-03 Broadway Festival-Leonora Avenue. Ms. Laurie, I think the
18 Staff report's already been read into the record at the prior
19 hearing, so in the interest of time, if you could just briefly
20 update me on the material information since that time.

21 MS. LAURIE: Thank you, Mr. Kafka. Can everyone hear
22 me all right. Okay. So this is a rezoning request by Steve
23 Shenitzer on behalf of the property owners, Ina Road Group, to
24 rezone approximately 0.8 of an acre from R-3 to C-1.

1 The development is located on the northwest corner of
2 Broadway Boulevard and Leonora and is proposed to have two
3 buildings and one access to Leonora Avenue and one to Broadway.

4 As of today, the Planning & Development Services
5 Department has received multiple approvals and protest letters
6 associated with this case. Staff has received two formal
7 approvals and two formal protests within the 150-foot protest
8 area which equals more than a 20% protest level along the
9 northern quadrant.

10 This number is significant because if the protest level
11 is higher than 20% in one of the four directions around the
12 rezoning site, a three-quarter majority vote by Mayor and Council
13 is required to adopt the rezoning ordinance.

14 Mr. Kafka has requested the neighborhood association
15 hold a meeting on June 30th, and they had approximately 60
16 members of their community come out and meet with members of
17 Tucson Department of Transportation and Fire, and we have entered
18 those items into the record. We've also received numerous e-
19 mails and letters from the church property owners, and those
20 should also be added to the record.

21 ZONING EXAMINER: All right. Thank you. I have a
22 stack of letters, I'll call them letters of support, most of them
23 from the church members. I have those. I have a stack of, I
24 guess this is a survey that was passed out at the neighborhood

1 meeting called Sewell Neighborhood Comments for the Zoning
2 Examiner.

3 I have a, I have an e-mail I received this evening from
4 Mr. Shenitzer concerned about the large crowd and asking for a -
5 some time restrictions just to make sure that we can proceed
6 without repetition. Looks like you have that in the record.
7 I have the sign-in sheet from the neighborhood meeting. And I
8 have, I guess, Minutes from the neighborhood meeting, as well as
9 an agenda.

10 All right. I think - I thought I saw Council Member
11 Kozachik and his staff here a moment ago, and if they're still
12 here -

13 MALE SPEAKER: They walked out.

14 ZONING EXAMINER: Oh, they just walked out. Well,
15 acknowledge that they're here tonight. And by a show of hands,
16 can I see how many members of the neighborhood association are
17 here tonight? All right. How many Board Members from the
18 association are here tonight? Okay.

19 And how many mem- -- how many residents of Sewell are
20 here? (Inaudible) so it's the same people, okay. And I guess
21 supporters of the, the development from the church, if they want
22 to raise their - okay. All right. That's what (inaudible)

23 Okay. Let me start where we left off. Let's talk
24 about the neighborhood meeting. Is Miss, Miss Leed, Alisa Leed -

1 hi. All right. I don't mean to put you on the spot, but let me
2 ask you to come forward and just go over with me - I have the
3 Minutes from the meeting and maybe you can brief me or update me
4 a little bit on that meeting.

5 MS. LEED: What would you like to know, aside from
6 what's on the meeting?

7 ZONING EXAMINER: Well, just let me know -

8 MS. LEED: If I was to break it down -

9 ZONING EXAMINER: Yes.

10 MS. LEED: Okay. We had quite a few neighbors show up,
11 and again, it seems that our neighborhood is not against the
12 development, we're against the added traffic to our neighborhood,
13 and that was our main - addressed in our main concern.

14 And we had the City go over some - three options that
15 were presented to us, and our neighborhood voted on, you know, of
16 the three. But it, it didn't seem as though neighbors were
17 really happy with any of the options.

18 But worst case scenario, Option 3, seemed to be the one
19 that most neighbors leaned towards. But, again, I don't know if
20 it necessarily solves our traffic issue. So that's, that's
21 basically where we are now.

22 ZONING EXAMINER: Okay. Let me pause for a moment and
23 I'm gonna actually - thank you. I'll call you back up. We do
24 have a lot of people, so I want to make sure just to give a

1 warning, if anybody's parked in the, what's called the El
2 Presidio Garage, that's the one that's right under the El
3 Presidio Park right out here, that closes at 8 o'clock. So is
4 anybody parked there? Okay. So I'll try to incorporate, if
5 we're going long, and break so that you can move your vehicle.

6 Also there, there is, there's a lot of new people here,
7 so I just want to actually recap the process about what we're
8 doing here. I did a little bit of that in the preamble. This is
9 a rezoning hearing, and I'm the Hearing Officer for the rezoning
10 hearings.

11 How do we get here? An applicant desires to rezone
12 property that perhaps changed the use on the property, and they
13 bring that application to City Staff. City Staff reviews that,
14 takes a look and makes sure that that application is, for lack of
15 a better word, maybe this is the wrong crowd, kosher. But they,
16 they, they run that through an administrative review.

17 And then it goes to a State mandated public hearing
18 process where an independent Hearing Officer looks at it with an
19 independent eye. I take a look at that, I get input from the
20 community. I review the plans and policies that the City has
21 passed, and I match them up against the application. I see if
22 there's any problems with it, try to help resolve those problems,
23 and then forward on my recommendation to Mayor and Council.

24 So that's, that's why we're here. And hopefully that

1 was useful to clarify if some of you were just in a meeting in
2 City Hall, sometimes the processes can be a little esoteric.

3 So we had a hearing on June 26th, I believe, was the
4 prior hearing - oh, 19th. June 19th. And I continued that
5 hearing to provide for a meeting. So, Ms. Leed, if I can call
6 you back up.

7 So I have these, these, these surveys and I, I just
8 want to ask about the surveys. Were these pro- -- these are -
9 was this form provided by T-DOT?

10 MS. LEED: No. Actually Amy from Steve Kozachik's
11 Office put that together for us.

12 ZONING EXAMINER: Okay. So the Ward Office?

13 MS. LEED: Uh-huh.

14 ZONING EXAMINER: The Ward Office provided that?

15 MS. LEED: Yes. They were very helpful.

16 ZONING EXAMINER: Okay. And so from the meeting
17 Minutes, I see that you did have a presentation by Jesse Soto's -
18 our T-DOT representative over there. Okay. Yeah, he's here
19 tonight. And then discuss those options, and then there was some
20 question and answer from the neighborhood. And did the, did the
21 developer weigh in on this?

22 MS. LEED: No. I asked that the developer not be there
23 because I wanted to have the neighborhood be able to have a
24 discussion without wasting his time basically. And also not have

1 the pressure of having the developer there.

2 ZONING EXAMINER: Okay. But was there an opportunity
3 for the developer to participate in any other meeting?

4 MS. LEED: We've had a presentation by the developer at
5 the site previously.

6 ZONING EXAMINER: Previous to the hearing?

7 MS. LEED: Yeah. And then the plans were actually
8 brought, so -

9 ZONING EXAMINER: Did you - you talked to the
10 developer?

11 MS. LEED: I did speak to the developer.

12 ZONING EXAMINER: And said - and asked for them to not
13 attend?

14 MS. LEED: I had -

15 ZONING EXAMINER: Excuse me?

16 MS. LEED: I had - somebody asked them not to. I
17 didn't.

18 ZONING EXAMINER: Okay. So you asked somebody to -

19 MS. LEED: To not -

20 ZONING EXAMINER: - contact them and have -

21 MS. LEED: Yes. It wasn't a birthday party they
22 probably wanted to be at, so I think -

23 ZONING EXAMINER: Well, that's not the point I'm
24 driving at. Okay. I want - I apologize for putting you on the

1 spot. I'm going to do something slightly unusual. I like to be
2 very clear, and if I'm not clear, I -

3 MS. LEED: Uh-huh.

4 ZONING EXAMINER: - want to take responsibility for
5 that.

6 MS. LEED: Okay.

7 ZONING EXAMINER: So what I want to do is check to make
8 sure that I requested that the developer at a meeting.

9 MS. LEED: You asked us to meet with the developer. We
10 have had phone calls with the developer.

11 ZONING EXAMINER: Okay. So I asked for the developer -
12 is that your recollection as well, that I asked you to be at a
13 meeting, and you - yeah. That was my recollection. I want to be
14 sure.

15 MR. SHENITZER: My name is Steve Shenitzer. Yes, I
16 believe that is correct, and we were planning to attend the
17 meeting. And then we received a call from Staff indicating at
18 the request of the neighborhood, as Alisa stated correctly, that
19 they requested that we do not attend the meeting. So we complied
20 with their request. But at that time, and it was the day of the
21 meeting, we were planning to attend the meeting.

22 ZONING EXAMINER: So up to that point, you were, you
23 were ready to attend?

24 MR. SHENITZER: Yes.

1 ZONING EXAMINER: Okay.

2 MR. SHENITZER: Absolutely.

3 ZONING EXAMINER: So there never was an opportunity -
4 actually Mr. Shenitzer (inaudible) there never was an actual
5 opportunity after the hearing from the 19th for you to sit down
6 with some of the neighbors to discuss this in person?

7 MR. SHENITZER: I had several calls and actually I was
8 able to speak with Alisa at length several days ago regarding
9 the results of the meeting and our position, and it was by phone.

10 ZONING EXAMINER: All right. But no, no substantial
11 dialogue with, with people in a meeting setting?

12 MR. SHENITZER: No one other than Alisa.

13 ZONING EXAMINER: Okay.

14 MR. SHENITZER: Thank you.

15 ZONING EXAMINER: One of the things I want to make sure
16 of is that there is no missed opportunity for dialogue. That's
17 one of the things that I feel is necessary in these cases.
18 People should have an opportunity whether it's gonna be
19 productive or not, but for an opportunity to sit down and talk to
20 each other. You never know what happens when people get together
21 and talk things out.

22 Sometimes that happens in these meetings, these
23 hearings. Sometimes I try to out-source them to meetings. It's
24 a more - or less formal opportunity to do that. That's what I

1 had requested and that didn't occur. I think some productive
2 information came out of the neighborhood discussion, but to me
3 it's still not a dialogue. It's, it's more information.

4 I'm not sure (inaudible) looks like some of the people
5 did complain that they felt artificially constrained by the
6 options in the survey. And if there'd been a dialogue, that
7 might not have been as much of a constraint.

8 Typically what I would do here - I'll call you back up
9 in a second. Typically what I do here is I would continue the
10 hearing to have the meeting that I requested. But - and I may
11 still do that.

12 But I think at this point, I don't want to unfairly
13 continue, considering certain schedules. So I still want to
14 respect the schedule that we had talked about, or try to respect
15 the schedule we'd talked about on the 19th. You wanted to say
16 something.

17 MS. LEED: I want to reemphasize that our neighborhood
18 isn't against this development. We're fine with the development.
19 I almost feel like the dialogue should be between the
20 neighborhood and the City. What is the City gonna do for us?
21 How, how's the City gonna help us? Not the developer. He can't
22 really do that much.

23 ZONING EXAMINER: I, I believe in, in civic engagement,
24 and citizens should have a voice at that table about what - if

1 there, and I believe there a design solution here. But I'd like
2 just to lay it on the table, I'd like participation to see what
3 can come up with - what, what the community can come up with
4 rather than have the City impose what it thinks is the best idea.

5 So I need that opportunity for my purposes to protect
6 the integrity of, of my process. I need, when, when I request
7 that, for that to happen. And I think, sir, you want to, want to
8 add something. Did you want to respond to that, Ms. Leed?

9 MS. LEED: No.

10 ZONING EXAMINER: Okay.

11 MS. LEED: I'm fine.

12 MR. STEINMANN: I'm Robert Steinmann. I'm at 5625 East
13 8th Street. The meeting, because that is what we discussed at
14 our, our last meeting here was that the - we were supposed to
15 have a discussion. What actually ended up happening was the City
16 came in and gave us a list of three options, and there was no
17 discussion. We were not allowed a discussion about it.

18 When we brought up other options that we wanted to
19 discuss, we were instantly shut down by fire department, who
20 would not really go into other reasons why. They just said "no".
21 The City traffic gentleman who was doing the presentation was not
22 willing to discuss anything.

23 It was basically, "Here's your three options," and they
24 were laid out, not by the neighbors, by the City or whoever sent

1 that option list to us. Said, "These are your options. You'll
2 either pick the first one, which is what the developers want," or
3 they put asterisks by the other ones saying, "Well, these don't -
4 aren't, aren't approved. If you approve one of these, the whole
5 development may be sidelined."

6 I just want to reiterate what she said. We're not
7 opposed to development, it's inevitable. It's a, it's a good
8 enough plan, I mean nothing's gonna be perfect for anybody. But
9 there was other, other options. And really, it comes down to a
10 partial or complete closure of Leonora at 10th.

11 ZONING EXAMINER: Uh-huh.

12 MR. STEINMANN: And there's, there's reasons for and
13 against that, I understand. But that was not allowed to be
14 discussed. It was shut down, and pretty rudely by a fire
15 department. He just, that was just the end of it.

16 ZONING EXAMINER: Is anybody from the fire department
17 here -

18 MR. STEINMANN: So -

19 ZONING EXAMINER: - tonight?

20 MR. STEINMANN: - that was -

21 ZONING EXAMINER: Okay. Hold on one second. The
22 option sheet - so I, I - my intent was to - for people to be able
23 to discuss a range of options. I'm not sure - it's another
24 reason I wouldn't mind looking at the transcript. I'm not sure

1 how clear I was about discussing a range of options. And I think
2 I was clear about having a discussion.

3 MR. STEINMANN: You were clear about it.

4 ZONING EXAMINER: I was clear about it.

5 MR. STEINMANN: About a discussion. And that was -

6 ZONING EXAMINER: Okay.

7 MR. STEINMANN: - it was anything but.

8 ZONING EXAMINER: So somehow that was narrowed and, and
9 the developer was not part of that discussion. I'll tell you
10 what I'm gonna propose this evening. Rather than just say,
11 "Well, you didn't do what I wanted. Continue this," where are
12 the, the Board members for the neighborhood association? Okay.
13 Yeah. There are three of you, or two of you? There's two?

14 Developers, Mr. Soto, the Staff member and maybe if
15 there's some particularly interested people from the
16 neighborhood, two more people. And I apologize. This, this,
17 this is gonna kind of remove any audience spectacle for you, but
18 I'm gonna, I'm gonna ask you, with your indulgence, to go into
19 the conference, and have a discussion. Maybe it'll be
20 productive.

21 What I'd like to do before I do that, though, is to be
22 really clear about some parameters, and clear about the problem
23 that I, as I see it, and I'm not clear about options. I'm not
24 gonna tell you what options. And clear about what's at stake.

1 The problem, and I think people said it's not the
2 redevelopment, it's the traffic. And it's particularly concern
3 over the traffic that's produced by the development proposal. We
4 heard testimony last time about traffic in the neighborhood, and
5 there's a lot of concern about that. Some of it caused by the
6 mall, or people cutting through Chantilly.

7 I can't deal with that. I have to deal with the
8 traffic that's potentially caused by this development. So the
9 scope of this conversation should be about what traffic might be
10 produced by this proposed development. So - and I'm not gonna
11 specify options.

12 I think the stakes were sort of reiter- -- were sort of
13 clarified, maybe not to the fullest extent possible at the first
14 hearing. The developer has a parcel, the C-1 parcel in the front
15 that they could develop. This is an interesting tidbit in this
16 case.

17 They have a parcel of C-1 that's commercial property in
18 the front. That's your parking lot for the church. That could
19 be developed right now, and it could be developed right now
20 without any hearing. They have a right to develop it
21 commercially.

22 And they could develop with, as I understand it, maybe
23 Staff can confirm this for me, with an exit pointing traffic
24 right at the neighborhood without any input from the

1 neighborhood. Is that, is that correct?

2 MR. LAURIE: Mr. Kafka, that is correct.

3 ZONING EXAMINER: Okay. So the stakes are the, the
4 nuclear option for the developer which, you know, would not
5 behoove the neighborhood, not benefit the neighborhood. So that,
6 that's an incentive for dialogue.

7 The incentive for the developer for dialogue is if I'm
8 not satisfied with his dialogue tonight, I continue the case, and
9 for a developer, time is money, right?

10 So I think that you both have something at stake here.
11 There's the neighborhood wants a good development that, that -
12 where the traffic issues are addressed in a way that's fair. I
13 don't know what that particularly looks like.

14 And I know I'm putting you in a tough spot because
15 you're, you're - it's uncomfortable to speak for others. It's
16 not a comfortable place to be, but as Board members in a
17 neighborhood association, the - your community has said, "We
18 trust you to ethically and, and equitably try to resolve
19 problems."

20 "May not agree with what you come up with, but we trust
21 your instincts, we trust your judgment. We may disagree with
22 what you do in a particular instance, but in a representational
23 processes, can't control particular interests - it's instances.
24 So we trust your judgment to make judgment calls."

1 And that's the responsibility of everyone actually in
2 this process. So that's the stakes. The process, I'm gonna lead
3 you into a room right over here, and I'm gonna have Staff
4 available. Yes. Come forward, Ms. Leed, and then I'll come to
5 you in a second.

6 MS. LEED: Be- -- before we have that conversation -

7 ZONING EXAMINER: Uh-huh.

8 MS. LEED: - I just was wondering if, Carolyn, if you
9 could tell me again what - why we couldn't have a closure there.

10 ZONING EXAMINER: Well, let me -

11 MS. LEED: So that we have the information when we go
12 into the meeting -

13 ZONING EXAMINER: Let me clarify -

14 MS. LEED: - so we don't waste time.

15 ZONING EXAMINER: - that, why you can't have the
16 closure at -

17 MS. LEED: At 10th and Leonora.

18 ZONING EXAMINER: - at 10th.

19 MS. LEED: Uh-huh.

20 ZONING EXAMINER: Okay. Why, why -

21 MS. LEED: When I spoke to Carolyn, there was some,
22 there was some past record that indicated that we couldn't. And
23 I just want to make sure -

24 ZONING EXAMINER: Actually, Mr., Mr. Soto, do you have

1 information on that?

2 MR. SOTO: Yes, sir.

3 ZONING EXAMINER: Why don't you come to the mike?

4 Oh, well, I'll have Carolyn Laurie answer that.

5 MR. SOTO: It's - well, what it is, it's a secondary
6 emergency route. And it being, it being a secondary emergency
7 route, therefore, Tucson Fire Department does not allow any kind
8 of closure of that road.

9 ZONING EXAMINER: Would they eventually through a
10 separate process if this is a concern, have TFD reevaluate
11 secondary routes and potentially close that, not necessarily out
12 of this process, but if the neighborhood were looking to pursue
13 that?

14 MR. SOTO: They were pretty firm regarding that, that
15 closure, that they would not close 10th at all. It being a
16 secondary route, feel real important and they stress that closing
17 it would not be an option.

18 ZONING EXAMINER: But is there a process for
19 reevaluation that you know of?

20 MR. SOTO: Unless TFD has one, we don't, T-DOT, -

21 ZONING EXAMINER: Okay. So I'm not sure about that.

22 MR. SOTO: (Inaudible)

23 ZONING EXAMINER: Nobody's sure about that.

24 MR. SOTO: Correct.

1 ZONING EXAMINER: Okay. Does that satisfy the - your
2 question there?

3 MS. LEED: I don't know if satisfaction is the proper
4 word, so -

5 ZONING EXAMINER: Okay. It is an answer, it's one
6 answer.

7 MS. LEED: All right. (Inaudible)

8 ZONING EXAMINER: Mr. Shenitzer. Yeah.

9 MR. SHENITZER: One clarification. Sorry to interrupt.

10 ZONING EXAMINER: Sure.

11 MR. SHENITZER: You mentioned they were against closing
12 10th.

13 ZONING EXAMINER: Oh, can you come to the microphone?

14 MR. SHENITZER: Oh, I'm sorry. They're against closing
15 10th, but what around Leonora? (Inaudible)

16 ZONING EXAMINER: Oh, oh, wait.

17 MR. SHENITZER: - northbound Leonora.

18 ZONING EXAMINER: This is - this becomes a problem.
19 I like to foster conversations, especially civil and respectful
20 ones, but we need it on the microphone.

21 MR. SOTO: Okay. Sure. Leonora where? At the -

22 MR. SHENITZER: At 10th.

23 MS. LEED: At 10th.

24 MR. SHENITZER: North northbound Leonora.

1 MR. SOTO: No. No. That's what we're talking about,
2 correct. We're talking about northbound.

3 ZONING EXAMINER: Okay. Yeah, we're not, we're not
4 talking about closure of Leonora at Broadway. We're talking
5 about the closure at 10th.

6 MR. SOTO: At 10th, correct.

7 ZONING EXAMINER: Okay.

8 MR. SOTO: (Inaudible)

9 ZONING EXAMINER: All right. So this is all
10 preliminary to a conversation that's gonna take place. And
11 you're Mr. Starks? Okay. Why don't you come forward? Oh, I, I,
12 I'm - no, Mr. Starks. If I could - forgive me. She's been
13 waiting a while and trying to talk, and I, I've just been -

14 FEMALE SPEAKER: She will have her say.

15 ZONING EXAMINER: And she will have her say. Is it -
16 are you Mrs. Napoli? No, you're not.

17 MS. STEGER: Judy Steger.

18 ZONING EXAMINER: Steger. Oh, I'm sorry. I apologize.
19 It's been three weeks.

20 MS. STEGER: Three weeks.

21 ZONING EXAMINER: Yeah.

22 MS. STEGER: One -

23 ZONING EXAMINER: I try.

24 MS. STEGER: One thing about that meeting which people

1 don't understand, we all came and everybody came. Half of them
2 came at 6:00, half of them came at 6:30 when the meeting was
3 supposed to be. So it got confusing because they'd already
4 passed over some things and, and then when they went to explain
5 to another group of people, not all of us saw it. We were
6 crammed into a little room and, and -

7 ZONING EXAMINER: Yeah.

8 MS. STEGER: - all of a sudden, the fire department's
9 there and saying, "No, no, no." And they did not know why Target
10 can have theirs blocked off behind the Target with the poles -

11 ZONING EXAMINER: Uh-huh.

12 MS. STEGER: - but we can't.

13 ZONING EXAMINER: The one at Broadway and -

14 MS. STEGER: That's right. And they kept on saying,
15 "Well, that happened before us." Well, find out. And nobody
16 gave us really -

17 ZONING EXAMINER: So one of the things that I'd like to
18 look into, and it's probably gonna be apart from this, but I
19 think the neighborhood can work, and perhaps with the Ward
20 Office, and -

21 MS. STEGER: Yeah. And we, we already know there's
22 gonna be development. We just -

23 ZONING EXAMINER: Yeah.

24 MS. STEGER: - don't want -

1 ZONING EXAMINER: The traffic.

2 MS. STEGER: - a throughway -

3 ZONING EXAMINER: Yeah.

4 MS. STEGER: - through the neighborhood. And I don't
5 think that that's too much to ask that we can hold onto our
6 neighborhood and not just have it a junk center.

7 ZONING EXAMINER: All right. Thank you. And -

8 MS. STEGER: Sorry. I'm writing as fast as I -

9 ZONING EXAMINER: Before Mr. Starks comes up, I think
10 it was Mr. Starks, right? Council Member Kozachik, you weren't
11 in the room when I acknowledged your presence, but I did make a
12 record that you were here tonight. Thank you for being here.
13 Let me, let me have Mr. Starks come up and speak and then I'll,
14 I'll upon you.

15 MR. STARKS: My name is Mitchell Starks, and I live at
16 52 - 5346 East 7th Street on the corner of Leonora and 7th.
17 5636. I'm sorry. To shed a little light on the Target
18 situation, the representative from the fire department, we asked
19 him about that closure on that street behind Target, and he said
20 he wasn't there at the time, so he had no idea why it was closed
21 off.

22 I have no strict evidence to prove it, but I think the
23 reason it was closed off because the 20/30 Club has a club right
24 there at Highland Vista Park. They used to own the land at

1 Highland Vista, and they donated that land to the neighborhood
2 association, and I think through the power the 20/30 Club yields
3 is the reason why it was permanently closed off.

4 So it can be closed off if the powers that be will just
5 say "okay". There are plenty of entrances. There are three
6 entrances off of Craycroft into the area. There's 5th Street,
7 and I believe there's four entrances off of Chantilly into the
8 area. So there's plenty of ways to get in there.

9 Plus if, if some of these things are true, we're heard
10 the rumor a Starbucks is going there, whether it's not - or is or
11 not, I don't know. But other experiences with Starbucks, there's
12 a lot of traffic down the streets, in this case, Broadway,
13 getting in there a lot of times. There's gonna be a lot of
14 confusion there.

15 Additionally, we've talked about those apartments,
16 Section 8 apartments are going to go, we know eventually. Don't
17 know what's going in there, but we know whatever it is is gonna
18 be a commercial innovation and there's gonna be more traffic
19 congestion in that area.

20 So for an emergency vehicle to go in the area, looking
21 currently and down the road, I know there's gonna be a lot of
22 confusion. Therefore, it adds to the possibility that should -
23 Leonora should be closed off at 10th Street. And this would
24 satisfy, I think, everybody concerned.

1 ZONING EXAMINER: Okay. Thank you.

2 MR. STARKS: Thank you.

3 ZONING EXAMINER: And, sir, you don't - you want to
4 come up? Okay. Did I swear you in?

5 MR. DAHLBERG: I'm sorry?

6 ZONING EXAMINER: Did I swear you in? Did you -

7 MR. DAHLBERG: Yes, sir.

8 ZONING EXAMINER: Okay. Good.

9 MR. DAHLBERG: Hi. I'm Dave Dahlberg. I'm the pastor
10 of the church, Christian Faith Fellowship. I live at 11635 East
11 Speedway. The only thing that I wanted to, to point out before
12 they go to their meeting is the church is not trying to have a
13 conflict with the community. We have members from our church
14 that live there.

15 But you mentioned two parties that have things at
16 stake, and we're a third party that wasn't mentioned. And we're
17 currently in escrow with another property that we're moved to
18 that hinges upon this property being classified as C-1.

19 So not everybody from our church - we only have one
20 other person that would speak tonight if that's necessary, or
21 time frame. But I have other things I want to mention, but I'm
22 only gonna bring one thing here from what I have.

23 ZONING EXAMINER: Well, let me, let me stop you.
24 You're a stakeholder, you own the property.

1 MR. DAHLBERG: Yes, sir.

2 ZONING EXAMINER: Would you like to be in that room as
3 well?

4 MR. DAHLBERG: Absolutely.

5 ZONING EXAMINER: Okay.

6 MR. DAHLBERG: Thank you. Do you want me to wait on
7 this then to go in there?

8 ZONING EXAMINER: Yeah. Let's wait on that.

9 MR. DAHLBERG: Good deal.

10 ZONING EXAMINER: Thank you.

11 MR. DAHLBERG: Thank you.

12 ZONING EXAMINER: I do want to move this along, but I -
13 if you have a quick statement, that would be great.

14 MR. CASSERTANO: I'm Paul Cassertano (ph.). I live at
15 5715 East Holmes Street. I was at the neighborhood meeting. I'm
16 also a transportation planning professional. I did have a couple
17 conversations with the fire representatives, and I want to make
18 it clear for the record that they were opposed to a full closure
19 at Leonora and 10th.

20 I did discuss a partial or directional closure with
21 them which would still allow them access to and from the
22 neighborhood effectively going wrong way for the entry or exit.
23 They seem to be in agreement that that could work. But we didn't
24 get to discuss details there, so I just wanted to make sure that

1 for the record, the fire opposition was full closure, would be a
2 problematic issue, and we would really have to look at that in
3 terms of our access to and from the households.

4 ZONING EXAMINER: Let me ask by a show of hands even
5 from Staff and from the developer and the neighborhood
6 association. If I put in a recommendation or request that TFD
7 work with the neighborhood, and perhaps the Ward Office, to
8 examine and pursue a emergency access only at 10th, would anybody
9 be opposed to that request, 10th and Leonora, that that be
10 pursued or investigated further?

11 Would anybody oppose a request in my recommendation
12 saying that TFD should work with the neighbors and the Ward
13 Office and any other interested parties to look into an emergency
14 access only route for that 10th/Leonora intersection, if that, if
15 that's actually feasible. I'll, I'll look into that. Okay.

16 All right. Mr. Shenitzer, Mr. Viner, are you okay with
17 going into a room, having this discussion now, preferable to my
18 closing and requesting a separate meeting? Okay. Council Member
19 Kozachik. Oh, you weren't sworn in. Okay. Do you swear or
20 affirm to tell the truth, the whole truth and nothing but the
21 truth?

22 COUNCIL MEMBER KOZACHIK: (Affirmative)

23 ZONING EXAMINER: Thank you.

24 COUNCIL MEMBER KOZACHIK: Just for clarification so

1 that nobody leaves here with any false expectations. Engaging
2 TFD in that conversation does not guarantee us the answer's gonna
3 be "yes". They can still say as they did at the meeting that
4 they are opposed to it. So I don't want people walking out of
5 here thinking just because we're engaging the fire department,
6 they're gonna change their position. (Inaudible)

7 ZONING EXAMINER: I'm glad, I'm glad that you mentioned
8 that because -

9 COUNCIL MEMBER KOZACHIK: It is pretty adamant.
10 Secondly, the three options that were presented at the
11 neighborhood meeting came from T-DOT at Carolyn's request that we
12 put that list together and those were the options that were
13 limited, and they came out of the last meeting that we had here
14 that appeared to be the most likely.

15 ZONING EXAMINER: Okay. So -

16 COUNCIL MEMBER KOZACHIK: Right turn only, right turn
17 with a median, or nothing.

18 ZONING EXAMINER: So what I'd like to do is use those
19 three options as a -

20 COUNCIL MEMBER KOZACHIK: Point of -

21 ZONING EXAMINER: - point, point of departure for
22 further conversation. That is what I was hoping would happen.
23 So let's do that. Let's take, let's try at first 25 minutes to
24 30 minutes or so, and I don't want anybody be too pressured, but

1 I also would like to respect everybody's schedule. Let's have
2 members of the neighborhood association, if you'd like, one or
3 two other neighborhood residents that you think have been very
4 active and would be interested in being in there, ask them as
5 well.

6 Mr. Shenitzer and Mr. Viner, and Mr. Dave Pastor (sic),
7 Dave - is that what you're called? Let the record reflect
8 there's applause at the mention of Pastor Dave.

9 All right. With that, I want to take a little recess,
10 and Staff as well, and Mr. Soto.

11 MALE SPEAKER: (Inaudible)

12 ZONING EXAMINER: Okay. Sure. All right. Let's take
13 a recess for about 25 minutes.

14 (The meeting stands at recess.)

15 ZONING EXAMINER: Ladies and gentlemen, if I could -

16 MALE SPEAKER: Hey, I'm running to the store.

17 ZONING EXAMINER: All right. Thank you. And I think
18 we're now back on the record with the record rolling. I, I went
19 upstairs during the recess. I was able to see the sunset, and I,
20 I looked out the window, I saw the sunset, and I said, "Wow.
21 This is, this is the beauty of Tucson, isn't it?"

22 No, 'cause I came back down here and I, I was proven
23 wrong. The beauty of Tucson is the that people come together and
24 work with each other. It's, you know, we, we may never be as

1 perfect as a sunset, but we can aspire and I think that, so I
2 have some hopeful aspirations for this evening. Let's, let's get
3 - that's a little corny, I know, but that was the feeling I had
4 when I came back down.

5 So let me - all right. No, no. Thank you, but no off-
6 mike conversations. Let me have an update from, let's - the
7 developer. Let's - either Mr. Shenitzer or Mr. Viner, let's see
8 - I don't think I've actually officially called you up yet.

9 MR. SHENITZER: Yes. Thank you.

10 ZONING EXAMINER: All right.

11 MR. SHENITZER: Thank you for that opportunity to speak
12 with the neighborhood. It, it appears from our perspective that
13 there's a, there's a couple ideas that we bounced around that are
14 workable.

15 And one of the primary ideas is that the median design
16 that the City came up - that T-DOT came up with, we extend it to
17 the south to meet the curb, or whatever that island is called at
18 Broadway to prevent northbound traffic. So when people exit our
19 development, they won't hang a U-turn and go northbound around
20 the curb. The curb will continue and tie in with the island to
21 the south at Broadway.

22 The neighborhood also expressed that the island that is
23 just north of our entrance, Leonora entrance, be extended
24 somewhat to the north, and that distance wasn't defined. And

1 I'll let the neighborhood address the other issue, but I'll, I'll
2 reference it.

3 They want the assurance that the City, the way I
4 understand it, and they could clarify this, will work with them
5 for either a total or a partial, and they were talking about a
6 partial closure at Leonora and 10th. And that closure would be a
7 southbound closure.

8 That would allow emergency access to the neighborhood
9 without any restrictions because they could just use the other
10 side of the street if they're going southbound. So I, I believe
11 that was the thrust of it.

12 They seemed comfortable with that, but they want to be
13 assured that the City will continue to work with them and
14 accomplish at least that partial closure southbound, and we are
15 fine with that.

16 ZONING EXAMINER: Okay. And let me just clarify. So
17 the exit onto Leonora from the development would be right out
18 only, and the median across would prevent any U-turn as somebody
19 came out. They'd have to go to Broadway to exit.

20 MR. SHENITZER: They'd have to go to Broadway. That
21 median would continue south to the island that's currently at
22 Broadway.

23 ZONING EXAMINER: And anybody coming from the north
24 would not be able to enter the development except from turning

1 right on Broadway and then -

2 MR. SHENITZER: Not right. You can't turn right.

3 ZONING EXAMINER: You can't turn right.

4 MR. SHENITZER: You turn left. No, there's eastbound
5 traffic from Broadway.

6 ZONING EXAMINER: Uh-huh.

7 MR. SHENITZER: Would be able to effect a left turn,
8 head north and go into our development.

9 ZONING EXAMINER: Eastbound would go left against,
10 across the westbound traffic to enter in. But coming down - if
11 anybody tried to come nor- -- from the north down Leonora, they
12 wouldn't be able to enter the development, or they would?

13 MR. SHENITZER: They would. That's what - traveling
14 south, you mean?

15 ZONING EXAMINER: Traveling south, yeah.

16 MR. SHENITZER: Yeah. That's why they want the partial
17 closure -

18 ZONING EXAMINER: Okay.

19 MR. SHENITZER: - at 10th and Leonora. That's, that's
20 the rationale about the partial closure.

21 ZONING EXAMINER: If - is, is that, is that a right out
22 only exit from your development on Leonora?

23 MR. SHENITZER: Yes.

24 ZONING EXAMINER: Okay.

1 MR. SHENITZER: You can't make a left out.

2 ZONING EXAMINER: Okay. So you can't actually - it
3 also prevents right in, does it? Or is there right in still?

4 MR. SHENITZER: No. There's right in.

5 ZONING EXAMINER: Okay. So there's right in, right
6 out, no left out, and no U-turn out. Okay. And the median
7 across?

8 FEMALE SPEAKER: (Inaudible)

9 ZONING EXAMINER: No?

10 FEMALE SPEAKER: (Inaudible)

11 ZONING EXAMINER: I want to make - I apologize for my
12 confusion. I want to make it clear what I have.

13 MR. SHENITZER: We have, we have a larger one.

14 ZONING EXAMINER: No, that's all right. Okay.

15 MR. SHENITZER: So you can turn right out and continue
16 to Broadway.

17 ZONING EXAMINER: Okay.

18 MR. SHENITZER: This island, this curb would continue
19 to this island right here. So you would be trapped in going only
20 to Broadway.

21 ZONING EXAMINER: All right. So right - traffic
22 exiting the development to the right would have to go to
23 Broadway?

24 MR. SHENITZER: Right.

1 ZONING EXAMINER: Okay.

2 MR. SHENITZER: (Inaudible) Coming left from Broadway
3 and you're eastbound, you would turn left and then into the
4 development there.

5 ZONING EXAMINER: Okay.

6 MR. SHENITZER: And what they're asking for, and again
7 I'll clarify it for you make sure that I have it correct, is a
8 partial closure here because they don't want the southbound
9 traffic (inaudible) coming from 5th Street down here.

10 ZONING EXAMINER: Okay.

11 MR. SHENITZER: This would be a partial closure where
12 people can't do that. And then emergency vehicles would still
13 get through (inaudible)

14 ZONING EXAMINER: So effectively cut off the, in some
15 way, we don't know what that would look like, but -

16 MR. SHENITZER: (Inaudible)

17 ZONING EXAMINER: - effectively cut off southbound
18 traffic.

19 MR. SHENITZER: Southbound traffic, is that correct?

20 ZONING EXAMINER: Okay. Could there be any way to
21 design your exit/entrance to discourage southbound traffic from,
22 from coming into the development? 'Cause right now, there's sort
23 of a curve -

24 MR. SHENITZER: Oh, I see what you mean. Right here?

1 ZONING EXAMINER: A little bit lower.

2 MR. SHENITZER: About right here?

3 ZONING EXAMINER: Yeah. So they wouldn't, they
4 wouldn't try to come in and curve around.

5 MR. SHENITZER: I think this could be squared off.

6 ZONING EXAMINER: Yeah. So that part could be squared
7 off to even -

8 MR. SHENITZER: I mean we'd have to ask the engineers
9 (inaudible)

10 ZONING EXAMINER: Okay.

11 MR. SHENITZER: - question and where the property line
12 is and all those sorts of things, because we're not interested in
13 having anyone go through the neighborhood. We're only interested
14 (inaudible) coming off of Broadway, and out to Broadway again.

15 ZONING EXAMINER: All right. Actually, I just realized
16 you moved over there, and -

17 MR. SHENITZER: Oh, sorry.

18 ZONING EXAMINER: - hopefully we caught that on the
19 mike. But I think to summarize, the median that's currently
20 depicted on the development plan - is it currently depicted on
21 the development plan?

22 MR. SHENITZER: No.

23 ZONING EXAMINER: No. Okay. So -

24 MR. SHENITZER: That one's from T-DOT.

1 ZONING EXAMINER: All right.

2 MR. SHENITZER: That one's from T-DOT.

3 ZONING EXAMINER: The median on the T-DOT option would
4 be extended all the way down to Broadway -

5 MR. SHENITZER: To the south.

6 ZONING EXAMINER: - to the south. It would block
7 any U-turn of any traffic coming out of the development and
8 proceeding north on Leonora. The proposal is also to include
9 any design options that you can integrate that was -

10 MR. SHENITZER: This radius at -

11 ZONING EXAMINER: With the radius -

12 MR. SHENITZER: To eliminate the radius if possible.

13 ZONING EXAMINER: And then to further explore a partial
14 closure of Leonora somewhere either at 10th or even a little bit
15 south to prevent southbound traffic from entering the
16 development. That's how (inaudible)

17 MR. SHENITZER: That's my understanding.

18 ZONING EXAMINER: Okay. So let me ask either Ms. Leeds
19 (sic), did you want to talk on this or - no? Mr. - is it Stein-
20 -- Steinmann? Mr. Steinmann.

21 MR. STEINMANN: Okay. I - in addressing the, the
22 medians in the, in the road and stuff, I think that's acceptable
23 to the neighborhood. I mean that's all they can really do in
24 this situation.

1 The partial closure of Leonora really falls more
2 towards on the City side. So as a condition to this, we would
3 ask that this be - that there's a set date at which a traffic
4 study has to be done. And if we could agree on a percentage of
5 the increase of traffic that's through that we'll have assurances
6 that these things will be explored such as partial closure of
7 Leonora because it's really not on the developer at that point as
8 far as what they can do right now. They can't close a street,
9 but the City can.

10 ZONING EXAMINER: Can we, Mr. Shenitzer, can we look at
11 Condition 26 that talks about revisiting the traffic and has a
12 one-year traffic study? And can we, can we accelerate that?
13 Look at a traffic study now that can address partial closure?

14 And I'm, I'm willing to, to encourage the City to
15 investigate partial closure. I think Council Member Kozachik did
16 point out that there's no certain guarantees that the fire
17 department would, would agree to anything. But a partial closure
18 sounds, you know, -

19 MR. SHENITZER: Meeting halfway?

20 ZONING EXAMINER: - we, we could pos- -- could be a
21 possibility. Mr. Shenitzer?

22 MR. SHENITZER: Yes.

23 ZONING EXAMINER: Would it be possible to change
24 Condition 26 to have an earlier traffic study? Would you be

1 amenable to that?

2 MR. SHENITZER: (Inaudible)

3 ZONING EXAMINER: Yeah. If you can come to the
4 microphone. I'm sorry. For now, it asks for one, one year after
5 issuance of C of O.

6 MR. SHENITZER: Pardon me?

7 ZONING EXAMINER: Right now it calls for one that's one
8 year from the C of O, and I was wondering if we can - if you
9 would be amenable to an earlier traffic study.

10 MR. SHENITZER: Well, we don't have our project built,
11 so -

12 ZONING EXAMINER: Earlier than one year from the
13 C of O, I mean.

14 MR. SHENITZER: Oh, earlier than one year from the
15 C of O. I think we could discuss that. What, what did you have
16 in mind in terms of -

17 ZONING EXAMINER: Six months.

18 MR. SHENITZER: Six months after the C of O? And then
19 that would determine -

20 ZONING EXAMINER: Well, that would help further
21 discussion about the potential for closure, partial closure of
22 Leonora.

23 MR. SHENITZER: I see. I, I mean that seems, it seems
24 reasonable.

1 ZONING EXAMINER: Okay.

2 MR. SHENITZER: I mean we're gonna have to do it
3 anyway.

4 ZONING EXAMINER: Yeah. All right. Sir. And is it
5 Mr. Cassertano?

6 MR. CASSERTANO: Yes.

7 ZONING EXAMINER: All right.

8 MR. CASSERTANO: Paul Cassertano. I just wanted to
9 take note of the recognition that you had for the, the entrance
10 from Leonora to the, to the parcel. What we would also like that
11 we didn't necessarily discuss, but is recognized by you and I
12 think recognized by the developer, that if you could, if there is
13 a design option that channelize that entry to readily accept the
14 northbound movement, the northbound left turn into the parcel,
15 but discourage the southbound right turn, we would like that to
16 be part of the, the design of the, the entrance itself.

17 We understand that the closure, or the partial closure
18 issue is something that's outside the developer's control, but we
19 believe that this is within the developer's purview and can be
20 included, or incorporated in the -

21 ZONING EXAMINER: If -

22 MR. CASSERTANO: - zoning approval.

23 ZONING EXAMINER: If it's conditioned to say that
24 there's a - the design will maximize the channeling of northbound

1 traffic - well, that's not exactly what you said, but minimize
2 southbound traffic from accessing the property.

3 MR. CASSERTANO: Ultimately, it would be - a, a, a
4 desirable design would more than discourage, but prohibit the
5 movement of the southbound right turn entrance from Leonora.

6 ZONING EXAMINER: So -

7 MR. CASSERTANO: We, at the very least, I think, would
8 want to discourage that movement. And I think the design could
9 accommodate that.

10 ZONING EXAMINER: At this point, the most, the most
11 limiting design possible for southbound traffic to enter the
12 development until such time as a partial street closure is
13 adopted or, or reviewed, 'cause it may not adopted. But until
14 such time that occurs, the most limiting southbound, the design
15 that most limits southbound traffic.

16 MR. CASSERTANO: That would be correct.

17 ZONING EXAMINER: Okay.

18 MR. CASSERTANO: It's not to replace the pursuit of the
19 partial closure by any means -

20 ZONING EXAMINER: But it's the first step.

21 MR. CASSERTANO: - and it's not - it wouldn't fully
22 accommodate any other access via the neighborhood around the
23 block to enter either their parcel or Hobby Lobby from Broadway.

24 ZONING EXAMINER: All right.

1 MR. CASSERTANO: So it still doesn't address those
2 issues, but I, I believe -

3 ZONING EXAMINER: So -

4 MR. CASSERTANO: - it address some of (inaudible)

5 ZONING EXAMINER: - Mr. Shenitzer, Mr. Viner, what
6 we're saying is - and I think this basically what - how you
7 presented it. To the extent that southbound traffic will be
8 limited from entering the development from Leonora, the
9 development plan will reflect the most limiting - the most limits
10 to traffic as possible from south, from entering the development
11 from the south. Actually, it's entering it from the north
12 heading south.

13 MR. CASSERTANO: Southbound.

14 ZONING EXAMINER: Southbound, yes.

15 MR. CASSERTANO: Exactly.

16 ZONING EXAMINER: And that's agreeable to you? Okay.

17 MR. CASSERTANO: Wonderful.

18 ZONING EXAMINER: And, and Mr. Shenitzer nodded in
19 agreement. Okay.

20 MR. SHENITZER: (Inaudible) agreeable.

21 ZONING EXAMINER: Thank you. All right. Now let's -
22 the rest will be commentary. Let's, let's move on to, to further
23 comments on, on what we've sort of just discussed. Anybody wish
24 to speak on, on issues related to that design proposal? It's a,

1 it's an abstract design proposal at the moment.

2 MR. CASSERTANO: Well, we would like written, just to
3 reiterate, written assurance, and that this will move forward as
4 far as the traffic study and stuff. And with those guarantees,
5 you know, that's all these gentlemen can.

6 ZONING EXAMINER: Yeah.

7 MR. CASSERTANO: It's all we can do at that point.
8 We need (inaudible)

9 ZONING EXAMINER: So the, the conditions that will be -
10 that we will ask the developer to abide by will be this
11 limitation, and this limited design, and the production of a
12 traffic impact study six, within six months of the Certificate of
13 Occupancy. And then they, they can't be conditioned to, to
14 perform City obligations that might be after that. But I'm going
15 to recommend that that be pursued.

16 MR. CASSERTANO: Okay.

17 ZONING EXAMINER: I, I don't control that either, but
18 I'm gonna recommend that be pursued. And that's also - you're
19 gonna have that recommendation. As the neighborhood (inaudible)
20 this is something we'd like to see, with the understanding it may
21 not happen, but that it may be, in fact, very good policy and
22 planning.

23 MR. CASSERTANO: Yes.

24 ZONING EXAMINER: So that's, I just want to lay that

1 out clearly. And I think Council Member Kozachik was, was right
2 to point out there, there aren't any guarantees. But, but this
3 is a process, so we'll try to work that through. All right. Any
4 other comments? Council Member Kozachik.

5 COUNCIL MEMBER KOZACHIK: A couple of things. First of
6 all, if the design intent is to maximally restrict access into
7 the property for southbound traffic on Leonora, why bother with
8 the cutoff? Why bother with cutting off 10th?

9 ZONING EXAMINER: Excuse me. Why bother with the -

10 COUNCIL MEMBER KOZACHIK: If the developer has agreed
11 that the design is going to maximally restrict southbound access
12 into the property, then the 10th Street cutoff is a, is a moot
13 point.

14 ZONING EXAMINER: It, it -

15 COUNCIL MEMBER KOZACHIK: It can't get there anyway.

16 ZONING EXAMINER: It may end up being a moot point.
17 But what I'd like is the traffic impact study to further
18 communicate that idea, if that is, if that is indeed a fact, or
19 maybe there's something we're missing. But I, I think -

20 COUNCIL MEMBER KOZACHIK: I guess that's my question is
21 of Mr. Shenitzer then is what does that design look like if we're
22 gonna maximally restrict access into the property for southbound
23 traffic? That, that - you must have something in mind if you, if
24 you've nodded "yes" that you'll do that.

1 And the second point I would make is, is there some
2 threshold impact that the neighborhood is looking for that, that
3 would catalyze that, the need for a re-look at the 10th Street
4 cutoff. I mean this all sounds very nebulous right now. In six
5 months we're gonna do a traffic study, okay?

6 Do we have a baseline? What, what, what does that
7 traffic study need to show in order to generate this obligation
8 that we're gonna be buying into according to that condition?

9 ZONING EXAMINER: Okay. Thank you. Mr. Shenitzer?

10 MR. SHENITZER: I think right now, the design, it shows
11 the design has an inviting radius to turn right into the project.
12 So again, we would have to discuss that with engineers and the
13 City what they would allow, by squaring that off or making it
14 uninviting to turn right into the project, you would still be
15 able northbound on Leonora to make a left into the, into the
16 development.

17 The southbound wouldn't be as in- -- as inviting as it
18 is right now. I don't have all the design solutions just on the
19 top of my head without talking to architect, engineer and if
20 there is something else that could be additional to the squaring
21 it off, maybe there's something else.

22 ZONING EXAMINER: Mr. Soto, do you feel that you can
23 add something to this discussion?

24 MR. SOTO: We are willing to work with the developer as

1 far as to find a way to square that off. But, but again, like
2 Council Member Kozachik was, was saying is that we need a
3 baseline. So maybe him doing a traffic study now currently so we
4 can get the number, a good baseline. And then -

5 ZONING EXAMINER: We have a traffic study now. We do
6 have that.

7 MR. SOTO: Okay.

8 ZONING EXAMINER: Yeah. I mean if that's the baseline
9 you're referring to, we do have a current traffic study -

10 MR. SOTO: Yeah. Dated?

11 ZONING EXAMINER: - to compare it against.

12 MR. SOTO: Dated when?

13 ZONING EXAMINER: May 15th, 2014.

14 MR. SOTO: Okay.

15 ZONING EXAMINER: Yeah.

16 MR. SOTO: So then we could use that as a baseline
17 then, and then when he goes to C of O to do the other type of
18 study, then we could, whatever the neighborhood feels is a, is a
19 good number to, to look at, you know, then we could talk about
20 what other ways we can mediate the, the general area.

21 ZONING EXAMINER: Okay. Does that somewhat answer the
22 question that you had?

23 COUNCIL MEMBER KOZACHIK: (Inaudible)

24 ZONING EXAMINER: Oh. Was TUSD in session on May 15th?

1 Yes. All right. Mr. Starks.

2 MR. STARKS: I know that we're addressing just this
3 specific subject here, in addition of the, of the restaurants or
4 whatever is gonna go in there at the corner. But I keep, I keep
5 saying we're gonna have to look at the, look at the future.

6 Everything that adds onto that corner would be Hobby
7 Lobby, the facilities that are gonna go in there right now. In
8 the future, or whatever, is gonna go with those apartments - the
9 whole development of that corner is going to create more flow
10 down the street.

11 So right now, anything we can do to discourage this and
12 future traffic down Leonora, is gonna benefit us. So we have to
13 be aware of that as well, not just look at right now today.

14 ZONING EXAMINER: And, and do you feel that this helps
15 in some way that process?

16 MR. STARKS: Yeah. If we completely closes off that
17 southbound area right now, then it's gonna help future traffic
18 down Leonora, 'cause it's gonna increase and increase and
19 increase, we all know that. It's only reasonable.

20 ZONING EXAMINER: Okay. All right. Thank you.
21 Anyone else? All right. Anybody wishing to speak on any
22 relevant issue on this? All right. I, I, I'm - what I'd like to
23 do is I'd like to try to avoid the nebulous factor and, and make
24 sure that I have in my mind the condition clearly.

1 And that is that I'm - and if, Mr. Shenitzer, if you
2 could come up here one more time. The condition is to work with
3 engineering to limit southbound entrance on Leonora into the
4 development as much as possible through design. Have a median
5 that stretches down to Broadway from, across from that entrance
6 on Leonora (inaudible)

7 MR. SHENITZER: South to Broadway.

8 ZONING EXAMINER: South to Broadway.

9 MR. SHENITZER: Yeah.

10 ZONING EXAMINER: Did we talk about signage? Did you -

11 MR. SHENITZER: The signage is already on the -

12 ZONING EXAMINER: Okay.

13 MR. SHENITZER: - development plan, says Right Turn
14 Only.

15 ZONING EXAMINER: So right turn only. Would you be
16 comfortable with adding additional signage that may be helpful or
17 necessary if there is something?

18 MR. SHENITZER: Yes.

19 ZONING EXAMINER: Okay.

20 MR. SHENITZER: Yes.

21 ZONING EXAMINER: And the condition that we're gonna
22 revisit with a traffic study within six months of Certificate of
23 Occupancy to see if there's an increase of traffic that can be
24 minimized by a partial street closure.

1 MR. SHENITZER: Correct.

2 ZONING EXAMINER: Okay. If I've gotten anything there
3 wrong, somebody please try to correct me before it's - before I
4 close the hearing. So we're all in agreement that that's, that's
5 what - and did you write that down? Okay. Thank you.

6 All right. With that, I want to thank everybody.
7 This has been an interesting hearing. I, I think a very
8 productive one. I'm really reassured and, and gladdened by
9 everybody's willingness to participate and come out on a Thursday
10 night when there's beautiful sunsets outside and, and display the
11 care and concern they have for the community.

12 I know it's difficult. Not every solution pleases
13 everybody. If everybody's slightly unhappy, that's sometimes a
14 good sign as long as they're not too unhappy. So with that, once
15 again I'd like to thank everybody, and close the public hearing
16 tonight.

17 I don't think there's - I, I believe before I close it,
18 I've entered into the record all the supplemental material that
19 was presented at the beginning of the hearing today, is that
20 correct?

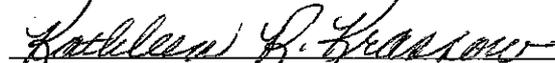
21 MS. LAURIE: Yes, that's correct.

22 ZONING EXAMINER: Okay. All right. Thank you. Thank
23 you everybody. It's been a pleasure.

24 (Case No. C9-14-03 was closed.)

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

Transcription Completed: 07/18/14



KATHLEEN R. KRASSOW - Owner
M&M Typing Service

ZONING MEMBERS PRESENT:

Linus Kafka, Zoning Examiner
Carolyn Laurie, Planning & Development Services
Delma Sanchez, City Recording Clerk

=====

1 ZONING EXAMINER: All right. Next case this evening is
2 Case No. C9-14-03 Broadway Festival-Leonora Avenue. Ms. Laurie.

3 MS. LAURIE: Thank you, Mr. Kafka. This is a request
4 by Steve Shenitzer on behalf of the property owners, Ina Road
5 Group, LLC, to rezone approximately 0.8 of an acre from R-3 high
6 density residential to C-1 neighborhood commercial to create one
7 consistent C-1 zoning designation, and allow the opportunity to
8 redevelop a 1.92-acre site.

9 The development is located on the northwest corner of
10 Broadway Boulevard and Leonora Avenue. The Broadway frontage of
11 the property is zoned C-1, but the northern portion of the parcel
12 along 10th Street is zoned R-3.

13 The Preliminary Development Plan proposes to clear the
14 existing buildings and redevelop the parcel with two new
15 buildings and associated pedestrian and vehicle circulation.
16 Building One is proposed as a drive-through for fast food
17 approximately 4350 square feet in size. Building Two proposes a
18 mix of retail and food service approximately 9100 square feet in
19 size. Both buildings will be single story with a height limit of
20 24 feet. Access to the site is proposed to be limited to one
21 ingress-egress driveway along Broadway Boulevard, and one limited

1 restricted access point on Leonora Avenue.

2 The Applicant has requested that this rezoning case be
3 reviewed concurrently with Development Plan Package DP-140064.
4 Should the rezoning request be conditionally approved, the
5 Development Package will demonstrate conformance with the Unified
6 Development Code standards, engineering standards, and all
7 associated rezoning conditions per Mayor and Council adoption of
8 the rezoning ordinance.

9 Planning & Development Services recommends approval of
10 the requested C-1 zoning, subject to the attached preliminary
11 conditions. The existing land use on the site is church
12 structures and associated parking. Zoning to the north is
13 generally well-established, single-family residences. To the
14 south is C-1 neighborhood, commercial. To the east, R-3 and C-1.
15 R-3 is high density residential, and also neighborhood
16 commercial. West of the site is zoned C-1. There have been no
17 previous rezoning cases on the site.

18 The Applicant's request to rezone approximately 0.8 of
19 an acre from R-3 high density residential to C-1 neighborhood
20 commercial to create one consistent zoning designation is
21 approved. The total site area to be developed is approximately
22 1.92 acres. The redevelopment of the parcel would allow for the
23 addition of two new buildings adjacent to the Broadway frontage
24 and associated pedestrian and vehicle circulation.

1 Land use policy direction for this area is provided by
2 Plan Tucson and the Sewell-Hudlow Neighborhood Plan. The overall
3 goals are to preserve the integrity of established neighborhoods
4 while appro- -- while allowing for appropriately located
5 redevelopment sites within the district.

6 The plan also supports efficiently designed, non-
7 residential developments that minimize the number of vehicular
8 access points, supports pedestrian circulation, and common
9 amenities such as additional landscaping and buffer walls.

10 Plan Tucson also supports the redevelopment of the site
11 which is designated as a mixed use corridor. The proposed
12 redevelopment of the site is in substantial requirements with
13 both plans. According to the Major Streets and Routes Plan,
14 Broadway Boulevard is a gateway arterial and Leonora is a local
15 street.

16 The Pima, Pima Association of Governments,
17 Transportation Planning Division, estimates that the proposed
18 development will generate 6700 vehicle trips per day. Since this
19 report was submitted, additional documentation has been provided
20 by a registered traffic engineer which states the site will
21 generate 2700 trips per day.

22 Mr. Kafka, I wanted to clarify that number for you in
23 the hearing.

24 FEMALE SPEAKER: (Inaudible) I can't hear you.

1 MS. LAURIE: I'm sorry.

2 FEMALE SPEAKER: I can't understand a word you're
3 saying.

4 (Inaudible comments from audience.)

5 ZONING EXAMINER: Wait. Hold on a second. If you're -
6 I would like to make sure that all comments are recorded, and
7 that's what I had specified at the beginning that we're making a
8 recording of the transcripts, so people who make comments from
9 the audience will not be recorded and we'll have a very weird
10 transcript. It will be one-sided.

11 So if you have some concerns, and now I understand, I
12 will say for the record that there were concerns voiced by the
13 audience about the volume and not being able to hear. So we'll
14 just make sure that the volume is higher, but I can't have
15 comments being thrown out from the audience because we'll get a
16 very inaccurate transcript in that way.

17 So, please withhold those kinds of comments. And if
18 you have a question or concern, raise your hand. I'll have
19 somebody come up to the microphone. Thank you.

20 MS. LAURIE: I apologize for my voice. Is this better?
21 Okay. Sorry. I'm going to back up just a couple of paragraphs.
22 Would that be helpful?

23 (Affirmative.)

24 MS. LAURIE: Okay. Okay. I will begin with planning

1 considerations. The proposed redevelopment of the site is in
2 substantial compliance with the existing policy guide- --
3 guidance of the Sewell Neighborhood Plan and Plan Tucson.

4 The total site area is approximately 1.92 acres. The
5 northern half of the parcel is approximately 0.8 of an acre and
6 is currently zoned R-3. The development - and is developed as a
7 church site with the main parking area frontage along Broadway
8 Boulevard, zoned C-1.

9 The proposed PDP reflects a street frontage with
10 sidewalks, landscape and is consistent with the neighbor- --
11 neighborhood plan which supports redevelopment along Broadway
12 Boulevard. According to the Major Streets and Routes Plan,
13 Broadway Boulevard is a gateway arterial and Leonora is a local
14 street.

15 The Pima County Association of Governments, and the
16 Transportation Division estimates provided state that the site
17 will generate 6700 vehicle trips per day. Since the time that
18 this report was completed, a registered engineer has completed a
19 new study on the site which, which states that this proposal will
20 generate 2700 trips per day, with the peak evening hour of 455
21 trips. Vehicle inspection of the site states that there are
22 currently no billboards.

23 Drainage and vegetation. The development process will
24 bring the parcel into compliant (sic) with cur- -- compliance

1 with current City of Tucson engineering codes, guidelines and
2 manuals for storm water detention, retention and grading. The
3 Development Plan propos- -- will also propose additional
4 landscape buffer yards and planting materials to enhance the
5 neighborhood to the north and the overall visual impacts of the
6 redevelopment.

7 Broadway Boulevard is a six-lane City-maintained
8 gateway arterial with a shared multi-use lane and pass. There's
9 a raised median to the eastbound left-turn lane into the shopping
10 center and to the east to Leonora Avenue, and there is also an
11 existing bus stop.

12 Heat island mitigation. The City of Tucson promotes
13 sustainable development mitigation for heat islands. The green
14 building principles to the City's framework for advancing
15 sustainability was adopted in 2008. Impervious surfaces such as
16 paved roadways, parking areas and rooftops contribute to the
17 increased urban heat island which has been shown to have
18 detrimental heat effects.

19 (Inaudible) The use of cool-rated materials such as
20 Energy Star Roofing and additional trees to mitigate for the
21 parking areas will assist in mitigating this problem.

22 In conclusion, the proposed redevelopment is consistent
23 with and supported by the Sewell-Hudlow Neighborhood Area Plan
24 and Plan Tucson which supports medium to high density

1 residential, low rise office and neighborhood commercial at this
2 location, subject to compliance with the attached preliminary
3 conditions. The approval of the C-1 zoning is appropriate.

4 To date, we have received two approvals and four
5 protests on the site. The protest location to the north is a, is
6 a 21.2%. The significance of this number per state law is if the
7 protest level within 150 feet of the rezoning site exceeds this
8 percentage in one area or more of the four quadrants, quadrants
9 surrounding the site, a three-fourths majority for Mayor and
10 Council is required in adopting this rezoning. Thank you, Mr.
11 Kafka.

12 ZONING EXAMINER: Thank you, Ms. Laurie. Mr.
13 Shenitzer, are you gonna be presenting?

14 MR. SHENITZER: Yes.

15 ZONING EXAMINER: Okay. Before that, I know that
16 planning language can be very specific to the planning
17 profession. We have a public hearing. Sometimes that language
18 can be somewhat confusing if you're not acclimated or familiar
19 with it.

20 What I'd like to do is actually ask Staff, let's just
21 go back, go back to basics here, and we have basically one parcel
22 with two zonings on it currently. One, the front portion, or the
23 Broadway-facing southern portion, C-1 which is a low density
24 commercial, and the rear portion, or the northern portion, an R-3

1 which is a high residen- -- high density residential.

2 Can you spell out briefly and relatively plainly what
3 could be built right now without a hearing, what the owners of
4 that property could just go in and get permitted?

5 MS. LAURIE: Yes, Mr. Kafka. The, the parcel - the
6 portion of the parcel to the north along Leonora and 10th Avenue
7 could be developed as residential, fairly high density
8 residential because of the R-3 designation. And it could be that
9 apartments could be built up to 30 feet.

10 ZONING EXAMINER: So something similar to the apartment
11 complex across Leonora -

12 MS. LAURIE: Yes. That -

13 ZONING EXAMINER: - in that density? Okay.

14 MS. LAURIE: That is correct. In keeping with that
15 thought, they could also redevelopment the portion of the C-1
16 parcel along Broadway as a restaurant, a drive-through
17 restaurant. It would not be able to support anything much larger
18 than that because the City of Tucson Zoning Code does not allow
19 parking in residential zones as an accessory to the site.

20 ZONING EXAMINER: So they'd have to have sufficient
21 parking on the southern parcel for a stand-alone restaurant?

22 MS. LAURIE: That is correct.

23 ZONING EXAMINER: Okay. So they could build a stand-
24 alone restaurant now with a drive-through if they had sufficient

1 parking?

2 MS. LAURIE: Yes.

3 ZONING EXAMINER: And that would depend on the square
4 footage of the restaurant?

5 MS. LAURIE: Yes, it would. And generally, it's one
6 parking space per 100 square feet for a drive-through restaurant.

7 ZONING EXAMINER: Okay. And then the multi-family
8 residential housing in the northern portion. Okay.

9 MS. LAURIE: Thank you.

10 ZONING EXAMINER: Thank you. It's always helpful to
11 understand what could happen right now without a public hearing.
12 And what's requested is essentially a zoning consolidation of
13 that to all C-1. And beyond that, I'll let Mr. Shenitzer
14 present. Thank you for letting me clarify that situation.

15 MR. SHENITZER: Do you want us to sign in here?

16 ZONING EXAMINER: Please. Thank you. All right. So
17 I, I have a smaller copy of that that I can refer to and maybe if
18 everybody in the audience can see that, I'll - I might have, have
19 you swing it back and forth just now and then to - if you're
20 gonna point to something so I can refer to it, but -

21 MR. SHENITZER: Yeah. My name is Steve Shenitzer and
22 I'm one of the developers along with Bill Viner for Broadway
23 Festival. Currently, we have a retail restaurant designed
24 project laid out to be - have a positive impact on the

1 neighborhood, and I'll explain this, why I'm making that
2 statement.

3 It is consistent, as you stated, with the Neighborhood
4 Plan and Plan Tucson. The freestanding, drive-through restaurant
5 on the west end provides direct access to Broadway which will be
6 our primary ingress and egress.

7 Buildings - this is a very important point, and Mr.
8 Kafka somewhat alluded to this, with the current zoning and the,
9 and the existing buildings that are there versus our proposed
10 buildings, we have allowed, because of our placement of the
11 buildings, approximately 150 to 200 foot to the buildings, and
12 the zoning code currently requires approximately 50 feet. So
13 it's, it's a huge window for the homeowners to have that goes
14 well beyond the required code of what could be built today.

15 Also, the lighting fixtures and the landscaping are
16 added benefits. The li- -- all the lighting fixtures, and I
17 submitted this to City Staff, are full cutoff fixtures. What
18 that means, it goes beyond the lighting code, all the light is
19 directed down.

20 The landscaping, and we have agreed to this landscaping
21 plan, and also to the site wall. The site wall on the southern
22 boundary, the code requires a five-foot wall. We have agreed to
23 a condition of a six-foot wall. That's what Staff requested, and
24 we've agreed to that.

1 And also the landscape plan, this is a huge, huge
2 difference. Right now, basically what you have is a two-acre
3 heat island. And I refer to it as a heat island because the City
4 is trying to get away from these heat islands.

5 And what that means is, it's almost 100% impervious,
6 just asphalt and concrete. So there'll be a dramatic change to
7 the landscape because you'll have all these areas that are
8 landscape will also harvest rain water per the code. They'll be
9 depressed so they could capture the water, and that's a
10 requirement. So the, the whole site will be dramatically changed
11 in terms of what you see there today to the positive because of
12 the nature of today's project compared to this project.

13 The Leonora exit that - back here on the, on the east
14 side, allows access to Broadway southbound, keeping neighborhood
15 traffic limited. Broadway's the primary ingress and egress. And
16 how does that happen? There's a lambchop curb right here that
17 directs traffic only to the south, and the additional signage.
18 And this was all coordinated with City Staff input in our earlier
19 meetings. This was not there on our earlier plans, but we've
20 agreed to do, do this, and we think it's a great idea.

21 Anyone that goes around this and goes north is, of
22 course, violating the law similar to anyone coming westbound
23 Broadway that goes north on Leonora is violating the law because
24 currently there's a no right turn on the, on the corner of

1 Leonora and Broadway. So that's, that's very significant.

2 So the major consideration is that the north half of
3 the property under this plan contains no buildings. So as
4 stated, and it was my understanding, and it's not a major item,
5 that R-3 allows 40-foot high apartment buildings and maybe 30.
6 I, I was under the understanding it was 40, but that's somewhat
7 of a moot point.

8 So what you would have today without any public
9 hearings, without any neighborhood input, just following the
10 building code and, of course, the landscape requirements, you
11 could have a building right in this area, a large building of two
12 or three story apartments.

13 And in addition to that, today, without doing anything,
14 just going right into the Building Department, pulling a permit,
15 and our architect (inaudible) this out, that we would be able to
16 put a drive-through restaurant of approximately this size on this
17 site as it stands today.

18 So we've elected, and we think it's tremendous for the
19 neighborhood, is to produce and create really this huge buffer
20 between the buildings and the homes. And by doing so, the City
21 requires that if you take a building and put (inaudible) here and
22 create a restaurant retail building here, you must provide the
23 parking on-site under the same zone. So this zone is R-3, this
24 is C-1, it has to be consistent according to the current code.

1 So that's what we're, that's the reason for this whole
2 process. It's not to just build a restaurant, or build a retail
3 building. The process has to be consistent with the code.

4 Also, we, at this time, we have some preliminary
5 elevations. They're, they're compatible with the properties in
6 the - to the, to the west and we've developed these elevations in
7 concert with all the regulations from the City of Tucson. And in
8 doing so, they're very preliminary and conceptual at this time.
9 We do not have any leases signed or any particular tenants.
10 Otherwise, I'd be happy to tell you that because we would be
11 excited about it.

12 But generally speaking, the freestanding, the retail
13 restaurant building that you saw on the site plan, the larger
14 building, would consist of multi-tenant shops. It's possible
15 that there could be one user that takes the whole complex, we
16 don't know that. But this is our preliminary concept.

17 Of course, we'll continue to fine-tune it and create
18 something that we think is attractive. It's to the benefit of
19 Tucson, it's to the benefit of us to make it attractive. Of
20 course, we want to get a lease. And if it's not, we're just
21 hurting ourselves. So that's the direction we're heading in in
22 terms of, of the elevations.

23 Also in - as Carolyn stated, our traffic report that we
24 submitted to the City showed a considerable amount of traffic

1 reduction compared to the general overall numbers that were
2 stated by Staff. So - and the City currently has that report and
3 they'll be reviewing it.

4 ZONING EXAMINER: You mean the PAG numbers?

5 MR. SHENITZER: Yes.

6 ZONING EXAMINER: Okay.

7 MR. SHENITZER: Yeah. Thank you for providing that.

8 Also, there's, there's a lot of other conditions that
9 we've agreed to, including, and this is a costly provision,
10 there's been years and years, not from us, but of deferred
11 maintenance on this, on this portion of Leonora.

12 So from Broadway to 10th Street, under one of the
13 conditions, we're gonna be required as part of our development to
14 chip and seal that, and make it a better condition road. So
15 we've agreed to do that.

16 And currently, and all of the people that live in the
17 neighborhood of course know this, but for the benefit of the
18 record, as you go northbound on Leonora, there's roundabouts at
19 10th, 8th, Holmes and 6th Street that currently exist. So to
20 drive through the neighborhood just to get somewhere else is not
21 the best option.

22 We, we anticipate, and we are keying our whole
23 development to the Broadway corridor. And that's where we're
24 directing our main drive and the drive-through and also the

1 circulation.

2 The circulation required from - that was suggested by
3 Staff, Fire Department, others, were to have the circulation
4 through Leonora and Broadway for safety reasons, and for not only
5 safety reasons on Broadway, but safety reasons within our own
6 site. So that's what we elected to do.

7 And I'll, I'll, I'll turn this over to Bill Viner.
8 He'll touch on some of the community benefits. But I think the,
9 the thing to take away from this really is an understanding of
10 what you have there now. It's not new, the high density R-3
11 zoning. It's been there for years and years. The C-1 has been
12 here for years and years, and the C-1 of course extends to the
13 east, the east properties east of Leonora.

14 So I think it's been a tremendous benefit to the
15 neighborhood that we're going through this process of rezoning
16 because otherwise, coming to the site and building a restaurant,
17 or whatever type of retail building we would like on this site
18 and another use office, apartments, whatever's allowed under R-3,
19 the neighborhood would have virtually no input, very little
20 input. I shouldn't say "no". And, and the structures could be,
21 be - they could be built under the current code. Thank you.

22 MR. VINER: Good evening. My name is Bill Viner and
23 I'm one of the developers of Broadway Festival. Broadway is
24 Tucson's main east/west corridor with over 50,000 cars per day.

1 Over the last few years there's been a resurgence in commercial
2 activity to upgrade and enhance the buildings that front
3 Broadway.

4 Specifically, the area from Craycroft to Wilmot is
5 undergoing significant changes and will bring value to the
6 adjoining neighborhoods. Hobby Lobby, Steinmart, Potbelly
7 Restaurant, Vitamin City, Mattress Firms and others have opened
8 on the property that immediately adjoins our proposed
9 development. A new restaurant, Longhorn Steakhouse, has been
10 built one block east of our property.

11 The southeast and northeast corners of Wilmot and
12 Broadway are also in the process of being redeveloped. These are
13 positive changes that will continue to enhance our city.
14 Broadway Festival will continue this favorable trend with a
15 stylish, architecturally pleasing development.

16 Moreover, the project will create construction jobs for
17 our community and permanent employment with the new merchants.
18 The property tax base will be dramatically increased to boost
19 school funding, roads and more. Plus there will be ongoing sales
20 tax revenue, permits and fees for the City of Tucson.

21 As Steve mentioned earlier, the property is currently
22 zoned for both intense apartments and commercial buildings. We
23 feel our proposal to rezone for commercial use is best for the
24 neighborhood and the community. Thank you.

1 ZONING EXAMINER: Thank you. Is there anybody else who
2 wishes to speak in favor of the application? Anyone wishing to
3 speak in opposition to the application? Sir. And while you're
4 signing in there, forgive the interruption, but I noticed a few
5 people came in after I swore everybody in at the same time.

6 Because we're taking testimony, if you do wish to speak
7 and you came in without having been sworn in, just remind me when
8 you come up and I'll just swear you in individually. Thank you.
9 Sorry, sir.

10 MR. STEINMANN: My name is Robert Steinmann. I live at
11 5625 East 8th Street. That is the corner of 8th and Leonora. As
12 a resident, and in speaking with other residents, we don't have
13 opposition to this development necessarily. Our primary focus is
14 traffic on Leonora.

15 We do realize that they, the developers, have planned
16 for righthand turn southbound only. However, our issue is cars
17 cutting through our neighborhood going south to get to the
18 development and being able to turn directly in.

19 Currently, as, as the church was, in effect, Sunday
20 morning services, we could count on an extra 20 to 30 cars
21 driving by our house in the, in the half hour or so before
22 services. If you times that now times a, a development that can
23 go 12-plus hours a day, that is drive-through heavy, that's
24 certainly gonna add more traffic to our area.

1 If this development could be done to where southbound
2 traffic through our neighborhood was not allowed, it would be a
3 definite plus for us as well as the developers. As far as the
4 roundabouts go through the neighborhood, these are not severe
5 roundabouts like you see in some areas. They're more decorative.

6 Cars do not have to veer off the, the path of, of
7 southbound traffic to go around these. And, in fact, as, as
8 somebody who lives on the corner, I would say a good 10% of the
9 cars that go by run the stop signs anyway. So we have real
10 concerns with adding anymore traffic.

11 It's human nature to use these streets as a cut-
12 through. Other residents from our neighborhoods in the area are
13 gonna want to use our neighborhood. Employees who want to
14 circumvent having to do the, the busy hours, rush hour Broadway
15 traffic to get to work are gonna use our area. We just don't
16 want to be a relief valve for traffic. Thank you.

17 ZONING EXAMINER: Thank you, sir. Mr. Steinmann, I
18 just want to make sure that I understand the concerns.
19 Specifically it's you're worried about southbound traffic coming
20 through the neighborhood to get to this location?

21 MR. STEINMANN: Correct. Using - traffic that would be
22 using 5th Street wants to cut over to Broadway to get to this
23 development.

24 ZONING EXAMINER: Okay.

1 MR. STEINMANN: Or cars going down Craycroft who will
2 cut down Holmes or 8th Street over to Leonora.

3 ZONING EXAMINER: And then come around. Okay.

4 MR. STEINMANN: Correct.

5 ZONING EXAMINER: Thank you.

6 MR. STEINMANN: Thank you.

7 ZONING EXAMINER: I saw another hand raised when I
8 asked - sir, yes.

9 MR. STARKS: My name is Mitchell Starks. I live on the
10 corner, 5636 East 7th Street, which is on the corner of 7th
11 Street and Leonora.

12 I won't go over all the things that Bob said because I
13 agree with most of them. We don't - I don't think most the
14 people mind the zoning change. Certainly Tucson needs upgrading,
15 and so it would, it would definitely help the area to have
16 something there besides the apartments or the church that we have
17 there currently.

18 But I'm in agreement with, with Bob, and I think the
19 rest of the neighborhood. We don't want people cutting through
20 there from 5th Street over to Broadway, or vice versa. Now I, I
21 have questioned the numbers of a count going through there now.

22 If you go in there in holiday times, people cutting
23 across currently from Broadway and all the shopping centers they
24 have there, it's tremendously more than the number that they

1 count at this point.

2 I think that there should be some type of barriers
3 behind the proposed commercial areas so that cars cannot go down
4 Leonora, or can't come up Leonora. They have to go through
5 Broadway, and that would prevent any traffic. It's an old
6 established neighborhood. People walk all the time down Leonora
7 with their dogs. I do, myself.

8 It's an older neighborhood, a lot of elderly people
9 there. And it's - as bad as it is, people don't stop, as Bob
10 said, for the, for the stop signs at this point.

11 Another point the gentleman here mentioned the fact
12 they were gonna upgrade Leonora, chip seal. That's something we
13 don't need in Tucson anymore is more chip seal. That's all we've
14 got in this town is chip seal, and I think everybody is sick of
15 the roadways that we have in Tucson at this point.

16 Leonora at this point does not have any curbs.
17 Continually the street is being eroded away, away, and away. So
18 you're not gonna have a street anymore if it keeps up this way.
19 If they're gonna do anything, that street needs to be made proper
20 with curbs, make it look presentable.

21 I had a case five months ago. I called the City out
22 because we had potholes, tremendous amount of potholes at the
23 corner of my street, 7th Street and Leonora. Took them five
24 months to get out there. They had a work order to fix one

1 pothole. So we went out and talked with them, and they did wind
2 up fixing more of them.

3 But they fixed that, and that's it. They go down the
4 street, they can come across a pothole, they don't fix it because
5 they don't have a work order to do that. So they go somewhere
6 else. So it certainly needs an upgrade. We don't mind that, but
7 we do not want traffic coming down Leonora. And I think the
8 street should be upgraded as it is anyway. Thank you.

9 ZONING EXAMINER: Sir, let me, let me just ask you to
10 spell your name out for me so I have it in my notes.

11 MR. STARKS: Mitchell Starks, S-T-A-R-K-S.

12 ZONING EXAMINER: That's what I thought. Okay. Now
13 I have another question. What's your - you live in the
14 neighborhood and I - and if Mr. Steinmann wants to weigh in on
15 this, I'll call him back up. But what's your experience of
16 people who live in the neighborhood accessing their homes from
17 Leonora?

18 So if there is a, if there's some traffic blocking of
19 Leonora, would that stop people who want to legitimately go to
20 their homes in the neighborhood from getting through from
21 Broadway, and would that pose a problem?

22 MR. STARKS: Oh, I don't believe so. Coming from the
23 malls, they would have to go down - if they came from the malls
24 from Park Mall, they have to go down to, to Craycroft and go

1 over, and then go down Burns or 8th Street or one of the other
2 streets that cross over to Leonora. And, of course, they can
3 come up 5th Street as well.

4 To the east, there's Chantilly, if they can get on that
5 and come up any street they want to. It will prevent, and I, I,
6 I agree that sometimes it's convenient to go down Leonora to
7 Broadway and make a right turn rather than have to go down one of
8 the other streets and go across traffic on Craycroft, or go down
9 to 5th Street and go to the red light at Craycroft and 5th, and
10 then go whatever direction you want.

11 But I, I think - then with the people there prefer they
12 don't have any traffic coming up Leonora because they're out
13 there, you know, it's an old neighborhood. They're walking their
14 dogs in the evenings and the mornings. And there's enough
15 traffic on there as it is already.

16 I mean sometimes you're - and they're not going the
17 speed limit, and you're dodging trucks and vehicles and garbage
18 trucks and UPS trucks, and people cutting across from 5th to
19 Broadway and back and forth.

20 ZONING EXAMINER: Okay. Thank you. And, Mr.
21 Steinmann, does that pretty much sum up what you would say on
22 that or you want to -

23 MR. STEINMANN: I, I, I agree with that. There's a lot
24 of controversy amongst neighbors as to whether we could just seal

1 Leonora off altogether or not. Personally, I wish we could, but
2 I don't know if that's feasible or not. But at the very least,
3 making it so that there's no access to this new development off
4 of Leonora.

5 Or closing southbound Leonora traffic off, and leaving
6 the northbound open for emergency vehicles or whatnot. But at
7 the very least, we cannot have access to the new development with
8 cars coming through. The neighborhood just can't handle the
9 extra traffic.

10 ZONING EXAMINER: Okay. Thank you. Other people
11 wishing to - ma'am? Yeah.

12 MS. STEGER: I haven't been sworn in.

13 ZONING EXAMINER: You have not been sworn in?

14 MS. STEGER: No.

15 ZONING EXAMINER: Okay. Do you swear or affirm to tell
16 the truth, the whole truth, and nothing but the truth?

17 MS. STEGER: I certainly do.

18 ZONING EXAMINER: Thank you. And if - have an
19 opportunity to sign in right there.

20 MS. STEGER: My name is Judith Steger. I live at 5714
21 East 7th Street. I'm kind of right in the middle of the
22 development, but in the past several years, there has been so
23 much extra traffic, extra crime, extra everything in our
24 neighborhood. We have a lot of senior citizens. A lot of them -

1 it's too late for them to come out tonight. I have a husband
2 that's one of them who's handicapped, and he wanted to come.

3 This has, this has been going around the neighborhood.
4 We - I wouldn't mind having a restaurant like the new one that was
5 built, but in the one-mile area, you can count five or six fast
6 food restaurants with turnabouts and out (sic). I would rather
7 see just a restaurant.

8 The smells, fast food, who goes to fast food late at
9 night? Teenagers or people with nothing to do. A restaurant
10 would be a little more stable with people that would go sit down,
11 have a restaurant (sic), and at a certain time it would close.
12 It wouldn't be open 24/7.

13 As to the roadways, I feel like I don't mind being
14 inconvenienced. Going around to Craycroft. Going around to 5th
15 Street, or going around down Wilmot or whatever so that we have
16 less traffic in our neighborhood because we do have a lot of kids
17 there now. It's changing over, but they're right. Everybody
18 goes out and walks their dog, or just goes out and walks at
19 night, early in the morning, and extra traffic is just not what
20 we need.

21 We also - and as to getting into Leonora, getting into
22 Leonora from Broadway, you can't anyway unless you're making -
23 going east. That's the only way you can get into it. If they
24 closed it off, that would not hurt anybody at all. They still

1 have Chantilly, but there's also a school down there.

2 And last night I came home from the grocery store and
3 came down going westbound to turn onto Chantilly, and the light
4 for the mall changed. And here comes cars just flipping right
5 across. It says you had to turn. So just the sign saying you
6 cannot go this way does not deter anybody. That's all I have to
7 say.

8 ZONING EXAMINER: Thank you. And, ma'am, with the
9 sunglasses (inaudible)

10 MS. LEED: I just wanted to -

11 ZONING EXAMINER: Let me get your name for the record.

12 MS. LEED: My name is Alisa Leed.

13 ZONING EXAMINER: If you could sign in there.

14 MS. LEED: I did.

15 ZONING EXAMINER: Oh, great.

16 MS. LEED: Okay. I just wanted to reiterate that we
17 have a lot of elderly people in the neighborhood, but we also
18 have a lot of young people with kids moving into the
19 neighborhood. And the reason that my husband and I bought in the
20 neighborhood is we went down the street and there were kids
21 actually playing in the street, which is really, really rare.

22 And Leonora is our quietest street to walk your
23 children on. Chantilly is much too busy because we have high
24 traffic. So I'm just really concerned about the traffic, and I'm

1 concerned about our senior citizens, and I'm concerned about the
2 children in our neighborhood a lot. So that's pretty much -

3 FEMALE SPEAKER: (Inaudible)

4 MS. LEED: Yeah. And it's, it's an old-fashioned nice
5 neighborhood. People walk. They - we like the development, it
6 sounds pretty nice. It's - the traffic is gonna be kind of a
7 killer, so anyway there's my two pieces.

8 ZONING EXAMINER: Thank you.

9 MS. NAPOLI: Hi. Michelle Napoli. I haven't been
10 sworn in yet myself.

11 ZONING EXAMINER: Okay. Let me get the spelling of
12 your last name and then -

13 MS. NAPOLI: It's N-A- -

14 ZONING EXAMINER: N -

15 MS. NAPOLI: P-O-L-I.

16 ZONING EXAMINER: P-O-L-I. Okay. And then if you
17 could raise your right hand once you've sworn (sic) in. Do you
18 swear or affirm to tell the truth, the whole truth, and nothing
19 but the truth?

20 MS. NAPOLI: I do.

21 ZONING EXAMINER: Thank you.

22 MS. NAPOLI: So I've lived in my home for about 18
23 years. I'm actually over behind the Best Buy area on Wendrew, so
24 I was involved with a lot of the discussions that took place when

1 Park Mall made all their changes and how the traffic flow was
2 such a big issue at that time.

3 And as a result, a lot of our streets have changed so
4 that we can't use them freely. There's a lot of traffic that
5 does go down Chantilly, and I'm wondering whether some of the
6 discussions that are taking place with Leonora, whether that's
7 gonna push additional traffic over onto Chantilly also.

8 And actually I'm a little surprised that we don't have
9 a little bit larger turnout with as large a issue this is. But
10 here's my question if I'm - am I able to ask a question at this
11 hearing? Is it okay?

12 ZONING EXAMINER: You can ask a question. I can't
13 promise an answer. If you ask - if you have a question for the
14 developer -

15 MS. NAPOLI: For the developer, please.

16 ZONING EXAMINER: - then ask me, and then I will ask
17 him. I'll call him back and ask that question after other people
18 have testified.

19 MS. NAPOLI: Okay. Well, obviously, traffic is our
20 biggest concern. I personally am not very interested in Leonora
21 being shut down. But I am concerned about the traffic flow. And
22 I guess my question, my main question is, how are we going -
23 traffic that's coming out of this development, how are we gonna
24 encourage it, the traffic, to actually go right? Is it just

1 gonna be a sign that says Right Turn Only? How are we going to
2 slow people down from going left, because I think they would
3 normally just decide which way they want to go and, and leave.

4 My proposal would be that this development should have
5 to exit and entran- -- and have an entrance just off of Broadway
6 and not Leonora. I'm not exactly sure how that will slow traffic
7 from 5th coming up to the development because they would still
8 just come up Leonora and take a right on Broadway and then go
9 into the development, but it might help it. But how are we gonna
10 stop people leaving the establishment from not going south, going
11 north?

12 ZONING EXAMINER: Okay. I will have that question
13 asked and, I'm certain, addressed. Ma'am.

14 MS. STARKS: My name is Rosalie Starks. I live at 5636
15 East 7th Street. I have one question. I agree with everyone
16 that's been speaking up here tonight. I attended the meeting
17 that was at the church one afternoon, and there were a lot more
18 people from the neighborhood there.

19 Basically I think because they're elderly, it's harder
20 to find places to come to park downtown, or you would have had a
21 larger turnout because there were a lot of people there that
22 expressed concern.

23 One of the concerns that has stuck in my mind, as well
24 as a lot of other things, where are the delivery trucks going to

1 be coming into that property from? The delivery trucks to the
2 restaurants, the pizza parlors, the coffee shops. Will they be
3 coming in off of busy Broadway, or will they be coming off of 5th
4 Street down Leonora and into the little T-bone?

5 I also agree with the people in the neighborhood. See
6 a lot more traffic in the months of November and December and
7 January. If the survey for a hundred cars a day or whatever it
8 was, because I couldn't understand it, if you come and do the
9 survey at a very busy time of the year, your numbers would
10 probably jump considerably because Leonora is the crossroad off
11 of 5th Street to Broadway to the mall and to now the restaurants
12 and the coffee shops and whatever else is going to go in there.

13 So do your survey when the traffic is represented of
14 the neighborhood, not when it's convenient for the builders.
15 That's all I have to say.

16 ZONING EXAMINER: Thank you. Anybody else? Yes.

17 MS. FLORES: Hi. My name Lisa Davis Flores. I reside
18 at the, the home right on the corner, 5625 East 10th Street. So
19 that property will be right in front of us.

20 A couple - I had a question for the developer. He had
21 mentioned the lighting for that development, and I have just the
22 question of he had mentioned a low light so it went downward into
23 the property. I know that's a example, the Longhorn Steakhouse,
24 their lighting is very bright, it's very bold. But I know they

1 had mentioned it at that meeting as well. So I wanted some
2 clarification if it was more like their lighting versus the Hobby
3 Lobby, which is very low density lighting.

4 The other concern, a lot of their neighborhood is
5 concerned about the Leonora Drive that they're able to not turn
6 right. I, I agree with you. I - it's gonna be a challenge, I
7 can see it happening, but I really am not in favor of the closure
8 of that corner.

9 The main reason is I see the amount of traffic that
10 comes through. I know it's much busier during the holiday
11 season. I understand all of that, but my big concern are all of
12 the fire trucks, all of the TPD, everyone that comes through
13 there. Also two houses to the west of us is a senior care home.
14 They need some - I know they have a back roundabout way to get in
15 there.

16 However, it's gonna be challenging for those
17 individuals to get through. I'm not really a big fan of that
18 closure. However, I do get it. So I don't know what could
19 possibly, you know, other ideas come about to reduce the amount
20 of traffic that goes through. Okay, that's all I have.

21 ZONING EXAMINER: All right. Thank you. Anyone else?
22 Ma'am.

23 MS. FISHER: I've not been sworn yet.

24 ZONING EXAMINER: Okay. I'll, I'll have you sign in

1 right there and then I'll swear you in. Raise your right hand.
2 Do you swear or affirm to tell the truth, the whole truth, and
3 nothing but the truth?

4 MS. FISHER: I do.

5 ZONING EXAMINER: Thank you.

6 MS. FISHER: My name's Carole Higuera Fisher, and I
7 live at 5626 East 6th Street. I agree with all of my neighbors.
8 I'm very pro-business, but I also -

9 ZONING EXAMINER: Wait, wait, wait. Just speak to me.

10 MS. FISHER: I'm very pro-neighborhood preservation.
11 Their entrance and egress on Leonora only benefits one person, or
12 one business. It doesn't do anything for our neighborhood. It
13 doesn't enhance us. So therefore, I don't want to reiterate
14 everything that everybody behind me said other than the fact I
15 don't think that they should have any access onto Leonora.
16 And that's all I wanted to say.

17 ZONING EXAMINER: Okay. Thank you.

18 MS. FISHER: Uh-huh.

19 ZONING EXAMINER: Anyone else? All right. Oh, you
20 want to speak again? Oh, thank you. Come on up. And is it
21 Rosalie Starks?

22 MS. STARKS: Yes. There's a similar situation by that
23 Target area into that neighborhood, and they put up portable
24 poles because they were getting a lot - I have a daughter-in-law

1 that lives there. They were getting a lot of traffic going
2 through Burns Street and Holmes going that back way, and going
3 right into the back lot, the little T-bone into Target.

4 And they put portable poles up there, the City did.
5 So when emergency vehicles come down and have to get into that
6 neighborhood off of, behind Target, they take out those poles and
7 all emergency vehicles can drive right over them.

8 ZONING EXAMINER: Thank you. Anyone else? All right.
9 So I hear a lot of concern about traffic, and the issue of
10 whether there's a design solution to that traffic or not. So
11 perhaps we can start there and either Mr. Shenitzer or Mr. Viner,
12 we can talk a little bit about those concerns and considerations.

13 MR. SHENITZER: Again, I don't have all the answers on
14 traffic, but I could try to address some of the questions anyway.
15 I think there was an individual that asked when you leave the
16 complex on Leonora how, why will you be able to only make a right
17 turn? You could go left.

18 At that point, there's signage, but in addition to
19 that, there's a raised curb and what they call a lamb- --
20 lambchop shape. It's very significant. So to violate that is a
21 violation of the law because of the signage and the way the curb
22 design. But it takes you directly to Broadway.

23 So that was the, that was the intent of this. And to
24 allow this circulation again for safety, for movement on the

1 property, the Leonora and the Broadway access was part of this
2 development, and actually our original meetings with Staff, they
3 agreed, except they asked us to mitigate it in that fashion that
4 we actually have on this plan now.

5 Our primary interest is directing everyone to Broadway.
6 When people come in, they come in on Broadway. Of course they
7 could go out either way, but they're not to go north on Leonora.
8 I'm not saying we're gonna prevent people from violating the law
9 because as many of you mentioned, and I've been out there and
10 I've watched people.

11 I've watched many people in the neighborhood - in fact,
12 I stood there for over an hour, make right turns and watched
13 where they went. They went into their home. So it's not only
14 outsiders, it's people that live in the neighborhood are
15 violating that, too.

16 And also there's other businesses that will contribute
17 to this, not just ours of course whenever this is further,
18 further developed to the east of us, and of course, the new
19 developments that just went in.

20 Another individual asked about the lighting, and that's
21 a valid question, and a good question. And we did submit to, to
22 Staff and it was part of the conditions. It's not just, you
23 know, try to keep the light down. It calls for full cutoff wall
24 packs as well as the lights. So when I say wall packs, building

1 lights. They can't be just be building lights, they have to be
2 full cutoff of this nature.

3 We have to submit this with our building plan. And
4 this is what will be inspected on the building, we can't put any
5 type of lights we want. And then the parking lot lights also
6 have to be full cut off. So they're rated that way and those are
7 the ones that we'll purchase for the parking lot. So -

8 ZONING EXAMINER: Let, let me -

9 MR. SHENITZER: Sure. Did you get -

10 ZONING EXAMINER: - pause right there.

11 MR. SHENITZER: Did you get cut sheets of this? I
12 submitted it.

13 ZONING EXAMINER: I don't -

14 MR. SHENITZER: Do you want these?

15 ZONING EXAMINER: Sure. Yeah. But now, but my
16 question is to put this in, in English for laypeople. The, the
17 question is that was phrased, and we can deal with the lighting
18 quickly, I think, was in comparison of Longhorn versus Hobby
19 Lobby.

20 MR. SHENITZER: It would be more like Hobby Lobby.

21 ZONING EXAMINER: Okay.

22 MR. SHENITZER: So all the lights directed down, not
23 necessarily that style, but it has to be a full cutoff light.
24 It can't be a partial or a directed light. And you won't have

1 the ability - on many lighting fixtures you have the ability to
2 turn and direct the light and you won't have those adjustable
3 shields on full cutoff. It's not manufactured that way, so -

4 ZONING EXAMINER: Okay.

5 MR. SHENITZER: And then someone asked the question
6 about the chip seal. That was not coming from our side, that was
7 directly from Staff and requiring that chip seal. But in
8 addition to that, and I don't know if you could see it from here,
9 we have to put a full poured curb and sidewalk, a Code ADA
10 sidewalk the full length of the property.

11 So it's, it's very extensive and costly, but we've
12 agreed to do that. And of course upgrade the sidewalk on
13 Broadway where it's needed. But, so as far as the concern and
14 the integrity of that portion of the street, it will definitely
15 be upgraded from what it is today significantly. So that
16 addresses that concern and that's part of the plan. We can't
17 skirt around that. Were there other -

18 ZONING EXAMINER: Well, I'd like to get back to the,
19 the access, the, the, the entrances, the egress. Let me, let me
20 ask you about the access, potential for access through the owners
21 of the Hobby Lobby parcel to have circulation through that
22 parking area which seems to be, to me, mutually beneficial to
23 everybody - the neighbors, businesses on that site, and the
24 business proposed for this site. Was there any potential for

1 that to happen?

2 MR. SHENITZER: Well, we agree with that concept. And
3 in fact, we went to them early on, and then actually on three
4 occasions. And we proposed, I don't know maybe turn that so
5 (inaudible) We proposed access right here, and it's noted on
6 this plan access, Staff said if that wasn't in place, then we
7 can't show it on the plan.

8 And we've gone back to them a third time as well as the
9 real estate brokers have gone back to them. They have a good
10 relationship with them from the other development. And we
11 haven't - they haven't agreed, or even entertained the offer at
12 this time. They've talked to us about it. They, they've talked
13 to us at length about it, and they have other issues.

14 They're not necessarily opposed to that, but they have
15 tenant issues that require certain things. And whether they're
16 willing to go back, and we've asked them, but we haven't got
17 anything in a positive direction that they will allow that. And
18 (inaudible)

19 ZONING EXAMINER: Is that more about competition,
20 business competition or -

21 MR. SHENITZER: No. I think it's - gets into all the
22 legalities of these major, major tenants, Steinmart, Hobby Lobby,
23 and going back all through their legal staff to change the
24 configuration of their parking lot by two or three spaces.

1 ZONING EXAMINER: There may be a lease -

2 MR. SHENITZER: It seems like -

3 ZONING EXAMINER: - provision that they have.

4 MR. SHENITZER: Yeah. It is, it is in the lease, yeah.

5 ZONING EXAMINER: Okay.

6 MR. SHENITZER: This is what they're telling us, and
7 they're, they're very big time developers, and they've been very
8 cordial in talking about it. They haven't just said - they've
9 had lengthy, we've had lengthy conversations about it, and
10 including the relationship with the broker in the conversation,
11 too. But so far we have not made any progress, and they have not
12 acquiesced to our position at all. But we would love that.

13 ZONING EXAMINER: So here it - on, on the site plan,
14 it, I think it notes optional future connection. Is there
15 anything on this site plan that would prevent or inhibit
16 circulation should a future connection be made available, should
17 those talks be successful?

18 MR. SHENITZER: I don't think so.

19 ZONING EXAMINER: There wouldn't be a problem -

20 MR. SHENITZER: No.

21 ZONING EXAMINER: - posed by that?

22 MR. SHENITZER: In fact, we designed it that way -

23 ZONING EXAMINER: Okay.

24 MR. SHENITZER: - intentionally, so we would, we would

1 definitely entertain that.

2 ZONING EXAMINER: And I think the condition, I'm trying
3 to remember the number of the condition now. It's on revisiting
4 traffic a year after the (inaudible) to see if some other
5 solution to mitigate impact -

6 MR. SHENITZER: It's at 26.

7 ZONING EXAMINER: - to be found. Yeah, 26. Thank you.
8 So Condition 26 says developer shall provide an addendum to the
9 traffic impact statement completed by Matthew Engineering dated
10 May 15th, 2014. It's the one I have in, in the record in the
11 file documenting traffic volume there, and then basically doing
12 it again after a year and seeing if the traffic flow is
13 significantly different, which is the fundamental fear here, that
14 the traffic -

15 MR. SHENITZER: Right.

16 ZONING EXAMINER: - flow will be fundamentally
17 different.

18 MR. SHENITZER: Right.

19 ZONING EXAMINER: And then at that time, working with
20 the neighborhood to locate a reasonable solution to mitigate the
21 impact. And, and you've agreed to that condition, 'cause I
22 understand it. But I think that that is extremely helpful, but
23 it does - it begs the question about what design could be used
24 now to, to - I think Ms. Napoli, was it? Is she still here?

1 MR. SHENITZER: And I think that's what we did in
2 addressing the - with the signage and the lambch- -- lambchop
3 curb. And also relate it to any properties to the east of us, I
4 mean, whether it's, it's traffic from our development, or the
5 next development, or the fourth one, I think it's the whole area
6 impacts Leonora, not just our development.

7 And as many of them stated, and they live there and
8 they know that the other ar- -- other businesses and developments
9 in that area definitely impact it. Again, if, if, if it was
10 built per the existing code, the C-1 and the R-3, then the
11 restrictions would not exist to that extent and they would have
12 tremendous amount of traffic activity.

13 So to me, this is a much better scenario than what
14 exists now. There's a, there's a big difference in that respect.
15 And that has to be considered because of, of that's - those are
16 the facts on this particular piece of property. It's not an R-1
17 piece of property that's going to commercial.

18 ZONING EXAMINER: Yeah. So we have that alternative.
19 The alternative is if, if not this, then R-3 with whatever's
20 allowed (inaudible)

21 MR. SHENITZER: Or the C-1 being developed in a retail
22 or restaurant.

23 ZONING EXAMINER: Well, let's talk about what, what the
24 best case scenario for this proposal would be in terms of design

1 and traffic issues, and go through some of those alternatives.
2 Some of the folks had suggested no access from Leonora, so let's
3 unpack that.

4 MR. SHENITZER: That really doesn't work for this
5 development in the way layout of the buildings are, and the
6 safety and the circulation and the architect, we went over that
7 with our engineers. So it just hasn't worked in this
8 development.

9 The City requires so many parking spaces for these
10 buildings, and you have to be able to handle that. And we can't
11 - we have to abide by the code in terms of the numbers, and
12 that's what we're showing on the plan because this parking
13 configuration does meet code and it meets all the circulation
14 requirements whether it's for the garbage trucks or the fire
15 trucks, and the turnarounds and the loading zone requirement and
16 the backups and going in and out. Whatever's required we had to
17 meet.

18 Others had talked about, and I don't know. There's
19 some people want it closed off at 10th Street and some people
20 don't, so, you know. And then people - that would actually
21 relate to what their - a couple of individuals were talking
22 about, about the southbound traffic from 5th to this area. So,
23 but I don't have a solution to that, I mean if, if that's the
24 neighborhood's desire.

1 ZONING EXAMINER: Let's, let's -

2 MR. SHENITZER: We -

3 ZONING EXAMINER: - let's defer on that point -

4 MR. SHENITZER: Okay.

5 ZONING EXAMINER: - for a moment.

6 MR. SHENITZER: But back to the first one -

7 ZONING EXAMINER: Try to get the low hanging fruit out
8 of the way and then -

9 MR. SHENITZER: Yeah.

10 ZONING EXAMINER: But, but that configuration wouldn't
11 work with no access on Leonora. What's, what about if there's no
12 access on Leonora but two access points on Broadway? Is there a
13 way to reconfigure?

14 MR. SHENITZER: We tried that and the City Staff and
15 the concern was with any of these drive-throughs, and you can see
16 how we've designed this way, way beyond the - is it four for the
17 Code? Four in terms of stacking vehicles, we're up to like 13.
18 That doesn't meant there'll be 13 vehicles, but they want to make
19 sure there's no overflow in any direction onto -

20 ZONING EXAMINER: Onto Broadway, I would -

21 MR. SHENITZER: - or anywhere, yeah.

22 ZONING EXAMINER: (Inaudible)

23 MR. SHENITZER: So we've designed that in order to
24 accommodate all these items, that's the circulation that we tried

1 to design and we - it was, it was tight to accommodate what
2 we're, what we're talking about based on all the City
3 requirements. And so that's what, what, what we've done.

4 This entire development in terms of the landscaping,
5 the parking, the stacking for the drive-through exceeds the code,
6 the perimeter wall six foot instead of five foot. Everything is
7 beyond, way, way beyond the code requirements. There's other
8 things, too, that I just can't recall. But everything is beyond
9 what's required, if, if it was just any - I don't mean just here
10 (inaudible) anywhere.

11 ZONING EXAMINER: Let's, let's look at that porkchop.

12 MR. SHENITZER: Yeah.

13 ZONING EXAMINER: And does everybody know what we're
14 referring to when we say "porkchop"?

15 MALE SPEAKER: It's, it's this -

16 ZONING EXAMINER: Yeah, the -

17 MALE SPEAKER: It's the curb.

18 (Inaudible conversation.)

19 MR. SHENITZER: Sorry.

20 ZONING EXAMINER: So it's - right across from that
21 porkchop there's, it's very difficult to discern where the
22 boundary of the street is and the, the parking for the Broad- --
23 I guess they're called the Broadway Apartments, because they park
24 right off-street. And if there's no cars there, it's, it's

1 pretty easy to come out of the porkchop and just swing around to
2 the north as, as it'd be configured. I know that you -

3 MR. SHENITZER: Well, -

4 ZONING EXAMINER: - could do that now.

5 MR. SHENITZER: - when we, when we talked to the Staff,
6 there were two types of designs, and they wanted us to put, which
7 our architect did, the more severe curb design. And of course -
8 so it directs them to Broadway. But I can't dispute that someone
9 can't drive around it and, and whether that will happen or not.

10 But if, if they're looking, if the Staff or the City
11 engineers have a different design for that curb, and the curbing,
12 and making it even more severe, we're not opposed to that because
13 we actually want all the traffic to go to Broadway, too. We
14 don't want, you know, it going through the neighborhood and
15 complaints and (inaudible)

16 ZONING EXAMINER: What if, what if there were a median
17 in Leonora across from the -

18 MR. SHENITZER: A what?

19 ZONING EXAMINER: - porkchop? A median across from the
20 porkchop perhaps with a left turn bay.

21 MR. SHENITZER: You know, traffic engineering didn't
22 raise, raise that. We were working with Xylene (ph.) -

23 ZONING EXAMINER: Uh-huh.

24 MR. SHENITZER: - and couple of others. But, so I'm

1 not sure -

2 MALE SPEAKER: Is Leonora wide enough?

3 MR. SHENITZER: I don't know. Is Leonora wide enough
4 for that, and I'm not sure exactly what you mean (inaudible)

5 ZONING EXAMINER: Ms. Laurie, is, is -

6 MS. LAURIE: Yes. Leonora is wide enough in that area
7 to have a median and a left-turn bay.

8 ZONING EXAMINER: Okay.

9 MR. SHENITZER: So the median would head south to
10 Broadway, is that what you're talking about?

11 ZONING EXAMINER: Yes. And -

12 MALE SPEAKER: You'd have to jump the median.

13 ZONING EXAMINER: Yeah. In order to turn left -

14 MR. SHENITZER: Oh, I, I see.

15 ZONING EXAMINER: - out of - yeah, if you, if you would
16 have turned left out of the porkchop, you, you would be
17 confronted with a median, so -

18 MR. SHENITZER: So you'd have two barriers. That's
19 what you're -

20 ZONING EXAMINER: Two barriers.

21 MR. SHENITZER: - talking about, two barriers.

22 ZONING EXAMINER: Yeah. It would - the median would
23 force porkchop traffic to go to the right, but people coming off
24 Broadway, up Leonora, could make the left out of a bay into the

1 porkchop.

2 MR. SHENITZER: Yeah. And to the north side of it.

3 ZONING EXAMINER: So anybody coming south would not be
4 able to - would, would be able to enter. But people coming out
5 would not be able to go north.

6 MR. SHENITZER: People coming out would not be able to
7 drive through the neighborhood -

8 ZONING EXAMINER: Through the neighborhood.

9 MR. SHENITZER: - north. That's what you're saying.

10 ZONING EXAMINER: So that - yeah. That would have some
11 mitigation I would imagine. And you wouldn't be opposed to that
12 kind of a design?

13 MR. SHENITZER: I mean we would look at that, look at
14 that and see if that all works. And Carolyn mentioned that the
15 road would allow something like that.

16 MS. LAURIE: Yes. There's enough, there's a cross
17 section that's wide enough to allow for that median.

18 ZONING EXAMINER: Could 10th be closed?

19 MS. LAURIE: The neighborhood would - there would need
20 to be several discussions on that item. First, I'm not sure if
21 fire code would allow for that. We'd also need to talk with the
22 police department if there would be a minimal, and really would
23 be a neighborhood outreach that the City would have to undertake
24 to insure that all the neighbors were comfortable with that.

1 ZONING EXAMINER: So that could be - that gives
2 definition to, to Condition 26 that if there's a problem with
3 traffic, that some of the solutions that could be reached might
4 include closing 10th off or putting in the kinds of poles that
5 were referred to that Target uses on the - their site a little
6 bit west of this, I think west, that could limit through traffic
7 but not limit emergency traffic. That could be part of the
8 discussion of Condition 26 if design solutions, such as a median,
9 don't really work, or don't work as well as are intended.

10 MR. SHENITZER: Just to repeat. Right now there is no
11 right turn off of Broadway onto Leonora. So I think what the
12 neighborhood's saying is most of that traffic is coming from the
13 south. So the median and stuff that you'd advocate for really
14 isn't gonna cut that traffic off from the south.

15 The City's cut it off going north, 'cause you're not
16 supposed to legally make a right onto that street. So I'm not
17 sure the median that you spoke about would actually do what the
18 neighborhood has, has questioned.

19 ZONING EXAMINER: Because the median would presume that
20 there's northbound traffic on Leonora, which is illegal now, but
21 from Broadway.

22 MR. SHENITZER: The median wouldn't - you'd still have
23 southbound traffic on Leonora -

24 ZONING EXAMINER: Uh-huh.

1 MR. SHENITZER: - and be able to get into the, to the
2 property without cutting off if you didn't cut off Leonora. So
3 that median wouldn't prevent that traffic they've talked about
4 that's coming from the north to the south from 5th Street.

5 ZONING EXAMINER: So we have, we have a north/south
6 issue in terms of where traffic's coming from. And I know some
7 people were concerned about traffic coming down from 5th into the
8 site. And others were concerned about traffic turning out of the
9 site going into the neighborhood.

10 The median would resolve that potentially, but not the
11 other, not the, the traffic coming from 5th. Traffic coming from
12 the north could be resolved if you have that cross through,
13 optional cross through if you are able to negotiate with the next
14 property over.

15 MR. SHENITZER: Just one other thing on that Condition
16 26. I think the thing that made sense to us is that most of
17 these conditions that the neighborhood is talking about currently
18 exist. We're not sure that this development that we're gonna
19 place on this property is gonna have an adverse impact or
20 substantially increase that, you know, flow into the
21 neighborhood. And I think that's why it kind of made sense for
22 us to take a look at that in terms of will there really be an
23 increase or will most of the traffic exit onto Broadway?

24 ZONING EXAMINER: And, and I - it's a legitimate

1 question, and I think that people are rightfully concerned that
2 it could impact the neighborhood, but there's a lot of
3 uncertainty. I mean that's, that's essentially what's going on
4 here is people - I think that what we've heard is people are
5 worried about the impact, not necessarily opposed to the
6 development.

7 MR. SHENITZER: And whether it's attributable to this
8 development or additional developments to the east. That's
9 another question, too, because of the, the zoning continues C-1
10 there and other developments will happen there.

11 ZONING EXAMINER: Oh, you want to - ah, I have multiple
12 hands up. Let's -

13 MS. LEED: I just want to -

14 ZONING EXAMINER: - get some input.

15 MS. LEED: I think it's kind of silly to think that
16 it's not going to impact our neighborhood. Nobody's coming
17 through -

18 ZONING EXAMINER: Let me, let me get your name -

19 MS. LEED: Alisa.

20 ZONING EXAMINER: - again for the record.

21 MS. LEED: Alyssa Leed. Nobody's coming through
22 Leonora to go to the Longhorn Steakhouse because it's impossible
23 to get over there. That doesn't make sense. The other
24 businesses aren't - this, this one will impact our neighborhood.

1 It will. And I think it's silly to say we don't know if it will.
2 So I just wanted to put that out there.

3 ZONING EXAMINER: Okay. Thank you.

4 MR. SHENITZER: What, what I was referring to is the
5 C-1 parcels on Leonora east of us. They would be able to access
6 their parcels.

7 ZONING EXAMINER: Okay.

8 MR. SHENITZER: That's (inaudible)

9 ZONING EXAMINER: Yes.

10 MS. STEGER: Judith Steger. Several years ago when
11 they had the thing with Park Mall and we all had the -- we all
12 went to Park Mall, we sat down and talked and everything else.
13 Nothing was supposed to impact our neighborhood.

14 We have so much traffic, and it's not so much that
15 we're saying your development, that we're gonna blame that. But
16 we've gotta stop it someplace. Somewhere we've gotta say, "Hey,
17 look. Let's get the integrity of our neighborhood and hold onto
18 it."

19 We have a lot of traffic going down there, and they do
20 it to cut through to 5th Street and then, and then go down 5th
21 Street, either way. So we know this is gonna happen, and, and
22 the Longhorn Steakhouse is set right in the middle. It's not
23 next to a major road. It's, it's, it's on the frontage with
24 other restaurants and things, but there is no access into the

1 neighborhood. That's the other concern.

2 ZONING EXAMINER: Let me ask you, and I'll, and I'll
3 throw this out to everybody, and if somebody feels they can
4 contribute to this question, I'd, I'd like to hear it. Let me
5 ask you this.

6 The, the southern portion of this parcel is already
7 zoned C-1. So if a restaurant were built on that site with no
8 public hearing, how would you have wanted - one day you come home
9 and there's the restaurant. How would you have wanted that exit
10 from that restaurant configured if you'd had the input?

11 MS. STEGER: As fast out to Broadway as you possibly
12 can.

13 ZONING EXAMINER: Get out to Broadway as, as fast as -

14 MS. STEGER: Yeah. You bet.

15 ZONING EXAMINER: - possible.

16 MS. STEGER: You bet. There's - the other restaurant,
17 they put up, and I'm not sure how tall their wall is, it's the
18 other concern. You know, block all this (inaudible)

19 ZONING EXAMINER: I think that's - the, the Longhorn
20 was, I think it's a six-foot wall. We just -

21 MS. STEGER: Yeah.

22 ZONING EXAMINER: Yeah. It's five?

23 MS. STEGER: It's five. But then again -

24 ZONING EXAMINER: Thought we conditioned a six-foot

1 wall on that. (Inaudible)

2 MS. STEGER: And I appreciate the fact that the
3 restaurant is, is, is going to be towards the back and the
4 parking towards the front. It's a matter of you have a
5 restaurant that's gonna close at 10 or 11 o'clock, or you have
6 fast food that's - how long is that gonna be going? And so - and
7 now you've got two business going, and you certainly don't want
8 it to go through your neighborhood.

9 But we also have people that come through 5th Street
10 and straight down Chantilly to make sure that they can get to
11 Park Mall. And then they cut through Savers and they get - flip
12 around and they get to Park Mall.

13 So I think it's just holding onto the integrity of our
14 neighborhood now and not give them another shot at us. I have a
15 neighbor that got robbed three weeks ago. She put Prisoner of
16 War wire on all of her walls -

17 ZONING EXAMINER: Umm.

18 MS. STEGER: - because she's tired of being robbed.
19 We're - we want to hold onto what we have.

20 ZONING EXAMINER: And, and I understand all the
21 collateral concerns.

22 MS. STEGER: Yeah.

23 ZONING EXAMINER: I, I hear that. And I'm, I'm gonna -
24 I want to throw the question out again, so people don't forget

1 it. If, if, if a C-1 use were put in there by right, how would
2 you want the access configured for the best impact to your
3 neighborhood? I mean that -

4 MS. STEGER: Yeah.

5 ZONING EXAMINER: - is - and it's a difficult question
6 to answer, I understand.

7 MS. STEGER: Yeah, it really is. I mean I can see that
8 they have everything going back out to Broadway, but we're also
9 concerned of everybody coming down, like they say, they can come
10 down and still get into the restaurant that way.

11 And if you have to go on Broadway, or go down 5th
12 Street and go down a sleepy little neighborhood street to get to
13 the restaurant, which would you take? And I think we oughta have
14 signs, Not A Through Street, on every -

15 ZONING EXAMINER: And that -

16 MS. STEGER: - ingress and egress.

17 ZONING EXAMINER: That's a, a process can -

18 MS. LAURIE: We can look into that for you.

19 ZONING EXAMINER: Streets can do that.

20 MS. LAURIE: Yes.

21 ZONING EXAMINER: Okay. And, of course, signs are only
22 as good as the people who are good enough to obey them. But let
23 me, let me have the gentleman, and it's Mitchell -

24 MR. STARKS: Starks.

1 ZONING EXAMINER: - Starks.

2 MR. STARKS: I have one last comment. You've been
3 talking about this present development, which I think we all
4 approve of. It's just the ins and outs on, on Leonora.

5 But looking down the road, of course, and they've
6 discussed it briefly. Those apartments to the east, we know
7 those are gonna go eventually. And we don't know what's gonna go
8 up there. So anything we do now as far as medians, or coming
9 this way or not going that way, or going out to, to Leonora,
10 whatever, we've gotta consider down the road, those apartments
11 are gonna go, something else is gonna be there. Maybe another
12 restaurant. Who knows what. Are they gonna have access by
13 turning right and going north on Leonora? So we gotta consider
14 that as well.

15 If you look at Chantilly, if you're coming off Park
16 Mall, you can't go down Chantilly. You have to take a right down
17 Broadway, all the traffic goes left. When you go south on
18 Chantilly, you can only take a righthand turn. So they've done
19 some things there that perhaps can be done with this as well.

20 ZONING EXAMINER: So let me ask, let me ask you the
21 same question because, you know, we can only speculate as to what
22 happens to those apartments. It's possible, you know, it's out
23 there. Maybe at that time, closure is, is appropriate. But
24 really right now, the, the question about how you would design

1 that access to the parcel if it were developed today, and there
2 were no public hearing. How would you like to see it?

3 MR. STARKS: As far as speaking for myself, I would
4 have a right turn only going to Broadway, and there would be no
5 access going down Leonora whatsoever. And whatever you gotta do,
6 whether you put a median there or removable pontoons, or whatever
7 you want to do. But don't put more traffic (inaudible)

8 ZONING EXAMINER: So you're more concerned about the
9 traffic coming out of the -

10 MR. STARKS: Yeah.

11 ZONING EXAMINER: - the site.

12 MR. STARKS: I think everybody, you know, the fire
13 department - what we have there now is an eyesore. So anything
14 else that's gonna contribute to the beautification, if you will,
15 of Tucson, we're all for it. I don't, I don't know as residents,
16 if it was open, if we would go down Leonora, like we have, to go
17 to Broadway because it would probably be a lot more traffic and
18 it'd probably be, you know, inconvenient for us.

19 But nevertheless, you're gonna have to give up
20 something. Anyway, no traffic up and down there. Cut it off
21 right there behind the property where the, where the parking
22 would be.

23 ZONING EXAMINER: Okay.

24 MR. STARKS: All right. Thank you.

1 ZONING EXAMINER: Thank you. Actually let me get, get
2 her - trying to be as fair as possible about the order in here,
3 but everybody will have a chance to say everything they want to
4 say.

5 FEMALE SPEAKER: I have a, a question. There's no way
6 to just make it so that there's no access on Leonora. Is that
7 right?

8 ZONING EXAMINER: Let, let me - ask the question to me,
9 and then I'll -

10 FEMALE SPEAKER: Oh. I'm sorry.

11 ZONING EXAMINER: It's okay. Just -

12 FEMALE SPEAKER: I'm just putting it out there.

13 ZONING EXAMINER: I, I try to avoid -

14 FEMALE SPEAKER: Yeah. So we -

15 ZONING EXAMINER: - going down the path of
16 conversations going on.

17 FEMALE SPEAKER: They seem like lovely men.

18 ZONING EXAMINER: They are.

19 FEMALE SPEAKER: Okay. So there's no way to just cut
20 that off to make it as inconvenient as possible, that you have to
21 access on Broadway? There's no way to do that?

22 ZONING EXAMINER: To cut off the Leonora -

23 FEMALE SPEAKER: The exit or entrance right there.
24 Just cut - I mean just have a wall right there.

1 ZONING EXAMINER: Well, - and I asked that question.
2 We can revisit it again.

3 FEMALE SPEAKER: It was a little fuzzy.

4 ZONING EXAMINER: Okay. Well, I'll -

5 FEMALE SPEAKER: I wasn't sure what -

6 ZONING EXAMINER: I'll ask it again.

7 FEMALE SPEAKER: The City said that they couldn't do
8 that?

9 ZONING EXAMINER: And then I'll ask Staff that same
10 question.

11 FEMALE SPEAKER: Okay.

12 ZONING EXAMINER: So - but before we go there -

13 FEMALE SPEAKER: Yes.

14 ZONING EXAMINER: - I'm gonna have, unless you have
15 something else you want to add.

16 FEMALE SPEAKER: (Inaudible)

17 ZONING EXAMINER: I know that - and it's also Starks,
18 Mrs. Starks.

19 MS. STARKS: Yeah. My name is Rosalie Starks.

20 ZONING EXAMINER: Okay.

21 MS. STARKS: I'm Mitch's wife -

22 ZONING EXAMINER: Okay.

23 MS. STARKS: - fortunately.

24 ZONING EXAMINER: Did you say fortunately or

1 unfortunately?

2 MS. STARKS: Oh, fortunately.

3 ZONING EXAMINER: Fortunately. Okay.

4 MS. STARKS: Absolutely. I'm sure that if the
5 neighborhood (sic) had several great minds put together for as
6 long a time as the developers have drawn all this up, we might be
7 able to answer right off your question, how would we solve this
8 problem right here tonight?

9 Give us time to meet and come up with some other plans
10 so that - we're not as intellectually smart as these gentlemen
11 are to plan such a plan. We need a little bit more time. We
12 need a couple of more heads together, and we'll come up with an
13 answer for you right away.

14 Now, I'm concerned about the people of Tucson that
15 drive up and down Broadway, all our other citizens of Tucson,
16 Arizona. And the truck drivers, I don't drive a truck, delivery
17 truck for Coca Cola, produce, meat, Starbuck Coffee delivery.
18 They don't come in little pickup trucks. And I've seen this
19 wonderful program here. I don't know if I'm allowed to pick it
20 up or not.

21 ZONING EXAMINER: I, I want to apologize because you
22 did ask that question, and I didn't ask it again, and I'm gonna
23 have Mr. Shenitzer and Mr. Viner address that, so -

24 MS. STARKS: Okay.

1 ZONING EXAMINER: - I, I, I'm sorry for interrupting
2 you, but I wanted to (inaudible)

3 MS. STARKS: If I'm looking at it correctly from the
4 green standpoint of it, all the trees and the bushes and
5 everything looks wonderful. But we got sidewalks coming down so
6 everyone can walk on sidewalks and wheelchairs and bicycles and
7 however they get into the restaurants.

8 What about the truck drivers? Where do they come in to
9 get into this complex? However many stores you've got there,
10 whatever you've got there. They have to have deliveries. On
11 Hobby Lobby, and I go there a lot, I never see any of their
12 delivery trucks pulling in off of Broadway to deliver to the back
13 of the store. Never.

14 I come off of my neighborhood area. I come through and
15 I come to the mall via Craycroft, to the light, and then I turn
16 whatever direction I'm going. That's because I'm a little fruity
17 driver. I like lights on my side rather than going across six
18 lanes of traffic.

19 Never do I see delivery trucks coming in off of
20 Craycroft and Broadway to get into another entrance into
21 Steinmart and Hobby Lobby. They come off of Craycroft coming
22 south into that back parking lot area by the church to make their
23 deliveries, not off of Broadway and Craycroft, not off of that
24 busy intersection.

1 When these delivery trucks come to deliver for these
2 string of stores, where are they going to come in from? They
3 come down Leonora. What is that porkchop built of? Is the
4 porkchop for cars and SUV's, or is the porkchop big enough, wide
5 enough that a big wheel truck, how are they going to get around
6 that porkchop to get into that area to make their deliveries?

7 ZONING EXAMINER: Let, let me - I'm gonna try to
8 understand exactly. The concern here is that there are gonna be
9 trucks coming through the neighborhood from, from the north.

10 MS. STARKS: Where will they - will they be able to
11 make it over the porkchop, or will they come in off of 5th Street
12 and down Leonora and have a bigger turn, an easier area to get
13 into the porkchop into the back of that shopping center?

14 ZONING EXAMINER: Okay. So let's - let me, let's start
15 with that, and then - and remember the other question about - I
16 promised you that I would ask a question, and now I'm looking
17 through my notes.

18 MS. STARKS: Okay. Well, we'll get back to that later.

19 ZONING EXAMINER: Okay. All right.

20 MALE SPEAKER: We can't speak for all the delivery
21 people, but we anticipate all the deliveries will come off
22 Broadway. The roundabouts that Steve had mentioned coming up
23 Leonora, those big trucks are not going to want to negotiate
24 that, nor are they gonna want to negotiate all the stop signs

1 that come up Leonora.

2 So most of, I would say 99% of the traffic is gonna
3 come directly off Broadway with the large trucks to service
4 these. The service entrances are all facing Broadway, whereas in
5 Hobby Lobby, the Craycroft entrance puts you right in the back of
6 those stores which is the natural entrance.

7 MALE SPEAKER: Here's the service entrances right here.
8 So if it's a early-morning delivery, they'll get as close as
9 (inaudible)

10 ZONING EXAMINER: So the service entrances are on the
11 Broadway side?

12 MALE SPEAKER: Exactly.

13 ZONING EXAMINER: Okay. Mr. Steinmann.

14 (Inaudible conversation.)

15 MR. STEINMANN: To that point -

16 ZONING EXAMINER: Hold on one second.

17 MR. STEINMANN: - delivery trucks are -

18 ZONING EXAMINER: Thanks.

19 MR. STEINMANN: - natur- -- most people want to make
20 righthand turns. It's gonna be harder for them with the way the
21 median is coming off of Broadway, to make a left in, whereas
22 coming up via Leonora heading south is easier. The roundabouts
23 are a non-issue. They don't block. You do not have to hardly
24 veer, except at Leonora and 10th, that is the most severe

1 roundabout.

2 But through the neighborhood, they can still come up,
3 and that's an issue with our neighbors on Chantilly with Park
4 Mall. That is one of the biggest beefs they have is that early
5 in the morning, they get delivery trucks, mattress trucks,
6 multiple times a day coming up through the neighborhood. So that
7 is a real concern.

8 And once again, it's - you can mitigate - the porkchop
9 does absolutely help direct people back to, to Broadway. And you
10 are gonna get a few people cheat around it, that's just gonna
11 happen. But the big picture is traffic coming southbound through
12 the neighborhood and accessing this property. That's for, for, I
13 think the bulk of it is the key point of this, is that southbound
14 access has to be limited.

15 MALE SPEAKER: You know, in addition to the
16 roundabouts, there are stop signs to stop these large vehicles.
17 It's difficult. I don't, I don't see them wanting to do that.
18 Is there another solution that the neighborhood would consider is
19 - I think right now, there's only three stop signs on Leonora.
20 Maybe there needs to be more stop signs at every intersection.

21 (Inaudible conversation.)

22 ZONING EXAMINER: Wait, wait. I don't want to have
23 conversations off mike. So for the record, there's some
24 disagreement as to whether there's stop signs all up and down

1 Leonora, but that's easily verified. So we don't have to argue
2 about it. And Ms. Starks, or Mrs. Starks.

3 MS. STARKS: I would like to know in what city in the
4 United States of America do the truck driver, delivery drivers of
5 Coke and all the other products, Pepsi, lettuce, tomatoes, meat,
6 deliver only early in the morning? How many times does that
7 happen? What kind of agreement are you gonna get from that
8 industry to only delivery so that you're not stacking up traffic
9 for all the rest of the citizens going up and down Broadway when
10 they have to go in and deliver in the front of these stores?

11 ZONING EXAMINER: I think you suggested earlier that
12 there's a possibility of that question being irrelevant. Because
13 if there's a design solution, they won't - then trucks won't
14 actually do that, if there is a design solution. I, I -

15 MR. SHENITZER: No, that, that is correct what you just
16 stated. And also on Leonora southbound, the addition of stop
17 signs, I believe, would, would help. And I believe there's
18 existing speed humps along there, and roundabouts. So I think
19 any trucks, especially if they're westbound, will come right into
20 the Broadway entrance.

21 ZONING EXAMINER: Yeah, I think the speed, the speed
22 humps are along 10th, and there's roundabouts along Leonora.

23 MR. SHENITZER: So anyone accessing what, what I was
24 saying is westbound Broadway, they'll be coming right into the

1 Broadway entrance for deliveries.

2 ZONING EXAMINER: Okay. Yeah, ma'am.

3 FEMALE SPEAKER: I just need to reiterate. I've lived
4 there for 28 years. I've seen every huge truck barrel down
5 Leonora. The roundabouts, since we've had them, do not stop
6 them. The stop signs do not stop them.

7 We did have a speed hump that was removed erroneously,
8 in my opinion. If we maybe even could have speed bumps all the
9 way up Leonora to really make everybody miserable, maybe that
10 would be a solution. Maybe then the trucks wouldn't come up
11 there.

12 But we need to have you guys really work with us on
13 preventing traffic. It doesn't do the neighborhood any good.
14 It only benefits you. You need to really work with us.

15 ZONING EXAMINER: Please, please address it to me.
16 I just, I -

17 FEMALE SPEAKER: Okay.

18 ZONING EXAMINER: I get uncomfortable when there's -

19 FEMALE SPEAKER: All right. I'm even willing -

20 ZONING EXAMINER: - a side conversation.

21 FEMALE SPEAKER: - work with - I like the idea of all
22 of us getting together and trying to figure out what we can do
23 here. I don't have a problem with what they did at Target. I
24 like that idea.

1 ZONING EXAMINER: Okay.

2 FEMALE SPEAKER: That makes sense.

3 ZONING EXAMINER: All right. Yes, you can come
4 forward. But, Mr. Steinmann, -

5 MS. STEGER: Okay.

6 ZONING EXAMINER: - you forgot to wave at me at 7:45.
7 Are you -

8 MR. STEINMANN: I'm good.

9 ZONING EXAMINER: You're good? Okay. Sorry.

10 MS. STEGER: Okay. Judy Steger. I just have one
11 thing. I know that a business can say deliveries are only
12 allowed this time to this time, so that - I think that could be
13 solved. I don't think a truck - but if like she was saying,
14 maybe the, the barriers like they have at Target is the trick
15 because once everybody knows that you can't go down Leonora and
16 get onto Broadway, they won't try.

17 ZONING EXAMINER: All right. Thank you.

18 MS. STEGER: And that would be from the - for the
19 southbound.

20 ZONING EXAMINER: From the south, yeah.

21 MS. STEGER: And for the northbound.

22 ZONING EXAMINER: Okay. Thank you.

23 MR. SHENITZER: You know, listening to all this, and I
24 don't know if this is in the purview of the City or how this

1 works, but closing off Leonora at 10th Street, you know, that's
2 something that we're certainly not opposed to.

3 ZONING EXAMINER: All right. Anybody else want to say
4 anything? I smell an opportunity for success. I mean I can -
5 it's there, right? What I'd, what I'd like to do, and I know
6 Applicants never like me to say the words "continue", but I would
7 like to give it just maybe two or three weeks on this issue.

8 Come up with a roster or menu of, of possible ways to
9 limit, discourage traffic, and it can be everything from what the
10 City needs to get involved with to what designs for egress and
11 ingress along Leonora could be to dissuade or prevent any turns
12 into the neighborhood.

13 I think there's something there. I'm not the design
14 expert, but I think that if, if, as one neighborhood resident
15 suggested, you put enough heads in that room, I think that you
16 can have this issue really solved with a design implementation.

17 MR. SHENITZER: Can - is it possible to do that without
18 delaying our Mayor and Council hearing which is set for August
19 4th?

20 ZONING EXAMINATION: Two weeks back -

21 MR. SHENITZER: This 4th or 5th, if we -

22 ZONING EXAMINER: Let, let me -

23 MR. SHENITZER: That, that's an important date for us.

24 ZONING EXAMINER: Mayor and Council would have to

1 receive my report - they like, I think typically 30 days is, is
2 typical. But we do send late materials. They would get a copy
3 of the preliminary. July 20th would have to be the minimum, and
4 we have a hearing date available - 26th -

5 MS. LAURIE: We have two hearing dates available in
6 July. July 10th and July 24th.

7 ZONING EXAMINER: 10th.

8 MS. LAURIE: The 24th would be difficult to make
9 (inaudible) for the August 8th Mayor and Council hearing.

10 ZONING EXAMINER: But the 10th would, would still get
11 material to Mayor and Council late, but they could get an August
12 4th or 5th hearing, is that correct?

13 MS. LAURIE: Yes, that is correct.

14 ZONING EXAMINER: July 3rd would be a bad date for a
15 hearing, I imagine.

16 COUNCILMAN KOZACHIK: (Inaudible)

17 ZONING EXAMINER: Sure, yeah, it's a public hearing,
18 but, but if you don't mind me getting you on the microphone, that
19 would be great. Do you swear or affirm to tell the truth, the
20 whole truth, and nothing but the truth?

21 MAKE SPEAKER: I do.

22 ZONING EXAMINER: Thanks.

23 COUNCILMAN KOZACHIK: The concern, as I hear it from
24 the neighborhood, is the southbound traffic coming to the

1 property from 5th or any of the other collector streets. If the
2 ingress/egress onto Leonora is turned into, to an egress only
3 towards Broadway, and you eliminate the ingress coming from,
4 coming southbound, seems to me that presents an opportunity to
5 solve the concerns - the developers respond to that, and the
6 neighbors as well.

7 ZONING EXAMINER: Thank you. I, I, I agree. I think
8 that there's still an issue with the egress that would make that
9 left turn illegally. That's a concern. I think there might be a
10 way to solve that with, with some design options. At least there
11 should be an opportunity to discuss that, I think. And making
12 that a right out only certainly goes a long way. But I -

13 MR. SHENITZER: I think in the interest of time, and
14 our schedule that we currently have with City Council, we would
15 really reach and make ourselves available on the 3rd. But it
16 seems to me that there are a couple of solutions here in cutting
17 it off at 10th and either putting the barriers or some type of
18 cutoff there where emergency vehicles could access somewhat
19 solves all the issues. So, you know -

20 ZONING EXAMINER: What I'd like to do, though, is get -
21 I'd like to hear the feedback from the neighborhood about closing
22 off 10th a little bit more fully than I've heard tonight, and
23 also get some confirmation from streets on that issue. I think
24 it is a, a welcome possibility, but I do want more confirmation.

1 I can -

2 MR. SHENITZER: So July 3rd?

3 ZONING EXAMINER: I, I would do July 3rd. I wonder if
4 the neighborhood would - wouldn't agree to some representative or
5 is it too soon for, for a notice for continuing? No. We'd, we'd
6 - yeah. Let me hear what you have to say.

7 MS. LAURIE: We would need to notice the neighborhood
8 of the change of PDP, and that may be a little too soon. Do you
9 have a neighborhood association meeting scheduled anytime soon?

10 ZONING EXAMINER: I don't think we'd have to notice the
11 change in the PDP. It's a continuation of the hearing.

12 MS. LAURIE: We wouldn't need to necessarily notice the
13 PDP, but the, the majority of the neighborhood would need to have
14 input on the change, and if they were comfortable with it.

15 ZONING EXAMINER: Yeah. If there's a street closure, I
16 think the neighborhood has to be notified of that. But certainly
17 we can have a meeting - come on forward. We can have, we can ask
18 the neighborhood to meet on this issue. They don't all have to
19 come to the hearing on July 3rd, but we can -

20 FEMALE SPEAKER: I'm actually on the -

21 ZONING EXAMINER: - hear what the input is.

22 FEMALE SPEAKER: - neighborhood association.

23 ZONING EXAMINER: Fantastic.

24 FEMALE SPEAKER: I'm wondering. What do we have to do?

1 What does the neighborhood have to do to show you that we would
2 be okay with that? What, what is the process of that?

3 MS. LAURIE: Generally, what Staff would require is
4 that you hold a meeting and there's some discussion held, and
5 then you would submit documentation to, to me stating that you
6 agree with these changes, and that you'd met with the developer.
7 You felt that they had properly addressed your concerns.

8 FEMALE SPEAKER: Okay.

9 MS. LAURIE: And that you had a majority (inaudible)

10 FEMALE SPEAKER: So it's just paperwork saying, "Hey,
11 we've met. This is - the, the majority agree with this," or -

12 MS. LAURIE: That's correct.

13 FEMALE SPEAKER: That's what we'd need?

14 ZONING EXAMINER: And what, what I would suggest
15 actually is working with Mr. Shenitzer and Mr. Viner to look at
16 the, the schedule of, of options. Some from the least severe to
17 the most severe, and how you feel about how that would impact
18 traffic, because I think Mr. Kozachik's right.

19 There, there is - the minimally, the minimally
20 intrusive design solution that has the maximum result is probably
21 the, the most favored line of addressing this problem. And, you
22 know, closing off the street might be more -

23 FEMALE SPEAKER: Severe.

24 ZONING EXAMINER: - severe than something - a design

1 solution that could have the same impact, or almost the same
2 impact. And what I'd like the neighborhood to do is actually
3 sort of rank those and assess those and, and think about them
4 with some time as was suggested and, and with, with experts in
5 design and -

6 FEMALE SPEAKER: So -

7 ZONING EXAMINER: - development.

8 FEMALE SPEAKER: - what would be the last date that we
9 could present this to you at?

10 ZONING EXAMINER: The last date that you could have
11 that meeting?

12 FEMALE SPEAKER: Yeah.

13 ZONING EXAMINER: If we want to keep to that schedule.

14 FEMALE SPEAKER: 'Cause July 3rd, in general, is not
15 the best for families.

16 ZONING EXAMINER: No.

17 FEMALE SPEAKER: No.

18 ZONING EXAMINER: I'll point out that Condition 26 also
19 incorporates the potential for exactly addressing more severe, or
20 more comprehensive solutions.

21 FEMALE SPEAKER: I don't know if the neighborhood would
22 be comfortable waiting a year and having a science experiment
23 with, with our citizens.

24 ZONING EXAMINER: We could change Condition 26 to be

1 sooner than a year. I don't - would you have a, a problem with
2 accelerating the time?

3 FEMALE SPEAKER: I would - I think our neighborhood
4 would rather just do it right the first time.

5 ZONING EXAMINER: I think that's a good point.

6 FEMALE SPEAKER: I mean -

7 ZONING EXAMINER: I think everybody would like it done
8 right the first time.

9 FEMALE SPEAKER: Nobody wants their kid to be, or
10 their, their grandfather to be the person who got run over so
11 that we change it.

12 ZONING EXAMINER: And, and I think everybody is
13 invested in having the design be the right design rather than
14 coming back and having to spend money to change it or having to
15 face some consequence of it not being done right.

16 What's your feeling on how much communication can be
17 done between now and July 3rd?

18 FEMALE SPEAKER: Well, we actually have a list serve
19 (sic) so we can -

20 ZONING EXAMINER: Okay.

21 FEMALE SPEAKER: - we can set a meeting pretty fast.
22 The problem is because we have such an elderly population, a lot
23 of them aren't on the computer, so it doesn't -

24 ZONING EXAMINER: Uh-huh.

1 FEMALE SPEAKER: It's hard to get neighborhood meetings
2 to, to happen quickly, 'cause you kind of need word of mouth.

3 ZONING EXAMINER: But - so let me ask you. You could
4 have listed a significant amount of feedback though between now
5 and (inaudible)

6 FEMALE SPEAKER: I think we already have. I mean we
7 already have documentation if I just look on our list serve.

8 ZONING EXAMINER: Okay.

9 FEMALE SPEAKER: But I think that it would be more
10 beneficial if we got - and if we had another meeting just to
11 include people who maybe were excluded before because they
12 weren't on the computer, so -

13 ZONING EXAMINER: Okay. I want to ask Staff a
14 question, though, before we -

15 FEMALE SPEAKER: Okay.

16 ZONING EXAMINER: I know you want July - you're, you're
17 okay with July 3rd, but if we can do July 10th and still have it
18 in front of Mayor and Council by August 5th, you'd be okay with
19 that? Okay. Is that feasible?

20 MS. LAURIE: I believe that's feasible. We could
21 proceed with the July 14th hearing. Yes.

22 ZONING EXAMINER: July 10th.

23 MS. LAURIE: July 10th. Excuse me.

24 ZONING EXAMINER: Okay. All right.

1 MS. NAPOLI: Michelle Napoli. Does the City have any
2 influence on the in- -- the egress between the possibility of
3 going with, you know, Hobby Lobby and this property?

4 ZONING EXAMINER: You know, we, we don't. I think I
5 can, and I think I can speak for Staff on that. It's, it's a
6 private property -

7 MS. NAPOLI: Okay. So there's no (inaudible)

8 ZONING EXAMINER: - and - yeah, there's no street
9 there. 10th ends at the, at a private property line. And short
10 of eminent domain, I don't think the, the City can compel -

11 MS. NAPOLI: Okay.

12 ZONING EXAMINER: - Hobby Lobby or the owners of that
13 property to open it up, so -

14 MS. NAPOLI: If we -

15 ZONING EXAMINER: But I, I can make a condition in my
16 st- -- in my report to Mayor and Council, suggest a condition
17 that says that the Applicant will continue to pursue a egress and
18 ingress with their neighbor.

19 MS. NAPOLI: If we had that connection, would it be
20 necessary to have the same egress and ingress (inaudible)

21 ZONING EXAMINER: From, from Leonora? I don't know.
22 Do you want to answer that question? If the connection opened up
23 on the Hobby Lobby parcel, would a Leonora ingress and egress be
24 necessary? And actually that's a Staff question as well, so -

1 MR. SHENITZER: Then we have to look at all the code
2 require- -

3 ZONING EXAMINER: Yeah.

4 MR. SHENITZER: - requirements to make sure we meet all
5 the array of code requirements. But the Hobby Lobby connection
6 doesn't look realistic at this time.

7 ZONING EXAMINER: Okay.

8 MR. SHENITZER: And my comment in closing off 10th,
9 because a couple of people had some very good points about future
10 development. Someone was talking about those apartments. I
11 think what we have to take note is, forget about the apartments
12 if they're never redeveloped. There's C-1 in front of that that
13 a Starbucks could go to.

14 They're gonna be address- -- or whomever goes east of
15 us. And they won't be going to the neighborhood. So if they
16 want to solve the problem, I think the only way to do it is to
17 cut off 10th, at 10th right now and be done with it. That solves
18 the problem. I mean I, I don't know - I mean City Staff would
19 have to -

20 ZONING EXAMINER: Yeah. Ms. Laurie,-

21 MR. SHENITZER: - address that.

22 ZONING EXAMINER: - can I get a -

23 MR. SHENITZER: But do you see what I'm getting at? So
24 we're gonna do all this and then I don't know if the neighborhood

1 - they probably understand, but that's all C-1 in front. Has
2 nothing to do with those apartments or anything. I'm talking
3 about just east of us.

4 ZONING EXAMINER: They, they - the neighborhood has to
5 be involved in, in the street closure, but, but -

6 MR. SHENITZER: Oh, I know that. But what I mean is
7 what's developed on that C-1 property -

8 ZONING EXAMINER: Yeah.

9 MR. SHENITZER: - to the east. So they'll, they'll be
10 going right on Leonora and people coming to it on Leonora on the
11 other side of Leonora. So on the east side, so if it's not cut
12 off at 10th, you're not gonna solve all that - those problems.

13 ZONING EXAMINER: And I think that's exactly what Mr.
14 Starks was referring to -

15 MR. SHENITZER: So -

16 ZONING EXAMINER: - is it's gonna be -

17 MR. SHENITZER: So it doesn't matter what we do -
18 curbs, this, that. I think you're (inaudible)

19 ZONING EXAMINER: Right now, the case that's in front
20 of me that I, I want to mitigate the impact of that traffic from
21 your proposed development and put out of my mind the potential
22 speculative, you know, it's probably gonna be developed at some
23 point. But that's not in front of me. And they have a, they may
24 have a by right (sic) development if they choose to do the C-1 in

1 the front. I, I can't guess to that.

2 But I can have some influence on how the traffic is
3 configured coming out of this proposed development, and that's
4 really what I have to focus on. But I do think that the 10th
5 Street issue, whether it closes or not is something that should
6 be explored.

7 I'd like to get input from Staff as to impacts and
8 processes on that. Is that possible before the, the 10th so that
9 I could have that included? And, in fact, it would be helpful to
10 the neighborhood to have that information I think as well.

11 And, sir, you want to speak, right? Yeah. Come on up,
12 but hold off for a second. Let me have Ms. Laurie respond to me
13 first.

14 MS. LAURIE: The first step would be for us to reach
15 out and discuss the options with T-DOT, our transportation group,
16 and also the engineering group to discuss the safety of actually
17 closing that down, and the possibilities of it. So that's
18 something Staff could do tomorrow and get that ball rolling.

19 ZONING EXAMINER: Okay. And we could have that
20 information both to me, and the, the neighborhood association
21 within a few days hopefully?

22 MS. LAURIE: Yes, we could.

23 ZONING EXAMINER: Okay. All right. Sir?

24 MR. SHULTZ: My name is Leonard Shultz. I have not

1 spoken. I live at 5702 East Burns which is very close to the
2 area under discussion. It's not as close as some of the other
3 people.

4 My question's regarding the input that you need or want
5 from the neighborhood by the date that you said. As mentioned,
6 we have a list serve, and I don't know what percentage of our
7 residents are on the list serve. But would you accept a survey,
8 an e-mail survey, or would you require a physical meeting of the
9 neighborhood people to, to get that input?

10 ZONING EXAMINER: I'm - I'll take input however I can
11 get it, you know, and, and I understand that there are a lot of
12 people that may not be in computers and, and people can go and if
13 they know people that are not on a computer, and they're, you
14 know, they're neighbors.

15 They can talk to each other, they can solicit that
16 information, write it down, put it in a memo to me. However it
17 gets to me, I'd just like as accurate a reflection of the
18 neighborhood's desires. But what I do want is a meeting between
19 the developer and some people from the neighborhood just to talk
20 about options, -

21 MR. SHULTZ: Okay.

22 ZONING EXAMINER: - you know.

23 MR. SHULTZ: Because the way I think we'd have to
24 present it on the, you know, on the list serve would be a yes or

1 no closure of 10th. I think once you get into multiple options,
2 it would be difficult.

3 ZONING EXAMINER: It becomes, it becomes somewhat
4 chaotic at that point, yeah. So what I'd, I'd prefer is some
5 meeting between the developers and some representatives from the
6 neighborhood, residents in the neighborhood about those options.
7 And then a e-mail subsequent to that perhaps with this is what
8 happened as an outgrowth of the Zoning Examiner's public meeting.

9 We're discussing further options and refinement. And
10 in order of severity, these are these options. Do you have
11 anything you want to add? And then I can get that input and I
12 think T-DOT needs to have some of that as well. Ideally, we'll
13 have a proposed solution that's buildable by the next meeting,
14 and a process to address future issues if they arise.

15 And I know there's a concern about doing it right the
16 first time, but it's better to put in writing now that if
17 something comes up, it will be re-examined than to say, "We
18 didn't do it right and now we have nothing to do - we have no
19 recourse." So I, I do appreciate that and I want it done right.
20 I think, as I said, I think everybody wants it done right.

21 So, so let's do that. Let's continue to July 10th. I
22 want to close it July 10th, you know, I want have this - I want
23 the (inaudible) out there, say, "Okay. We're gonna, we're gonna
24 discuss all the possible ways that this could happen." And

1 that's why I asked that question. Yeah, come on up.

2 FEMALE SPEAKER: So, do you want a consensus before
3 July 10th so that at the, at the actual meeting we can -

4 ZONING EXAMINER: Yeah. You can -

5 FEMALE SPEAKER: - move on?

6 ZONING EXAMINER: You can send - did you want to -

7 MS. LAURIE: Let me answer this question for you.
8 Ideally, you should hold your meeting and give people about seven
9 to ten days notice that you're gonna have a meeting or send it
10 out, give them a little time to consider it before they respond,
11 and then provide Staff with a summary of the events.

12 FEMALE SPEAKER: Okay.

13 MS. LAURIE: If you have a sign-in sheet, that would be
14 helpful, and the ultimate agreement that was made during those
15 discussions. So I would agree that it's a yes or no
16 consideration. Yes, we would like to close it, or, no, we would
17 not.

18 FEMALE SPEAKER: Okay.

19 MS. LAURIE: And allow the majority to speak.

20 FEMALE SPEAKER: All right.

21 MS. LAURIE: So what's gonna happen now is a few
22 concerned residents right now are going to, after I close this,
23 they're gonna talk to Mr. Shenitzer and Mr. Viner and arrange a
24 time to, to meet and talk. And out of that will come

1 communication to the neighborhood along those lines, 'cause I
2 think we have to have a meeting between them before that happens.

3 MS. LAURIE: That is correct.

4 ZONING EXAMINER: Yeah.

5 FEMALE SPEAKER: Okay.

6 ZONING EXAMINER: Does that make sense?

7 FEMALE SPEAKER: Yes.

8 ZONING EXAMINER: And I want to give people an
9 opportunity to now address concerns about this if they have any
10 'cause I don't want to continue it out, making sure everybody's
11 on the same page and feels that something productive is coming
12 out of this. So Mr. Steinmann, yeah.

13 MR. STEINMANN: There's, there's one logistical issue
14 and that is a lot of the residents are out of town for the
15 summer. And the only -

16 ZONING EXAMINER: Yeah.

17 MR. STEINMANN: - real way to communicate with some of
18 those people is via the list serve, so we're really getting down
19 to a crunch time where I don't think we would have an accurate
20 description. There's, there's really two sides to the whole
21 debate in the neighborhood. There's those of us that just want
22 the street closed, get it over with. There's the other residents
23 who really don't want - and it's gonna be something of fire fight
24 within the neighborhood to get that.

1 So when we met with Mr. Kozachik and stuff on the, on
2 the property, and there was representatives of Traffic Department
3 and stuff, you know, a lot is expressed, "Look, here's what we
4 want, but you guys are the experts in traffic mitigation. Give
5 us some ideas of what we can do because we're very simple about
6 it. We either want it closed off or, or -," so I mean it's gonna
7 be - I don't (inaudible)

8 ZONING EXAMINER: That's what we're gonna have -

9 MR. STEINMANN: - compromise is gonna be (inaudible)

10 ZONING EXAMINER: This is why I'm asking T-DOT to give
11 me as soon as possible, and you as soon as possible -

12 MR. STEINMANN: Okay.

13 ZONING EXAMINER: - the suggestions and options, then
14 meet with the, the Applicants.

15 MR. STEINMANN: Okay.

16 ZONING EXAMINER: But - and I, and I think Mr. Kozachik
17 was, was pretty dead-on saying that this simple solution -

18 MR. STEINMANN: I agree.

19 ZONING EXAMINER: - is probably a good one. But I do
20 want to explore all those other options, -

21 MR. STEINMANN: Yeah.

22 ZONING EXAMINER: - and have them on the table so that
23 I can consider them in my report and in my recommendation.

24 MR. STEINMANN: So if we were to put, say, a mass - I

1 don't see a meeting coming together. I, I know the group well
2 enough, and in the time frame that these gentlemen need and, and
3 all of us would like to have, I don't necessarily see that
4 happening.

5 If, you know, we can put electronically out, we can
6 have tomorrow, you know, the message out to the neighborhood and
7 try to get those neighbors that aren't on it some consensus, at
8 least get you written opinions of what people would like.

9 ZONING EXAMINER: That's fine.

10 MR. STEINMANN: You know, we can get, you know, that
11 can happen almost automatically. It's - but the logistics of
12 putting a meeting together and the time frames, and - 'cause like
13 I said, it's gonna be a fight. So -

14 ZONING EXAMINER: Well, I'm, I'm not, I'm not inclined
15 to -

16 MR. SHENITZER: May I comment?

17 ZONING EXAMINER: - invite fighting. Yeah.

18 MR. SHENITZER: And maybe this isn't a solution, but
19 because of Item 26 maybe, I think the combination, from a
20 practical standpoint of putting additional stop signs and speed
21 humps and incorporating Councilman Kozachik's comment about the
22 median, all of those, all that mitigation will have a significant
23 effect on the neighborhood in a positive way.

24 So in other words, right turn out, but the median going

1 southbound, so you can't go through the neighborhood. Everybody
2 exiting our project cannot go through the neighborhood. The
3 people coming in would turn into the neighborhood there.

4 In addition, there could be a sign, and I know people
5 say "signs", a sign and a speed hump as you go northbound at our
6 entrance, your northbound Leonora, and say you're cutting through
7 and not turning into our project. Do not enter, local residents,
8 and speed hump right there. People aren't gonna want to go that
9 way. Speed humps, roundabouts, I know they said they're not
10 effective, the roundabouts. But three more stop signs, and a
11 median. That, pretty much, I mean that's unbelievable
12 mitigation.

13 ZONING EXAMINER: It, it is. But what I'd like to
14 spell out is how much of this I can condition - how much we can
15 condition your project, and how much is gonna be from T-DOT. And
16 that would be very helpful if everybody was on board, neighbors
17 and you saying, "Here's, here's what, here's the extent of what
18 you can do," and of course, that extended median porkchop, you
19 know, the, the beefier porkchop or porkier porkchop, whichever it
20 is, is something that we can condition on this property that you
21 can do.

22 And then this other, these other opportunities are out
23 there for mitigation. Here's the specific ones that are endorsed
24 by the neighborhood to whatever extent they are endorsed in the

1 order of severity.

2 MR. SHENITZER: And, and as this gentleman mentioned,
3 and I've heard this for a long time, that the neighborhood
4 themselves don't agree on whether it should be closed, or not
5 closed. So I believe that with all this mitigation, it will help
6 the southbound traffic from 5th Street going south, southbound
7 traffic from 5th Street. So that could be a solution.

8 ZONING EXAMINER: Yeah, so do I. I think the same
9 thing. Mr. Starks.

10 MR. STARKS: I don't want to be - anybody get the idea
11 that I don't think our neighborhood likes speed bumps.

12 ZONING EXAMINER: Wait. Come, come on to the
13 microphone.

14 MR. STARKS: I don't think everybody likes speed bumps.
15 Nobody likes speed bumps, they're a pain. And people go over
16 them slowly, then they speed up again. We have stop signs right
17 now. People go through the stop signs. The neighborhood goes
18 through stop signs, the trucks go through them. That's not gonna
19 stop them. The only thing it's gonna do, if you have a cop
20 there, is to make more revenue for the City.

21 So if you want to have an initial speed bump by the, by
22 the restaurant, etc., entering the other way, that's fine. Signs
23 are fine. To me, the way it's gonna happen is if you put some
24 kind of barriers there that they cannot go through. If that

1 means closing 10th Street, that means closing 10th Street.

2 The only difference the neighborhood has of people that
3 are closest to Broadway, so it's convenient for them to get to
4 Broadway, they don't want the street closed at all. The ones
5 further away, further north towards 5th Street, they want it
6 closed because they don't use that as often.

7 ZONING EXAMINER: Well, if it is closed, I would
8 imagine it'd be closed north of the circle that's there now.

9 MR. SHENITZER: Yeah.

10 ZONING EXAMINER: And that would allow the -

11 MR. SHENITZER: Yeah.

12 ZONING EXAMINER: - 10th Street access.

13 MR. STARKS: But no speed bumps.

14 ZONING EXAMINER: All right. Thank you. Any last
15 words? All right. Let's, let's do this. Let's continue to July
16 10th. We're gonna close it July 10th because we're gonna have a
17 solution, I'm confident, that will be, that will be workable and
18 have community support. Maybe not unanimous but there will be
19 support on that. And I don't know exactly what that looks like,
20 that's why I'm throwing it back. But I think we, we can do this.

21 COUNCILMAN KOZACHIK: (Inaudible)

22 ZONING EXAMINER: That's my intention. However - and I
23 don't want to put you on the spot, Mr. Kozachik, but that may
24 have late material coming.

1 COUNCILMAN KOZACHIK: (Inaudible)

2 ZONING EXAMINER: Okay. But that's, that's - it is
3 what it is, I guess. All right. All right. With that, I'm
4 gonna continue this hearing to July 10th. I'm gonna make sure
5 that Ms. Laurie assists with getting communication out to the
6 neighborhood regarding that T-DOT information.

7 If you need assistance getting together with Mr.
8 Shenitzer and Mr. Viner between now and then, I'm gonna ask you
9 right now to exchange some information so that could be
10 maximized, that opportunity can be maximized. And hopefully, it
11 won't be too much of a burden to come back on the 10th, or
12 perhaps very few people come back on the 10th because there's
13 consensus on this.

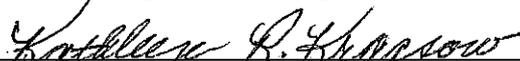
14 I think everybody - I want to thank everybody for
15 coming out tonight. I know this is a really important issue.
16 Sometimes it looks messy, like right now. But I think that the,
17 the work is valuable and you will get a better result out of it
18 for the participation that you've put in. So, thank you.

19 With that, please drive safely home. We've had a lot
20 of conversation about traffic, so I want to emphasize that.

21 (Case No. C9-14-03 was continued to July 10, 2014.)

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

Transcription Completed: 06/25/14



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