

Rezoning Case: C9-13-02 Mahalo Properties
Brown Avenue, RX-1 to R-1 (Ward 2)
City of Tucson Zoning Examiner Public Hearing 08/22/13

ZONING MEMBERS PRESENT:

Linus Kafka, Zoning Examiner
Glenn Moyer, Planning & Development Services
Carolina Almeraz, City Recording Clerk
Lettie Lopez and Margarita Salcedo, Interpreters

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1 ZONING EXAMINER: Good evening. My name is Linus
2 Kafka, and I'm the Zoning Examiner for the City of Tucson. I
3 conduct rezoning hearings and special exception hearings on
4 behalf of the Mayor and Council, and I make findings of fact
5 which I put into a report, along with my recommendation, which I
6 then send along to Mayor and Council. My report will be based on
7 the evidence submitted to me as part of the rezoning application
8 as well as on testimony taken tonight.

9 A tape recording of tonight's testimony is being made
10 by the City Clerk's Office, they're behind this pink wall here.
11 And if necessary, a transcript will be prepared.

12 I'll prepare a preliminary report and a final report.
13 After I close the hearing, I'll prepare a preliminary report
14 within five working days. I'll prepare the final report two
15 weeks after the close of the public hearing.

16 For those of you who wish to receive a copy of my
17 preliminary report, and you're not already listed as a principal
18 in the case, fill out one of the orange cards at the podium, and
19 then at the end of the evening, we'll collect them and make sure
20 to send a copy of the preliminary report to those who filled

1 those out.

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

7 At the start of the hearing, I'd like to have Mr. Glenn
8 Moyer, who's seated to my right, of the Planning & Development
9 Services Department, give me a presentation on each case.
10 Tonight those presentations will be brief because these are
11 continued hearings.

12 After that, I'll have the Applicant come up to present
13 the case, or at least give us some details since the last time we
14 were here. After the Applicant presents, those wishing to speak
15 in favor of the case may be called up, followed by those in
16 opposition. And then I'll call anyone who may not have a
17 position, but he wishes to speak to some issue relevant to the
18 case.

19 Since I cannot have communications with the parties
20 other than at hearings, now is the time to speak. If you wish to
21 speak tonight, please make sure that when I call you up, you put
22 your name and address on that clipboard. That's a sign-in sheet
23 there. That clipboard is for the transcript, and to make sure
24 that we have the name and the testimony accurately correlated.

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1 It has nothing to do with the, the orange cards. I also ask you
2 to announce your name when you - before you speak so that I can
3 have that for my notes.

4 At this time, I'd like to swear in those wishing to
5 speak this evening. So if you would please stand and raise your
6 right hands. Do you swear or affirm to tell the truth, the whole
7 truth, and nothing but the truth?

8 (Affirmative.)

9 ZONING EXAMINER: All right. Do you want, do you want
10 to do a -

11 INTERPRETER: (Swears in the audience in Spanish, and
12 they answer affirmative.) Yes, I swear.

13 ZONING EXAMINER: Thank you. All right. The first
14 case this evening is Mahalo Properties, Brown Avenue, C9-13-02.
15 Mr. Moyer.

16 MR. MOYER: Mr. Kafka, all we have is an update to the
17 approval/protest figures. And there is no change. The numbers
18 are still two approvals and nine protests. Of those protests and
19 approvals are all by owners, and that equates, let's see - and of
20 those, five of them are within the protest area equating to 45.8%
21 to the east, 35.3% to the north, 12.4% to the west and zero
22 percent to the south.

23 And the significance of that is that if there's more
24 than 20% protest in any one of the four compass directions around

1 the site, within 150 feet of the site, requires a three-quarters
2 majority vote of Mayor and Council to adopt a rezoning ordinance.

3 ZONING EXAMINER: All right. Thank you. Ms. Morales,
4 I know that when we left last week, I was stating I wanted some
5 time to look at the hydrology report which I have done, and was
6 also cogitating on a density issue, but I don't think we have to
7 address that tonight, unless some people want to speak again on
8 that issue with new information. But if you have anything to
9 add, I think we can make it brief.

10 MS. MORALES: Perfect. I do have just a really quick
11 thing to add. I have had, I think, three or four conversations
12 with Ms. Gannan since the last hearing. She had several
13 questions that came up with regard to the buffer, so, one of
14 which was where exactly the wall would go.

15 And the question was whether it would be centered on
16 the property line or sitting all on Mahalo property, which was
17 her preference. We agreed that we do all six inches, or whatever
18 the wall becomes, right on our side, on the Mahalo side of the
19 property line.

20 And then she had some concerns about her mailboxes, and
21 those are actually off her site, and they - and Mr. Sapalo's
22 worked with the mailmen directly, and there's no, gonna be no
23 change to her mail pickup.

24 I'd hope to have some movement on the 12 versus 13

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1 lots, but I did not, so -

2 ZONING EXAMINER: All right. Thank you.

3 MS. MORALES: And Mr. Perry's obviously here if you
4 have any questions about the drainage (inaudible) I'll turn that
5 over to him 'cause he's the expert.

6 ZONING EXAMINER: I, I don't have any questions. I
7 read the report, had the information that I felt I needed, and
8 thank you for indulging me with that (inaudible) time.

9 MS. MORALES: Okay.

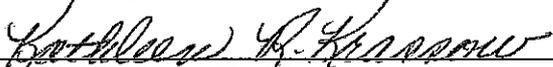
10 ZONING EXAMINER: All right. Anybody else wishing to
11 speak on the Mahalo-Brown case? All right. Seeing no one, Case
12 No. C9-13-02-Mahalo-Brown -- Mahalo Properties, Brown Avenue is
13 hereby closed. Thank you once again for coming out tonight.
14 And thank you for working so well with Ms. Gannan and the other
15 neighbors. Thank you.

16 (Case No. C9-13-02 was closed.)

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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: 09/02/13



KATHLEEN R. KRASSOW - Owner
M&M Typing Service