

Case No. C9-13-16 Friends of the Library
Bray Road - R-2 to C-1 (Ward 6)
City of Tucson Zoning Examiner Public Hearing 03/06/14

ZONING MEMBERS PRESENT:

Linus Kafka, Zoning Examiner
Glenn Moyer, Planning & Development Services
Delma Sanchez, City Recording Clerk

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1 ZONING EXAMINER: Thank you for your patience. The
2 next case on this evening's agenda is Case No. C9-13-16 Friends
3 of the Library-Bray Road, R-2 to C-1. Mr. Moyer.

4 MR. MOYER: This is a request by Robert Longaker of WLB
5 Group on behalf of the property owner, Friends of the Library, to
6 rezone approximately 1.06 acres from R-2 to C-1 zoning.

7 The rezoning site is located southeast of the
8 intersection of Grant Road and Country Club Road approximately
9 147 feet east of Country Club Road and Bray Road. The
10 Preliminary Development Plan proposes two hundred and - two 2500-
11 square-foot single-story buildings, landscape and buffer areas
12 and vehicular parking.

13 On August 5th, 2013, a temporary use permit was granted
14 with conditions to allow for the continued use of the R-2 parcels
15 for book sales parking until the rezoning request was completed.
16 The TUP, temporary use permit, will expire August 5th, 2014.

17 Land use policy direction for this area is provided by
18 the Grant/Alvernon Area Plan and Plan Tucson. Grant/Alvernon
19 Area Plan policy goals and guidelines are to preserve, protect
20 and enhance the integrity of established neighborhoods, identify
21 appropriate locations for residential, commercial and industrial

1 development, and encourage provision of safe and efficient
2 circulation systems for all modes of transportation.

3 The conceptual land use map support residentially
4 scaled office and residentially scaled neighborhood, commercial
5 and high density residential uses on the site. Policy supports
6 non-residential development on the perimeter of residential areas
7 to protect and enhance the quality of life for neighborhood
8 residents.

9 Such development should demonstrate sensitivity to
10 surrounding users (sic), uses through the use of design,
11 location, orientation, landscaping and screening, and by
12 restricting primary access for non-residential uses to arterial
13 streets or collector streets.

14 Consolidation of abutting residential parcels with non-
15 residential uses can be considered when the residential parcel to
16 be consolidated is bounded on at least two sides by non-
17 residential zoning and at least 50% of the residential parcel
18 will be used for parking, maneuvering and landscaping to include
19 a ten-foot wide, six-foot high masonry - ten-foot wide buffer and
20 six-foot high masonry wall and a mix of canopy trees.

21 Plan Tucson guidelines encourage proposed commercial
22 expansion and a consolidation of parcels for offices and
23 commercial use subject to sensitivity and compatibility with
24 surrounding land uses.

1 The site is generally devel- -- as the site is
2 generally developed, the Applicant's main proposal is to bring
3 the site into compliance with the Unified Development Code. The
4 R-2 parking area was developed to its current condition to meet
5 the requirements of the TUP. If rezoned, further improvements
6 will be required.

7 A residence is located immediately adjacent to the
8 driveway access to Bray Road. Staff recommends additional buffer
9 area, setbacks and shrubbery along the east and northern parking
10 area to mitigate for light and noise intrusion in this area.

11 The Applicant is proposing to use and administer due
12 process to seek relief from landscape border requirements.
13 Complete deletion of the required landscaping requires a public
14 hearing before the Board of Adjustment.

15 To promote visual interest, Staff recommends that all
16 screen walls have a decorative design, that the surface texture
17 and colors complement the buildings, and that they be constructed
18 or painted with graffiti-resistant materials.

19 Plan policy calls for loading and maneuvering to be
20 provided on-site. The PDP shows one development with integrated
21 vehicular access and circulation. Primary access is from Country
22 Club Road with secondary access from Bray Road.

23 The site plan supported - submitted in support of the
24 rezoning request shows an existing striped 65-space parking area,

1 and no sidewalks along Country Club Road. During the development
2 review process, these areas will be required to comply with
3 Uniform Development Code requirements.

4 The Grant/Alvernon Area Plan and Plan Tucson supports
5 the proposed land use change, subject to compliance with the
6 attached Preliminary Conditions, approval of the requested C-1
7 zoning is appropriate.

8 As of today, the Planning & Development Services
9 Department had received one approval and one protest. One of the
10 protests is within the 150-foot area equating to a protest by
11 area to the north of 14.3%, to the east 0.1%, and the south and
12 west zero percent.

13 ZONING EXAMINER: Thank you, Mr. Moyer. Mr. Longaker.

14 MR. LONGAKER: Good evening. Rob Longaker. I'm with
15 the WLB Group. For your records, my address is 4444 East
16 Broadway Boulevard here in Tucson.

17 It's been a pleasure, actually, working with the
18 Friends of Pima County Library. Before I had worked with them
19 with this rezoning, I didn't know much about them. So I thought
20 one of the ways to make probably the best presentation tonight
21 would be to bring along three classy women from that organization
22 which is what I have done.

23 And, in fact, before I discuss the project, I'd like to
24 have Desha Hill come up and spend a few minutes and tell you what

1 they do. It's relevant to the case. Thank you.

2 ZONING EXAMINER: And, and -

3 MS. HILL: Thank you.

4 ZONING EXAMINER: - before that happens, I'll note that
5 many years ago, I owned a used book store. Much of my stock has
6 been donated to the Friends of the Pima Library. So I, I do - I
7 know some of what you do, but I do want to hear what you have to
8 say.

9 MS. HILL: Thank you. We're very happy to have your
10 stock. My name is Desha Hill. My business address is 2230 South
11 Country Club Road, 85745. And I am the President of the Board of
12 Directors of the Friends of the Pima County Public Library.

13 Friends of the Pima County Public Library was started
14 in 1968, and we are a non-profit 501-C3. Our mission statement
15 is very clear. It's to provide funds to the library to support
16 library programs, and the second part of it is to promote
17 literacy in the community.

18 In order to provide these funds, we have to raise them
19 first. And we do that by selling books. And on-site, at 2230
20 Country Club, we process donations both from the community and
21 discarded books that the library is discarding. They come on a
22 regular basis.

23 We sort the books at that point and process them, and
24 higher value books are sold on-line. They're sold out of that

1 location on-line. Bulk of our books are sold in community book
2 sales which are basically once a month, except in the months
3 they're slightly shorter.

4 We sell, I would say, probably most of our books on-
5 site. We also participate in off-site book sales. For example,
6 we'll be at the Festival of Books this year, as we have been
7 since it opened. We also do several off-site sales at branch
8 libraries, and we've been known to do them in stranger locations,
9 like the St. Phillips Farmers' Market, and on the Flowing Wells
10 High School campus during lunch hour. We believe in bringing the
11 mountain to Mohammed in some instances.

12 In addition to our bulk book sales in this fashion out
13 to the community, we run the bookstore in the main library. It's
14 open five days a week from 11:00 to 2:00, and we have book carts
15 in 17 of the 28 branch libraries.

16 As an organization, we have roughly 857 active members
17 at this point. We have a 12-member board, all of which are
18 volunteers. We have two full-time employees, two part-time
19 employees, and two contract employees, and approximately 350
20 volunteers who do all the heavy lifting, and the rest of the
21 work.

22 At this point, I should tell you that over the last
23 eight years, we have provided to the library more than \$1.8
24 million. We're very proud of what we do, and we have some

1 dedicated volunteers who actually give us more than 700 hours a
2 year, which is practically tantamount to a full-time job.

3 I'd be happy to take any questions. I would like to
4 say one other thing. We have found the Planning & Development
5 Services Staff to be most amenable and very cooperative and
6 helpful in this process about which we knew very, very little.

7 ZONING EXAMINER: All right. Well, thank you. And I
8 thank you for that acknowledgement. I don't Staff gets to hear
9 that enough from the public, so -

10 MS. HILL: Okay. Thank you.

11 ZONING EXAMINER: Mr. Longaker.

12 MR. LONGAKER: Okay. What you see before you here is
13 basically a site plan of the property. I just wanted to
14 generally describe how the site works. But to orient yourself,
15 this is Country Club Road here. The intersection of Country Club
16 and Grant is just off the map. This is Bray Road that bisects a
17 portion of the site. This building right here is also owned by
18 the Friends, and that's where their book sales occur.

19 As Desha mentioned this basically is the building she's
20 mentioning where the processing and sorting occurs. And also the
21 web sales occur out of that building as well.

22 Down here is Edison Street. Basically that's owned by
23 the Friends, and that runs to the east into the site where there
24 are two other existing buildings, both residential buildings at

1 this point. This one is occupied. Actually (Inaudible) Stone's
2 with us tonight. She actually lives there. And then this
3 building is not being used right now. The future plans for this
4 project include two additional buildings. This building is
5 envisioned for removal, replaced with a new building. And a new
6 building is envisioned for this area as well.

7 So our request tonight basically is really twofold.
8 One is obviously to correct the zoning violation that occurred
9 primarily because of the parking lot that was installed here in
10 residentially-zoned property.

11 But secondly is that the, the Friends' operation has
12 been a success. They'd like to continue to be successful, and
13 part of that success involves doing some future expansion. So
14 the rezoning of the property would enable us to accomplish both
15 of those things.

16 As far as - I wanted to mention also circulation
17 (inaudible) relevant to some of the discussions we've had with
18 some of our neighbors about this proposed rezoning. But primary
19 access to this property is via this parking lot right here. The
20 main door to the building is right here. There are cuts in the
21 curb off of Country Club to access the site right here. And then
22 Bray Road also provides access into the property here as well.

23 To the rear of the building, folks can use Bray Road
24 and access the parking lot in this direction, and also continue

1 into the property to access the parking lot that's located there.
2 Edison Street also does provide access to the site, but in our
3 conversations with, with the neighbors, there've been some
4 concerns about circulation.

5 So one of the things that we're looking to do is to
6 promote and encourage access to the site as much as possible for
7 people that are working and are volunteering at the facility and
8 visiting during book sales to use Bray Road as the primary access
9 point.

10 I spoke to the neighbors. One of the reasons we're
11 doing that is Mr. Sid Loluen (ph.) owns an easel shop. He's
12 located immediately south of Edison Street. He expressed to me
13 concerns about circulation and about increased traffic loads on
14 Edison Street.

15 So we promised him as one of the things we're working
16 with him on, as far as this rezoning goes, was to place signage
17 at the west end of Edison Street, which basically encourages
18 folks to use Bray Road to access the site.

19 And then he also asked for signage on the interior at
20 this portion of Edison Road to encourage folks leaving the site
21 to not use Edison, but to go back to Bray.

22 We feel that in time, people that are visiting the
23 site, although they may initially use Edison, 'cause they've used
24 it before, I think after some time, they'll notice the signage

1 and via word of mouth from the Friends. Ultimately, I think most
2 people will use Bray Road as the access to the site. Speaking of
3 Mr. Loluen -

4 ZONING EXAMINER: Let me just, let me ask.

5 MR. LONGAKER: Yes.

6 ZONING EXAMINER: I know that there's often, on sale
7 days, there are personnel out there directing traffic. Would
8 they continue to be there after this development?

9 MR. LONGAKER: The volunteers during the sales?

10 ZONING EXAMINER: Yeah.

11 MR. LONGAKER: Directing traffic?

12 ZONING EXAMINER: Directing traffic.

13 MR. LONGAKER: Yeah.

14 ZONING EXAMINER: They would continue - so they could
15 also be, they could also encourage people to leave by Bray rather
16 than -

17 MR. LONGAKER: Absolutely.

18 ZONING EXAMINER: Okay.

19 MR. LONGAKER: Yes. Absolutely. While speaking to Mr.
20 Loluen, I wanted to wanted to go on record and mention some of
21 the things that we discussed with him to address his concerns to
22 basically indicate good faith that we are going to respond to his
23 concerns.

24 He - the other concern he had is that there is a fence

1 along his northern property line, along the south side of Edison
2 Street. He indicated that he'd like that fence removed. Later
3 we found out, and it's an interesting exercise to see who has the
4 most power in his household, he indicated his wife may want the
5 fence to remain. So we're anxiously waiting to see who wins that
6 battle and they'll let us know what they would prefer.

7 There is a slight berm along the south side of Edison
8 Street which when it rains here, it causes water to flood and
9 pool against Mr. Loluen's building. We've promised to bring in
10 some equipment, level that area out so that water can travel
11 through the area and not pool against his building.

12 I mentioned limiting access on Edison. We are
13 committed to doing that. And then he'd also like the road to
14 be maintained in a good quote, unquote condition, and we're
15 committed to that as well.

16 The American Antique Mall is located right here. And
17 during our meeting, our neighborhood meeting in November, the,
18 the owners of that facility attended the meeting and expressed a
19 concern to us which is this, is that, as we understand it, and
20 the folks from the Friends will tell you as well, the
21 intersection of Country Club and Grant is very busy, and very
22 busy at times, because it's a heavily traveled area, and Doolen
23 Middle School lies at the northeast corner of the intersection.

24 So what happens is, folks that are traveling north on

1 Country Club, in an effort to get around all that mess at the
2 intersection, use Bray Road. And then there's an alley on the
3 east side of antique building. They use that to get back onto
4 Grant to head east. So the Friends are concerned about that
5 issue, and so are the owners of the antique store. So we've been
6 discussing options to try and deter folks from doing that.

7 A couple of things we've discussed is the potential for
8 building a, a speed table, or hump, or some, some derivation
9 thereof in this area here to slow cars down. Also to place
10 signage on the road somewhere indicating no through traffic in
11 this area as well. So we're trying to come up with solutions to
12 alleviate that burden, and the owners of the antique store are
13 willing to work with us on that as well.

14 Mr. Sam Patel (ph.), he owns the Catalina Market, which
15 is right here. He, he has expressed some concern about the
16 location of this building to the east. Now quite frankly, I'm
17 not exactly sure what his concern is.

18 I've asked him what it is, but he hasn't really
19 expressed specifics. So I honestly don't know what it is. I've
20 been speaking to him on a regular basis over the last several
21 days, as have the Friends. I don't honestly know how the
22 location of this building in this area would really negatively
23 impact his operation.

24 Although it is on the property line, he still has space

1 to the rear of his building. He has a door that extends to the
2 east of the building. Based on the condition of that area, it
3 doesn't appear that it's used very often. It appears that most
4 of the access, and certainly access for customers, is from the
5 western part of the building. And deliveries, in fact, occur
6 from the western side of the building as well.

7 In fact, trucks often park in this asphalt area on the
8 Friends' property between their building and Country Club Road,
9 and sit there while they're, they're making their deliveries to
10 his building. So we want to be good neighbors, but I'll be
11 honest with you. I, I don't really know what his concern is with
12 that building.

13 But I told him that - I talked to him today, in fact.
14 He said, "Can we still talk?" I said, "Of course we can." He
15 asked if this was his last opportunity to express concerns with
16 this issue. I said, "Well, no, it's not. We still need to go
17 Mayor and Council." So we're still talking to him. So that's
18 what I have to report with regard to Mr. Patel.

19 ZONING EXAMINER: But he hasn't filed a protest letter
20 explaining his objections? Okay.

21 MR. LONGAKER: I did receive a, a letter from Carolyn
22 today with regard to the one protest within 150 feet of the site.
23 And that letter comes from a gentleman, a Mr. Barry Phillip Baum
24 (ph.), I believe. He is the owner of this residential unit right

1 here.

2 Today, the existing condition on the west and the south
3 of his property is that there's an existing paved parking lot
4 here. It's paved basically to a five-foot block wall that lies
5 on the property line here. And he has vegetation on the western
6 portion of his property that acts as a buffer between the site.

7 We, we are asking - and I realize they can't be granted
8 during the rezoning, it needs to happen during the Development
9 Plan Package, but we are asking for this existing condition to
10 remain, to keep the five-foot wall, but not to include additional
11 landscaping. If we were to do that, then we would lose, the
12 Friends would lose this entire bank of parking in that parking
13 lot.

14 On the south, there is a building, a second building as
15 part of this lot, that actually lies, the southern portion of the
16 building lies on the southern property line. And then there's a
17 wood fence that's approximately six feet in height that runs from
18 this area over to that corner.

19 In addition, we would obviously leave that because I
20 believe it's on that property. We would also build a ten-foot,
21 minimum ten-foot landscape buffer along this portion of that
22 property line.

23 In, in his letter, he expresses some concerns. I think
24 he's expressing privacy concerns basically with the wall. He's

1 actually requesting an eight-to-ten-foot block wall to screen his
2 residence. I understand his concern. We'd prefer to stick with
3 what's required by code.

4 He's also expressing concerns with, with people jumping
5 over his wall into his property. Again, I, I do understand that
6 as well. Again, we'd like to stick with the code required height
7 of the wall.

8 And, you know, he also expresses a concern about
9 bringing a lot of people in this area adjacent to his lot. This
10 condition has existed for a long time like it is today. I, I
11 don't know exactly when he bought the lot, but I think he bought
12 the lot recently. I, I would say, I would say that he probably
13 was aware of the condition when he bought the home.

14 But anyway, I've not had an opportunity to speak with
15 him. Just got the letter today. We do plan to reach out to him
16 to talk about it, but those are the issues he raised.

17 ZONING EXAMINER: Do you feel, looking at the, the
18 site, there's any way to reorient the, the parking area without
19 losing spaces, and that would minimize any impact to Mr. Baum's
20 (ph.) property?

21 MR. LONGAKER: Well, a cou- -- I think a couple ideas
22 come into mind that, you know, potentially - I mean you could
23 obviously add courses to the wall to raise the height or, or
24 some- -- something, other materials, metal materials, you know.

1 Something to that effect could be added to the top of the wall to
2 provide more screening.

3 It, it's possible to include a landscape strip along
4 that edge. Ten feet would, would not work because then we just
5 couldn't get the, the double row of parking in there. Something
6 lesser might, might work than that to get some landscaping in
7 that area.

8 So that is a potential solution. So, yes, I think
9 there are some solutions, and perhaps with conversation and
10 dialogue with him, we could come up with something that would be
11 acceptable. So that is basically the, the nature of the
12 conversations we've had with surrounding property owners and the
13 issues that we've been discussing.

14 I don't have too much more to add, but I just want to
15 indicate that I have read the Staff report. We do agree with its
16 findings and facts. And we have read through the proposed
17 rezoning conditions, and we do accept those as written by Staff
18 as well. But with that, I am here to answer any questions, as
19 well as my friends from the Friends.

20 ZONING EXAMINER: All right. Thank you. Well, I, I
21 don't feel in a position to address Mr. Patel's concerns because
22 he hasn't expressed them to me, and I'll take it on your word
23 that he hasn't clarified them to you.

24 As for Mr. Baum, would, would you be amenable to any

1 condition that would, within code requirements, mitigate to the
2 greatest extent possible, any problems to Mr. Baum's privacy, and
3 to contemplate a reorientation of parking spaces if, if possible,
4 so there might be a creative solution to maximize his privacy
5 without any loss of parking spaces. That's not the same border
6 that you're requesting the variance for. Is that -

7 MR. LONGAKER: Actually the - right. The eastern
8 boundary here, we're actually proposing, and would like to do a
9 landscape buffer there but not a block wall. Clear Channel owns
10 this property, they have a communications antenna on the
11 property.

12 ZONING EXAMINER: Lovely.

13 MR. LONGAKER: So based on the use there, although it
14 is residentially zoned, it doesn't seem like it really begs a
15 six-foot or a five-foot block wall along that eastern boundary.

16 ZONING EXAMINER: And there's an existing wooden fence
17 right along that?

18 MR. LONGAKER: In here, yes.

19 ZONING EXAMINER: Okay. And if the condition were that
20 the Friends would bear the cost of any additional allowable
21 height, would that be amenable? Just along the - it's hard to
22 describe which boundary. But along, along Baum's -

23 MR. LONGAKER: (Inaudible) come up here and take a
24 look.

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1 ZONING EXAMINER: - western boundary.

2 MR. LONGAKER: So what we're talking about is, is right
3 here. What is the existing five-foot wall.

4 ZONING EXAMINER: And also the wooden fence -

5 MR. LONGAKER: And -

6 ZONING EXAMINER: - on that side. Yeah.

7 MR. LONGAKER: - that's the wooden fence on the south -

8 MS. HILL: Yeah.

9 MR. LONGAKER: - right.

10 MS. HILL: A question.

11 MR. LONGAKER: Yes. He would - well, one, is would you
12 be willing the cost associated with making improvements to make,
13 make Mr. Baum happy?

14 MS. HILL: This wall.

15 FEMALE SPEAKER: Yeah.

16 MR. LONGAKER: Most likely - I mean, well, I think he
17 specifically addressed certain windows in his house. And I'm not
18 sure exactly where they are until we talk to him. I think
19 they're on the side of the home.

20 MS. HILL: He lives in this house?

21 FEMALE SPEAKER: Yeah.

22 MR. LONGAKER: He does.

23 MS. HILL: It's the second house.

24 MR. LONGAKER: Okay.

1 FEMALE SPEAKER: Yeah. I mean I think adding - if
2 adding a foot or two on top of the existing wall.

3 ZONING EXAMINER: Let me - so -

4 MS. HILL: (Inaudible)

5 ZONING EXAMINER: - before you go on, I hate to
6 interrupt you, but the, the clerks get mad at me if I allow
7 multiple converse- -- multiple people talking at the same time.
8 So what I'm gonna have you do is, is kind of restrain for a
9 moment. And then you'll just come up individually in the
10 microphone, say your name and then, and then give me your
11 thoughts on that so that I don't get scolded afterwards.

12 (Inaudible discussion between multiple speakers.)

13 MR. LONGAKER: All right. I'll, I'll speak for the
14 Friends. So, yes, we are willing to have -

15 ZONING EXAMINER: I'm sorry for throwing the curve
16 ball, so -

17 MR. LONGAKER: (Inaudible) We are willing to have
18 discussions with our neighbor, with Mr. Baum, to discuss his
19 needs. If he requests something that would make him happy and we
20 can all agree on it, then the Friends are willing to bear the
21 cost of improvements.

22 If I may, there - I wanted to suggest something. I
23 don't know if it's a possibility of not, but apparently this
24 parking lot is in a grandfather condition. And I don't know if

1 it's possible to leave it as it is.

2 I know it's part of our rezoning request, but what if
3 it were removed from the rezoning area and were to retain its
4 existing zoning? How would that come into play? Would that -
5 how would that have a bearing on what we're talking about now?

6 ZONING EXAMINER: You, you may be pushing a domino.
7 Mr. Moyer?

8 MR. MOYER: I think I would look at that as an
9 expansion of a non-conforming use. You can't do that.

10 MR. LONGAKER: Okay.

11 ZONING EXAMINER: Yeah, I don't, I don't think that you
12 need to go down that path. Yeah. Even if you could argue that
13 it's not an expansion -

14 MR. LONGAKER: Right.

15 ZONING EXAMINER: - I, I would tend to agree on that.

16 MR. LONGAKER: Okay.

17 ZONING EXAMINER: Yeah. I, I, I would not - I'm not
18 anticipating an unreasonable request from Mr. Baum. I mean if
19 he's saying something that's totally unreasonable about what,
20 what he wants. I think the way he articulated it, it was within
21 reason about -

22 MR. LONGAKER: I think so. I think we can come up with
23 a solution that -

24 ZONING EXAMINER: Yeah.

1 MR. LONGAKER: - that won't be too costly.

2 ZONING EXAMINER: And, and, and I understand he, he
3 comes to an existing situation as, as a, as a knowing buyer of
4 that property.

5 MR. LONGAKER: Right.

6 ZONING EXAMINER: All right.

7 MR. LONGAKER: All right.

8 ZONING EXAMINER: Anything else?

9 MR. LONGAKER: I, I have nothing else -

10 ZONING EXAMINER: Okay.

11 MR. LONGAKER: - yet.

12 ZONING EXAMINER: Anyone, anyone else wish to speak on,
13 on this issue for, against? Anyone wishing - other comments?
14 All right. Seeing no one who wishes to comment further, and
15 acknowledging Mr. Longaker's and the Friends' agreement with the
16 conditions as proposed, and a, perhaps, additional condition
17 about reasonable privacy mitigation techniques along the Baum
18 property boundary, Case No. C9-13-16 is hereby closed.

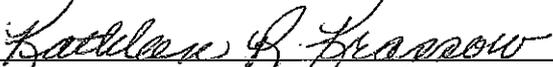
19 Thank you all for coming out this evening. Thanks for
20 enduring this - the, the prior case and the warmth of our
21 chambers.

22 MR. LONGAKER: Thank you.

23 (Case No. C9-13-16 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: 03/16/14



KATHLEEN R. KRASSOW - Owner
M&M Typing Service