



Zoning Examiner

REPORT TO MAYOR AND COUNCIL

June 25, 2020

C9-20-03 Harrison Landfill PAD, to Planned Area Development

(Ward 4)

Public Hearing: June 11, 2020

BACKGROUND

This is a request by James McMurtrie of Dynamic Civil Designs LLC, on behalf of the property owner, Larry Harvey, to rezone approximately 55.5 acres from Suburban Ranch (SR) to Planned Area Development (PAD) zoning. The rezoning site is located west of South Harrison Road and approximately 2,500 feet north of East Irvington Road (see Case Location Map). The development proposed is an interim inert materials landfill, with interim Industrial uses throughout the duration of the landfill activities in a specified interim timeframe, and Park Industrial uses during and after the landfill is completed. Following completion of the landfill and termination of the specified interim timeframe, the final permitted uses are Park Industrial uses.

PUBLIC HEARING SUMMARY

June 11, 2020 Zoning Examiner Hearing

The Applicant's representative spoke in support of the requested rezoning. No other person spoke.

As of the date of the June 11, 2020 Zoning Examiner hearing, there were no (0) written approvals and no (0) written protests. One letter was received by PDS from the Wingate Community Association, raising some of the same issues and concerns discussed by Council Member Scott at the time of the plan amendment as described above. The Zoning Examiner finds that these concerns are addressed in the PAD document.



Zoning Examiner

FINDINGS OF FACT

Background Information

The property dates back, to the 1960s as a sand and gravel pit that was in operation prior to the City's annexation of the area in 1987. The extraction use was viewed as legal, non-conforming after being annexed. The site is located within Subarea 6 of the *South Pantano Area Plan (SPAP)*. The *SPAP* identified *Subarea 6* as containing sand and gravel operations and landfills and discussed the need for soils in those areas to be rebuilt to stable conditions, but provided no provisions to allow industrial uses required to permit activities associated with rebuilding the soils. Park Industrial (P-I) and Suburban Ranch Zoning (SR) do not allow for an interim process to fill in the existing pit and stabilize the soil to support future development. While the need for the soil to be rebuilt was acknowledged as a necessary step in the *SPAP*, no provisions were made that would allow the Industrial uses needed to undertake the activities required to rebuild and stabilize the soil. In 2019, Mayor and Council approved an amendment to the *SPAP* allowing for interim Industrial uses on the subject property.

Existing Land Use: Sand and Gravel Extraction

Zoning Descriptions:

Existing / Suburban Ranch Zone (SR): This zone provides for very low density, large lot, single-family, residential development and suburban ranch uses. Uses that would adversely affect the open space, agricultural, or natural characteristics of this zone shall not be permitted.

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 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: Zoned SR; Pantano Wash and Residential
South: Zoned SR; Closed Harrison Landfill (City owned)

East: Zoned SR; Residential and Horse Boarding
West: Zoned R-2; State Land, Residential



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Planning Considerations

Land use policy direction for this area is provided by the *South Pantano Area Plan* and *Plan Tucson*. The rezoning site is located within the Existing Neighborhoods Building Block as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing Neighborhoods are primarily developed and 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 maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability.

The *South Pantano Area Plan (SPAP) Subarea 6* supports Park Industrial uses integrated with residential, commercial and recreational development. *Subarea 6* provides policy direction for industrial as an interim use on the site to enable the soil to be rebuilt to stable conditions so that future park industrial uses as specified in the *SPAP* can be realized. Policy direction also suggests a flexible zoning tool such as a Planned Area Development (PAD) zone to allow for the interim use.

Prior to the Mayor and Council approval of the plan amendment, then Council Member Scott (Ward 4) read into the record a list of concerns and issues that were to be addressed in the PAD document during any future rezoning. These concerns and issues to be addressed included: traffic congestion on Harrison Road from any stacking onto property; odor and noise control; permitting only specific types of salvaging and recycling operations onsite; having specific hours of operations, including the frequency of any crushing operations; landscape and screening of project; providing setback distance of operations, and addressing any potential fire risks associated with types of salvaging and recycling operations of the landfill. Each of these concerns and issues has been addressed in the PAD document.

PAD Document Overview

The Harrison Landfill PAD encompasses approximately 55.5 acres generally bounded by South Harrison Road to the east, the Pantano Wash to the north, a closed City landfill to the south and State land to the east. The intent of the PAD is to establish both interim and future zoning standards for the property to allow the owner to operate an inert materials landfill until the void on the property is filled to a stable condition. Only inert materials will be accepted at the landfill. Inert materials are those that are not flammable, will not decompose and will not leach substances in concentrations that exceed aquifer water quality standards. The City of Tucson and Pima County will have the authority and be granted access, as necessary, during regular business hours, to make scheduled or un-announced inspections to ensure traffic, noise, odors, and dust are meeting the standards of the PAD. The PAD document provides standards and mitigation techniques to protect the surrounding non-industrial properties.



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Land Uses:

The PAD has a single zoning district that allows interim industrial uses, throughout the duration of the landfill activities in a specified interim timeframe, and Park-Industrial (P-I) during and after the interim timeframe.

Permitted Land Uses: All uses permitted in the P-I zone, per the UDC, subject to the applicable use specific standards and all uses permitted by special exception in the P-I zone, according to applicable type of special exception procedure.

Permitted Interim Land Use: The interim uses associated with the landfill activities include business operations, sanitation system (inert), materials crushing, salvaging and recycling, materials sales and excavating, outdoor materials storage, outdoor green waste storage and processing, sorting, and equipment parking.

The interim phase of the PAD will terminate 12 years after the PAD adoption date, or upon completion of the landfill, whichever occurs first. Any of the following occurrences signify the completion of the landfill:

1. The grade of the entire property has reached a minimum elevation equal to 2-feet above the adjacent grade of the paved Harrison Road multi-use path, which varies along the length of the property frontage, with the minimum elevation anywhere on the site bring 2,730 above Mean Sea Level on the North American Vertical Datum of 1988 (NAVD 88).
2. A period of one (1) year has passed since the grade of the entire property has reached a minimum elevation corresponding to the grade of the adjacent paved Harrison Road multi-use path. A letter from the City of Tucson to the property owner, stating that this condition has been met, according to the City, shall mark the start of the 1-year period unless contested by the property owner on the basis of inaccuracy(s).

Due to the inability to predict the exact timeframe to meet the completion of the landfill, two consecutive 2-year interim timeframe extensions are allowed and will be considered minor PAD amendments. If the landfill is not complete after 16 years, a major PAD amendment will be required to continue operations.

Development Standards:

Setbacks: Landfill activities will be setback from the west property boundary 80-feet. The exception is an 850-foot portion along the southern section of the west property boundary where existing cut slopes are closer to the property line so the setback will be 40-feet.



Zoning Examiner

Hours of Operation: The hours of operation are set as: Monday – Friday 6:30am to 4:30pm, Saturday 7:00am to 3:00pm, and closed on Sunday. All activities onsite are limited to the hours of operation.

Materials crushing operations will occur twice per year for periods lasting not more than 21 business days and will be limited to the hours of operation.

Noise: Noise levels will be mitigated so that the decibel levels audible from anywhere offsite do not exceed the maximum levels of City Code 16-31. The landfill and associated activities in the early stages of the interim phase are expected to be fully mitigated by the depth of the pit and the additional noise abatement provided by the perimeter earthen berms. If the abatement is not adequate in the later stages of the interim phase, noise barriers may be required.

Odors: The inert materials that will be accepted at the landfill do not typically create odors. The materials will be covered with earth, daily. Staff at the landfill will inspect incoming loads to ensure only acceptable materials are being deposited, and any restricted materials that are found within loads will be rejected. Odors will not be allowed to be offensive and the odor standards of the UDC and Pima County Code will apply. The owner's initial method for odor control will be to have an organized stockpiling system in which the older materials are always the first to be hauled from the facility. If odor control proves to be insufficient with that method, the owner will employ any of the following methods to reduce odor emissions:

- Reduce stockpile heights,
- Increase the frequency of material removal,
- Reduce or suspend activities that reduce the material volume,
- Employ chemical odor control/neutralizer methods,
- Restrict the volume of incoming materials,
- Restrict the entry of specific material types that tend to produce odor, and
- Relocate stockpile locates periodically to allow the underlying areas to receive sunlight and dry.

Traffic

Vehicular access will be from Harrison Road only. The stacking of vehicles entering the site must be accommodated fully onsite with a queue area of sufficient length to prevent any congestion on Harrison Road or on the Harrison Road Paved Multi-Use Path. Five years after the PAD has been approved, a left turn warrant analysis will be provided to determine if a left turn lane on Harrison road is needed prior to the interim use terminating.



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Conclusion

The proposed PAD is in substantial conformance with the policies of the *South Pantano Area Plan* and *Plan Tucson*. The PAD document serves as the rezoning conditions for the proposed project, therefore no additional conditions are recommended for the Harrison Landfill PAD. Subject to compliance with the proposed PAD document, approval of the requested Planned Area Development zoning is appropriate.

Recommendation

The Zoning Examiner recommends approval of the proposed rezoning to a Planned Area Development.

Sincerely,

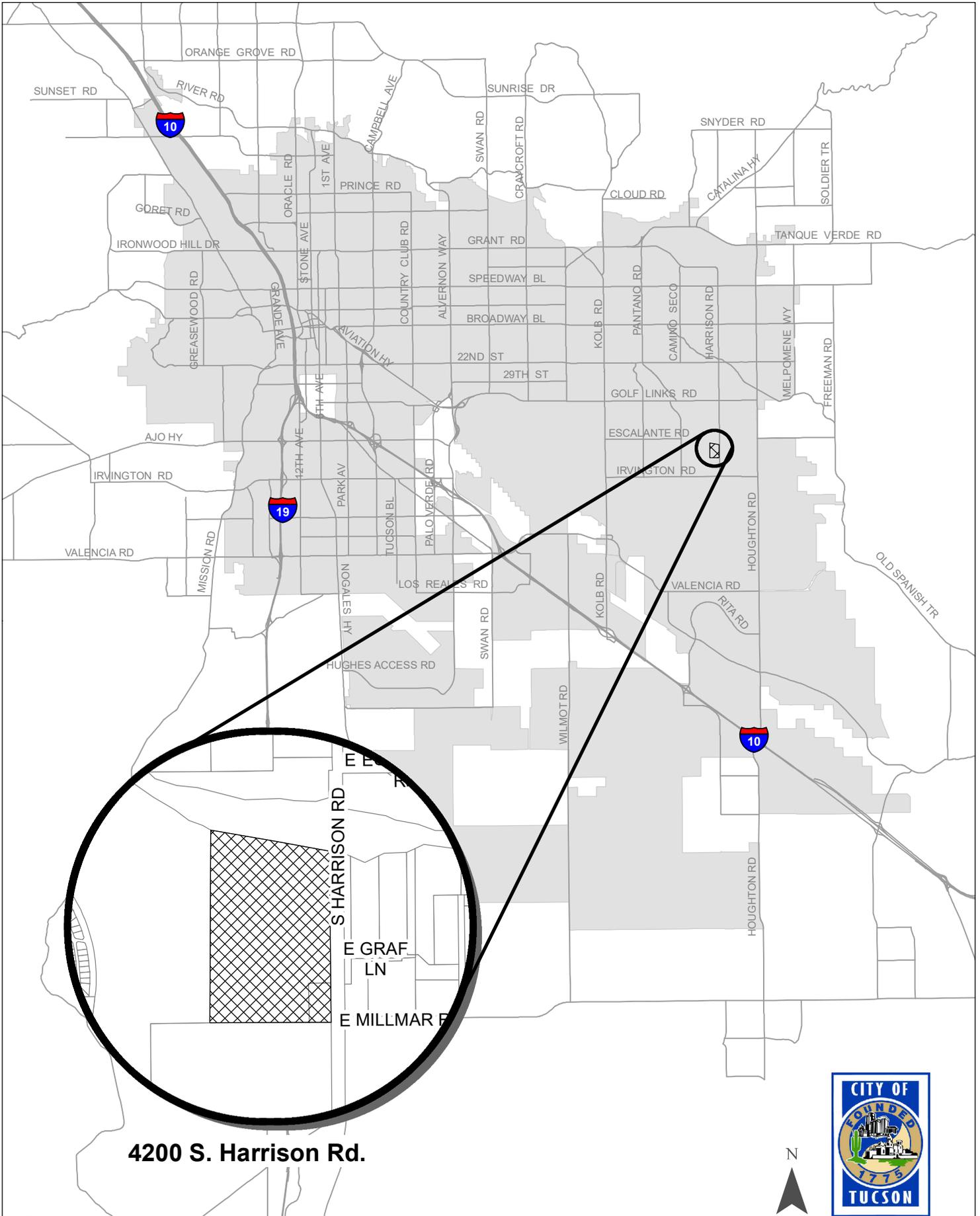
John Iurino
Zoning Examiner

ATTACHMENTS:

Case Location Map
Rezoning Case Map
Public Hearing Minutes

cc: Mayor and Council

Rezoning Request: From SK to PAD

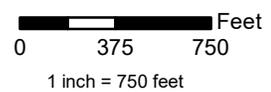


Rezoning Request: From SR to PAD

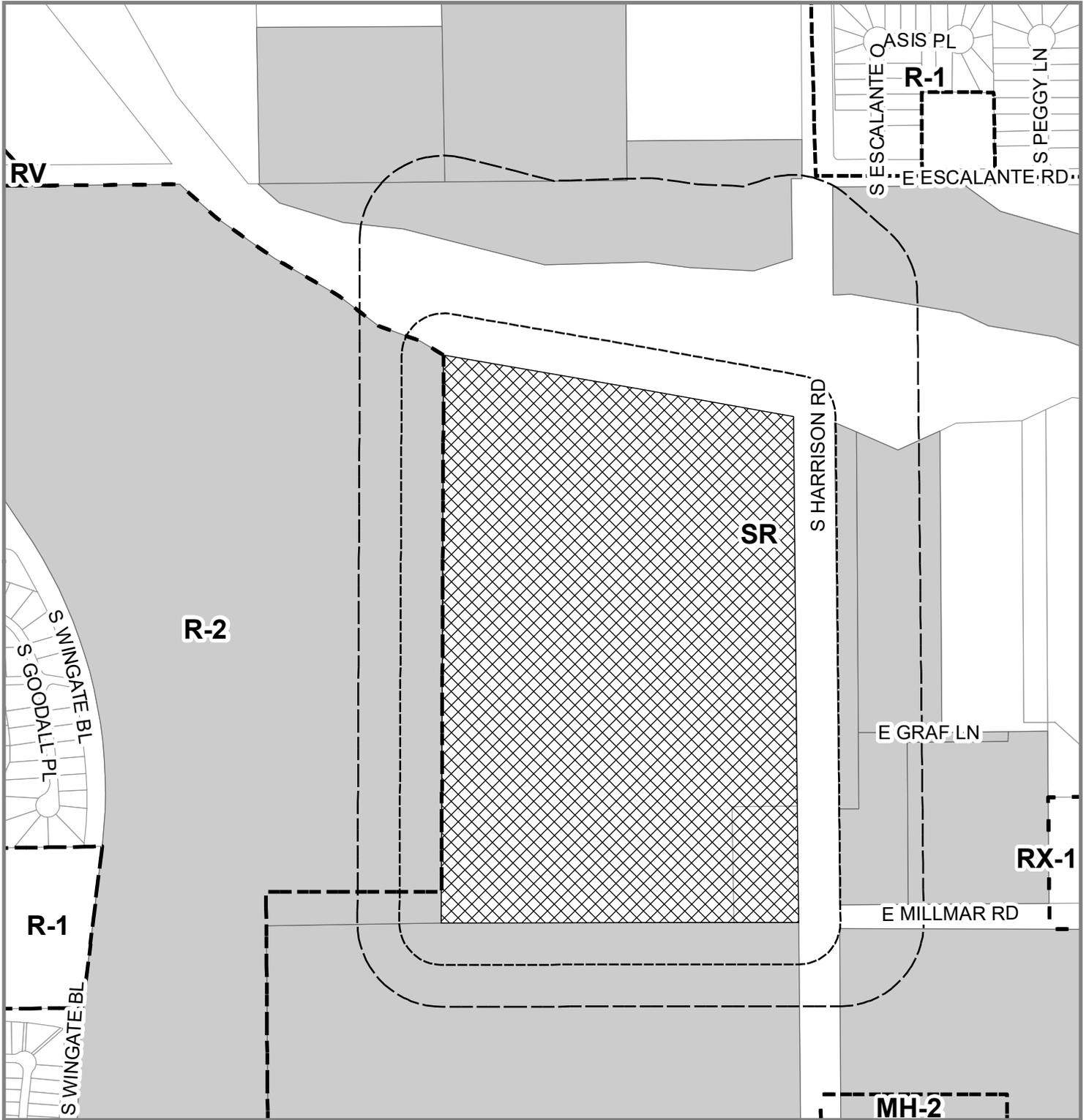


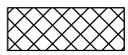
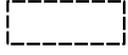
Area of Rezoning: SR to PAD

Address: 4200 S. Harrison Rd.
Base Maps: Twp. 14S R. 15E Sec. 34
Ward: 4

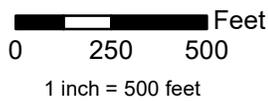


Rezoning Request: From SR to PAD



-  Area of Rezoning: SR to PAD
-  Protest Area (150 ft. Radius)
-  Notification Area (300 ft. Radius)
-  Zone Boundaries
-  Properties Notified

Address: 4200 S. Harrison Rd.
 Base Maps: Twp. 14S R. 15E Sec. 34
 Ward: 4



ZONING MEMBERS PRESENT:

John Iurino, Zoning Examiner
John Beall Planning & Development Services
Recording Electronically Created by GoToMeeting

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1 ZONING EXAMINER: The next case is Case: C9-20-03 Harrison
2 Landfill PAD. Mr. Beall?

3 MR. BEALL: This is a request by James McMurtrie of Dynamic
4 Civil Designs LLC on behalf of the property owner, Larry Harvey, to
5 rezone approximately 55.5 acres from Suburban Ranch, SR, to Plan Area
6 Development, PAD, zoning. The rezoning site is located west of South
7 Harrison Road and approximately 2500 feet north of East Irvington
8 Road.

9 The development proposed is an interim inert materials
10 landfill with interim industrial uses throughout the duration of the
11 landfill activities in a specified interim time frame and park-
12 industrial uses during and after the landfill is completed.

13 Following completion of the landfill and termination of its
14 specified interim time frame, the final permitted uses are park-
15 industrial uses.

16 Prior to Mayor and Council's approval, this rezoning went
17 through a plan amendment approval. And prior to that, or during that
18 Mayor and Council approval of the plan amendment, Council Member Scott
19 of Ward 4 read into the record a list of concerns and issues that were
20 to be addressed in the PAD document during any future rezoning.

21 These concerns and issues to be addressed included traffic
22 congestion on Harrison Road from any stacking onto the property, odor

1 and noise control, permitting only specific types of salvaging and
2 recycling operations on-site, having specific hours of operation,
3 including the frequency of any crushing operations, landscape and
4 screening of project, providing a setback distance of operations, and
5 clearly addressing any potential fire risk associated with types of
6 salvaging and recycling operations of the landfill.

7 The PAD, the PAD document under Section 2.0 outlines that
8 these items have been addressed in the PAD where they can be, be
9 found.

10 The proposed PAD is in substantial conformance with the
11 policies of the South Pantano Area Plan and Plan Tucson. And the PAD
12 document serves as the rezoning conditions for the proposed project.
13 Therefore, no additional conditions are recommended for the Harrison
14 Landfill PAD.

15 Subject to compliance with the proposed PAD document,
16 approval of the requested Plan Area Development zoning is appropriate.
17 As of to date, there have been zero approvals, zero protests, and
18 we've had one letter from the Wingate Community Association which you
19 have in your packet.

20 ZONING EXAMINER: Thank you, Mr. Beall. Would the
21 Applicant, or the Applicant's representative, like to speak?

22 MR. McMURTRIE: Yes. This is James McMurtrie, 4690 North
23 Melpomene Way in Tucson, Arizona, 85749.

24 I did have a slide show that I sent over to, to Mr. Beall
25 this morning. And if you can give me control of the screen, I can go

1 through that, I can go through that slide show. I would, would note
2 that you can see two JM's that are signed in, and I needed to get sent
3 over to the one that's not speaking because I'm using my phone and my
4 computer. There we go. Great. Can everybody see that?

5 ZONING EXAMINER: Yes. Thank you.

6 MR. McMURTRIE: Okay. The property is located at 4200
7 South Harrison Road. It has some developed state land to the west.
8 There is the City's closed Irvington's landfill to the south and Raven
9 Ranch is the east across Harrison Road. The Pantano Wash borders on
10 the north side.

11 This slide shows an aerial, oblique aerial view looking
12 east toward Raven Ranch. The photo provides a pretty good
13 representation of the scale, because you can see the cars on Harrison
14 Road. We rotate the view once and we're looking north across Pantano
15 Wash.

16 Rotate again, we're looking at the undeveloped state land
17 to the west, and rotate one last time and we're looking south at the
18 City's closed landfill, which is currently being used for a BMX,
19 bicycle racing track.

20 The pit was operated with screen berms around the property
21 which still remain today. These are some images of the northern berm
22 which rise above the site, itself around ten feet before sloping down
23 into the Pantano Wash which sits approximately 12 feet below the site.
24 So, there's twenty-two-and-a-half-foot total height on the Pantano
25 Wash site of this berm.

1 Similarly, Harrison Road was screened by the berm seen in
2 this site which runs the full length of the property. The berm stands
3 approximately eight to ten feet above the Harrison Road multi-use path
4 which can be seen in the background of the bottom image.

5 The current zoning's SR, Suburban Ranch residential, to the
6 north, east and south with R-2, Urban Residential zoning on the state
7 land to the west. There's a long history of mining activity on the
8 property that was permitted in this zoning by County and County non-
9 conforming uses.

10 As Mr. Beall stated, in order to fill the pit and re-
11 stabilize the site for future development, it was determined that not
12 only a rezoning was required, but a plan amendment to the South
13 Pantano Area Plan was required.

14 The South Pantano Area Plan, identified Subarea Six, which
15 is shown on this map. The property is, is circled in blue. The plan
16 acknowledged the substantial disturbance of soils and acknowledged the
17 need to rebuild the soils on the property before the proposed uses
18 could be built.

19 However, despite those acknowledgements, the plan did not
20 include any provision for the interim in which the rebuilding of those
21 soils could be accomplished in a way that conform to the zoning
22 regulations.

23 So, we applied for a plan amendment to add that provision
24 to the South Pantano Area Plan in the form of the exception statement
25 seen here in bold type which was approved and adopted by resolution

1 last year on June 4th. In addition to allowing an interim industrial
2 use, the amendment supports the use of the Planned Area Development
3 zoning to allow for the flexibility and standards and zoning
4 restrictions required to facilitate the landfill efforts in the
5 interim phase while at the same time, preventing the industrial uses
6 from being permitted indefinitely.

7 The Planned Area Development document being considered
8 today provides for a rezoning that will achieve both the interim and
9 future goals for the property in a way that conforms to the plan.

10 It allows for park-industrial uses as the South Pantano
11 Area Plan originally outlined for the property, but it also permits
12 the necessary industrial activities required for the landfill during
13 an interim time frame of 12 years with the option for two consecutive
14 two-year time frame extensions to be considered as minor PAD
15 amendments.

16 The PAD allows for any permitted park-industrial uses
17 proposed to default to the typical development standards in the
18 Unified Development Code and also presents specific development
19 standards for the interim industrial uses.

20 Permitted uses will be those uses that are permitted in the
21 park-industrial zone which are the type of uses identified for the
22 property in the unamended version of the South Pantano Area Plan,
23 including special exception uses that are allowed in the PI zone.

24 Permitted interim uses, those uses allowed in the initial
25 12-year time frame subject to the two consecutive two-year time frame

1 extensions will be those uses necessary to operate the landfill as
2 follows: Sanitation system inert landfill, excavation, earth-moving
3 and, and earth-work activities.

4 Salvaging and recycling, including materials, crushing,
5 storage and sales. Green waste, storage and processing, material
6 sorting and vehicle equipment, and equipment parking.

7 The proposed interim industrial activities for landfill
8 will resemble the layout shown here. A small office will be put on-
9 site with a truck scale in the northeast quadrant of the property.
10 Vehicles will enter and exit at the northeast gate from Harrison Road
11 which is an existing entrance.

12 Tree trimmings and similar green waste will be accepted
13 separate from the landfill area and (inaudible) to dry out in the area
14 labeled "A-1" on this exhibit. The waste will later be hauled from
15 the site. The landfill pit area on the south half of the property
16 labeled as "Area 2" will only accept inert materials.

17 The site will be open to the public with open hours limited
18 to normal daytime business hours. The landfill will not accept any
19 sanitary wastes, organic, degradable or objectionable materials, and
20 periodic crushing of recyclable construction materials will occur from
21 time to time. Associated stockpiling and sales will also occur on-
22 site. The owner estimates the crushing will occur twice annually for
23 periods not, not to exceed 21 days.

24 Setbacks for the interim industrial uses are established on
25 the PAD as shown on this exhibit. The landfill use itself being the

1 activity of filling the earth with inert materials shall be set back
2 from the west property line by 80 feet where possible.

3 The exception to that will be along the southern 850 feet
4 where the setback must be reduced to 40 feet due to the fact that the
5 existing pit is too close to the property line to maintain any greater
6 setback.

7 The table provides a summary of the setbacks for other
8 permitted interim uses which are also shown graphically on the
9 exhibit. The setback of most interest to most is probably the setback
10 for green waste and crushing activities from the west property line
11 which will be 200 feet as shown.

12 We've included discussions and interim phase development
13 standards in the PAD document to address the concerns identified by
14 the Ward 4 Office and the community during both the plan amendment and
15 the rezoning application processes.

16 Concerns regarding noise, odor, traffic and others were
17 brought up. To address concerns about noise, the PAD specifies the
18 hours of operation and restricts all activities on-site to those
19 hours. Hours of operation will be Monday through Friday, 6:30 to
20 4:30, Saturday from 7:00 to 3:00, and closed on Sundays.

21 Material-crushing operations are not continual and are only
22 expected to occur occasionally. Therefore, the PAD restricts those
23 activities to twice annually for periods not exceeding 21 days.

1 Noise levels at the property line must comply with the
2 City's noise restrictions codified in the City Code, Chapter 16,
3 Article 4.

4 Odors. Materials accepted into the inert landfill are
5 typically not odor-causing. Inert materials are not organic and do
6 not contain any chemicals that would cause odors. Any odors
7 associated with the green waste are more complex to predict, as
8 outlined in the PAD document. But they must comply with the standards
9 of the City and County codes.

10 The green waste will be removed from the site after drying
11 out and will not be allowed to rot. Processing the material will only
12 consist of chipping it just prior to loading it into trucks for
13 removal from the site.

14 Horse manure will not be accepted on-site. All odors will
15 be monitored and addressed to ensure compliance with the code
16 requirements and restrictions. And we've outlined steps in the PAD
17 document that will need to be implemented if odors from the green
18 waste prove to be an issue.

19 There's an on-site ground water wall that will be utilized
20 for dust control. Other measures, if necessary, and is enforceable by
21 Pima County DEQ will be taken to control the dust emissions if that is
22 not adequate. Dust control permits shall remain active as required by
23 PDEQ and PDEQ has the enforcement authority.

24 The neighbors have cited concerns about fire potential.
25 The inert materials accepted in the landfill will not be flammable.

1 Besides the small, scale house and the vehicles on-site, the only
2 other materials that can burn will be the green waste, and we don't
3 perceive those as been at any enhanced risk for fire potential.
4 However, a (inaudible) box will be provided for fire department access
5 at the gate to ensure that Tucson Fire can have after-hours key to
6 access to the site.

7 Concerns related to traffic were also raised by the
8 neighbors. The, the PAD covers the considerations of both the actual
9 traffic count and also the safety of the driveway entrance where it
10 crosses the existing paved bike and pedestrian path along Harrison
11 Road.

12 Our traffic engineer concluded that the estimated trips do
13 not warrant any off-site roadway improvements in terms of both turn
14 lanes or impacts to the level of service of Harrison Road. The PAD
15 requires that 12-inch stop signs and crosswalk-style striping replaced
16 at the pedestrian path at the driveway crossing, and a standard-sized
17 stop sign will be placed on the driveway at the path. This will make
18 the crossing obvious to both drivers and path users.

19 Our traffic engineer also estimates that a minimum of a
20 350-foot-long, on-site truck stacking cue would be sufficient to
21 prevent any backup of traffic entering the site at peak hours. To
22 ensure the stacking is entirely on-site at all times, the PAD states
23 the requirement that the cue be lengthened if needed. The stacking cue
24 will be delineated on-site with (inaudible) barricades or something

1 similar. So, lengthening the cue is only a matter of resituating
2 those barricades.

3 We appreciate your time in hearing the matter today, Mr.
4 Iurino. There was a, a typo at the top of page 44 of the PAD where it
5 discusses slope (inaudible) The three and a half to one slope cited
6 in the PAD right now should have stated a one and a half to one slope.

7 If we can revise that page before it gets sent to Mayor and
8 Council, please let me know. I expect the Planning Staff could
9 facilitate that but, but please just let us know. And if you have any
10 questions, we will be happy to answer them, and thank you.

11 ZONING EXAMINER: You're welcome. And, yes, please work
12 with PDSO on any typo corrections on your PAD document. I just had
13 two. Did I understand correctly that the crushing and chipping
14 operation would only take place during the normal hours of operation
15 as specified in the PAD document?

16 MR. McMURTRIE: Yes. The PAD document specifies that every
17 - any activity on-site must be done during the normal business hours.

18 ZONING EXAMINER: Okay. Thank you. And then is the berm
19 then still gonna be in place on the perimeter of the property while
20 this happens?

21 MR. McMURTRIE: Yes. The, the plan is that the existing
22 berm along Harrison Road will be the screen. The, the landscape
23 border is gonna be handled on that side of the property with
24 supplemental plantings within the Harrison Road greenway as suggested
25 by Ms. Scott of Ward 4.

1 I believe leadership in Ward 4 has changed to Nikki Lee,
2 but back when we working on the plan amendment, it was Shirley Scott,
3 and she, she suggested that we, we do that for the front.

4 Screening along the west side will consist also of the
5 berms, and a ten-foot landscape border with specific planting
6 requirements and ground cover requirements are, are outlined in the
7 PAD.

8 ZONING EXAMINER: And what's the height of the berm along
9 the west?

10 MR. McMURTRIE: Along the west, there's portions of it, I
11 would estimate the, the southern half of it has an existing berm
12 similar in height, you know, maybe ten feet. The northern half needs
13 work and our development plan that we're getting ready to submit for
14 the landfill itself is going to show that same, same landscape border
15 with the berm. The berm height itself will be six feet, which is the
16 current UDC standards for screens.

17 ZONING EXAMINER: All right. Thank you. I don't have any
18 further questions at this time. Thank you. Would, would anyone else
19 in the audience like to speak on this case? Hearing no one, I have no
20 further questions, Mr. McMurtrie. Thank you very much and I'm closing
21 the public hearing on Case: C9-20-03. Thank you everyone for
22 participating and have a lovely evening.

23 MR. McMURTRIE: Thank you, Mr. Iurino.

24 ZONING EXAMINER: Thank you.

25 (Case: C9-20-03 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 referenced on page 1 above.

Transcription Completed: 06/25/2020

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