

1 CARROLLTON OAK CREEK, LLC

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3 Office of the Zoning Hearing Examiner for Prince

4 George's County

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6 T R A N S C R I P T

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8 P R O C E E D I N G S

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10 COUNTY ADMINISTRATION BUILDING

11 UPPER MARLBORO, MARYLAND

12 March 5, 2025

13 BEFORE:

14 JOYCE NICHOLS, Hearing Examiner

15 OTHER PRESENT:

16 CHRIS HATCHER, On Behalf of Applicant  
17 STAN BROWN, On Behalf of People's Zoning  
Counsel

18

Transcribed by: Ashley Bennett

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eScribers, LLC

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Phoenix, Arizona

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1 Upper Marlboro, Maryland  
2 March 5, 2025  
9:38 a.m.

3 P R O C E E D I N G S

4 MS. NICHOLS: All right. Good  
5 morning, everybody. It is approximately, as the  
6 record stated, 9:38 on the morning of March 5th.  
7 We are here for a continuance, a continued  
8 hearing. The previous hearing was held on  
9 January 29th, 2025. We are here for a  
10 continuation of the hearing on A-8427-02, A-8578-  
11 02, and A-8579-02.

12 So Mr. Hatcher, when last we left  
13 this story, this was your case. And I give you  
14 the floor.

15 MR. HATCHER: Thank you, Madam  
16 Examiner, People's Zoning Counsel.

17 For the record, my name is Chris  
18 Hatcher with CL Hatcher and Laurel (phonetic).  
19 I'm please to represent Carrollton Oak Creek, the  
20 owner of the property associated with A-8427-02,  
21 A-8778-02 [sic], and A-8579-02.

22 This morning, Madam Examiner,  
23 testimony will show, together with the testimony  
24 that we provided on January 29th, that the  
25 subject basic plan amendment applications comply

1 with the necessary regulations and standards for  
2 approval of an amended basic plan.

3                   This morning's testimony is  
4 primarily to respond to several questions that  
5 were raised by you, Madam Examiner, and by  
6 People's Zoning Counsel and to provide clarity  
7 with respect to, one, the previously approved  
8 basic plans and the amended basic plans and  
9 associated conditions of approval; two, the  
10 proposed basic plan amendment applications and  
11 each of their respective boundaries; and three,  
12 the boundaries of the L-A-C zone and associated  
13 density.

14                   Before I introduce the witnesses,  
15 I would just like to reiterate some of the  
16 housekeeping matters that we had from the  
17 previous hearing. One being, since there are  
18 three applications, and they are all companion  
19 cases, we'd like that all -- when we referenced  
20 the basic plan amendments, it's actually  
21 referring to all three basic plan applications.

22                   Thank you, Madam Examiner.

23                   Also, second, we're going to be  
24 referring to the exhibits contained in basic plan  
25 application A-8427-02 when we refer to exhibits,

1 just for ease of communication, if that's  
2 acceptable since all three of the basic plans  
3 have similar if not the same exhibits in them.

4 MS. NICHOLS: I'm sorry, which  
5 one? 8427?

6 MR. HATCHER: Yes, ma'am.

7 MS. NICHOLS: Okay. Thank you.

8 MR. HATCHER: And finally, out of  
9 an abundance of caution, the applicant has  
10 submitted an additional ten exhibits into the  
11 record. They are all reflected in the binders.  
12 So at this point, the applicant -- unless Madam  
13 Examiner or People's Zoning Counsel has any  
14 questions -- we'll just refer to them by their  
15 exhibit numbers from the binders from yesterday  
16 and this morning, if that's acceptable.

17 MS. NICHOLS: That's acceptable.  
18 Mr. Brown may have some questions with regards to  
19 the affidavit, but I don't know. Okay.

20 MR. HATCHER: Okay. So with that,  
21 this morning we planned to call Mr. Mike Reilly,  
22 Ms. Sallie Stewart, and Mr. Mark Ferguson to  
23 address the various topics that People's Zoning  
24 Counsel and Madam Examiner wanted to be addressed  
25 in this continuance hearing. Additionally,

1   although they are not -- additionally, we have  
2   Mr. Lenhart from the traffic group, Mr. Funsch  
3   from TPJ [sic], Mr. Allison from Carrollton  
4   Development Group, and Mr. Martin with CL  
5   Hatcher. So they're here to respond to any  
6   questions, provide information if there is  
7   something necessary, but they are not necessarily  
8   designated to testify this morning.

9                   MS. NICHOLS: Okay. All right.  
10   Thank you very much.

11                   I think we have a preliminary  
12   matter that we have to deal with.

13                   Mr. Via, this is your --

14                   MR. VIA: Yes, ma'am. Can you  
15   hear me?

16                   MS. NICHOLS: This is your -- yes,  
17   I can. Thank you very much.

18                   This is your first time with us.  
19   I understand you are a member of the Maryland  
20   Bar, and you now have a client in this matter.

21                   MR. VIA: That's correct.

22                   MS. NICHOLS: Okay. Are you  
23   intending to put on witnesses today?

24                   MR. VIA: Only myself. I  
25   submitted --

1 MS. NICHOLS: No. You have no  
2 personal knowledge, you can't be -- you can't be  
3 the attorney and the witness.

4 MR. VIA: Okay. That was not  
5 necessarily what I understood coming into this  
6 matter.

7 I'd just like to get something on  
8 the record, which is somewhat collateral to what  
9 you're doing today, but it's important for my  
10 client. If you would let me just sort of proffer  
11 what was contained in the correspondence?

12 MS. NICHOLS: No, I can't let you  
13 do that. This is a quasi-judicial hearing. This  
14 is a continuation from the January hearing. Your  
15 client was aware of this hearing. And I'm not  
16 sure when they retained you, but they need to be  
17 present today to testify. You can't proffer as  
18 to what their testimony would be --

19 MR. VIA: Well, I'm not --

20 MS. NICHOLS: You're not --

21 MR. VIA: The only thing I can  
22 offer with respect to that is I did get an email  
23 from the Chief Zoning Examiner this morning who  
24 indicated that I would have to testify to  
25 corroborate what was in the -- what was in the

1 correspondence that we recently sent. So I  
2 relied on that to appear this morning.

3 MS. NICHOLS: Okay. So you  
4 personally know everything in that letter. You  
5 personally --

6 MR. VIA: I did.

7 MS. NICHOLS: You personally went  
8 to the hearing and listened to the vote?

9 MR. VIA: I didn't go to the  
10 hearing. What's contained within that  
11 correspondence has to do with a meeting of the  
12 Association which occurred in 2023.

13 MS. NICHOLS: And did you attend?

14 MR. VIA: And then it --

15 MS. NICHOLS: Did you attend that  
16 meeting?

17 MR. VIA: I did.

18 MS. NICHOLS: Okay. All right.  
19 Go on.

20 MR. VIA: And the receipt of the  
21 amendments that I received yesterday from Chris.  
22 So the only issue that I wanted to bring to the  
23 attention of yourself was we anticipate not  
24 having any particular issue with the amendments.  
25 They appear to be -- and Chris and I have dealt



1 with each other. We have, I think, a neutral  
2 respect and trust. And he indicated to me in  
3 correspondence back and forth yesterday that  
4 there was no substantive change to the original  
5 plan that was approved by the Association, but  
6 there were some administrative things that had to  
7 be done. There were no changes with respect to  
8 boundaries or the number of units. All of this  
9 is very important to a lot of folks.

10 So all we were requesting was an  
11 opportunity for the Board to review what was  
12 received yesterday to have some sort of brief  
13 review of it. That's the only testimony that I  
14 would offer. I'm not going to delve into the  
15 substance of what Chris is going to be offering  
16 today. I would just like the opportunity to have  
17 my client review the plans.

18 MS. NICHOLS: All right. So  
19 you're here in the capacity of asking for a  
20 continuance on behalf of Oak Creek?

21 MR. VIA: Correct.

22 MS. NICHOLS: Okay. Mr. Hatcher,  
23 do you want to be heard on that?

24 MR. HATCHER: Yes, I would.

25 MS. NICHOLS: Okay.

1                   MR. HATCHER: All the information  
2     contained in the record and the ten exhibits that  
3     we provided are in direct response to requests  
4     made by People's Zoning Counsel and Madam  
5     Examiner. We have been in coordination with the  
6     HOA for several years, and Ray has been their  
7     lawyer that entire time. We maintain our  
8     commitment to -- not that it's immediately  
9     relevant to this matter, but it is important to  
10    my client that the community is aware that the  
11    commitments that we've made to them, we are still  
12    going to honor, and that the information  
13    contained in -- that we submitted is largely  
14    administrative, and definitely -- well, depending  
15    on your definition of administrative, fair. But  
16    is largely dealing with just responses to  
17    questions that were asked.

18                   We're not entirely sure what a  
19    continuance would offer the community that we're  
20    not going to share with them when we're before  
21    them on March 11th at their annual community  
22    meeting or the annual community meeting or the  
23    quarterly community meeting that we've said that  
24    we would attend to the community manager and to  
25    their lawyer.

1                   So we definitely understand the --  
2   well, we don't quite understand the desire for a  
3   continuance, but we definitely intend to continue  
4   to coordinate with them as we have for five  
5   years.

6                   MS. NICHOLS:   So you oppose a  
7   continuance?

8                   MR. HATCHER:   Absolutely.

9                   MS. NICHOLS:   All right.   Mr. Via?

10                  MR. VIA:   Well, everything that  
11   Chris has said with respect to prior  
12   relationships is true, however, there has been an  
13   ongoing issue with respect to timeliness of  
14   communication and what the community perceives as  
15   transparence.   And the board of directors, of  
16   course, they are volunteers.   They are acting in  
17   the best interests of the Association.   They have  
18   fiduciary duty to the Association members.

19                  When I received the fairly  
20   voluminous documents yesterday -- and I was  
21   traveling yesterday -- I immediately sent them  
22   off to the Association's board.   And what I got  
23   back was unanimity of, okay, we have had this  
24   relationship with Carrollton, this is a bit of a  
25   lightning rod, this whole project within the

1 community.

2                   Yes, we signed documents in the  
3 very beginning, and it does go back five years.  
4 But these amendments, while they may be largely  
5 an administrative nature or whatever, the Court  
6 requested rather robustly, I should say, the  
7 opportunity to review that. And it would be a  
8 very brief period of time, and I would encourage  
9 them to do that. Again, they're volunteers, but  
10 they understand the importance of this project to  
11 the community. And they want to try to make sure  
12 that the members of the community are fully  
13 informed, and that there's not a whole lot of  
14 pushback.

15                   It's in everyone's interests  
16 that's here today to have a harmonious  
17 relationship. So what we're looking for here is  
18 just a very brief period of time for the  
19 Association's board to review the documents,  
20 provide any comments that they have. Again, I  
21 don't think there will be a substantial pushback  
22 from on it, we just need the opportunity to take  
23 a look at the documents that were only received  
24 yesterday.

25                   MS. NICHOLS: So your point is the

1 documents were not timely provided to you?

2 MR. VIA: The timeliness is, I  
3 think, the issue that has kind of pervaded the  
4 whole process. Again, everyone wants this to go  
5 forward; the board, myself, all of us, but  
6 there's a cawdrey (phonetic) of folks in the  
7 community that are primarily concerned about  
8 this, and we need to get the information out to  
9 them in a timely manner. Chris has indicated  
10 that he understands that going forward, and that  
11 they will appear on the 11th at our meeting.  
12 They will appear at subsequent board meetings,  
13 and subsequent townhall meetings.

14 All of that is wonderful, and I  
15 appreciate that, and again, we've had a very  
16 harmonious relationship. I think we respect each  
17 other's position, and there's an element of  
18 trust. But we have to take -- it's kind of that  
19 trust-but-verify situation. We would like to be  
20 able to have the Board to review the amendments  
21 and comment as they see fit. That's all  
22 we're -- that's all we're here to request.

23 MR. HATCHER: If -- I'm sorry.

24 MS. NICHOLS: You can talk.

25 MR. HATCHER: If I may, would it

1 be -- ultimately, I believe that People's Zoning  
2 Counsel and Madam Examiner will make a decision  
3 regarding whether to continue the matter or not.  
4 What we would request is since we have all of our  
5 people -- all of our consultants here, if it  
6 would be possible to have them testify to the  
7 matters which Z-H-C and People's Zoning Counsel  
8 requested them to testify to.

9                   And to the extent that that  
10 remains unsatisfactory, or to the extent that the  
11 lawyer -- to the extent that Ray would still like  
12 some type of continuance, we're hoping that since  
13 we will be before them on the 11th, to the extent  
14 that there are follow-up questions, they can ask  
15 those on the 11th.

16                   And we'd ask that the People's --  
17 we'd ask that Madam Examiner would keep the  
18 record open for a set amount of time to the  
19 extent that the HOA board has some correspondence  
20 that they want to submit into the record dealing  
21 with those exhibits, that they can do so.

22                   MR. VIA: I don't have any problem  
23 with that approach. We are going to be meeting  
24 on the 11th with Carrollton. And certainly,  
25 whatever comments or concerns come out of that

1 can be timely submitted into this record.

2 MS. NICHOLS: All right. This is  
3 what I'm going to propose, Mr. Hatcher. Yes,  
4 we're going to hear the witnesses that are  
5 present here today. I am going to grant the  
6 portion of the continuance with regards to  
7 allowing Mr. Via's client to testify. And our  
8 next available date is the 26th of March. And at  
9 that point in time, it would be limited to Mr.  
10 Via's client or any response to that.

11 How, gentlemen, are you with that  
12 date?

13 MR. VIA: Give me one moment.

14 Would that be 9:30 as well?

15 MS. NICHOLS: I'm sorry?

16 MR. VIA: Would that be at 9:30 as  
17 well?

18 MS. NICHOLS: Yes. Yes.

19 MR. HATCHER: Madam Examiner, can  
20 we provide a response towards the end of this  
21 hearing? I just have to coordinate with a few  
22 people.

23 MS. NICHOLS: Oh, you can't pick a  
24 date right now is what you're saying?

25 MR. HATCHER: The 26th works well

1 for me; I just need to coordinate with one or two  
2 people.

3 MS. NICHOLS: Yeah, yeah. So  
4 you're going to do that -- you're asking to do  
5 that during the pendency. All right. Okay.

6 Mr. Via, are you available on the  
7 26th?

8 MR. VIA: I am available. I would  
9 like to have one -- well, obviously I need a  
10 board member to testify, so I probably would like  
11 to have the same arrangements Chris has just  
12 proposed to make sure I have a board member. But  
13 I don't think it'll be a problem --

14 MS. NICHOLS: Okay.

15 MR. VIA: -- to have a board  
16 member present on the 26th.

17 MS. NICHOLS: All right. We have  
18 until the close of today's portion of the hearing  
19 to pick a new date. So if you all could  
20 coordinate with your clients and see if March  
21 26th is acceptable, then at the end --

22 MR. VIA: Well, I'm going to go  
23 out on a limb and say it is. I will have a board  
24 member present. I don't want to prolong the  
25 discussion, so please, for the purposes of the



1 Association, the 26th is fine.

2 MS. NICHOLS: Okay. All right.

3 And Mr. Hatcher, you'll coordinate  
4 with your people?

5 MR. HATCHER: 26th works for us.

6 MS. NICHOLS: It does? Okay. So

7 I'll continue it to March 26th at 9:30. Okay.

8 Yep. Okay.

9 Can somebody put that in my  
10 calendar, please? All right. Got it.

11 Okay. Mr. Hatcher, I hijacked  
12 your case. I give it back to you.

13 MR. HATCHER: It's a collaborative  
14 process. No hijacking.

15 We would love to, at this point,  
16 call Mr. Mike Reilly.

17 MS. NICHOLS: All right. Mr.  
18 Reilly, I remind you that you have previously  
19 been sworn in, and you continue under oath today.

20 MR. REILLY: Thank you.

21 MS. NICHOLS: Mr. Reilly, can you  
22 please state your name, your full name, for the  
23 record?

24 MR. REILLY: Michael Thomas  
25 Reilly.

1                   MR. HATCHER: Since you last  
2 testified before Madam Examiner on January 29th,  
3 has anything changed with respect to your  
4 employment and role at CEMS and Carrollton  
5 Enterprises?

6                   MR. REILLY: No, nothing's  
7 changed.

8                   MR. HATCHER: Do you remain  
9 authorized to testify on behalf of Carrollton Oak  
10 Creek LLC?

11                  MR. REILLY: I do.

12                  MR. HATCHER: As of today's  
13 hearing, is the applicant registered to do  
14 business in the state of Maryland and in good  
15 standing?

16                  MR. REILLY: Yes, it is.

17                  MR. HATCHER: Are you familiar  
18 with the certificate of good standing that was  
19 submitted into the record otherwise known as  
20 Exhibit 43?

21                  MR. REILLY: Yes, I am.

22                  MR. HATCHER: Okay. Since you  
23 testified on January 29th, has anything changed  
24 with respect to Carrollton Oak Creek LLC's  
25 ownership of the subject property?

1 MR. REILLY: No.

2 MR. HATCHER: Thank you, Mr.

3 Reilly.

4 MR. REILLY: You're welcome.

5 MR. HATCHER: I have no further --

6 MS. NICHOLS: I'm sorry.

7 Mr. Via, do you have any

8 questions?

9 MR. HATCHER: Ray, you're on mute.

10 MR. VIA: Okay. Sorry. Had a

11 little technical difficulty there myself.

12 I have no questions.

13 MS. NICHOLS: Okay. Thank you.

14 Mr. Brown?

15 MR. BROWN: No questions.

16 MS. NICHOLS: All right. Thank

17 you, Mr. Reilly.

18 MR. REILLY: Thank you.

19 MS. NICHOLS: Mr. Hatcher, your

20 next witness?

21 MR. HATCHER: At this point we'd

22 like to call Sallie Stewart.

23 MS. NICHOLS: All right. Ms.

24 Stewart, you testified under oath previously in

25 this matter, and you continue under oath today.

1 MS. STEWART: Yes.

2 MR. HATCHER: Ms. Stewart, can you  
3 please state your name -- state your full name  
4 for the record?

5 MS. STEWART: Sallie Stewart.

6 MR. HATCHER: Since you last  
7 testified before the ZHC on January 29th, has  
8 anything changed with respect to your role as a  
9 registered landscape architect and consultant  
10 with CPJ and Associates?

11 MS. STEWART: No, nothing has  
12 changed.

13 MR. HATCHER: During your previous  
14 testimony before the ZHC on January 29th, you  
15 testified with respect to the revised amended  
16 basic plan. Did CPJ prepare an updated revised  
17 amended basic plan to address certain questions  
18 by the ZHC hearing -- during the ZHC hearing on  
19 January 29th?

20 MS. STEWART: Yes. We did prepare  
21 a revised plan.

22 MR. HATCHER: Madam Examiner, we  
23 respectfully request that the revised amended  
24 basic plan dated February 27th, 2025, provided by  
25 CL Hatcher, be accepted into the record -- well,

1 it's already in the record.

2 Madam Examiner, can we pull up  
3 Exhibit 45?

4 Sallie, do you further incorporate  
5 the amended basic plan dated February 27, 2025,  
6 as part of your testimony today?

7 MS. STEWART: Yes, I do.

8 MR. HATCHER: Would you please  
9 explain to the Zoning Hearing Examiner for what  
10 purpose you prepared the revised minute basic  
11 plan?

12 MS. STEWART: We revised the plan  
13 to clarify some and address questions that were  
14 raised at the previous hearing on January 29th.

15 MR. HATCHER: Yeah.

16 MS. STEWART: I was going to say,  
17 the changes -- the changes we made since the  
18 previous hearing was we updated the title block  
19 to read amended basic plan rather than just basic  
20 plan. We updated the site data table -- that is  
21 shown on sheet 2 -- to reflect the updated unit  
22 counts. And we also removed the references to  
23 the church and daycare uses that were previously  
24 indicated on the subject property.

25 MR. HATCHER: Madam Examiner, we

1 can -- we respectfully request the removal of  
2 Exhibit 45.

3 And while that's happening,  
4 Sallie, during the ZHC hearing on January 29th,  
5 did Madam Examiner request an analysis from the  
6 applicant regarding the applicability of  
7 conditions contained in zoning ordinance number  
8 11-2000?

9 MS. STEWART: Yes, she did.

10 MR. HATCHER: Did you review and  
11 prepare an analysis of the conditions contained  
12 in the zoning ordinance number 11-2000?

13 MS. STEWART: Yes. I prepared the  
14 analysis, and worked with Mark Ferguson, who will  
15 be testifying later, to prepare the current  
16 exhibit.

17 MR. HATCHER: Okay. Just for  
18 everyone's reference, that exhibit is listed as  
19 Exhibit 39.

20 Sallie, do you further incorporate  
21 the analysis of zoning ordinance number 11-2000  
22 conditions as part of your testimony today?

23 MS. STEWART: Yes, I do.

24 MR. HATCHER: Thank you, Ms.  
25 Stewart.

1                   No further questions.

2                   MS. NICHOLS: Thank you.

3                   Mr. Via, do you have any questions  
4 with regard to Ms. Stewart's testimony today?

5                   MR. VIA: Today, no. I'd like to  
6 reserve the right to have some questions if  
7 necessary when we reconvene on the 26th.

8                   MS. NICHOLS: All right. Mr.  
9 Brown?

10                  MR. HATCHER: No questions. Thank  
11 you.

12                  MS. NICHOLS: Thank you so much.  
13 Thank you, Ms. Stewart.

14                  Mr. Hatcher, your next witness?

15                  MR. HATCHER: At this point we'd  
16 like to call Mr. Ferguson.

17                  Mr. Ferguson, can you please state  
18 your full name and address? Well, your --

19                  MS. NICHOLS: Well, hold on one  
20 second.

21                  Mr. Ferguson, you have previously  
22 testified in this matter under oath, and you  
23 continue under oath in that capacity today.  
24 Thank you.

25                  MR. FERGUSON: Thank you, Madam

1 Examiner.

2 MR. HATCHER: Hey, Mark Ferguson,  
3 can you please state your full name for the  
4 record?

5 MR. FERGUSON: My name is Mark  
6 G.L. Ferguson of 5407 Water Street, Suite 206, in  
7 Historic Downtown Upper Marlboro, Maryland.

8 MR. HATCHER: Since you last  
9 testified, has any change to your employment  
10 occurred?

11 MR. FERGUSON: No, not at all.

12 MR. HATCHER: Mr. Ferguson, you  
13 have -- have you been previously qualified  
14 before?

15 MR. FERGUSON: I have.

16 MR. HATCHER: Expert before this  
17 one.

18 MR. FERGUSON: And in this -- and  
19 in the prior hearing for this case.

20 MR. HATCHER: Madam Examiner, we  
21 just want to triple confirm that as of this  
22 point, Mark is still qualified as an expert in  
23 land use planning.

24 MS. NICHOLS: Mr. Ferguson is our  
25 supreme expert in land use and land planning, and



1 continues in that designation here today.

2 MR. FERGUSON: Madam Examiner, you  
3 are too kind.

4 MR. HATCHER: Man, I'm going to  
5 work my whole career trying to get that moniker.

6 During your previous testimony  
7 before the ZHC, did Madam Examiner request that  
8 you prepare an exhibit showing the boundaries of  
9 each of the subject basic plans?

10 MR. FERGUSON: She did. Yes.

11 MR. HATCHER: Did you prepare that  
12 boundary?

13 MR. FERGUSON: I did.

14 MR. HATCHER: Is the exhibit you  
15 prepared shown as Exhibit 42 in the binder?

16 MR. FERGUSON: I'm going to have  
17 to trust you on the binder numbering. I didn't  
18 open the binder to double-check exhibit numbers.

19 MS. NICHOLS: He's right.

20 MR. FERGUSON: Okay. Thank you.  
21 I'm sure he is; that's why I trust him.

22 MR. HATCHER: Do you further  
23 incorporate and adopt, as part of your testimony  
24 here today, your ZMA application boundaries  
25 exhibit?

1                   MR. FERGUSON: I do. With a  
2 clarification, which actually I'd like, if it's  
3 convenient for Ms. Rawlings, to bring up the --  
4 bring up the exhibit. There is a minor  
5 clarification that --

6                   THE CLERK: I'm sorry. What was  
7 the exhibit number?

8                   MR. HATCHER: 42.

9                   MR. FERGUSON: And did we lose  
10 Madam Examiner? I no longer see her on my  
11 screen.

12                  MR. HATCHER: I no longer see her  
13 on the screen either. Why don't we just give it  
14 a few minutes, Mark, okay?

15                  MR. FERGUSON: Yep.

16                  MR. HATCHER: So for  
17 clarification, we're -- until we hear something  
18 from Madam Examiner we're just going -- we're  
19 going to pause.

20                  THE CLERK: Yes. We are going to  
21 take a brief break because Madam Examiner's  
22 computer did an automatic update, and shut her  
23 down. So we're just going to take a quick break.

24                  (Whereupon a recess was taken)

25                  MS. NICHOLS: All right. I

1 apologize. My computer did an automatic restart,  
2 and it's not the day for me for computer  
3 glitches.

4 So anyway, Mr. Ferguson -- Mr.  
5 Hatcher was just about to question you. Mr.  
6 Ferguson asked that Exhibit -- were you asking  
7 that Exhibit 42 be brought up?

8 MR. FERGUSON: Yes, Madam  
9 Examiner, and I see it before me on my screen.

10 MS. NICHOLS: Oh, there we go.  
11 All right.

12 THE CLERK: You can't see it,  
13 Madam Examiner?

14 MS. NICHOLS: No, I just have a  
15 little tiny window instead of a full window.  
16 That's okay.

17 Mr. Ferguson, you go ahead and  
18 testify.

19 MR. FERGUSON: Okay. So Madam  
20 Examiner, what Exhibit 42 shows are the  
21 boundaries -- the changing boundaries of the  
22 history of the zoning map amendments of this  
23 property, which actually began back in 1970. So  
24 8427 was filed in 1970. It is the eastern part  
25 of the property. And the request in that time

1 was for the I-1 zone.

2 A year later, 8578 and 8579 were  
3 filed. 8578 being the bowtie-shaped portion at  
4 the upper left of the property, on the westside  
5 of Church Road, and north of the wavy blue line  
6 that runs down Black Ranch (phonetic). That was  
7 originally requested from R-R to the R-80 zone.  
8 And 8579 on the east side of Church Road, in  
9 between Church Road and the 8427 boundary was  
10 originally requested for I-1.

11 What I need to amend -- so in the  
12 8579, in blue, it says R-R and R-A. The I-1 in  
13 1971 -- the R-A zone did not exist in 1971. It  
14 was created and imposed by the sectional map  
15 amendment of 1975. So that 1971 line should  
16 really just read "R-R to I-1".

17 When the 1975 SMA and changes to  
18 the zoning ordinance were enacted, all of the  
19 three-map amendment cases were requested to be  
20 amended. 8427, from the I-1 to the E-I-A zone.  
21 8579 from the R-R to I-1 became from the R-R and  
22 R-A zones to E-I-A. And 8578, or the bowtie  
23 property on the westside, was amended as being  
24 from the R-A zone to the R-S zone.

25 In --

1 MS. NICHOLS: I'm sorry, Mr.  
2 Ferguson, just give me those case numbers that  
3 you just told me in order. The first one, the I-  
4 1 to the E-I-A was which case?

5 MR. FERGUSON: So let's start --  
6 8427, the first case filed in 1970, was  
7 originally R-R to I-1.

8 MS. NICHOLS: Correct.

9 MR. FERGUSON: Then there was an  
10 SMA, and amendments to the zoning ordinance in  
11 1975.

12 MS. NICHOLS: Right.

13 MR. FERGUSON: I'm sorry, let's go  
14 back to in 1971, amendments A-8578 and A-8579  
15 were filed. From the R-R zone to the R-80 zone  
16 in the case of 8578. And from the R-R and R-A  
17 zones to the E-I-A -- I'm sorry, I've -- let me  
18 start again, because I lost track.

19 8427, 1970, R-R to I-1.

20 1971, 8578, R-R to R-80.

21 1971, A-8579, R-R to I-1.

22 MS. NICHOLS: Okay. Hold on one  
23 second. That was 84 -- no, it was -- you gave  
24 them to me in the order of 8578, 8579, and then  
25 8427 was what --

1                   MR. FERGUSON: 8427 was actually  
2     filed earliest in 1970, and that was from R-R to  
3     I-1.

4                   MS. NICHOLS: Okay. Sorry, let me  
5     do that. 8427, the next one was 8578, and then  
6     8579 was what to what?

7                   MR. FERGUSON: 8579, as originally  
8     filed in 1971 --

9                   MS. NICHOLS: Yeah.

10                  MR. FERGUSON: -- was R-R to I-1.

11                  MS. NICHOLS: Okay.

12                  MR. FERGUSON: Exhibit 42 is  
13     actually incorrect. It says in 1971 it was R-R  
14     and R-A. There was no R-A zone in 1971, and it  
15     hadn't been applied to the property yet.

16                  MS. NICHOLS: Okay.

17                  MR. FERGUSON: All right. Next  
18     series of changes was in 1975 when the zoning  
19     ordinance was amended to include the R-R, the R-  
20     A, and comprehensive design zones. And new  
21     zoning was applied by sectional map amendment to  
22     the area of the subject property.

23                  A-8427, the request was amended to  
24     request the E-I-A zone. And I will note that  
25     there is a small layer on Exhibit 42; under 1975,

1 it says R-R to E-I-A, but actually a small  
2 portion of that 8427 property, at the very  
3 southern extremity of it, had been placed in the  
4 R-A zone. And so that 1975 line on Exhibit 42  
5 should read R-R and R-A to E-I-A.

6 MS. NICHOLS: So Mark --

7 MR. FERGUSON: Yes, I can provide  
8 you with an amended --

9 MS. NICHOLS: You will on the  
10 26th. Right, exactly. Thank you.

11 MR. HATCHER: That's exactly what  
12 I was going to ask you, would you mind providing  
13 an updated exhibit.

14 MS. NICHOLS: I'll stop trying to  
15 take notes on this. Okay.

16 MR. FERGUSON: There you go.

17 But in 1975, A-8578 was amended to  
18 request the R-S zone, and that property at that  
19 time had been reclassified -- the entirety had  
20 been classified in the R-A zone, so it was then  
21 R-A to R-S.

22 8579 is correct on Exhibit 42. A  
23 portion was in the R-R and a portion was in the  
24 R-A. And it was amended to request the E-I-A  
25 zone.

1                   8579 and 8427 were called, at that  
2 point, the Kettering (phonetic) Employment part.  
3 So after some trials and tribulations, the  
4 decision was made in 1990 to amend the  
5 application consequentially. So at that time,  
6 8427, the request was amended from R-R and R-A to  
7 the E-I-A zone from that, to R-R and R-A to the  
8 R-S zone.

9                   A lot of area was then added to  
10 the A-8578 application. There was property owned  
11 by the Bells (phonetic) and the Herrings  
12 (phonetic) on the westside of Church Road, south  
13 of the bowtie property, south of that blue line  
14 along Bear Branch, that was added into the  
15 application. And then that land, the bowtie  
16 property, and most of the remaining land on the  
17 eastside of Church Road was all rolled in to the  
18 A-8578 application, which requested R-S.

19                   A separate window or a hold was  
20 carved out for 8579, which is shown in red, as  
21 requesting the L-A-C zoned instead of the E-I-A  
22 zone. And then the grant --

23                   MR. HATCHER: R-S zoning --

24                   MR. FERGUSON: Go ahead.

25                   MR. HATCHER: When you say R-S, do



1     you mean R-L?

2                     MR. FERGUSON:  No, no.  The  
3     amendment request, I'm sorry, prior for 8578 had  
4     been R-S.  A-8579 was then changed from E-I-A to  
5     L-A-C.  So that really tells a kind of long and  
6     involved story, which just got up to the first  
7     actual approval for the zoning map amendments in  
8     1991, for the zero -- the original approval, the  
9     zero revision, if you will.

10                    MR. HATCHER:  Which ultimately  
11     approved what zones on the property?

12                    MR. FERGUSON:  So that approved R-  
13     L for applications 8427 and 8578, and L-A-C for  
14     8579.

15                    MR. HATCHER:  And those are the  
16     current zones of the property?

17                    MR. FERGUSON:  They are the  
18     current zones of the property.

19                    MR. HATCHER:  During your previous  
20     testimony, before the ZHC on January 29th, did  
21     Madam Examiner also request that you provide an  
22     exhibit showing, among many other things, the  
23     boundaries and PG Atlas overlays of the L-A-C  
24     portion property?

25                    MR. FERGUSON:  She did.

1                   MR. HATCHER: Did you prepare such  
2 an boundary in overlay?

3                   MR. FERGUSON: I did.

4                   MR. HATCHER: Madam Examiner, the  
5 applicant requests that Exhibit 47 be brought up  
6 to the monitor.

7                   Is this the boundary exhibit that  
8 you provided?

9                   MR. FERGUSON: It is.

10                  MR. HATCHER: Do you incorporate  
11 this into your testimony?

12                  MR. FERGUSON: I do.

13                  MR. HATCHER: And you just --

14                  UNIDENTIFIED SPEAKER: That part  
15 right there.

16                  MR. HATCHER: Can you please  
17 describe it?

18                  MR. FERGUSON: I can. What Madam  
19 Examiner asked was that an exhibit be prepared to  
20 clarify or illustrate several points that I had  
21 testified to last month. So first of all, that  
22 was what the L-A-C boundary was, and how that  
23 related to whether there were 38 or 52 lots that  
24 were in the existing R-A zone boundary, where the  
25 various recorded parcels that are really the

1 heart of the subject of this application are,  
2 which properties were being swapped, how much  
3 land remains within the L-A-C zone as developable  
4 area, and ask that that all be done over the  
5 aerial photography. And so that is what you see  
6 before me.

7 I think the first thing that I  
8 would like to speak to is the L-A-C boundary. So  
9 there had been a discussion in the prior hearing  
10 about what exactly the boundary of the L-A-C zone  
11 is because PG Atlas shows a boundary which is not  
12 quite corresponding to how the actual development  
13 proceeded.

14 When you look in the records of A-  
15 8578 and A-8579, you do find zoning plats which  
16 are required to have been filed with the zoning  
17 map amendments. And unfortunately, number 1,  
18 they're no longer fully readable, but I did do  
19 the best I could with what I could see, and I did  
20 come up with a figure that very closely  
21 approximates what is graphically shown on PG  
22 Atlas, and does, in fact, calculate out to 33  
23 acres.

24 So that line is shown with a white  
25 boundary and white labeling on this exhibit. And

1 it also has the red hatching behind it from PG  
2 Atlas. Now, the PG Atlas exhibit is, in fact, a  
3 graphic reproduction. The PG Atlas database, if  
4 I will -- not this exhibit but the actual PG  
5 Atlas database is a graphic copy of that original  
6 zoning plat that went with the 1990 amendments to  
7 A-8578 and A-8579.

8                   The problem with that zoning plat  
9 as it was originally drafted -- so not regarding  
10 it's not complete legibility today but it's in  
11 original construction -- is that the limits of  
12 that L-A-C area did not have any ties. So it was  
13 described by meets and bounds, but it was just  
14 floating in the larger new Carrollton property.  
15 So there's no way for somebody to actually  
16 definitively say where it was supposed to be.

17                   Now, at the time of CDP-9902 and  
18 9903 for the L-A-C and RED LIGHT development of  
19 Oak Creek Club, and subsequently the preliminary  
20 plan subdivision, there was a graphic depiction  
21 of the boundaries of the L-A-C area with, you  
22 know, a dashed line and an arrow pointing to it.  
23 And that dashed line is indicated in the red  
24 boundary. That computes to a little bit less  
25 than 33 acres and does, in fact, correspond to

1 the subsequent platting of the parcel.

2                   So you can see from the exhibit  
3 that the white boundary encompasses 38 units, but  
4 the red boundary, which does represent how the  
5 development review of the Oak Creek development  
6 has proceeded since 1999 does include the 52  
7 existing single family units that are shown  
8 within that red boundary.

9                   So that sort of encapsulates the  
10 L-A-C boundary issues. The parcels are labeled,  
11 and the swap is labeled so that Parcel B, along  
12 Church Road, was swapped from the HOA to the  
13 applicant, and out-lot B was swapped from the  
14 applicant to the HOA. Out-lot B is where the  
15 remaining development can occur. That is a  
16 parcel of 3.11 acres.

17                   And to a question, which, I think,  
18 Mr. People's Zoning Counsel had raised during the  
19 hearing, that 3.11 acres does correspond to the  
20 area which had graphically shown the proposed  
21 community service center development -- and at  
22 FAR of .3, which is what you would expect for,  
23 sort of, the strip-commercial kind of development  
24 that was illustrated on the prior CDP -- does  
25 have the capacity to contain the 40,000 square

1 feet of commercial use which had been discussed  
2 in the market studies that accompanied that  
3 original application.

4 So I think that is my summary of  
5 Exhibit 47 and the information that Madam  
6 Examiner and the People's Zoning Counsel wish to  
7 see encapsulated in it.

8 MS. NICHOLS: Thank you.

9 Any other questions, Mr. Hatcher?

10 MR. HATCHER: Just a few more.

11 MS. NICHOLS: Uh-huh.

12 MR. HATCHER: Madam Examiner, can  
13 we please remove Exhibit 47?

14 Mark, did you --

15 MR. BROWN: I'm sorry, before you  
16 remove Exhibit 47, since we're looking at, just  
17 one quick point.

18 Mr. Ferguson, I know you're trying  
19 to match the red text with the red boundary and  
20 the white text with the white boundary to make it  
21 more understandable, but I can't read the red  
22 text.

23 Can you, before the record closes,  
24 change the red text to black or something that's  
25 more legible or visible?

1 MR. FERGUSON: Yes, I can.

2 MR. BROWN: I understand what you  
3 said it says, but somebody has to --

4 MR. FERGUSON: It still has to  
5 be -- it still has to be legible, Mr. Brown. I  
6 agree with you. Yes, I'd be happy to do that.

7 MR. BROWN: Thank you.

8 MR. HATCHER: Okay. Mark, did you  
9 review the analysis with zoning ordinance number  
10 11, 2,000 conditions prepared by Sallie Stewart,  
11 and identified as Exhibit 39?

12 MR. FERGUSON: I did.

13 MR. HATCHER: Okay. Do you agree  
14 with the analysis and conclusions contained in  
15 the analysis?

16 MR. FERGUSON: I do. I will say  
17 certainly that most of that analysis relies on  
18 Ms. Stewart's historical knowledge of the  
19 development of the project. And my contribution  
20 was really limited to sort of identifying the  
21 conditions which would still be relevant to the  
22 future development of the property.

23 MR. HATCHER: Thank you. We have  
24 no further questions for you.

25 MS. NICHOLS: Mr. Via, do you have

1 any questions of Mr. Ferguson's testimony today?

2 MR. VIA: I do not, Madam  
3 Examiner. I will reserve any questions, to the  
4 extent we have any, to the 26th.

5 MS. NICHOLS: All right. Mr.  
6 Brown, did you have any further questions?

7 MR. BROWN: No questions. Thank  
8 you.

9 MS. NICHOLS: All right. Thank  
10 you, Mr. Ferguson.

11 MR. FERGUSON: Thank you.

12 MS. NICHOLS: Mr. Ferguson, so if  
13 you would submit a revised 42 and 47.

14 And Sara, if you could just put  
15 them in the record, just substitute them for our  
16 current 42 and 47.

17 MR. FERGUSON: And I can have  
18 those to you certainly by the end of the day.  
19 But to the point, Mr. Via, for your board  
20 meeting --

21 MR. HATCHER: There you go.

22 MR. FERGUSON: -- upcoming,  
23 they'll be ready for that.

24 MR. VIA: Wonderful. Thank you  
25 very much.



1                   MR. HATCHER: And Ray, we'll try  
2 to get you that information tomorrow, okay?

3                   MR. VIA: That's just fine. The  
4 11th will be kind of our focal point, and then  
5 hopefully that will streamline any questions we  
6 have for the 26th.

7                   MR. HATCHER: Absolutely.

8                   MS. NICHOLS: All right. Thank  
9 you, Mr. Ferguson.

10                  MR. FERGUSON: Thank you, all.

11                  MS. NICHOLS: And Mr. Hatcher,  
12 your next witness?

13                  MR. HATCHER: No more witnesses at  
14 this time, Madam Examiner.

15                  MS. NICHOLS: All right. Okay. I  
16 think we have no further business at this time.  
17 And this portion of the evidentiary hearing will  
18 be deemed to have been concluded, but the  
19 evidentiary hearing will be continued to March  
20 26th at 9:30 a.m. No further notice will be sent  
21 of this hearing.

22                  MR. TOULSON: Madam Chair? Can  
23 you hear me, Madam Chair?

24                  MS. NICHOLS: Mr. Toulson.

25                  MR. TOULSON: Yes.

1 MS. NICHOLS: Yes.

2 MR. TOULSON: Yes. I am on record  
3 to be a speaker. Am I permitted to do so at this  
4 time, or shall I wait?

5 MS. NICHOLS: Did you testify in  
6 the 29th hearing? The January 29th hearing?

7 MR. TOULSON: I did not. You --

8 MS. NICHOLS: Oh, okay.

9 MR. TOULSON: --

10 (indiscernible) --

11 MS. NICHOLS: This is your first  
12 time here today.

13 Okay. We'll go ahead and take  
14 your testimony today. I need you to put your  
15 video on, please.

16 MR. TOULSON: Thank you. I should  
17 be on now.

18 MS. NICHOLS: There you are. Yes,  
19 indeed.

20 All right. Mr. Toulson, I need to  
21 swear you in. If you'd raise your right hand,  
22 please.

23 MR. TOULSON: Yes, ma'am.

24 MS. NICHOLS: I can't see your  
25 hand. Thank you.

1                   So do you solemnly swear or affirm  
2   under the penalties of perjury in the matter --  
3   in the matter in which you are now testifying,  
4   and tell the truth, the whole truth, and nothing  
5   but the truth?

6                   MR. TOULSON:   I do.

7                   MS. NICHOLS:   Thank you, so much.  
8   Please state your name and address for the  
9   record.

10                  MR. TOULSON:   My name is Cliff  
11   Toulson.   My address is 412 Rifton Court, in Oak  
12   Creek.   I have been a homeowner since 2005.   And  
13   I have been a board member serving in various  
14   capacities for about 15 years before I turned it  
15   over to the younger group.

16                  MS. NICHOLS:   All right.   Mr.  
17   Toulson, what would you like to say today?

18                  MR. TOULSON:   I have comments.  
19   And while I am speaking, I don't know if this is  
20   a proper request or not, but can we put up on the  
21   screen Mr. Ferguson's Exhibit 47 while I am  
22   providing comments?

23                  MS. NICHOLS:   Yes.

24                  MR. TOULSON:   Is that permissible?

25                  MS. NICHOLS:   Yes.   Uh-huh.

1 MR. TOULSON: Thank you so much.

2 Thank you.

3 Again, good morning to you, Madam  
4 Chair, and all --

5 MS. NICHOLS: Good morning.

6 MR. TOULSON: -- attending. I am  
7 here speaking as a homeowner, and I'd like to go  
8 on record to say that I welcome the proposed new  
9 homes with the following considerations:

10 I will be expressing concerns on  
11 the primary entry point to the new homes known as  
12 the intersection or traffic circle as Church Road  
13 and Mary Bowie Parkway. I would like to request  
14 a review of the traffic circle with the intent of  
15 redesign, recognizing that this traffic circle  
16 experiences the most traffic activity in our  
17 entire community.

18 On one side of the traffic circle  
19 is the primary entry point for Land Bay T  
20 (phonetic). And on the other side of the traffic  
21 circle, is Pine Valley, is where I reside.

22 On a regular and recurring basis  
23 the traffic is so heavy entering the circle that  
24 Pine Valley homeowners periodically lack access  
25 to our homes.

1                   When special events are  
2   occurring -- i.e., Park and Planning soccer  
3   games, basketball, football games, and wedding  
4   activities for example -- being put on in the  
5   park or by homeowners, the traffic trying to  
6   enter the community using the Church Road and  
7   Mary Bowie circle is often so heavy that it is  
8   backed up a quarter to a half a mile long.

9                   In such instances, a quick trip to  
10   the store or returning home from employment, the  
11   wait on Church Road can be very, very long. It's  
12   not unusual for us to be sitting on Church Road  
13   for periods of a half an hour to a stretch of an  
14   hour trying to get into the gate to get to our  
15   homes.

16                  And I would like for this to be a  
17   part of the record with strong considerations  
18   that if the community and the Board agrees to  
19   build the new homes, that a lot of emphasis has  
20   to be put on that circle, which is the primary  
21   point of entry, and the primary point of -- on  
22   the opposite side entering Pine Valley has to be  
23   taken into consideration with the understanding  
24   that it needs to be improved, because there's  
25   going to be traffic jams, and more importantly,

1 the problem of having access to our homes is only  
2 going to get worse.

3 And that concludes my comments.

4 MS. NICHOLS: All right. Thank  
5 you.

6 MR. TOULSON: Thank you.

7 MS. NICHOLS: Thank you, sir.  
8 Thank you, sir.

9 Mr. Hatcher, do you have any  
10 questions of Mr. Toulson?

11 MR. HATCHER: Not at this point.

12 Thank you, Mr. Toulson for  
13 engaging the process.

14 MS. NICHOLS: All right. Mr. Via,  
15 do you have any questions of Mr. Toulson?

16 MR. VIA: Not at the moment. I  
17 appreciate his testimony. And there will be,  
18 probably, further investigation of this issue  
19 when we reconvene on the 26th.

20 MS. NICHOLS: All right. Mr.  
21 Brown, do you have any further questions of Mr.  
22 Toulson?

23 MR. BROWN: Actually, Mr. Lenhart,  
24 in relationship to Mr. Toulson's comments.

25 Mr. Lenhart, are you there?

1 MS. NICHOLS: You're about to  
2 ask -- we can't hear you.

3 Mr. Brown, are you about to ask  
4 Mr. Lenhart some questions?

5 MR. BROWN: Yes. I was going to  
6 ask Mr. Lenhart, in looking at Exhibit --

7 MS. NICHOLS: No, that's okay.  
8 He's working. I just wanted to find out what you  
9 were doing.

10 MR. LENHART: Can you hear me now?

11 MS. NICHOLS: Yeah, we can hear  
12 you now. Thank you very much.

13 All right. Mr. Lenhart, I will  
14 remind you that you have previously testified  
15 under oath.

16 MR. LENHART: Yes.

17 MS. NICHOLS: And you will  
18 continue under oath today. And as Mr. Hatcher  
19 wants me to say, you've previously qualified as  
20 an expert in the field of transportation. And  
21 Mr. Brown has a couple of questions for you  
22 today. If you could just state your name for the  
23 record, Mr. Lenhart?

24 MR. LENHART: Yes. For the  
25 record, Michael Lenhart with Lenhart Traffic

1 Consulting.

2 MR. BROWN: Sara, would you put  
3 Exhibit 47 back up, please?

4 Now, with regards to Mr. Toulson's  
5 comments, I don't live in that community, but I  
6 have experienced the same backup driving through  
7 it on many occasions when there are events over  
8 there.

9 So my question, Mr. Lenhart, is  
10 there any possibility that an additional road,  
11 and I'm not suggesting it be done, but is there a  
12 possibility an additional road could be  
13 constructed to connect, what I'm going to call,  
14 the southern portion of that property to Church  
15 Road?

16 MR. LENHART: Southern portion,  
17 let me ask for clarification. So you --

18 MR. BROWN: So it --

19 MR. LENHART: Do you see a parcel  
20 C there to the south of Mary Bowie Drive, are you  
21 talking that --

22 MR. BROWN: Yeah.

23 MR. LENHART: -- down south there?

24 MR. BROWN: Yeah, the lower  
25 part -- the lower part of parcel C, but then go



1 back towards the large parking lot.

2 MR. LENHART: Well, I don't know  
3 what type of environmental impacts there might be  
4 through there. I mean, I guess there's always a  
5 potential to do something, but you have to look  
6 at --

7 MR. BROWN: Yeah.

8 MR. LENHART: -- the stone, water,  
9 what --

10 MR. BROWN: Yeah, I understand all  
11 that. I mean I know I think that's a -- it's at  
12 least a flat terrain, I believe, over there. But  
13 that is a problem that Mr. Toulson has identified  
14 that's just going to be exasperated with the  
15 construction of these new homes. And I know it's  
16 difficult to reverse-engineer a problem that  
17 we've only, in the last five, six, seven, eight,  
18 nine years have become aware of. You know --

19 MR. LENHART: Right. I --

20 MR. BROWN: Go ahead.

21 MR. LENHART: I would just like to  
22 add in context to here, for the purposes of this  
23 zoning map amendment, the underlying land today  
24 is zoned for -- to allow commercial uses. Our  
25 traffic impact study compared -- or not impact

1 study, it was just a traffic statement, compared  
2 the trips that could be generated by the existing  
3 zoning as compared to what would be generated by  
4 proposed residential uses. And for the purposes  
5 of this rezoning, really would not increase the  
6 amount of traffic that could be generated on this  
7 property. It would actually result in a  
8 decrease, not an increase.

9 So I think a finding could be made  
10 for the rezoning, that this would not have an  
11 impact on the master plan roads.

12 MR. BROWN: I don't disagree with  
13 you at all. I agree with that 100 percent.

14 MR. LENHART: Okay.

15 MR. BROWN: It's just that in  
16 reality, in a practical standpoint though, when  
17 there are events out there, and you have this  
18 additional number of homes, there will be  
19 continuing backups on Church road. And so I was  
20 just trying to talk out loud about possibilities  
21 of alleviating that.

22 MR. LENHART: Sure.

23 MR. BROWN: Is there anything, in  
24 your mind as a traffic engineer, that could be  
25 designed to replace the traffic circle to make it

1 more functional? I don't know whether a traffic  
2 light would make the traffic better or not. What  
3 would be your opinion on that?

4 MR. LENHART: Well, what I would  
5 point out before answering that question is this  
6 property, if this zoning is approved, they're  
7 going to be required to go through a preliminary  
8 plan of subdivision. We have already submitted  
9 the required transportation checklists to Park  
10 and Planning staff. We are -- they've asked us  
11 to do traffic counts at Church Road and Mary  
12 Bowie Drive, provide analyses of that  
13 intersection at the time of preliminary plan,  
14 which is where adequacy of facilities is tested.

15 I don't live down here. I'm not  
16 personally here often, so I can't say I've seen  
17 or experienced these issues, but it is something  
18 that will be tested at the time of preliminary  
19 plan. And then, you know, the question you ask  
20 is a valid question, but it -- it presumes --

21 MR. BROWN: You're right. I just  
22 wanted to put --

23 MR. LENHART: Yeah.

24 MR. BROWN: -- it on the record,  
25 the time to look at it is at preliminary plan.

1                   So Mr. Toulson, I was trying to  
2   get to that point so you'd understand that. All  
3   right?

4                   MR. TOULSON: Thank you. Uh-huh.

5                   MR. BROWN: All right. Thank you.  
6   No other questions.

7                   MR. LENHART: Yeah. Thank you.

8                   MS. NICHOLS: All right. Thank  
9   you.

10                  Let's see. Let's put this  
11   document down. Thank you, Sara.

12                  Was there anybody else here that  
13   wanted to testify today? I see no one.

14                  All right. So this hearing will  
15   be continued until the 26th of March at 9:30. No  
16   further notice will be sent out. And the purpose  
17   of the hearing on the 26th is not to relive the  
18   past, but to allow Mr. Via the opportunity to put  
19   on a witness.

20                  And I thank you all for  
21   participating here today. Thank you for bearing  
22   with the technical difficulties we had today.

23                  MR. HATCHER: Really appreciate  
24   everybody's time. Thank you all so much.

25                  MS. NICHOLS: Thank you.

1                   MR. TOULSON: Thank you for  
2 allowing me to comment.

3                   MS. NICHOLS: Absolutely, sir.

4                   (Whereupon, the proceedings were  
5 concluded.)

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4 I, Ashley Bennett, certify that the foregoing  
5 transcript is a true and accurate record of the  
6 proceedings.

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ASHLEY BENNETT

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Date: March 20, 2025

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