

ZONING MEMBERS PRESENT

Jim Mazzocco, Zoning Examiner
John Beall, Planning & Development Services
Rick Guerra, City Recording Clerk

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1 ZONING EXAMINER: Okay. I think we're about to start here.
2 Good evening. This is Zoning Examiner's hearing of December 1st, 2016.
3 My name is Jim Mazzocco, and I'm the Zoning Examiner for the City of
4 Tucson. I conduct rezoning hearings on behalf of the Mayor and
5 Council, and make findings of fact which I put into a record, a
6 report, along with my recommendations, which I then send on to the
7 Mayor and Council.

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

12 A tape recording of this is being made tonight, of
13 tonight's testimony by the City Clerk's Office. They're behind the
14 curtain here. And if necessary, a transcript will be prepared.

15 I will prepare a preliminary report, and a final report.
16 After I close this hearing, I will prepare a preliminary report within
17 five working days. I will prepare a final report two weeks after the
18 close of this public hearing.

19 For those of you who wish to receive a copy of my report,
20 you, you are, you're not already a principal listed on the case,
21 please fill out one of the orange cards. I don't know if I brought

1 orange cards there, but if you put something on - by your name when
2 you sign in that you'd like a report, let me - I'll, I'll go by that.

3 A copy of the final report will be available from the
4 Planning & Development Services Department, and I'll send that report
5 along to the Mayor and Council. They may consider my recommendation
6 along with other factors, and they will base their vote on that.

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

11 Since I cannot have any communications with parties
12 involved in this case, now's the time to speak. If you wish to speak
13 tonight, wait for me to call you to the podium. Then please make sure
14 to print your name and address very clearly on the sign-in sheet, and
15 I see you're already doing that, so you're way ahead of the game here.
16 I'll also ask you to announce your name and address for the record,
17 and for the Recording Clerk.

18 So, at this time, I would like to swear in those wishing to
19 speak this evening. Will you please now stand for the oath and raise
20 your right hand - and if you're thinking of speaking in any way.
21 Okay. Do you swear or affirm to tell the truth, the whole truth, and
22 nothing but the truth?

23 (Affirmative.)

24 ZONING EXAMINER: Okay. So, I kind of got an idea of who's
25 here. Okay. Thank you.

1 So, with that, we have three cases tonight. And the first
2 case is C9-16-10 Chamberlain-Tucson Boulevard. John, could you give a
3 brief report?

4 MR. BEALL: This is a request by Dan Castro of Rick
5 Engineering Company on behalf of the property owners, Palice Kino,
6 LLC, and Fenn-Conn Partners, LLP, to rezone approximately 2.9 acres
7 from R-1 residential to I-1 light industrial zoning.

8 The rezoning site is located on the northeast corner of
9 Tucson Boulevard and Bilby Road approximately 1400 feet east of Tucson
10 Boulevard. The Preliminary Development Plan proposes a two-phase
11 development on 2.9 acres which is a portion of a larger 39-acre
12 parcel.

13 Phase I proposes a parking lot with access only onto Bilby
14 Road. The parking lot will serve employees of the Chamberlain
15 facility located north across Rodeo Wash. The parking lot will
16 include 177 parking spaces, perimeter screen walls, landscaping,
17 detention-retention basin, and a 10-foot wide pedestrian path along
18 the Rodeo Wash southern boundary.

19 Phase II proposes to modify the parking lot by reducing
20 parking area to 59 spaces and construct a 15,000 square foot two-story
21 warehouse building at a height of 50 feet, and including two loading
22 zones and an outdoor open storage.

23 The site is located within an area of mix of park,
24 industrial, and industrial and residential zones. Land north and
25 northeast of the rezoning site is developed with PI, park industrial,

1 and I-1, light industrial zoned land uses, with warehouse and
2 manufacturing businesses.

3 To the west is vacant R-1 residential zone land owned by
4 the same entity as the rezoning site, and across Bilby Road to the
5 south is a mix of single-family and industrial development in the PI
6 and I-1 industrial zones. The nearest residential units are located
7 to the south across Bilby Road and approximately 300 feet, and to the
8 east across Country Club Road approximately 500 feet from the rezoning
9 site.

10 The proposed rezoning is consistent with and supported by
11 the policy direction provided in Plan Tucson and the Kino Area Plan.
12 Subject to compliance with the attached Preliminary Conditions,
13 approval of the requested rezoning is appropriate. As of to date,
14 11/30/16, or as of 11/30/16, there have been no approvals and no
15 protests.

16 ZONING EXAMINER: Okay. Thank you, John. Do we have the
17 Applicant or Applicant's representative?

18 MR. CASTRO: Good evening, Mr. Mazzocco. My name is Dan
19 Castro.

20 ZONING EXAMINER: Doesn't that one work, the taller one?

21 MR. CASTRO: Negative.

22 ZONING EXAMINER: Could, could you speak - could we have
23 Rick - yeah, okay. 'Cause I didn't want you to be bent, bent over
24 with that. Okay. Once again, you are whom and where are you from?

1 MR. CASTRO: Dan Castro with Rick Engineering representing
2 the owner, and this request. And joining me this evening is also
3 Chuck Martin with Rick Engineering, and representative of the owner,
4 Robert Tucker.

5 And as Mr. Beall explained in his introduction, we are
6 making a request to rezone the property. And it's an expansion to the
7 existing Chamberlain facilities adjacent to the property. We did
8 receive conditions, revised conditions yesterday, and we had a chance
9 to take a look at them.

10 And there is one condition, Condition No. 16, that we would
11 like to clarify with Staff. The last sentence of Condition 16-A
12 states "pedestrian bridge shall be constructed with design life of
13 perpetual duration, or of reinforced concrete".

14 The request we would like to make, if it's amenable to
15 Staff, is instead of just having the design life of perpetual
16 duration, also include the construction to be either made out of steel
17 or of reinforced concrete. So, maybe if we can get Staff to, to help
18 us reword that, we're amenable to the rest of the conditions.

19 ZONING EXAMINER: Okay. Is there anything else you want to
20 tell me about this case, or (inaudible)

21 MR. CASTRO: No. Pretty straightforward. We held a
22 neighborhood meeting. There was one property owner that, that
23 attended. Property owner was located south of the property. She
24 owned some industrial-zoned land. She was supportive of the, of the
25 project. Other than that, it's pretty straightforward.

1 ZONING EXAMINER: And, John, did you say that there's no
2 protests?

3 MR. BEALL: That's correct. No -

4 ZONING EXAMINER: And there's no, no written approvals
5 either?

6 MR. BEALL: That's correct.

7 ZONING EXAMINER: Just nothing?

8 MR. BEALL: That's correct.

9 ZONING EXAMINER: We haven't gotten any written approvals
10 or protests?

11 MR. BEALL: Correct.

12 ZONING EXAMINER: Okay. Thank you. Okay, Mr. Castro. Let
13 me ask if there's - then I'm fine.

14 MR. CASTRO: (Inaudible) any other questions, feel free -

15 ZONING EXAMINER: Okay. I think I'm, I'm good. I've read
16 the report. I've read your materials. Is there anybody here who
17 wants to speak in favor of this case? Is there anybody here who wants
18 to speak against this case? Is there anybody here just wants to speak
19 neutrally? It's actually in my rules, I have to say that. Okay.
20 Well, taking the testimony provided, this case is hereby closed. And
21 I will issue a preliminary report.

22 But in the meantime, I would like you to work with Staff on
23 Condition 16 to finalize the language that both of you are in support
24 of, and/or not in support of so that I can see that prior to writing
25 my preliminary report which will come out five days.

1 MR. CASTRO: Okay.

2 ZONING EXAMINER: Okay. Thank you.

3 (Case: C9-16-10 was closed.)

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

Transcription Completed: 12/13/16



KATHLEEN R. KRASSOW - Owner
M&M Typing Service