



# Zoning Examiner

## REPORT TO MAYOR AND COUNCIL

July 13, 2023

**SUBJECT: TP-MOD-0423-000009 Prince/10 PAD, – Major Change (Ward 3)**

**Public Hearing: June 29, 2023**

### **BACKGROUND**

This is a request by Brian Underwood and Adam Call of The Planning Center for a Major Change to the Prince/10 PAD (PAD-43) to add approximately 3.3-acres from O-3 (Office) to PAD (Planned Area Development) zoning. The initial parcel is within Planning Block 4 and would be designated for Interstate Commerce (IC) land use designation. Planning Block 4 has a goal of providing high-tech, high-rise development that includes office, commercial, industrial, and high-density residential uses. The site is the former location of the Tra-Tel Tucson RV Park and is located 2070 W Fort Lowell Road, approximately 560-feet west of the intersection of W Fort Lowell Road and N Business Center Drive (see Case Location map).

### **PUBLIC HEARING SUMMARY**

#### **June 29, 2023, Zoning Examiner Hearing**

The Applicant's representative spoke in support of the requested PAD amendment at the Zoning Examiner hearing. No other person spoke.

As of the date of the Zoning Examiner hearing, there were no (0) written approvals and no (0) written protests.

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## FINDINGS OF FACT

### **Background Information**

Existing Land Use: Formerly Tra-Tel Tucson RV Park

### Zoning Descriptions:

#### *Existing:*

Office O-3: This zone provides for mid-rise, office, medical, civic, and select other uses, such as urban agriculture and renewable energy generation, that provide reasonable compatibility with adjoining residential uses.

#### *Proposed:*

Planned Area Development (PAD): Enables and encourages comprehensively planned development in accordance with adopted plans and policies. The PAD is a zoning classification which provides for the establishment of zoning districts with distinct standards. A PAD may have land use regulations different from the zoning regulations in the Unified Development Code (UDC), any other PAD District, or other zoning districts. When a provision in a PAD varies from the UDC, the provisions in the PAD shall govern.

### Surrounding Zones and Land Uses:

North, South, East, West:

Zoned PAD-43 and C-2; commercial uses Zoned PAD-43; vacant

Zoned PAD-43 and C-2; commercial uses Zoned PAD-43; vacant

**Planning Considerations** – *Plan Tucson (PT)* and the *Santa Cruz Area Plan (SCAP)* provide policy direction for the rezoning site.

*Plan Tucson:* The proposed site is within an area identified in *PT* as “Existing Neighborhood.” Existing Neighborhoods are primarily developed, largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to protect and maintain the character of the neighborhood by accommodating new, compatible development, and encouraging reinvestment and new services as area amenities.

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*PT* also encourages context-sensitive community design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of adjacent streets.

Applicable *Plan Tucson* policies include:

**LT28.1.3** High-density (greater than 14 unit per acre) residential development is generally appropriate where primary vehicular access is provided to an arterial street and is directed away from the interior of low-density areas.

**LT28.2.8** Consider the expansion of commercial areas into adjoining residential areas when logical boundaries, such as existing streets or drainageways, can be established and adjacent residential property can be appropriately screened and buffered. Commercial expansions or consolidations, especially in conjunction with street widening, may be an appropriate means to preserve the vitality of the street frontage and the adjacent neighborhood.

**LT28.2.13** Support infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines.

*Santa Cruz Area Plan*: The *Santa Cruz Area Plan (SCAP)* is intended to guide future development and coordinate government actions when developing the Santa Cruz River and its immediate environs as a major cultural and recreational resource, while stabilizing and improving adjacent neighborhoods. The rezoning parcel is located a portion of the SCAP Key Parcel 13 on Land Use Map 5.

SCAP Key Parcel 13 states the land is most suitable for industrial or commercial facilities for motorists in conjunction with the Interstate 10 interchange. The key parcel also state that development should be designed to provide an attractive approach to Tucson along the Interstate consistent with State designation of Interstate-10 as a scenic route.

Other relevant policies in *SCAP* include: **General Development – 4**. New and existing neighborhoods should include related commercial services with specific locations decided on a case-by-case basis according to overall plan policies and depending on specific market conditions.



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## **Background**

The City of Tucson Mayor and Council approved the Prince/10 PAD (PAD-43) in August 2021. It comprises 110 acres between the Santa Cruz River, Interstate 10, Prince Road, and Miracle Mile. During the initial rezoning process, several neighboring properties outside the PAD boundary were examined as part of the site analysis in anticipation of their future acquisition and inclusion within the PAD. These properties are identified within the PAD as Potential Future PAD Expansion Land Use Plan and most of the PAD's site analysis exhibits.

This amendment proposes incorporating the Tra-Tel property into Planning Block 4 of Exhibit II.B.1: Land Use Plan. The Interstate Commerce (IC) land use designation and regulations will be applied to this property as part of the expanded planning block. Amending the PAD requires text and exhibit revisions to include the newly acquired Tra-Tel property. Submitted documentation outlines the specific modifications necessary to amend the PRINCE 10 PAD to clarify and streamline the amendment process. A redlined copy of the revised PAD has been included as part of the amendment to document these changes.

## **Minor Amendment**

Prior to the major change request, a minor amendment to the Prince/10 PAD was submitted and processed, case TP-MOD-0423-000010. The Applicant requested a minor amendment to the Prince 10 PAD to incorporate language allowing the proposed drainage improvements along the Santa Cruz River's bank protection as the original drainage design within the approved PAD included the prohibition of future penetrations in the Santa Cruz River's bank protection. The Applicant's request stated that further drainage analysis and site design have resulted in the need to place an additional culvert through the bank protection to eliminate the need for onsite detention. The Prince 10 PAD allows for minor changes and adjustments to development standards that do not adversely affect the overall purpose and intent of the PAD. It was determined that the minor amendment request did not conflict with the overall intent of the Prince 10 PAD and was approved as it conforms to the goals and objectives of the Prince 10 PAD.

Pima County Regional Flood Control District (The District) has deemed the proposed improvements acceptable, with certain conditions. These conditions include:



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1. The plans and report will require written approval from the District. Informal reviews thus far have revealed that revisions to the plans and report will be required, including, but not limited to, the use of the latest District soil cement repair standards, cast iron flap gate(s), exit head loss coefficients for the flap gate, containment of the headwater within the inlet concrete area for a 100-year storm event and the relocation of any park utilities.
2. The plans need to include a detailed Loop Detour Plan that maintains the Loop traffic thoroughfare during construction where Loop traffic can essentially be maintained with only minor disruptions for periodic equipment crossings. This detour will also serve as a temporary berm to contain the Q100 in the Santa Cruz River from getting behind the levee during construction. The Detour Plan must include grading and signage plans, and a construction operations/phasing plan indicating how the culvert will be constructed to minimize disruptions of Loop traffic.
3. The District may restrict the timing of construction to reduce the potential of flooding from the Santa Cruz River.
4. All revised and future development plans and drainage reports for the Prince 10 South development must be approved by the District to ensure that the proposed development
5. does not exceed the 100-year runoff calculated by the approved drainage report. The District will be reviewing the future plans for maximizing onsite water harvesting, including within the drainage paths proposed between the pads, however water harvesting basins must be kept at least 100 feet away from the toe of slope on the back side of the levee.
6. A District Facility Impact Permit will be required prior to construction.

This minor amendment letter as well as the conditions provided by the Pima County Regional Flood Control District have been included in this amendment to the Prince/10 PAD.

**Conclusion** – The proposed major change to PAD is consistent with, and supported by, the policy direction provided in *Plan Tucson* and the *Santa Cruz Area Plan*. Approval of the requested major change is appropriate.

## RECOMMENDATION

The Zoning Examiner recommends approval of the requested major change to the PAD.

Sincerely,



# Zoning Examiner

John Iurino

Zoning Examiner

**ATTACHMENTS:**

Case Location Map

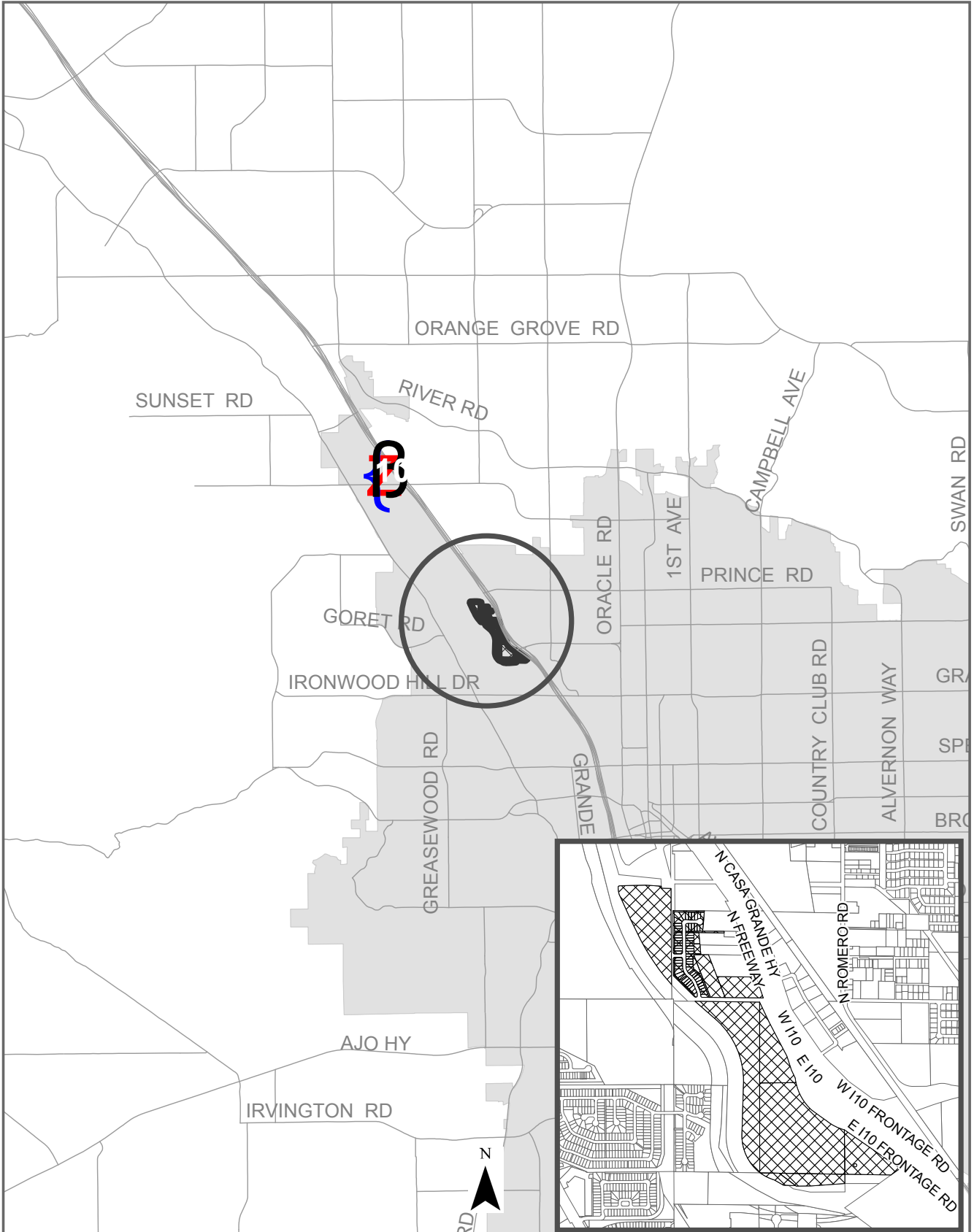
Rezoning Case Map

Public Hearing Minutes

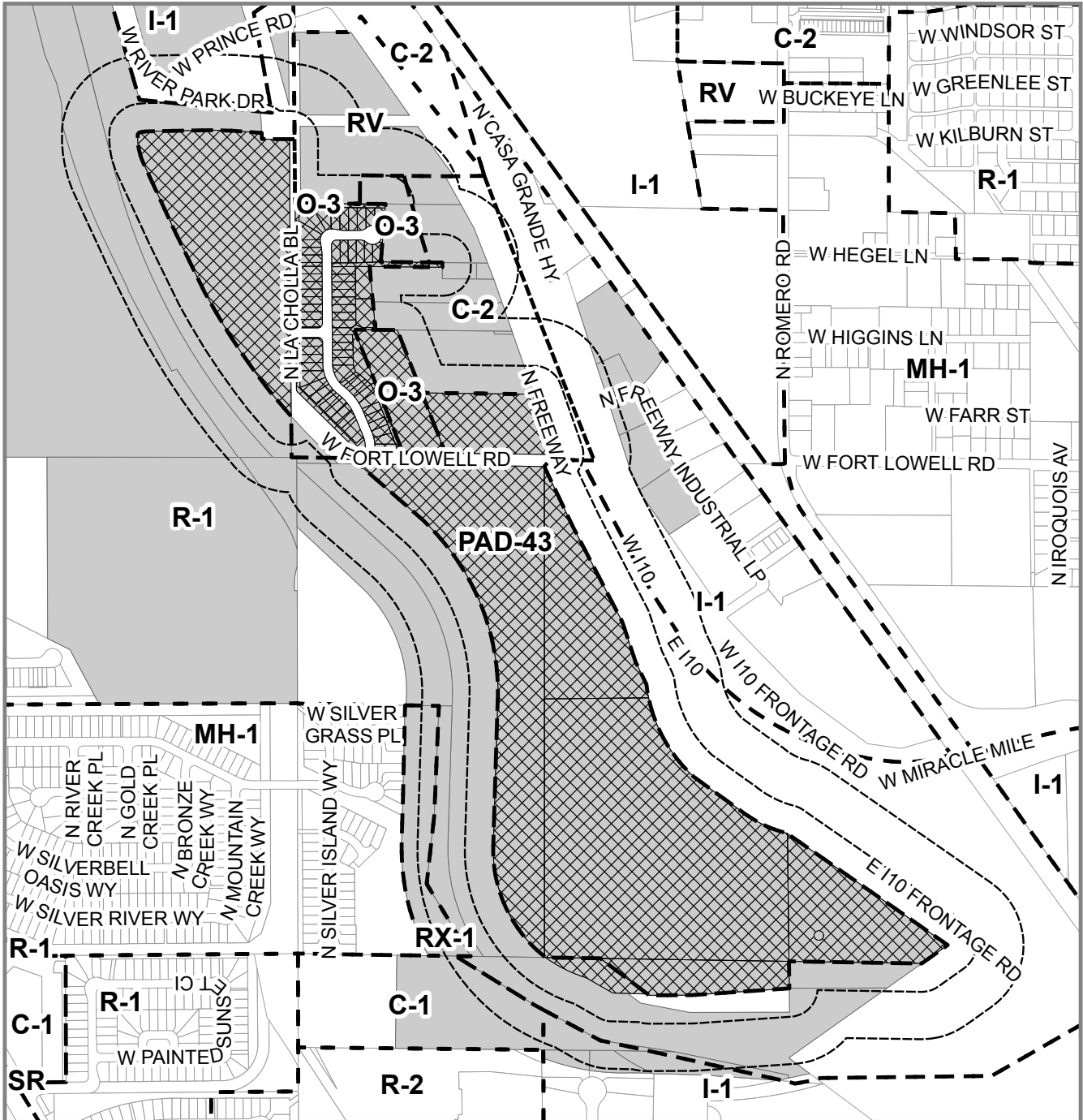
Cc: Mayor and Council




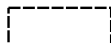
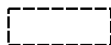
**TP-MOD-0423-000009 Prince/10 PAD, – Major Change (Ward 3)**

# TP-MOD-0423-000009 Prince & I-10 PAD From: R-1, O-3, & C-2 to PAD

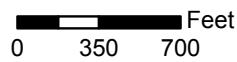


**TP-MOD-0423-000009 Prince & I-10 PAD From: R-1, O-3, & C-2 to PAD**



-  Area of Rezoning
-  Zone Boundaries
-  Properties Notified
-  400' Notification Area
-  Protest Area (150 ft. Radius)

Address: 3455 N LA CHOLLA BL  
 Base Maps: Twp. 1303 Range 1302 Sec. 27  
 Twp. 1303 Range 1302 Sec. 28  
 Twp. 1303 Range 1302 Sec. 34  
 Ward(s): 3



1:8,859






**TP-MOD-0423-00009 Prince & I-10 PAD**  
**From: R-1, O-3, & C-2 to PAD**



Address: 3455 N LA CHOLLA BL  
Base Maps: Twp. 13S Range 13E Sec. 34,  
Twp. 13S Range 13E Sec. 27,  
Twp. 13S Range 13E Sec. 28  
Ward: 3

 Area of Rezoning (R-1, O-3, & C-2 to PAD)



0 320 640 Feet  
1 inch = 628.270161 feet





**CITY OF TUCSON**  
**ZONING EXAMINER PUBLIC HEARING**  
**JUNE 29, 2023**

**ZONING EXAMINER:**

- John Iurino

**STAFF PRESENT:**

- John Beall  
Principal Planner, City of Tucson  
Planning and Development Services Department
- J. Carver Struve  
City of Tucson  
Planning and Development Services Department

**APPLICANTS/AGENTS PRESENT:**

- Lindsay Schube  
Gammage & Burnham  
40 North Central, 20th Floor  
Phoenix, Arizona 85004
- Adam Call  
Brian Underwood  
The Planning Center  
2 East Congress, Suite 600  
Tucson, Arizona 85701
- Rory Juneman  
Lazarus & Silvyn, P.C.  
5983 East Grant Road, Suite 290  
Tucson, Arizona 85712

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1                   ZONING EXAMINER: It's 6:00 o'clock so we'll get  
2 started. Good evening and welcome everyone to tonight's Public  
3 Hearing. My name is John Iurino. I'm the Zoning Examiner for  
4 the City of Tucson.

5                   There's an announcement before we call the first case.

1 And the announcement is that the fourth case on the agenda this  
2 evening, Case TP-ENT-0223-00012, Broadway/Rosemont Apartments,  
3 the hearing on that case tonight will be rescheduled. A question  
4 has been raised about the mailed notice for the hearing on that  
5 case for this evening. To make certain that all parties who  
6 should receive notice of the hearing do, in fact, receive such  
7 notice, I'm cancelling the Public Hearing without taking any  
8 action this evening. I will hold a Public Zoning Examiner  
9 Hearing on July 20, 2023, at 6:00 p.m., and new notice will be  
10 given of that hearing. All protests, approvals, and comments  
11 that were given by the public to date will be carried forward and  
12 considered at the July 20, 2023, hearing, along with any new  
13 testimony, comments, protests, or approvals. So anyone who is  
14 here for that case, please have a lovely evening and a lovely  
15 holiday weekend.

16 And, with that, we'll go into the rest of the agenda.  
17 And the first case on the agenda is Case TP-ENT-0423-0019, West  
18 Grant Road, a special exception case. Mr. Struve, are you  
19 presenting the case?

20 MR. STRUVE: Yes, I am, Mr. Iurino. Thank you.

21 ZONING EXAMINER: Thank you.

22 MR. STRUVE: This is a request by Michelle Santoro  
23 of Gammage & Burnham on behalf of the property owner, Mr. Ronnie  
24 Kassab of Divine Holdings, LLC. The request is for a Mayor and  
25 Council special exception to permit a marijuana dispensary on a

1 .43-acre site that is zoned C-2 commercial. The project site is  
2 located at 225 and 247 West Grant Road, approximately 500 feet  
3 east of the intersection of North Oracle Road and West Grant  
4 Road. The site includes an existing 2,600-square-foot structure,  
5 and the Applicant proposes to enclose an additional 952 square  
6 feet that is under an existing overhang, for a total of 3,552  
7 square feet of interior space. The project will maintain the  
8 current building height of 21.25 feet.

9 The proposed use will comply with all use-specific  
10 standards established by the City's Uniform Develop- -- Uniform  
11 Development Code -- Unified Development Code, including  
12 limitations on the hours of operation and separation distances  
13 from other marijuana dispensaries as -- and sensitive uses as  
14 proscribed by the UDC. With an approval special exception, the  
15 Applicant will file and implement a security plan that complies  
16 with State of Arizona standards, as well as an odor mitigation  
17 plan.

18 A total of one approval and one protest have been  
19 received for this site. The Planning and Development Services  
20 Department recommends approval of the requested Mayor and Council  
21 special exception, subject to the submitted preliminary  
22 conditions. Thank you.

23 ZONING EXAMINER: Thank you, Mr. Struve.

24 Would the Applicant like to be heard?

25 MS. SCHUBE: Mr. Iurino, Lindsay Schube with the

1 law firm of Gammage & Burnham. And I just got a new camera, so  
2 if I -- if I seem a little -- this -- this virtual world we're  
3 in, so if I'm looking at the wrong side at the wrong time, I  
4 apologize. I've got --

5 ZONING EXAMINER: It all looks good to me. Thank  
6 you.

7 MS. SCHUBE: Perfect. May I share my screen and  
8 share a short presentation?

9 ZONING EXAMINER: Yes, please.

10 MS. SCHUBE: Perfect. Okay. Okay.

11 ZONING EXAMINER: That's a good camera you got,  
12 too.

13 MS. SCHUBE: Oh, well, thank you. I will -- I  
14 will compliment our -- our IT Department.

15 ZONING EXAMINER: Your vendor, yes.

16 MS. SCHUBE: Okay. Here we go. So -- and see if  
17 I can play it from the beginning here. That works. Oh, what we  
18 -- I'll just do -- it's just -- okay, hopefully, you're seeing  
19 inside a baseball with the little things on the screen, but  
20 technology is not exactly my -- or my -- my expertise.

21 So Lindsay Schube, Gammage & Burnham. As staff  
22 introduced, Michelle Santoro is a planner who worked with us on  
23 this case, she is enjoying vacation with her family, which is  
24 lovely. So with me tonight is a Senior Land Use Planner Dennis  
25 Newcomb, again on behalf of Mohave Cannabis Club; also Ronnie

1 Kassab and JARS Cannabis.

2           A little about JARS, they own and operate multiple  
3 dispensaries nationwide, Michigan and Arizona, and they have won  
4 multiple awards in Arizona for community involvement, retail  
5 selection, and customer service, so they are not new to the  
6 marijuana space. And I'll say even -- we've won over the hearts  
7 of Payson, and they're a very conservative community up there, so  
8 they -- they have a lot of familiarity with working in a bunch of  
9 different jurisdictions in the State of Arizona. They are very  
10 interested and concerned about compliance and security, and they  
11 run a really fabulous business with high customer service.

12           So, as described, we're talking about the southeast  
13 corner of Grant and 11th Avenue, just east of Oracle. I'm sure,  
14 Mr. Iurino, you have done a site visit and read the Staff report  
15 as -- as any good hearing officer would, so I'm sure you're  
16 familiar with this area. We are aware of the challenges that are  
17 in this area right now, and that doesn't deter us from being  
18 there. We believe that we can be an asset to the community.

19           So why am I here as Carver described? I'm here for a  
20 request -- a recommendation of approval of the Mayor and Council  
21 special exception to allow construction and operation of a 3,552-  
22 square-foot dispensary. Again, we have the existing building. I  
23 love it. This is a prime example of adaptive reuse and bringing  
24 the building back up to code. We have a condition of approval  
25 for the cool roof and -- and all those other code -- we're not

1 asking for any exceptions or deviations. We also are going to  
2 add a small extension on the property you'll see in the next  
3 exhibit, and bring landscaping up to code, which I think will  
4 help in terms of shade and heat island and all of those things.

5 As described, the property is zoned C-2. According to  
6 Plan Tucson, the land use designation is commercial and it's  
7 situated in the mixed-use center, so future -- future growth  
8 scenario. There was an approval for dual licensee on here, but  
9 there has been a code change that now requires dispensaries to  
10 move forward with the special exception.

11 So, again, as described, 3,522 (sic) square-foot  
12 building. With that, we will operate between the hours of 7:00  
13 a.m. and 10:00 p.m., in conformance with the Tucson code; not  
14 asking for any variation. We are compliant with the code: 12  
15 parking spots, as well as four bicycle spots, two handicapped,  
16 one -- one available for van accessibility as well. We'll remain  
17 in conformance with all of the City's performance standards for  
18 dispensaries and upgrade in site landscaping. Again, not only  
19 the adaptive reuse of the building, but improving kind of the  
20 shade and walkability in the area we believe will be of benefit  
21 to the area and some of the challenges that they are seeing.

22 As described, JARS Cannabis, they're a fabulous  
23 retailer. I -- I have to admit, I -- I've worked with them for  
24 years. And -- and Gammage & Burnham, we are very fortunate that  
25 we don't -- we don't represent people who we don't believe are --

1 are of benefit to the State of Arizona. We care very much about  
2 -- about that.

3 Safety is very important to them. It is regulated by  
4 Arizona Department of Health Services, but we do tend to -- to go  
5 above and beyond. If we are approved by -- for this Mayor and  
6 Council special exception, we'll have surveillance cameras  
7 covering the entire exterior and interior. We have found that  
8 the placement of dispensaries in areas that are facing some of  
9 the challenges that this area has, it really does decrease crime.  
10 JARS has worked with first responders. Even if there is a  
11 situation that has nothing to do with our dispensary, our -- our  
12 security footage has to maintain -- we have to maintain it for 30  
13 days, and we welcome any involvement from -- from first  
14 responders who want to come in and look at our -- look at our  
15 footage if we can help with anything in the area.

16 Twenty-four-hour independent monitored security alarm  
17 system, trackable and controlled key card access. As you know,  
18 everyone who works at a dispensary must have a facility agent  
19 card, that's a full background check, and -- and security safety  
20 very important. And there are two unannounced inspections a year  
21 by the State of Arizona. So, not only do we have to be compliant  
22 with everything with the City of Tucson, but also the State of  
23 Arizona. Like I said, we are aware of -- of some of the  
24 challenges, but we really like this building and -- and -- and we  
25 like what -- what we can do here.



1           So I know for you to recommend approval tonight, you  
2 have to find that we meet five of the special exception findings.  
3 I'll run through those quickly. I submit to you that we meet the  
4 standards express- -- expressly applied by the adopted codes. We  
5 do meet all the -- you know, not only are there regular land use  
6 issues with C-2, or any type of commercial zoning, but then you  
7 add the marijuana section and we have so many more proscribed  
8 standards that we do meet, and it already does have an existing  
9 approval onsite.

10           I submit to you we will not have an adverse impact on  
11 adjacent land uses surrounding the neighborhood. I actually  
12 would say to you that I think we will do the opposite. I think  
13 that this project represents an investment and an improvement in  
14 a parcel that's currently very under-utilized. The security  
15 onsite I think will be a benefit. Mohave JARS is an experienced  
16 operator in the State of Arizona and, frankly, this is far less  
17 intensive than many surrounding neighborhood land uses and/or  
18 land uses that would be permitted by right on this site.

19           It provides for adequate and efficient vehicular and  
20 pedestrian access. As discussed, there new paved off-street  
21 parking. We utilize our -- our existing curb cut on Grant Road.  
22 And we are situated along an existing bike path.

23           Condition No, 4, we can adequately and efficiently be  
24 served by public services. Yes, this is an adaptive reuse, that  
25 we require no additions to City -- to City services, so we meet

1 that.

2 And, No. 5, complies with the general plan and  
3 applicable subregional area or neighborhood plan. It is already  
4 zoned and designated for commercial use. We are situated, like I  
5 said, in that mixed-used center for future growth and we comply  
6 with all the goals as set forth. I believe this is a valuable  
7 infill development that will provide unique and tasteful option  
8 in the area.

9 So, with that, we did have a neighborhood meeting. I'm  
10 sure you read that in the -- in the minutes. We had one  
11 participant. He was fabulous -- frankly, just our neighbor to  
12 the southwest -- and welcomes us in the neighborhood. I believe  
13 he submitted a letter of support and -- and that's in your file.

14 So, with that, with a recommendation of approval from  
15 Staff, with one member at our neighborhood meeting who's  
16 supportive of our application, I respectfully request a  
17 recommendation of approval.

18 ZONING EXAMINER: Thank you, Ms. Schube. Nice  
19 presentation. Appreciate it.

20 Would anyone else in the audience like to be heard on  
21 this case? Hearing no one, I'll close the Public Hearing.

22 And, Ms. Schube, you may understand this is a Mayor and  
23 Council special exception, so I make a recommendation. And our  
24 standard practice here is I prepare a preliminary report within  
25 five business days and, five business days thereafter, a final

1 report. You can coordinate with PDSO on the time and what  
2 happens after that, though.

3 Thank you very much for joining us tonight and have a  
4 good holiday weekend. Thank you.

5 MS. SCHUBE: Absolutely. You too. Thank you.

6 ZONING EXAMINER: Okay. So our next case is Case  
7 TP-MOD-0423-000009 -- may have been one too many zeros -- Prince  
8 10 PAD, Major Change. Mr. Beall, are you presenting the Staff  
9 report?

10 MR. BEALL: Yes, I am.

11 ZONING EXAMINER: Thank you.

12 MR. BEALL: So this is a request by Brian  
13 Underwood and Adam Call of The Planning Center for a major change  
14 to the Prince 10 PAD, PAD-43, to add approximately 3.3 acres from  
15 O-3 office to PAD planned arid development. The initial parcel  
16 is within Planning Block 4, and would be designated for  
17 interstate commerce IC land use designation, as outlined in the  
18 PAD document. Planning Block 4 has a goal of providing high-  
19 tech, high-rise development that includes office, commercial,  
20 industrial, and high-density residential uses. The site is the  
21 former location of the Tra-Tel Tucson RV Park, and located at  
22 2070 West Fort Lowell Road, approximately 560 feet west of the  
23 intersection of Fort Lowell Road and North Business Center Drive.

24 The City of Tucson Mayor and Council approved the  
25 Prince 10 PAD in August of 2021. It comprises 110 acres between

1 the Santa Cruz River, Interstate 10, Prince Road, and Miracle  
2 Mile. During the initial rezoning process, several neighboring  
3 properties outside the PAD boundary were examined as part of the  
4 site analysis in anticipation of any future acquisition and  
5 inclusion within the PAD. These properties were identified  
6 within the PAD as potential future PAD expansion land use plans;  
7 most of the PAD site analysis exhibits outline that.

8 This plan amendment -- or amendment to the plan  
9 proposes incorporating the Tra-Tel property into Planning Block 4  
10 of Exhibit 2.B.1 of the Land Use Plan. And this land use again  
11 designation and regulations will be applied to this property as  
12 part of the expanding -- expanded planning block. Amending the  
13 PAD requires text and exhibit revisions that will -- of the  
14 newly-acquired property, and the submitted documentation outlines  
15 specific modifications necessary to amend the Prince 10 PAD and  
16 to also clarify and streamline the amendment process.

17 The proposed rezoning major change to the PAD is  
18 consistent with, and supported by, the policy direction provided  
19 in Plan Tucson and the Santa Cruz Area Plan, and approval of the  
20 requested major change is appropriate. As of today's date, there  
21 have been no approvals and no protests.

22 ZONING EXAMINER: Thank you, Mr. Beall.

23 Would the Applicant like to be heard?

24 MR. CALL: Yes, this is Adam Call from The  
25 Planning Center. I'm here with Brian Underwood, a Director of

1 Planning here. Thank you, Mr. Beall, for your Staff report and  
2 your help through this project. It's been great working with the  
3 folks from the City on moving this one forward.

4 Mr. Iurino, I have a presentation if -- if I'm going to  
5 be able to share my screen.

6 ZONING EXAMINER: Of course, please go ahead.

7 MR. CALL: All right. Let me pull this up for  
8 you. So just a brief overview. What Mr. Beall had -- had  
9 provided was that the Prince 10 PAD was originally approved in  
10 August, 2021. It's 110 acres and it's located west of Interstate  
11 10, between Miracle Mile and Prince Road, it -- and it runs along  
12 the Santa Cruz River.

13 Here's a couple examples of views of the property we're  
14 looking at. So, when it was originally -- when we originally had  
15 this PAD approved, we identified several properties between the  
16 property and the freeway that could be potential expansion areas  
17 for future acquisition. And the subject parcel that we are  
18 requesting today, the 3.3 acres, former home of the Tra-Tel RV  
19 site, has been acquired by Brav Holdings, and Gary Brav is here,  
20 the property owner of Prince 10, and we want to include it into  
21 the -- into the PAD; but this constitutes a major plan amendment,  
22 so we are moving through that process and seeking approval for  
23 incorporating this into -- into the Prince 10 PAD.

24 Additionally, there are a few minor cleanup items that  
25 we're also putting into the PAD. There is a small remnant parcel

1 that was not included in the original boundary, and we're  
2 requesting that this approximately one acre along the Santa Cruz  
3 River be included so it's not an isolated spot zoning in the --  
4 in the area.

5 Additionally, we processed a minor administrative  
6 amendment, including language for drainage improvements along the  
7 Santa Cruz River. We're incorporating that language into the --  
8 into the PAD here as well. And we also made some minor  
9 modifications to two land use categories allowing for food truck  
10 park and gem show temporary use in -- in the entire PAD as well.

11 So we wanted to memorialize all those here and give --  
12 give you an example of what was originally in the PAD, and then  
13 what we're actually proposing. The Tra-Tel piece would be  
14 incorporated into -- into Planning Block 4 and assume the  
15 interstate commerce land use designation. The one-acre piece  
16 would be incorporated into Planning Block 8 and assume that same  
17 interstate commerce designation. So, really trying to keep it  
18 straightforward and keep it clean and consistent with the rest of  
19 the PAD, having this amendment would actually relieve a pinch  
20 point in -- in the middle of the PAD, making for a better  
21 transition from north to south, and also a larger development  
22 area for Planning Area 4.

23 And just to summarize, adding the 3.3-acre piece, we  
24 would rezone it from its current zoning of O-3 to the PAD through  
25 this major amendment. It would be added to Block 4 and assume

1 the IC designation. Like I mentioned, it eliminates the pinch  
2 point and makes more consistent development throughout, and also  
3 adjusts the southern boundary along Block 8 and incorporates the  
4 minor amendment language for the drainage improvements along the  
5 Santa Cruz River. We also clarified the food truck park as a  
6 permitted use and the gem show space as a temporary use. We want  
7 to make sure these were memorialized on the record so that  
8 everything in the PAD can be moving forward. We noticed that  
9 some of this may have not been included in some of the -- the  
10 documentation in the agenda, so we want to make sure that we  
11 presented that to you tonight.

12 So, with that --

13 ZONING EXAMINER: Thank you, Mr. Call. That's  
14 very helpful.

15 MR. CALL: -- with that, we're happy to answer any  
16 questions you may have.

17 ZONING EXAMINER: I don't have any. Your  
18 presentation was very clear and the need for the PAD amendment is  
19 also very clear. Thank you very much, though.

20 MR. CALL: Thank you.

21 ZONING EXAMINER: Would anyone else in the  
22 audience like to be heard on this case? Hearing no one, I'm  
23 closing the Public Hearing on Prince 10 PAD, Major Change.

24 I hope both of you gentlemen, and Mr. Brav as well  
25 who's with us, have a good holiday weekend. Stay safe. Thank

1 you.

2 MR. CALL: Thank you. Same to you.

3 ZONING EXAMINER: The next case is Case TP-ENT-  
4 1122-0003, Sixth at Campbell PAD. Before we go to the Staff  
5 report, Mr. Juneman, are you present?

6 MR. JUNEMAN: Yes, Mr. Iurino, I'm here.

7 ZONING EXAMINER: Thank you. Good evening, Mr.  
8 Juneman. I -- I saw in some of the correspondence that was  
9 shared with me before the hearing today that there may be ongoing  
10 discussions with the Rincon --

11 MR. JUNEMAN: I got that.

12 ZONING EXAMINER: -- Heights Association. And I  
13 just wanted to -- to know whether it made sense to you to go  
14 forward with the hearing now or have a short continuance so you  
15 can conclude. I'm not leaning you in either direction. I'm just  
16 asking the question for you, sir.

17 MR. JUNEMAN: Sure, sure. Thank you, Mr. Iurino.  
18 So I think we'd like to move forward with the -- the hearing. I  
19 mean, we're here, Mr. Cummings here. I -- I think at the end, if  
20 -- if you -- if you feel that it's -- it's -- you know, if you'd  
21 like, we're happy to do that, but --

22 ZONING EXAMINER: Got it.

23 MR. JUNEMAN: -- I think at least do the -- do the  
24 hearing.

25 ZONING EXAMINER: Sounds good. Thank you. Then,



1 with that, Mr. Beall, would you go ahead and present the Staff  
2 report, sir?

3 MR. BEALL: Yes. This is a request by Lazarus &  
4 Silvyn, P.C., on behalf of the property owner, Scott Cummings, SJ  
5 Cummings Properties, to rezone approximately 2.36 acres from C-1,  
6 R-2 and P to PAD zoning. The rezoning site is located on the  
7 southwest corner of Sixth Street and Campbell Avenue, immediately  
8 adjacent to the University of Arizona campus which is located to  
9 the north across Sixth Street.

10 The preliminary development plan proposes the  
11 development of a mixed-use, multistory development comprised of  
12 storefront retail, commercial, restaurant uses, with multifamily  
13 dwelling units and/or offices above, and potential land uses  
14 permitted within the PAD include a hotel. The project building  
15 heights range from 28 and 50 feet along Campbell Avenue to 70 and  
16 80 feet moving west on the Sixth Street frontage. The PAD is  
17 comprised of 14 parcels, 12 of which are owned by SJ Cummings  
18 Properties, and two parcels are not owned by the Applicant; one  
19 is owned by a private entity, and the other parcel is owned by  
20 Arizona Board of Regents.

21 It should be noted that the PAD rezoning request was  
22 originally denied by Mayor and Council on November 9th, 2021, and  
23 the UDC requires that a rezoning request to wait a year until it  
24 can come back for submittal. The Applicant has met this request,  
25 and the project team has continued to work with the community,

1 and the PAD request reflects their engagement and revisions to  
2 the -- to the PAD since that time.

3 As of today's date, there have been 25 approvals and 23  
4 protests. And, again, as you called out, Mr. Iurino, there is a  
5 letter from the Rincon Neighborhood Association which talked  
6 about things that they're still working out, so I think I would  
7 defer to the -- maybe the Applicant to maybe go over sort of the  
8 changes that have occurred since then and maybe outline a little  
9 more things they're working on. But that's the Staff's report to  
10 date.

11 ZONING EXAMINER: Thank you, Mr. Beall.

12 Mr. Juneman, please go ahead.

13 MR. JUNEMAN: All right. Great. Mr. Iurino, are  
14 you okay if I share my screen?

15 ZONING EXAMINER: Absolutely.

16 MR. JUNEMAN: All right. Can -- can you see that?

17 ZONING EXAMINER: I can.

18 MR. JUNEMAN: All right. Well, first, thank you  
19 very much for allowing us to present tonight. And I also want to  
20 thank Staff for all their -- their help throughout as always.

21 There's a few people here that I -- I want to  
22 introduce. First of all, Scott Cummings, the Applicant's here.  
23 Our property owner's here. From FORS Architecture, Miguel  
24 Quintanilla and Richard Wiege, they're our project architects.  
25 And then I believe Darlene (unintelligible) from Psomas, she's

1 our traffic engineer. So if you have any questions kind of for  
2 those -- in those areas, they're available to answer those.

3 I'm -- I think by now you probably know where this  
4 property is.

5 ZONING EXAMINER: I remember.

6 MR. JUNEMAN: -- (audio cuts out) on this case  
7 that I did, so --

8 ZONING EXAMINER: Right.

9 MR. JUNEMAN: And then the -- the current zoning  
10 is described in the Staff report. The -- the -- I just wanted to  
11 -- to note in the -- both our application and the Staff report,  
12 there's quite a bit of justification for this rezoning under the  
13 applicable plan, for Plan Tucson, and the University Area Plan;  
14 particularly Plan Tucson has a lot of policies that encourage  
15 what we're proposing: urban development, kind of taking old --  
16 old parcels and assembling them for more of an urban forum and --  
17 and infill. The -- although the UA Comprehensive Campus Plan  
18 doesn't apply necessarily to the City rezoning, it does also  
19 contemplate this area being a mixed-use residential and  
20 commercial-type -- -type project. So I'm happy -- if you have  
21 any questions about any of those, I -- I don't think it's -- a  
22 need to go into it, but I'm happy to answer your questions.

23 ZONING EXAMINER: Thank you. I'm good.

24 MR. JUNEMAN: So I -- I think I want to jump off,  
25 before we start talking about the specifics in the project, and

1 just -- just talk a little bit about the vision here. Scott has  
2 really been assembling these parcels, the 12 out of 14 that he  
3 owns, for a couple of decades. And I think over the last few  
4 years, he's -- he's developed this -- this vision of -- of a --  
5 of a -- of an urban project, a mixed-use project, but really a  
6 gateway kind of project to the University of Arizona. For -- for  
7 a town with a major university, we really don't have those kind  
8 of really strong gateways at the -- at the four corners of  
9 campus. I think that's really part of his vision. And -- and,  
10 really for this part of town, with all of the U of A athletics  
11 that go on, with the proximity to the University, this really is  
12 -- is an appropriate project for the site. It's particularly  
13 appropriate I think because of the opportunity for multimodal  
14 transportation, walking, biking, transit. I'll talk a little bit  
15 about that in a minute.

16 Because we're not in the IID here, we're not in  
17 Sunshine Mile or Main Gate, really our only option to do a  
18 project like this is a PAD, because it's -- as you know, it's  
19 going to give us flexibility to -- on design criteria,  
20 development standards. It gives us flexibility in working with  
21 the neighborhood, maybe implement things that -- that we  
22 negotiate with them. So that's -- I think it's kind of obvious  
23 why we're using the PAD; it's -- it's really kind of our only  
24 tool to -- to -- to be able to accomplish what we want.

25 I mentioned transit, we are in a great location for --

1 for a multimodal project. There's four transit stops that are  
2 just really at our -- at our doorstep; and -- and those are bus  
3 lines that go from -- from all ends of town, from -- up to  
4 Catalina Highway to -- to Banner South, from Pima College East to  
5 downtown; that -- that -- they're really good bus lines for  
6 somebody that wants to get downtown or other parts -- parts of  
7 town. We're half a mile from the streetcar and just feet from --  
8 from really I'd say one of Tucson's primary activity centers, the  
9 University. So -- so it really is a perfect site for a -- for a  
10 pedestrian/transit-oriented type of project.

11 So, now, I want to focus on our -- on our site plan and  
12 talk a little bit more in detail about the project. Starting off  
13 with uses, again, I think the -- the -- the anticipated uses are  
14 ground floor commercial, retail, definitely some restaurants,  
15 maybe some other type of complementary retail uses.

16 Above ground likely would be apartments. We've written  
17 into the PAD the ability to do -- to do travel accommodation, do  
18 -- do a hotel, that's limited to the -- the western portion of  
19 our project that's the tallest, but there's still the ability to  
20 do that. I think there's potential for some demand here.

21 What we have limited, though, is some uses that the  
22 neighbors feel are problematic; one is roof dwelling. So this is  
23 going to be a project that's rented by the unit. We've actually  
24 wrote in that you can't have more than three deckerings (ph.), so  
25 even a little bit more strict than the base code for multifamily.

1 So it's -- it will definitely be a multifamily use.

2 Also, one of the concerns -- and we'll talk a little  
3 bit more later about -- in our -- in our discussions with the  
4 neighbors was the -- the restaurant versus bar use at the ground  
5 floor. So one of the early things we did in starting to work  
6 with the neighborhood was just restrict stand-alone bars, so  
7 that's -- in the PAD that is not allowed. Any kind of alcohol  
8 service use has got to be coupled with a food service use as  
9 well.

10 Oh, one thing I did want to mention, we -- we've got a  
11 requirement of having half of the ground floor along Sixth be  
12 some sort of a commercial or retail use as well to really  
13 encourage that and help activate that -- that area. And I -- and  
14 I think, based on the location near Rincon Heights, near Sam  
15 Hughes, obviously we're going to have traffic from outside the  
16 area, but this really does lend itself as a -- a project that  
17 will be a neighborhood amenity. Across the street to the east,  
18 those -- those restaurants are -- at least it looks like Cheba  
19 Hut's doing well, Trident Pizza's doing well. I think there's  
20 opportunity for -- for more restaurants in this area to do well.

21 The heights of our project are -- are pretty similar to  
22 what was proposed last time. On our corner of Campbell and Sixth  
23 is a 50-foot-height maximum; go a little bit east -- or west,  
24 excuse me -- and that goes -- raises to 70 feet; and then the  
25 western-most portion is at 80 feet. I will mention -- I'm sure

1 you're aware of this -- that the site actually drops a  
2 significant amount from its eastern edge to its western edge,  
3 it's about a 12-foot drop from one side to the other, and I think  
4 it's about an eight-foot drop between Campbell and -- and Martin.  
5 So I think that does have some impact on the -- on sort of how --  
6 how that height will end up appearing once it's constructed.

7           Parking, we have in the PAD a -- for residential units,  
8 we've got a minimum of .9 spaces per unit, but you'll see when we  
9 talk about our -- our discussions with Rincon Heights, there's  
10 another sort of alternative on the table. Parking for -- for  
11 commercial, one per 400 spaces. One thing we've done in the PAD  
12 to -- to sort of promote people maybe not bringing cars or using  
13 -- using our -- living here without a car is to decouple the  
14 leases for -- for the apartments from the actual parking spaces.  
15 That's something that is commonly proposed to -- again, to help  
16 kind of discourage people from actually using cars and -- and  
17 just go straight transit or -- or walking and biking; so that's  
18 in the PAD.

19           The -- the parking area -- oh, I forgot to mention the  
20 height on -- on Area D, that's a maximum of 28 feet. This whole  
21 Area D will be a parking structure and 90-percent of the -- the  
22 top of that will be covered by solar panels for covered parking.  
23 And we also will, obviously, comply with the City's electric  
24 vehicle ordinance that was passed last year.

25           Circulation, pretty straightforward. We'll have two

1 access points on Sixth Street. We've also provided the ability  
2 to do a loading area on -- on Sixth, but this wouldn't be, you  
3 know, a regular traffic access point. Two access points for  
4 vehicles on -- on Campbell. The blue lines are vehicle access,  
5 and then the -- the green lines here are pedestrian access. The  
6 one thing -- and then we'll also have some access from Warren as  
7 well.

8           The one thing I wanted to point out is -- one of the  
9 things we proposed in the PAD -- not -- not as a requirement,  
10 because this is really a separate process with the City -- but  
11 our project, and really the feedback we've gotten from the  
12 neighbors and even the University, they all seem to like this  
13 idea, is to -- to work with the City to try to acquire the Martin  
14 right-of-way that's -- that's sort of due south of the project.  
15 And what the -- the benefits of this are our -- you know, any --  
16 when the project -- when it's our project traffic or U of A  
17 students, or mainly kind of game day traffic that -- that uses  
18 the south stadium garage, by blocking that area off, it'll force  
19 that traffic out directly to Campbell and have less of an impact  
20 on the neighborhood. It's not going to solve the entire problem  
21 of -- of post-game or pre-game traffic in the neighborhood, but I  
22 think it'll -- it'll help significantly.

23           The -- what we would do in this area is make it sort of  
24 a landscaped pedestrian/bike path that would connect to Seventh  
25 Street from -- from the project, so there'd still be neighborhood



1 accessibility through there, whether it's bike or pedestrian, but  
2 it would block off vehicle traffic. We've also kind of reserved  
3 the ability to potentially use that for -- for maybe a drainage  
4 facility if we need to for the project, but that -- you know,  
5 that's just speculative, that's -- that's pretty far down the  
6 line, so -- but -- but at least we -- we've sort of saved that to  
7 have the ability to use that.

8           And then I mentioned the pedestrian connections are  
9 really just along the edge. We've got some illustrations that  
10 show sort of the pede- -- the look and feel of what -- what we  
11 want. We want to create a pedestrian-friendly environment to --  
12 and I'll show you that in a minute.

13           We did do a traffic study for the -- for the project.  
14 A couple things about this study is we used actually the data  
15 that we collected in 2019 for the first rezoning. The City was  
16 comfortable with us using that because that data had more traffic  
17 than -- and that was pre-pandemic -- so that was -- that study  
18 had more traffic than -- than has been collected since, so the  
19 City was -- was agreeable to use that -- those counts.

20           And then the other thing that the -- that our traffic  
21 study actually doesn't do is give credit for those multimodal  
22 trips. So the study was based on an apartment complex. We used  
23 323 units for -- for the -- the project, that's -- that's  
24 probably higher than we're anticipating, and -- and we didn't --  
25 we didn't build in any credits for pedestrians, bicycles, or

1 transit. So our traffic study is really very conservative, it's  
2 kind of a worst-case scenario. We're pretty confident that once  
3 this -- this is built, that there's going to be a lot of  
4 residents that use transit, that -- that use bikes, that -- that  
5 walk, particularly those that are working or -- or maybe  
6 attending school at U of A. There's no real reason to get in  
7 your car on this site. So -- so it real- -- I think it really is  
8 a traffic study that -- that's fairly conservative.

9 Even with it being conservative, the levels of service  
10 at -- particularly at Sixth and Campbell didn't really change  
11 much. We will have to fill -- to extend the turn lane on Sixth  
12 going eastbound that turns north onto Campbell; that lane -- turn  
13 lane right now is pretty short, it's 65 feet, it'll have to be  
14 extended to over 200 feet.

15 We might also have to build a turn lane into the  
16 project, but DTM is willing to sort of put that on hold and not  
17 make it necessarily a requirement, to really look to see what our  
18 -- our -- our site design will be at the time of development, but  
19 it's -- it's potentially something that they may require. The  
20 down side is that would take away sidewalk space and -- and  
21 really maybe not be advantageous to that pedestrian environment  
22 in that area. So those are the kind of concerns that we balance  
23 at that time. But, again, that's something that's -- that's down  
24 the road.

25 ZONING EXAMINER: So really -- if I could ask real

1 quick.

2 MR. JUNEMAN: Yes, sir.

3 ZONING EXAMINER: So folks come up from Broadway  
4 to come to the project, they're coming up Campbell, how are they  
5 getting in?

6 MR. JUNEMAN: If you're going north on Campbell,  
7 you could --

8 ZONING EXAMINER: Yeah.

9 MR. JUNEMAN: -- do a U-turn at Sixth and then  
10 there's two entrances on Campbell, or you could do a left-hand  
11 turn going westbound on Sixth. The Martin -- the -- there's an  
12 entrance there at Martin and there's another entrance there that  
13 -- well, at the Martin entrance we did anticipate there being a  
14 left-hand turn there, but we also don't think that -- that --  
15 that there'll be restrictions to it. I think the main area we  
16 thought there would be a left-hand turn into the project off of  
17 Sixth is here at the -- in this area, a little bit beyond Martin.  
18 And then the other option is to go down to Warren and enter  
19 through sort of the back -- the back of the project.

20 ZONING EXAMINER: So it's a U-turn -- primarily a  
21 U-turn off Campbell?

22 MR. JUNEMAN: But the -- the -- the fastest,  
23 closest access would be a U-turn, but then I think there's  
24 multiple access points below.

25 ZONING EXAMINER: 'Cause there's no median cut

1 there, right?

2 MR. JUNEMAN: There's a turn lane, it's -- there  
3 it's two lanes with a turn lane.

4 UNIDENTIFIED MALE: But he said on Campbell.

5 MR. JUNEMAN: Oh, on -- there's no -- yeah.

6 ZONING EXAMINER: Yeah, I'm still on Campbell.

7 MR. JUNEMAN: All right. There's no -- there's no  
8 median cut there, yeah.

9 ZONING EXAMINER: Got it. Go -- go ahead.

10 MR. JUNEMAN: The final thing the traffic study  
11 recommended was on -- it was to have a ride share space, not at  
12 -- at the exterior of Sixth or Campbell, but sort of interior to  
13 the project. So I'm going to go back to our site plan. So this  
14 is the most likely area for ride share is within this Martin --  
15 what's now the Martin right-of-way area. Likely how this is  
16 going to function -- well, there's two possible ways this  
17 functions, but both of them will keep Martin open. There's  
18 currently a lot of utilities and easements that run through here,  
19 so we will not be blocking off Martin; it'll be open for -- for  
20 traffic.

21 What could happen is we build over it so it's similar  
22 to over at -- I think it's Hub 4 near Park and Speedway. There's  
23 an alley there where the alley access is open, public access is  
24 maintained through easements, all of the utility easements are  
25 maintained, but -- and, you know, you work with -- you work with

1 fire and we make sure we have enough clearance, but you  
2 essentially have a tunnel there that has units on top and allows  
3 for clearance at the bottom. We could -- it's also possible that  
4 you have two buildings and you don't have that. But -- but, in  
5 either instance, Martin is going to remain open so where you do  
6 have -- maintain connectivity to this -- the south stadium  
7 parking, connectivity to our parking garages and that alley as  
8 well, so --

9 The -- just a few other things to point out. Trash --  
10 the trash area would be between our -- our Building A or our Area  
11 A and the south parking garage, because that's in an area that  
12 really has -- that -- that's -- that -- the parking garage will  
13 insulate the Rincon Heights palms and -- and cut -- help cut down  
14 on noise.

15 And I'm moving to the top of the building. We did  
16 write into the PAD, and we've continued to have some discussions  
17 with the neighborhood, on -- on upper-story amenities. The way  
18 we structured those in the PAD is we would not allow an amenity  
19 on the very top of either of these -- of any of the sections of  
20 the project, A, B, or C, and not -- and, obviously, not on the  
21 roof of the parking -- yeah, 'cause that's all going to be  
22 parking. But we would allow rooftop amenities that are sort of  
23 below that top level. So what that does is it creates a natural  
24 sound barrier and insulates those rooftop amenities from the  
25 south and east and the west and really kind of directs those

1 amenities to the north towards campus where there's less -- you  
2 know, less -- obviously, less homes and a lot more space for that  
3 noise to -- to travel and not affect anybody.

4 We've also committed to some safety measures to either  
5 have buffering on the edges or -- and/or sort of canopies down  
6 below that would protect the pedestrians from anything that --  
7 that might accidentally fall from the roof. And -- and then --  
8 yeah, and then that -- that's really -- that's really the main --  
9 the main things related to upper -- upper-level amenities.

10 We -- we also included some things in the PAD related  
11 to water conservation. One of those things was water fixtures,  
12 but that just got adopted -- or approved I think last month by  
13 Mayor and Council as -- as a code change, so we've got it in our  
14 PAD, but it's -- it's now code. But also including things like  
15 no water features and just committing to sort of a water --  
16 water-conservative design throughout the project.

17 I wanted to point out on height -- this is just an  
18 exhibit that -- that I wanted to show. We -- the highest portion  
19 of our -- our building is adjacent to the existing south stadium  
20 garage. So, if you're on Seventh Street and you're looking  
21 north, that garage really blocks all viewshed impacts from our --  
22 from our highest point. So it's just -- you know, we -- I think  
23 we've done a lot with this design to try to limit the impacts on  
24 the surrounding neighbors, putting the -- the parking garage next  
25 to the existing homes with a 28-foot height to kind of break up

1 that massing so you don't have as much massing next to the -- the  
2 homes; and then building up from the corner that 50 feet to 70  
3 feet to 80 feet at our highest point, there really isn't any  
4 viewshed impacts from -- from the project.

5 We did just a couple of conceptual renderings -- or our  
6 architects here -- a great job showing what this could look like.  
7 Scott doesn't have any (unintelligible) partners, this is just --  
8 this really just conceptual just to give an idea of what that --  
9 that massing could look like. So, again, 50 feet at this corner,  
10 going up to 70 to 80 feet as you move to the west.

11 And then we wanted to illustrate really what, you know,  
12 the -- the vision of -- of what happens at the pedestrian level.  
13 We've got a minimum of eight-foot sidewalks requirements and  
14 eight-foot clear at all building -- or all business entrances.  
15 But, then, also tree -- tree landscaping requirements throughout  
16 the -- the Campbell and the Sixth frontages, lower-level  
17 landscaping to help sort of insulate from the traffic or create a  
18 safer feel from -- from the Sixth Street traffic. Restaurants  
19 (unintelligible) you know, but just a lot of things that are --  
20 that make a building that -- that is sort of large for this area,  
21 but it creates a very pedestrian feel at the ground level and  
22 really is kind of inviting. If -- if you build these kind of  
23 spaces I think people definitely -- definitely come.

24 I also wanted to note that we have -- we built in a  
25 design review aspect of -- of the project, so when we get closer

1 to the build and we have drawings like this of what it'd actually  
2 look like, maybe it'll look close to this, we have a design  
3 review committee set up that will ensure -- and some design  
4 standards built into the PAD -- and ensure that what's built is  
5 -- looks good and -- both at a pedestrian level and throughout  
6 the entire building -- has, you know -- it's up to certain set of  
7 standards that we've created in the PAD.

8           So, finally, I just wanted to talk about our outreach.  
9 We had our neighborhood meeting on March 30th. We had about 40  
10 people show up. It was a really good meeting. We had people  
11 that had concerns, had a lot of questions. We had people who  
12 were supportive of it. And even some of the people who had  
13 concerns, were not opposed. They -- they just wanted to make  
14 sure that -- that this is a project that fits in with the area.

15           Before that meeting, though, we started outreach to  
16 both Sam Hughes and Rincon Heights. We met late last year with  
17 Sam Hughes, went to their board meeting. I met with their  
18 leadership early this year and really they were deferring to  
19 Rincon Heights because that's -- that's the neighborhood that we  
20 are closest -- that will -- that this project will have the most  
21 impact on. I know they -- you know, those associations are  
22 communicating, but really our focus has been to work with Rincon  
23 Heights. We started I think it was late last year. We've had  
24 probably five in-person meetings. And we've been negotiating  
25 pretty actively up until today. Mr. Kinney, their



1 representative, and I had a -- had a conversation. And -- and it  
2 -- it -- I think these negotiations have really produced some --  
3 some good things. I think both sides are definitely negotiating  
4 in good faith.

5 So I wanted to go through at sort of a high level what  
6 the -- what the subjects are that -- that we're negotiating, and  
7 most of these we've come to -- to, you know, initial agreement  
8 on, subject to getting final agreement on everything, but I'll  
9 kind of walk through this. But on building heights, the  
10 neighborhood has -- has said if we can come to agreement on -- on  
11 everything else, they're comfortable with the heights that are  
12 proposed in the PAD.

13 We've had some discussions about Martin Avenue. This  
14 -- this has been an area, like I said, that I think there's been  
15 a lot of consensus on, but we'd be agreeable to sort of  
16 committing to that -- that -- that real estate services process  
17 and -- and Scott would apply and go through that process.  
18 There's no -- there's no guarantees, because in that process you  
19 end up working with some specific neighbors, not necessarily the  
20 neighborhood association, so we can't -- we can't guarantee it,  
21 but what we can do it commit to I think work in good faith to try  
22 to -- to acquire that area of Martin.

23 There was a request for a monument sign initially, but  
24 Rincon Heights has said, again, if we agree to everything else,  
25 that they won't -- they won't request that.

1           We've made some changes to the DRC. We actually did  
2 some of those changes early on in the negotiations and those are  
3 in our -- our PAD document, but then there were some subsequent  
4 requests, mainly to have Sam Hughes as a -- as a member.

5           Some of the rooftop amenity requirements are also --  
6 that we negotiated are also already in the PAD, but there's a few  
7 that -- that we've added after that are -- that are kind of  
8 minor, but things that were important to the neighborhood.

9           Residential parking has been interesting because  
10 there's -- there's certain people within the -- the neighborhood  
11 that would like to see sort of a limit on parking, not only a  
12 minimum but a maximum. And so, again, subject to -- to a full  
13 agreement, we've agreed to that, to create both a minimum and a  
14 maximum parking amount.

15           And then there's another group within the neighborhood  
16 that's concerned about parking spillover, so we've -- we've  
17 address that by agreeing to have a traffic and parking mitigation  
18 fee, and part of that fee would go to help existing residents in  
19 Rincon Heights who have parking permits or parking passes that --  
20 that are now just from 8:00 to 5:00 p.m. -- 8:00 a.m. to 5:00  
21 p.m., that they would make those 24-hour, and it, at least for a  
22 few years, sort of help them to -- to do that.

23           And -- and then one of the bigger things is if we've  
24 come to an agreement, you know, in principle, on -- on affordable  
25 housing -- basically, a donation to the City's Housing and

1 Community Development Department for -- to help with other  
2 affordable -- or help with projects that are affordable,  
3 preferably in the area, but it might end up being throughout --  
4 in other parts of the city.

5 The area that -- that we're still -- we haven't reached  
6 agreement on is related to having a Series 6 license. Scott  
7 wants to -- wants the ability to have a Series 6 license for --  
8 for a few reasons: One, it's not uncommon in restaurants. If --  
9 if you look at Feast and Flora's and The Monica downtown, Reilly  
10 Pizza downtown, there's quite a few restaurants that have Series  
11 6 licenses because it's just more flexible. They can do package  
12 liquor sales. They can -- they don't have to -- it's  
13 administratively easier to do. It's just -- there's -- there's  
14 multiple reasons why it's a good thing.

15 One of the reasons -- what's -- you know, Scott plans  
16 to be the operator of at least several restaurants that are in --  
17 in this center and that, having a Series 6 license, would allow  
18 him to not have -- to -- to basically sort of share alcohol  
19 service between all of those restaurant concepts.

20 And -- and -- and the neighborhood, I think they --  
21 they understand this -- and we've come to some -- some agreement  
22 on this -- where we're still apart is sort of the areas, the  
23 sizes of the -- of those restaurant -- the total restaurants and  
24 those individual concepts and hours of operation. But I -- I  
25 will say I think we're -- we're pretty pleased with what -- where

1 we've come and how much we've -- we've agreed to. We just still  
2 have a little bit to go, so --

3 And that is it for my presentation. And I'm happy to  
4 answer any questions that you have.

5 ZONING EXAMINER: Well -- so as to that last  
6 point, which is sort of where we began as well, what's your  
7 timeline look like? I mean, these issues have all been raised,  
8 right?

9 MR. JUNEMAN: The issues have all -- yes, I think  
10 we have -- I don't -- I do not anticipate any other issues coming  
11 up. I think we've been talking about what you saw on that list  
12 for -- for quite a while, and -- and I -- and so really I think  
13 it's trying to work through those last things.

14 ZONING EXAMINER: Okay. Well, let's -- we'll just  
15 continue with the hearing right now and we'll see -- at the end,  
16 maybe I'll have another question for you, but I'm good. Thank  
17 you very much for your presentation, Mr. Juneman, Mr. Cummings.  
18 Good to see you and appreciate it.

19 So we have a list of folks who have emailed in and  
20 asked to speak and we'll start with those. And then, after that,  
21 I'll open it up to anybody else who's in the audience who wants  
22 to speak.

23 The first is Rick Unklesby. Mr. Unklesbay?

24 MR. UNKLESBAY: Hi there. Thank you. I live --  
25 my name's Rick Unklesbay. I live one block away from the

1 project. I'm one block north on the other side of Campbell, so  
2 I'm as -- I'm as -- about as close as you can get to -- to the  
3 project and I've looked at it a lot.

4 That -- that corner is really desperate for renovation  
5 and getting something new in there. Anybody that's seen that  
6 corner -- and not to be offensive to anything that's there -- but  
7 it really is -- it's pitiful for a gateway to the University.  
8 You look over across the street at the Sam Hughes place and it's  
9 done remarkably well. It's got much of the same features. It's  
10 got restaurants. It's got residential areas. And it's been very  
11 successful and it's been a real contribution to the neighborhood.

12 So, being a block away, I'm very much in favor of -- of  
13 Scott's plan. I -- I think it would enhance the whole area  
14 around this gateway to the University. We know, from seeing Sam  
15 Hughes, that people frequent the restaurants there. People live  
16 there. They walk to the University. And it's just an astounding  
17 project that has been developed and I think it would be a great  
18 contribution to the neighborhood, so I'm just really in favor of  
19 it just being a block away.

20 ZONING EXAMINER: Thank you very much, sir.

21 Dave Chupeta (ph.)? Close enough probably. Mr.  
22 Chupeta, are you with us? Perhaps not.

23 David Armett (ph.)?

24 Darrel Dobris (ph.)?

25 Todd Eanes, E-a-n-e-s?

1           Okay. I'll continue down my list. Colby Henley. Mr.  
2 Henley are you present?

3           MR. HENLEY: Yes, I am. Can you hear me?

4           ZONING EXAMINER: Yes, I can. Please start with  
5 your address, Mr. Henley. I know you've said it before at our  
6 prior hearings, but makes a good record.

7           MR. HENLEY: Sure. My address is 1140 East Tenth  
8 Street.

9           ZONING EXAMINER: Thank you. Go right ahead, sir.

10          MR. HENLEY: Yeah, I guess I just wanted to speak  
11 primarily to the issue around the liquor license, the Class 6,  
12 which was a major concession on behalf of the neighborhood, with  
13 the understanding that there would be kind of some guardrails  
14 around that; and this was a big point of discussion in our  
15 previous hearings and in our discussions with Mr. Cummings. He's  
16 repeatedly, you know, stated that he does not intend to have a  
17 rowdy bar, and this is primarily around a restaurant, and that  
18 it's for ease of accounting and those kind of things. And so the  
19 closing time is one of the primary guardrails that we're looking  
20 for around that liquor license -- again referencing these as  
21 restaurants and not bars.

22          And Mr. Juneman has referenced a few places that he  
23 said are doing well and/or mimic or are kind of examples maybe of  
24 what they're looking at as a restaurant that uses a Class 6. He  
25 mentioned Trident and Cheba Hut directly across the street as

1 successful and doing well; both of those places are restaurants.  
2 Trident closes at 11:00 p.m. on Friday and Saturday. Cheba Hut  
3 closes 10:00 p.m. every night. Mentioned Flora -- Flora's Market  
4 closes at 9:00 p.m. Friday and Saturday. The Monica downtown  
5 closes at 10:00 p.m. Friday and Saturday. Feast closes at 8:00  
6 p.m. So just some examples of -- if this is truly meant to be  
7 restaurants in this development, then our request for a  
8 reasonable closing time is reasonable I guess. So that's --  
9 that's all I wanted to say. Thanks.

10 ZONING EXAMINER: Thank you, Mr. Henley.

11 Mark Holman (ph.). Mr. Holman?

12 MR. HOLMAN: Thank you, Mr. Iurino. Would it be  
13 okay if I -- I would still like to speak -- but as Rory was able  
14 to set the stage for the Applicant, I'm wondering if it would be  
15 okay with you to call on Mr. Kinney who has worked with Rory as  
16 our representative, and have him set the stage for the  
17 conversations between the neighborhood and the -- and the  
18 developer.

19 ZONING EXAMINER: That's certainly fine by me.  
20 Mr. Kinney was next on my list. Mr. Kinney?

21 MR. HOLMAN: I would still like to speak at some  
22 point if I may.

23 ZONING EXAMINER: Yes, I've noted that, Mr.  
24 Holman. We'll come back to you right after Mr. Kinney.

25 MR. HOLMAN: Many thanks.

1                   ZONING EXAMINER: You bet.

2                   MR. KINNEY: Good evening. And thank you, Mark,  
3 and thank you, Mr. Iurino. My name is Tim Kinney. I'm an  
4 attorney representing the Rincon Heights Neighborhood  
5 Association. I'm sure I'm familiar because I was before you  
6 during the previous several hearings that we had during the last  
7 round.

8                   I want to kind of start by -- by saying that we have  
9 made a lot of progress in our negotiations with the Applicant  
10 through Mr. Juneman, and we are very grateful for that and we  
11 want to give credit to Mr. Cummings and Mr. Juneman for coming to  
12 the table this time. We are -- we are very close to having a  
13 project that the neighborhood not only can tolerate, but -- but  
14 wants, and we're very close.

15                   Mr. Juneman showed on his last slide that there were  
16 two sub-issues to the Series 6 restaurant/bar issue and that are  
17 -- that are outstanding that -- that we're still discussing and  
18 going back and forth on. And -- and, as Mr. Juneman said, he and  
19 I talked this morning, we talked several times yesterday, we  
20 talked earlier in the week as well, and at the time same I've  
21 been working, you know, with -- with my client back and forth all  
22 day, every day this week on these things. And we're very close.

23                   So those two sub-issues that he said were potentially  
24 still outstanding, you know, it -- it may even be one of those  
25 issues that -- that is outstanding -- and it's really the closing



1 time of those Series 6 restaurants. I know that we can figure  
2 something out. I know that we're close. I think we just need a  
3 little more time, you know. The thing is, if we have a little  
4 bit more time, maybe two to three more weeks, to negotiate with  
5 the Applicant, and -- and I can have more time to negotiate with  
6 -- with the neighborhood as well, perhaps we can figure that last  
7 remaining issue out and come before you again, not only kind of,  
8 you know, halfheartedly opposing this, but actually in support of  
9 this; and we would like to do that because, as we've said many  
10 times, we -- we want something to happen on this corner. We just  
11 want it to be compatible with the neighborhood and we're very,  
12 very close.

13 I want to also be clear that a lot of the concessions  
14 and compromises that the neighborhood has made -- and -- and  
15 there are a lot, some of them are very big, like the building  
16 heights and allowing a Class 6 license -- all of these offers and  
17 compromises are conditioned on all of these issues being  
18 resolved, including this last issue of hours of operation. So,  
19 potentially, if we were -- like, hypothetically, if -- if -- if  
20 you were to approve -- recommend approval of this application,  
21 and then something happens and we're not able to come to an  
22 agreement on that last issue, we're pretty much back to square  
23 one where we were several months ago, with no agreement on -- on  
24 really anything and full objection from the neighborhood; and we  
25 don't want to do that. And -- and we don't want to lose out on

1 our ability to speak up for ourselves at the Zoning Examiner  
2 Hearing if that happens. I don't think it'll happen, but I want  
3 to be clear that that is one of the reasons that we're  
4 respectfully requesting that you continue this.

5 I know there's a lot of -- a lot of issues, I'm not  
6 sure we need to get into all the different details of the things  
7 that possibly we've come to agreement on, but if there are any  
8 questions on the neighborhood's position on anything, I am happy  
9 to speak on their behalf and answer any questions that you may  
10 have.

11 ZONING EXAMINER: Thank you, Mr. Kinney. I've  
12 read the entire record, including all the protests, so I think I  
13 have a fair sense of that. Obviously, I don't know as much as  
14 you know or Mr. Juneman knows.

15 So I saw in your letter the issues of closing times and  
16 also I'd say -- I call it piped music, outdoor music, was that  
17 also still on the table being discussed or is it just the closing  
18 time issue then?

19 MR. KINNEY: Well, we -- we might have agreement  
20 on that one as well if we can come to an agreement on the closing  
21 time.

22 ZONING EXAMINER: Okay. And just so I have it in  
23 hand and in mind, what are the closing times that you're  
24 advocating for?

25 MR. KINNEY: The neighborhood would be okay with a

1 closing time -- Sunday through Thursday of 10:00 p.m.; Friday and  
2 Saturday, 11:00.

3 ZONING EXAMINER: Okay. Thank you. And thank you  
4 for your participation tonight again.

5 MR. KINNEY: Thank you.

6 ZONING EXAMINER: Okay. Mr. Holman, let's go back  
7 to you, sir.

8 MR. HOLMAN: Thank you, Mr. Iurino. My name is  
9 Mark Holman as you well know now. And my wife, Barbara, and I  
10 have lived at 1619 -- let me show you my face here, too -- so she  
11 and I have lived at 1619 East Eighth Street for 47 years. We  
12 have raised our children here. And we've seen many, many changes  
13 to our neighborhood; some good, many good, some not so good.

14 I was really hoping I'd be able to come in support of  
15 this project. I, and my neighbors, understand that some  
16 reasonable urban density is good for the community and for the  
17 neighborhood itself. Sure beats urban sprawl. In order to help  
18 the project move forward, we made some huge, very difficult  
19 concessions. You can only imagine the internal discussions  
20 there. Among them, height. Way higher than I and many others  
21 would like. A Series 6 liquor license which would allow Mr.  
22 Cummings to sell packaged liquor and have some greater  
23 flexibility in serving alcohol, among other concessions we've  
24 made.

25 After waiting weeks to hear from Mr. Cummings, last

1 Friday -- no, excuse me -- last Monday night, he finally gave us  
2 a response that seemed to have us moving in the right direction.  
3 There seemed to be some light coming to -- or the end of this  
4 very long tunnel. Then, apparently, he had a Series 6 in hand,  
5 he now rejected our reasonable stance on the closing hours of the  
6 restaurants, 10:00 p.m., and 11:00 p.m. for the weekends, Friday  
7 and Saturday. Instead, he wants to open as late as 11:00, Sunday  
8 through Thurs- -- Wednesday, midnight on Thursday, and 1:00 a.m.  
9 on Friday and Saturday. Very different from the places that Mr.  
10 Juneman had cited. This gives the truth to the lie that this is  
11 merely restaurant space. While he might keep a kitchen late,  
12 these are bars that would be serving a little bit of food, not  
13 restaurants serving some drinks. I can't imagine saying to my  
14 wife, "Honey, it's only midnight, how about we go out for  
15 dinner?"

16           Given the other agreements that seemed to be in place,  
17 if we can resolve this matter, we may be able to move forward.  
18 Please direct Mr. Cummings to accept reasonable closing times.  
19 This is a residential area. This is not downtown. Thank you  
20 very much.

21           ZONING EXAMINER: Thank you, Mr. Holman. I'll  
22 come and cut your backyard if you want to by the way.

23           Next on my list is Laura Tibelli (ph.). Ms. Tibelli, I  
24 may have mispronounced your again more than a year later, so I  
25 apologize.

1 MS. TIBELLI: Hey, close enough.

2 ZONING EXAMINER: Thank you.

3 MS. TIBELLI: Can you hear me?

4 ZONING EXAMINER: I can. Thanks.

5 MS. TIBELLI: Yeah. Well, someone recently told  
6 me that -- who was from the old country, that we've all been  
7 mispronouncing our names all our life.

8 So I'm here to reinforce what Colby Henley and Mark  
9 Holman had to say -- and, for that matter, Tim Kinney -- and that  
10 is that we have, in fact, been in protracted negotiations with  
11 this developer, which I think you know because you're probably  
12 getting sick of seeing us. And we -- we seem to have been very  
13 close to a resolution, partly because, as Mark said, we gave  
14 ground on a number of things that many of us had reservations  
15 about, including building heights.

16 And many of us still aren't very happy about the Class  
17 6 liquor license; however, we were assured it was for purposes of  
18 having alcohol in restaurants. And so much to my surprise, to  
19 just speak for myself, the hours of -- the closing hours that Mr.  
20 Cummings wants are just really completely unacceptable. And it  
21 seems to me a 1:00 -- 1:00 a.m. closing is not a closing time for  
22 a restaurant. And I appreciate that Colby actually did the  
23 research on the other comparable restaurants in town. One a.m.  
24 is not a closing time for a restaurant. And the idea that  
25 midnight is an acceptable closing time in a residential area for

1 a restaurant is also, I think, way out of line.

2 And to speak as a faculty member at U of A, I -- I  
3 personally do not consider starting -- starting to party on  
4 Thursday night to be a very responsible practice for students.  
5 And no other place where I have taught or studied was Thursday  
6 night a party night, because we still have Friday classes, not to  
7 mention those people in the neighborhood who work regular jobs  
8 have to be up and at work on Friday. And so excessive noise on  
9 -- on -- on Thursday nights isn't really acceptable.

10 So I'm asking you, as my neighbors have asked you, to  
11 limit the hours of opening of the restaurants from Sunday night  
12 to Thursday night to 10:00; and Saturday night and Sunday -- or  
13 Friday night and Saturday night to 11:00. And thank you for  
14 hearing me.

15 ZONING EXAMINER: Thank you for coming tonight.

16 The next person on the list is Stacy Plasman (ph.). Ms  
17 Plasman, are you present?

18 MS. PLASMAN: Yes, I am. I was just trying to  
19 figure out how to unmute.

20 ZONING EXAMINER: Well, you did it.

21 MS. PLASMAN: Thank you. I'm Stacy Plasman. I  
22 live at 1803 East Ninth Street, so I'm less than three blocks  
23 away from the -- from the development and in Rincon Heights as  
24 well.

25 And I -- I -- I just want to reiterate just the same as

1 what Colby said, what Mark said, what Tim said, and what Laura  
2 said, these concessions that -- that we've made, the building  
3 heights which just, you know, they shock me, but, okay, you know,  
4 we did say a concession on the building heights.

5 The Class 6, I never could really understand that. I  
6 mean, a Class 12 is the restaurant one. And if this is supposed  
7 to be a restaurant, okay, I'm all for a restaurant. But, like  
8 Mark has said before, we don't want a bar that serves a few curly  
9 fries rather than a restaurant that -- that serves some alcohol  
10 with the -- with the meal. So the closing times are of -- of  
11 10:00 for the weekdays, which includes Thursday, and 11:00 for  
12 weekends is imminently reasonable.

13 Furthermore, I have some history -- when I was going to  
14 CCRC as the representative -- now, CCRC is the Campus Community  
15 Relations Committee, and it has as parties the U of A, the City  
16 of Tucson and, of course, the neighborhoods that are surrounding  
17 the U of A. And this was many years ago, but there was a time  
18 when, for several meetings, they were -- presentation was about  
19 the well-being of students, and one of the -- the things that was  
20 detrimental to students was to have bars right on the edge,  
21 lurking right on the edge of campus. This could lead to students  
22 falling into alcoholism. It's not -- it turns out it's not just,  
23 you know, a phase; that up to a third of students have a lifetime  
24 handicap of alcoholism if they -- you know. And so these --  
25 these -- these -- these -- these bars that are lurking right at

1 the close -- to the edge of campus is -- is just not good. And I  
2 don't think that a bar -- bars like that are -- would be  
3 considered a -- an -- a benefit or a good thing to have as an  
4 entrance to the -- to the University.

5 Now, I know that the developers, them saying since they  
6 -- one, that he wants to make a development that is a nice  
7 entrance to the -- to the University -- and I even heard Rory  
8 June- -- Juneman mentioning that was one of the things that was  
9 -- wanting to be done with this. Well, I just don't see how bars  
10 is beneficial in a situation like that.

11 So, as a neighborhood, we've been trying to make sure  
12 that -- that this does not turn into -- yeah, bars serving a few,  
13 you know, bowls of popcorn, along with a bunch of drinks, you  
14 know -- and even calling the popcorn and curly fries food -- but  
15 is really actually, indeed, truly a restaurant. And if it's  
16 truly a restaurant, it should have things that go with a  
17 restaurant, including reasonable closing times. So anything that  
18 you could do to -- to make these restaurant closing times rather  
19 than bar closing times would be much appreciated. Thank you.

20 ZONING EXAMINER: Thank you, Ms. Plasman.

21 Molly McKasson (ph.). Ms. McKasson, are you present?

22 MS. PLASMAN: You can't -- oh, I need to mute.

23 MS. MCKASSON: I -- actually, I didn't expect you  
24 to call on me because I got my name in late yesterday --

25 ZONING EXAMINER: Oh --



1 MS. McKASSON: -- but --

2 ZONING EXAMINER: -- there's no --

3 MS. McKASSON: -- thank you.

4 ZONING EXAMINER: -- there's no cutoff. If you  
5 show up at the hearing, you get to talk.

6 MS. McKASSON: All right. Thank you, Mr. Zoning  
7 Examiner. Thanks to everybody who's out for this -- this  
8 meeting, it shows a lot of -- a lot of passion about the inner  
9 city and the preserving of it as a residential haven in Tucson.

10 So I live in nearby Sam Hughes. And I really don't  
11 have much more to add than what's already been said by -- by Mark  
12 and Colby and Tim and Laura and everybody, that this should be a  
13 real restaurant serving alcohol and not a bar in the midst of a  
14 heavily residential area not in need of any more bars. And I  
15 don't -- I don't really have much more to say.

16 I think that it's unfortunate that, after all of this  
17 time of the neighborhood association, and residents in Rincon  
18 Heights in particular, negotiating on this, it's a shame that Mr.  
19 Cummings has not been keeping his word. So I'm -- I'm really  
20 sorry to see that, and it seems like it doesn't bode well for the  
21 project in the future. Thank you so much.

22 ZONING EXAMINER: Thank you for participating.

23 Would anyone else in the audience like to be heard on  
24 this matter?

25 MR. CRAIG: I would.

1           ZONING EXAMINER: Go right ahead, sir. Start with  
2 your name and address.

3           MR. CRAIG: My name is Bill Craig. I live at 2043  
4 East Third Street.

5           ZONING EXAMINER: Yep.

6           MR. CRAIG: I'm a part of Sam Hughes Neighborhood.  
7 We're adjacent to this new program, this big (unintelligible)  
8 being put in. We're not opposed to this, but we -- I am  
9 seriously opposed to the Series 6 liquor license.

10           The vast majority of restaurants in this city use a  
11 Series 12 and do quite well with it; that only asks you for 40-  
12 percent food sales. However, if you need a Series 6, it used to  
13 be that you're more interested in selling alcohol than you are in  
14 selling food; and that's a bar.

15           Mr. Cummings has two bars right now. He's in the bar  
16 business. I understand that the bar is the most lucrative of the  
17 ways to make money; restaurants are much more iffy. But we're  
18 not here to make Mr. Cummings money, we're here to protect our  
19 neighborhood and to take care of the University of Arizona as  
20 well, and the students as was stated by at least one other  
21 speaker.

22           If you would please help us to understand that this is  
23 really in the bene- -- for the benefit of Tucson and the benefit  
24 of the neighbors who live adjacent to this -- this possible  
25 building structure. So a Series 12 is quite acceptable. Series

1 6 absolutely not. Thank you for your time.

2 ZONING EXAMINER: Thank you for your time, sir.

3 Would anyone else like to be heard from?

4 MS. DeFEO: Yes, I would.

5 ZONING EXAMINER: Yeah. Okay. So one of you  
6 please let the other ones -- we'll have two folks wait and one  
7 talk. Go right ahead. Go ahead.

8 MS. DeFEO: Who is that?

9 MR. CHUPETA: Can you hear me?

10 ZONING EXAMINER: Yes.

11 MR. CHUPETA: My name is David Chupeta and I live  
12 at 1809 East Ninth Street -- if you can hear me.

13 ZONING EXAMINER: Yes, I can. Go ahead, sir.

14 MR. CHUPETA: Okay. Great. So I am directly  
15 adjacent to the project and I am totally in favor of a Series 6  
16 license, and I can't wait for this project to happen. It's been  
17 a long time in the making. I applaud Mr. Cummings for putting  
18 this together. It's taken him decades, as you guys said earlier,  
19 and I just want it to happen. Let's get it through -- let's get  
20 it passed through tonight. Thank you.

21 ZONING EXAMINER: Thank you, Mr Chupeta.

22 Next person, please.

23 MS. DeFEO: Hi, can I speak?

24 ZONING EXAMINER: Yes, you may.

25 MS. DeFEO: I'm Nancy DeFeo (ph). I live on Sixth

1 Street. And I have two things that I'm concerned about; one is  
2 the lack of a direct turn from Campbell into the back of the  
3 property, as you kind of pointed out tonight. Requiring people  
4 to go up to Campbell -- I mean, up to Sixth Street and make a U-  
5 turn to get in there, I don't feel that that's going to make  
6 things any safer with all of the traffic; since they decided not  
7 to put Sixth Street on a road diet.

8 And my second thing is talking about an eight-foot  
9 pedestrian walkway in front of the building is very little, and  
10 the picture they show is at least twice that; because they are  
11 assuming the building to be pushed back and there to be an  
12 overhang, which I don't see any requirement of that. So eight  
13 feet is not a lot on a busy street in terms of being hospitable  
14 to pedestrian traffic or to having any kind of outdoor amenities  
15 in front of the building. So those two things really stuck out  
16 to me tonight. So that's all I have to say.

17 ZONING EXAMINER: Thank you, Ms. DeFeo.

18 I see Mr. Kozachik's hand up and I see Ms. Peterson's  
19 hand up. Ms. Peterson, please go ahead first.

20 MS. PETERSON: Thank you. Because Steve is  
21 definitely going to say more poignant important things, but just  
22 -- don't shake your head. (Laughing.)

23 Anyway, this is -- actually, you know, as Molly said  
24 it's very exciting. This is a city standing up and joining hands  
25 and talking to each other and I think it's really important. I

1 have a lot of disagreements -- I had a lot of disagreements with  
2 Mr. Cummings in the previous -- in his previous proposal. I  
3 think it's quite amazing that Rincon Heights has opened its doors  
4 and windows and said, okay, guys, let's see what we can do. We  
5 know -- we believe in more density. We believe in the need for  
6 that corner to be developed.

7 I'm -- I've been here for a long time, I grew up here,  
8 and so I remember when that corner was Sandy Rosenthal's studio;  
9 and it was, you know, the -- the height of the new and the most  
10 amazing and he happened to be -- you're shaking your head.  
11 You're agreeing with Mr. Urning (ph.) (sic)?

12 ZONING EXAMINER: It's close enough, whatever you  
13 say.

14 MS. PETERSON: No --

15 ZONING EXAMINER: Please go ahead.

16 MS. PETERSON: -- I want to say it, Iurino.

17 ZONING EXAMINER: That's -- that's good.

18 MS. PETERSON: No, no --

19 ZONING EXAMINER: Yahtzee.

20 MS. PETERSON: Anyway, Sandy was, you know, this  
21 amazing forerunner for his time. He began -- he start -- he was  
22 one of the people for -- who started ATC, which was -- for him,  
23 it was A-C-T, act, so it was -- you know, he was -- and it's --  
24 it's been all kinds of other things and it's now time to change.

25 I have one or two things that were upsetting to me

1 tonight when I heard -- one of you smart guys, maybe it was Mr.  
2 Juneman who said, you know, if you build it, they'll come. Yeah,  
3 lots of -- lots of things to say about that. I'm going to stop  
4 right there. I'm not so sure that all of Rincon Heights or that  
5 Sam Hughes -- I didn't -- I forgot to tell you, I'm sorry. We  
6 live at Ninth Street and Treat, Sam Hughes -- lived here for 30-  
7 some-odd years and seen all kinds of wonderful changes, and we'll  
8 see more. It worries -- that -- that worried me for him to say,  
9 "If you build it, they'll come." Just to -- just think about  
10 that for a second, okay?

11 Nancy, I loved what you brought up about the -- having  
12 to do a U-turn; that worried me. It most worries me, though, the  
13 idea -- and our, you know, we had teenagers right here. I went  
14 to the University of Arizona. I remember what that was. To say,  
15 hey, 12:00 o'clock, 11:00 o'clock on weekdays, we all -- people  
16 work, people go to school, people -- 11:00 o'clock is late for a  
17 weekday, even -- especially in Tucson. Maybe it's not in the big  
18 city, but it is still here. And to be 12:00 o'clock on the week-  
19 -- it's -- it's late. Okay. So I'm wishing with all my heart  
20 that everybody will come together and make these changes. I  
21 mean, the heights have changed; that was amazing. I -- the times  
22 could change also. The 6, the license, that we'll say -- yeah,  
23 you get a 6 instead of a 12, that's hard for me to swallow, too,  
24 okay?

25 I think everybody else has said all the important

1 things to say. Please, Mr. John, and the rest of you guys, think  
2 hard about this. If they have a few more weeks, maybe they can  
3 come to it. I don't think -- it doesn't sound to me like we're  
4 there yet. It does sound to me like people could get there.  
5 Thank you very, very much to all of you for -- there's a lot of  
6 people here on a Thursday night. Thank you. Okay --

7 ZONING EXAMINER: Thank you.

8 MS. PETERSON: -- Steve.

9 ZONING EXAMINER: Mr. Kozachik, please go ahead.

10 MR. KOZACHIK: Thanks. First of all, I want to  
11 acknowledge all the work that both sides have done.

12 MS. PETERSON: Yeah.

13 MR. KOZACHIK: We've been -- you remember a year  
14 ago this was like a Hatfields-and-McCoys conversation. People  
15 were in complete disagreement about heights, about the bar versus  
16 restaurant, about affordability, about traffic issues, and we are  
17 like that close now.

18 Some of the -- some of the issues that are being --  
19 that are being kicked around right now are not germane to a PAD,  
20 though. Some of it has got to be reduced to writing in a site  
21 agreement, which you don't, Mr. Iurino, have -- have control  
22 over, but I think that prior to your ruling on this, the other --  
23 the other elements of the conversation that have been reduced to  
24 a site agreement should have those boxes checked so that  
25 everyone's comfortable. And I'll give you one example is that

1 when we -- when Mayor and Council approved a PAD over on -- or a  
2 project over on Fourth Avenue called Opus, the commitment was  
3 made to follow through and -- and do -- in that -- in that case  
4 it was called a community benefits agreement, not necessarily so  
5 here. Once the PAD was approved, there was no leverage left for  
6 the -- for the developer to agree to the CBA and, frankly, it  
7 never got done.

8           So I -- I think -- I think it's great that everybody's  
9 so -- everybody's so close. I think it will be a shame if we --  
10 if it went off the rails at this point. I think that the points  
11 were well made about the fundamental difference between a true  
12 restaurant and a true bar in terms of people's intent in being  
13 there. I get home pretty late at night, but I'm never still  
14 (unintelligible) at midnight or later, and I think that the --  
15 the hours of operation that the residents have proposed are  
16 reasonable. I would love to see Mr. Cummings get to that point  
17 as well. I don't think it happens tonight, though, because, as I  
18 say, the -- the other elements of the -- of the site agreement  
19 need to be hammered out and reduced to writing, perhaps brought  
20 back to you in a couple of weeks, and so you can see people are  
21 left arm-in-arm in support of this thing instead of still a lot  
22 of distension.

23           And, frankly, I'll -- I'll close with saying this:  
24 You've heard a lot of distension tonight, too. I mean, there are  
25 still -- there's still disagreement within the neighborhood.



1 Some people don't like the heights, some people don't like 6 --  
2 Series 6 or a Series 12, some people don't like the U-turn.  
3 There's never going to be unanimity in this thing, but we are so  
4 close to getting the major points down, that I would suggest it  
5 might be -- might be wise to let the -- let the sides have a  
6 little more time and work it out.

7 ZONING EXAMINER: Thank you. Mr. Armett, I see  
8 you have a hand up.

9 MR. ARMETT: Thank you so much for letting me  
10 speak here. And thank you everyone for letting me come on.

11 I want to just say I am very much pro having a larger  
12 license, like the Series 6 license, the reason for this is it  
13 offers more flexibility. And I believe that the fears of later  
14 hours and bar-like atmosphere are far, far overblown. This is a  
15 development that is pointing out onto Sixth Street and Campbell.

16 And, you know, I live in Sam Hughes just around the  
17 corner and I want to have amenities on my doorstep and I think  
18 this is step in building (audio cuts out) urban city. I think  
19 that, you know, many restaurant-like places have Series 6  
20 licenses because it offers more flexibility. I do think that  
21 there could be a bar there, but I don't picture the playground  
22 being an economic business model on that corner.

23 So I want -- I want to see something that people can  
24 walk to. I think it's ridiculous to care about a U-turn when we  
25 want to build this for people that can arrive at this on foot or

1 on bicycle or on other things. Traffic volumes on Sixth Street  
2 and Speedway have been declining year after year for 20 years. I  
3 mean, we know that traffic is going down in the city because mode  
4 share is increasing to other forms of transit. People are taking  
5 the trolley. I want to be able to walk to something. And I walk  
6 by that corner pretty much every day when I walk from Sam Hughes  
7 to the -- the rec center and there's not much there. And if  
8 there was more there and more people there, I don't really care  
9 what it is. And I don't think that the license is going to cause  
10 any problems. I think that restrictive hours are just going to  
11 stifle innovation and stifle Scott's ability to provide something  
12 that's actually good. That's my personal opinion.

13 I've lived in -- born and raised in Tucson. Lived in  
14 Sam Hughes. Owned my house for about 19 years now. But I've had  
15 the opportunity to live abroad in London, central London. And,  
16 you know, I found that the benefits of density are fine and it's  
17 not a big deal. Tucson is changing. It's having a suburban code  
18 and now it's changing to more -- you know, central bits of it are  
19 becoming a bit more urban. But I'm okay with that. There's  
20 still plenty of suburban stuff.

21 And if people really don't like central Tucson becoming  
22 a little bit more lively, they can take their money -- I mean, it  
23 increases the value in central Tucson so much to have options,  
24 things to go to that you don't need to get in a car to go to.  
25 That's what I really feel strongly about is being able to go to

1 something not in my car, on foot, on bike, things like that. So  
2 thank you so much for letting me speak.

3 ZONING EXAMINER: Thank you for participating.

4 Would anyone else in the audience like to be heard?

5 Mr. Juneman, I think it's back to you.

6 (Feedback.)

7 MR. JUNEMAN: Yeah (unintelligible). Okay. Good.

8 Thank you, Mr. Iurino.

9 So I -- I guess, I -- I first do want to sort of  
10 reiterate -- I had mentioned earlier that we've had a really good  
11 working relationship so far. I'm -- I'm eager to hopefully, you  
12 know, kind of reach the finish line on this. I -- I do want to  
13 -- to sort of explain, though, where Mr. Cummings is -- comes  
14 from.

15 MR. CUMMINGS: I wouldn't mind talking.

16 MR. JUNEMAN: You -- do you want to talk or do you  
17 --

18 MR. CUMMINGS: Well, I just -- if I could just add  
19 one thing, and I'm not getting into the hours right now. But  
20 I've -- I've been located in that area for 38 years, at Tucson  
21 and Sixth, and know the -- that area of town pretty well and have  
22 been a pretty integral part I think of that -- the meet-up -- or  
23 Sam Hughes -- between the market -- the -- the Rincon Market had  
24 been there for years and now Flora's. I -- you know, I -- I've  
25 never had issues. I mean, we don't -- just because we can stay

1 open late at night doesn't mean we do it every night. I mean,  
2 we're next to a -- we're at -- we're at -- next to an activity  
3 center, University of Arizona. We're on the way home for a lot  
4 of people that are downtown that may be out for an evening.

5 I -- I just, you know -- and I -- and I negotiate with  
6 the hours, but I just -- I -- I -- I think that I have a track  
7 record of -- of being reasonable and been a good tenant in the  
8 Sam Hughes area, once again since August 6th of 1984, and haven't  
9 had noise complaints, haven't had problems with the Sam Hughes  
10 Neighborhood. So just kind of keep that in the back of your mind  
11 as we keep moving forward and hopefully get something negotiated.

12 MR. JUNEMAN: And to kind of play off on that, Mr.  
13 Cummings is a restaurant operator, right, restaurant/bar  
14 operator. And so I think part of the reason -- I mean, the main  
15 reason why he's been sort of passionate about -- about trying to  
16 stay open a little bit later is that for every hour that they're  
17 open, that's another hour of revenue. For every hour closed,  
18 it's an hour of lost revenue. And I -- you know, I know that  
19 that's not the neighbors' problem, but -- but he's in a business  
20 that, especially over the last few years, is a tough business.  
21 So I -- I just want you -- I guess I just want you to understand  
22 that's -- that's where he's coming from. In addition to the fact  
23 that he is a successful operator. He doesn't have complaints at  
24 Bob Dobb's. He doesn't have complaint at his other -- his other  
25 restaurants, because he -- he operates a good business. He's --

1 he's conscientious about the impact on the surrounding -- on the  
2 surrounding areas.

3 I think the other concern with this location and  
4 shutting down early is the fact that there are football games,  
5 there are basketball games, and those are open late and there's  
6 an ability to capture sort of post- -- some post-game people that  
7 want to stop in and grab something to eat and have a beer before  
8 they go home. So that's all -- you know, that's -- that's --  
9 that's a good and -- kind of a natural business in that area and  
10 -- and he wants to be able to capture that. So -- and I don't  
11 think that's necessarily unreasonable, especially if you've got  
12 an operator that's good.

13 We have proposed some things to help mitigate the  
14 concerns, like we proposed doing a noise study at the time of the  
15 development approvals, because at that point we'll know what the  
16 building will look like, we'll know where the outdoor spaces are  
17 and the -- and the indoor spaces are. That noise study will --  
18 would be able to really confirm that the noise impacts won't be  
19 significant. We -- we're -- we're almost positive they won't be  
20 significant on Rincon Heights because there's a huge building  
21 between those outdoor spaces that are facing north. But, you  
22 know, we understand the residents in Sam Hughes, their concern.  
23 But I think a noise study would go a long way to -- to relieving  
24 those concerns.

25 We've -- we've also proposed sort of a structure where

1 -- that after the -- the project's open for a certain period of  
2 time, first few years, we set up regular meetings with -- with  
3 Scott and the neighborhood associations to discuss any issues;  
4 and, if there's issues, he'll be willing to resolve those. So I  
5 think there's some -- some ideas out there that I think we can  
6 help kind of come to -- to -- to a solution. But I -- we -- and  
7 Scott did and I at least wanted to explain sort of where he's  
8 coming from on this. It's -- it's -- it's got -- he's got good  
9 reasons for it, I guess. And the neighborhood concerns, you  
10 know, those are reasonable, too. And I -- and I think everybody  
11 really wants to find a solution and hopefully will.

12 So, anyhow, unless you have any other questions, Mr.  
13 Iurino, I think we're -- I think we're done.

14 ZONING EXAMINER: I don't, Rory. Mr. Juneman,  
15 thank you. And, Mr. Cummings, thank you for sharing your views  
16 on that as well. I know you've been I think a very successful  
17 operator of very fine establishments in the neighborhood area.  
18 I've been here since 1980, so, you know, you -- you are in the  
19 same time as me, more or less.

20 Look, here's what I think we need to do -- and, Mr.  
21 Juneman, I -- I -- you know, you have from before -- on the  
22 liquor license issue, you have from before what my recommendation  
23 was. And, look, let's get real, I make a recommendation, Mayor  
24 and Council makes the decision, right? You have from before what  
25 my recommendation was and it was not to have a Class 6.

1 So you guys have reached in your discussions with the  
2 neighborhood association farther than I was going to go last time  
3 around.

4 So what I propose is -- since it seems like you guys  
5 are down to the short strokes of wrapping the entire thing, what  
6 I'm going to do is I'm going to not close the Public Hearing  
7 tonight, but it sounds like -- and I don't believe in long  
8 delays, because I think the longer people have, sometimes the  
9 worse off they are -- so I have a hearing on July 13th on another  
10 matter, I'm going to add this case -- instead of kicking it out  
11 longer than that, I'm going to add this case to that -- that --  
12 if that works for your schedules, July 13th. If it doesn't, I'm  
13 happy to kick it over to the 20th.

14 MR. JUNEMAN: That's actually -- that works out  
15 for both of us, so --

16 ZONING EXAMINER: All right. So that's what we're  
17 going to do. So I'm not closing the hearing, but I want to thank  
18 everyone for their participation tonight.

19 And I just want to make one more announcement -- you  
20 don't have to listen to this -- but I had the case -- we had  
21 another case on the agenda for tonight, and I announced at the  
22 beginning, but for anyone who may have come late, Case TP-ENT-  
23 0223-00012, Broadway/Rosemont Apartments, we did not go forward  
24 with the hearing tonight. The hearing tonight was cancelled.  
25 It's going to be heard instead on July 20, 2023, at 6:00 p.m.,

1 via Zoom as these all are.

2 I want to thank everyone for their participation  
3 tonight. And I hope everyone has a safe evening and a lovely and  
4 safe 4th of July holiday. Good night everyone.

5 (Conclusion of the hearing.)

6 \* \* \* \* \*



**CERTIFICATE**

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the digitally-recorded City of Tucson Zoning Examiner Public Hearing held via video on June 29, 2023.

Transcription completed: July 12, 2023.

/S/ Danielle L. Krassow  
DANIELLE L. KRASSOW  
Legal Transcriptionist