ZONING MEMBERS PRESENT
Jim Mazzocco, Zoning Examiner
Manny Padilla, Planning & Development Services
Ana Juarez, Recording Secretary
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ZONING EXAMINER: Okay. I think we’re going to get started here. This is January 5th, 2017. It’s 6:00 P.M. Good evening. My name is Jim Mazzocco, and I’m the Zoning Examiner for the City of Tucson.

I conduct rezoning hearings on behalf of the Mayor and Council, and make findings of fact which I put into a report along with my recommendations, which I then send on to Mayor and Council.

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

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

After I close the hearing I’ll prepare a preliminary report within five working days. I’ll prepare a final report two weeks after the close of this public hearing. For those of you who wish to receive a copy of the preliminary report -

I didn’t even bring my thing to sign in, did I? Oh, Lord. Okay. Well, anyway, we’ll put something some out there for you to sign in. Since we’re a small group, we can keep going.
For those of you who wish to receive a copy of – I said that already. A copy of the final report will be available from the Planning & Development Services Department, and I’ll send that report along to the Mayor and Council. They may consider my recommendations, along with other factors and they, they will base their vote on that.

At the start of the hearing, I’d like to have Manny Padilla of the Planning & Development Services Department, who is seated to my right, give a presentation on the case. After that, I will ask for testimony from the public.

Since I cannot have any communications with parties involved in this case, now’s the time to speak. If you wish to speak tonight, wait for me to call you up to the podium. And please make sure to print your name and address very clearly on the sign-in sheet. I’ll also ask you to announce your name and address for the record, and for the recording clerk.

At this time, I’d like to swear in those wishing to speak this evening. Will you please now stand for the oath and raise your right hand. Do you swear/affirm to tell the truth, the whole truth and nothing but the truth?

MR. UNDERWOOD: I do.

ZONING CLERK: Okay. So, our first case is C9-16-08 Valley Animal Hospital-22nd Street. Manny, can you give a brief report?

MR. PADILLA: Yes. This is a request by The Planning Center on behalf of the property owner, Dr. Warfield, to rezone approximately .2 acres from R-2 residential to P, parking zone.
The rezoning site is located at 4984 East 22\textsuperscript{nd} Street. The Preliminary Development Plan proposes employment (sic) and customer and parking for a proposed Valley Animal Hospital expansion.

The rezoning site is comprised of the southernmost boundary of seven contiguous commercial lots. It’s existing commercial services on the property. This would be the southern approximately 33 feet, and the length is approximately 310 feet, and that’s where the .2 comes in. But altogether, the commercial site is roughly just shy of two acres.

The, the planning consideration includes that the land use policy direction is provided by Plan Tucson. And Plan Tucson supports and calls for development of mixed use centers, combined with a variety of retail services. And it also supports the retention and expansion of existing commercial businesses.

In conclusion, the rezoning of the non-conform- -- non-conforming portion of the site from R-2 to P is a suitable zoning option, and it will bring the property into conformance with the City of Tucson Unified Development Code. This is subject to the compliance with the attached Preliminary Conditions. Approval of the requested P zoning is appropriate.

At this time, I’d like to say that we are still further trying to refine Condition No. 7. I believe the Applicant will discuss that further with, with the Zoning Examiner. And we would like to be able to get that process in the next day or two.
The approval/protest calculations to date is that we have one official approval, and zero protests. That concludes Staff report.

ZONING EXAMINER: Okay. Can I have the Applicant come forward?

MR. UNDERWOOD: Thank you, Manny. My name is Brian Underwood, and I’m with The Planning Center, 2 East Congress here in Tucson. And I thank you, Mr. Mazzocco, for meeting with us here tonight.

And we would like to, to discuss Condition No. 7. There is some concern there about the first sentence in that Condition. It reads, “Existing riparian vegetation, including trees along and within the Naylor Wash flood plain will be required to be preserved in place.”

Now we’re going to be required to provide a five-foot screen wall along the southern boundary. And there’s some, some question of where the, the flood plain limits are. And so, if some of that riparian vegetation, or that flood plain is located on site, then we’d like to, you know, reserve the right to be able to disturb anything that, that would impede installation of the wall.

And so, we’ve, we’ve sort of proposed some, some revised language for that first sentence of the condition to say, “Any existing riparian vegetation, including trees along and within the Naylor Wash flood plain, and located on site, will be required to be preserved in place to the greatest extent feasible.”
That way, if it’s, if it’s a viable, if it’s viable, viable vegetation, that, that is outside of, of our property, obviously, we’re not disturbing anything off site. And if it is in the way of where the wall needs to go, then the wall can take precedent over that.

The other - the, the second portion of the condition, if viable, the stand of mature oleanders and trees that are located along the southern boundary of the rezoning site remain in place and integrated into the landscaping required along the south boundary of the site (inaudible).

ZONING EXAMINER: So, all the other Conditions, you’re fine with?

MR. UNDERWOOD: And we are fine with the other conditions.

ZONING EXAMINER: Okay. So, with this one condition, Manny, would you still like some time to speak to the Applicant on that?

MR. PADILLA: We would like to, yes, refine it and have further discussions with the people who have to implement this condition, the Zoning Review Staff on the first floor. We haven’t had a chance to (inaudible) change. So, if we need, just - maybe tomorrow or Monday to come up with something we can look at together.

ZONING EXAMINER: So, in other words, it can be done before I finalize my preliminary report five working days from now?

MR. PADILLA: From our end, I believe so.

ZONING EXAMINER: Okay.
MR. UNDERWOOD: And that would be fine with us.

ZONING EXAMINER: That’s fine with you?

MR. UNDERWOOD: Yes.

ZONING EXAMINER: Okay. Okay. Is there anything else you want to report on your case?

MR. UNDERWOOD: No. This is, this is an exciting project and we’re happy to, to bring it into conformance.

ZONING EXAMINER: Okay. Well, thank you.

MR. UNDERWOOD: Thank you.

ZONING EXAMINER: So, is there – for formality, because nobody can see on the transcript what I see. Is there anybody to speak in favor of the case? Is there anybody to speak against the case, in protest of the case? So, no speakers in either case. Okay.

So, with that, taking the testimony provided, this hearing is hereby closed. And I will provide a preliminary report within five working days. And I expect that the Applicant and Staff will work out the final language on Condition 7. Okay. This hearing is closed, then. Thank you very much for coming.

MR. UNDERWOOD: Thank you.

(Case: C9-16-08 is closed.)
I hereby certify that, to the best of my ability the foregoing is a true and accurate transcription of the original tape recorded conversation in the case reference on page 1 above.

Transcription Completed: 01/10/17

/s/ Kathleen R. Krassow
KATHLEEN R. KRASSOW - Owner
M&M Typing Service