

ZONING MEMBERS PRESENT

Jim Mazzocco, Zoning Examiner
Manny Padilla, Planning & Development Services
Ana Juarez, Recording Secretary

=====

1 ZONING EXAMINER: Okay. I think we're going to get started
2 here. This is January 5th, 2017. It's 6:00 P.M. Good evening. My
3 name is Jim Mazzocco, and I'm the Zoning Examiner for the City of
4 Tucson.

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

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

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

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

20 I didn't even bring my thing to sign in, did I? Oh, Lord.
21 Okay. Well, anyway, we'll put something some out there for you to
22 sign in. Since we're a small group, we can keep going.

1 For those of you who wish to receive a copy of - I said
2 that already. A copy of the final report will be available from the
3 Planning & Development Services Department, and I'll send that report
4 along to the Mayor and Council. They may consider my recommendations,
5 along with other factors and they, they will base their vote on that.

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

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

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

20 MR. UNDERWOOD: I do.

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

23 MR. PADILLA: Yes. This is a request by The Planning
24 Center on behalf of the property owner, Dr. Warfield, to rezone
25 approximately .2 acres from R-2 residential to P, parking zone.

1 The rezoning site is located at 4984 East 22nd Street. The Preliminary
2 Development Plan proposes employment (sic) and customer and parking
3 for a proposed Valley Animal Hospital expansion.

4 The rezoning site is comprised of the southernmost boundary
5 of seven contiguous commercial lots. It's existing commercial
6 services on the property. This would be the southern approximately 33
7 feet, and the length is approximately 310 feet, and that's where the
8 .2 comes in. But altogether, the commercial site is roughly just shy
9 of two acres.

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

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

21 At this time, I'd like to say that we are still further
22 trying to refine Condition No. 7. I believe the Applicant will
23 discuss that further with, with the Zoning Examiner. And we would
24 like to be able to get that process in the next day or two.

1 The approval/protest calculations to date is that we have
2 one official approval, and zero protests. That concludes Staff
3 report.

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

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

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

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

21 And so, we've, we've sort of proposed some, some revised
22 language for that first sentence of the condition to say, "Any
23 existing riparian vegetation, including trees along and within the
24 Naylor Wash flood plain, and located on site, will be required to be
25 preserved in place to the greatest extent feasible."

1 That way, if it's, if it's a viable, if it's viable, viable
2 vegetation, that, that is outside of, of our property, obviously,
3 we're not disturbing anything off site. And if it is in the way of
4 where the wall needs to go, then the wall can take precedent over
5 that.

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

11 ZONING EXAMINER: So, all the other Conditions, you're fine
12 with?

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

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

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

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

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

25 ZONING EXAMINER: Okay.

1 MR. UNDERWOOD: And that would be fine with us.

2 ZONING EXAMINER: That's fine with you?

3 MR. UNDERWOOD: Yes.

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

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

8 ZONING EXAMINER: Okay. Well, thank you.

9 MR. UNDERWOOD: Thank you.

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

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

19 MR. UNDERWOOD: Thank you.

20 (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