

ZONING MEMBERS PRESENT:

Jim Mazzocco, Zoning Examiner
John Beall, Planning & Development Services
Bambi Flores, City Recording Clerk

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1 ZONING EXAMINER: We'll, we'll start the hearing.
2 Good evening. My name is Jim Mazzocco, and I am the Zoning
3 Examiner for the City of Tucson. I conduct rezoning and special
4 exception hearings on behalf of the Mayor and Council.

5 This evening there are four items on the agenda, a
6 rezoning, two Mayor and Council special exceptions, and one
7 Zoning Examiner special exception. Let me explain a little bit
8 about each.

9 The rezoning and the Mayor and Council special
10 exception process. In the case of the rezoning and the Mayor and
11 Council special exception, after the hearing is closed, I will
12 prepare a preliminary report and a final report. I'll prepare
13 the preliminary report within five working days, and I'll prepare
14 the final report in 14 days after the close of this public
15 hearing.

16 I will make findings of fact which I put into the
17 reports, along with my recommendation, which I then send to the
18 Mayor and Council. My report will be based on the evidence
19 submitted to me as part of the rezoning application and any
20 supplemental materials as well as any testimony taken.

21 I'll also - I'd also to include in the record all

1 documents submitted to my office up to this hearing. For those
2 of you who wish to receive a copy of a preliminary report, and
3 you're not the principal listed on the case, please fill out one
4 of the orange cards. Those orange cards are not speaker cards,
5 they're for getting a preliminary report.

6 A copy of the final report will be available from the
7 Planning & Development Services Department, and I'll send that
8 report along to the Mayor and Council. They may consider my
9 recommendation, along with other factors in consideration of
10 their final vote.

11 Additionally, any person may request that the
12 application be heard at a public hearing before the Mayor and
13 Council if the request is filed with the City Clerk within 14
14 days after the date of the Zoning Examiner's public hearing, or
15 any continued hearing.

16 Okay. Now I'm gonna talk a little bit about the Zoning
17 Examiner's special exception process, and that applies to the
18 last item on the agenda for this evening.

19 In the case of a Zoning Examiner's special exception,
20 which is called out in Section 3.4.3 of the Unified Development
21 Code, the Zoning Examiner makes the decision on the special
22 exception. The decision may be for approval, approval with
23 conditions, or denial.

24 I will prepare a decision within five days after the

1 public hearing is closed. The Zoning Examiner approval or denial
2 is based on a set of findings in Section 3.4.5 of the Unified
3 Development Code.

4 The Zoning Examiner's decision may be appealed to Mayor
5 and Council by any party of record by submitting a notice of
6 intent to appeal to the City Clerk within 14 days of the
7 effective date of the decision. The complete appeal and
8 materials must be filed with the City Clerk within 30 days of the
9 effective date of the decision.

10 A little bit about the public hearing, how it's being
11 run. There's a tape recording of, of this hearing being made
12 tonight behind these walls, of the testimony, by the City Clerk's
13 Office, and if necessary a transcript will be prepared.

14 At the start of the hearing, I'll have the Staff,
15 Planning & Development Services Staff make a report. And then
16 I'll hear from the Applicant. After that, I will hear testimony
17 from the public.

18 Since I cannot have any communication with parties
19 involved in this case, now is the time to speak. If you wish to
20 speak tonight, wait for me to call you up to the podium, and how
21 we do that is we, we go by who is for the case, who is in
22 support. You raise your hand, and I'll pick you out as you raise
23 your hand to come up and sign in. I notice some have already
24 signed in.

1 After those have spoken, then those who are against, or
2 not in support of the case, I'll ask them to come up and, again,
3 raise your hand and I'll pick you out to come up to the podium to
4 speak.

5 So just so we have a sense of what's going on here, for
6 the first case, Cline/Darling, how many speakers do we have? We
7 have one, two, three, four. Okay. And for the Harrison Verizon
8 case? Okay. And for the Broadway Verizon case? Okay. And I, I
9 can imagine - how many for the Sister Jose case? Okay. Okay.

10 Thank you.

11 Okay. So for tonight's meeting, I will first hear
12 those who are proponents of the case, and any opponents of the
13 case. Each speaker will be given five minutes to speak. For the
14 larger group, I will set a time limit of about 90 minutes. I'll
15 talk more about that when it comes up.

16 A little bit about protocol in the public hearing. I
17 would expect everyone to be respectful to one another. Everyone
18 has a right to their opinion, and a right to civilly, civilly
19 express their opinion.

20 Only one speaker at a time, and they address me. I
21 will call on speakers to come forward to speak. No speaking from
22 your seats or calling out questions. No clapping or calling out,
23 you know, hooting or whatever, or any kind of sound effects. If
24 anyone gets out of hand, I'll ask them to leave and for your

1 information, I have security on hand.

2 So at this time, what I do is I have a swearing-in.
3 So all of those who wish to speak, or if you're thinking about
4 speaking, this is the time to be sworn in. So I'm going to -
5 those who can, stand and raise their hand, right hand. Do you
6 swear or affirm to tell the truth, the whole truth, and nothing
7 but the truth?

8 (Affirmative.)

9 ZONING EXAMINER: Okay. So we will start with the
10 first case, Cline/Darling rezoning. And I believe we have the
11 Applicant, needs to come forward and give us an update.

12 MR. UNDERWOOD: Good evening, Mr. Mazzocco. My name is
13 Brian Underwood, and I'm with the Planning Center, 110 South
14 Church in Tucson. And this is a continuance of our previous
15 hearing on the Cline/Darling rezoning for an office complex of
16 approximately 32,000 square feet. And at our previous hearing,
17 there were a couple of neighbor concerns - two, two to be exact.

18 One in regards to a sound attenuation, or sound barrier
19 wall between the proposed rezoning site and the adjacent neighbor
20 to the east. And the second being the recommendation from T-DOT
21 to remove the current, the existing landscape median on River
22 Road and, and to replace that with a left-turn, a left-turn lane
23 into the project site.

24 Now since, since our last hearing, we have met with the

1 adjacent neighbors to the east, and we have also consulted with
2 T-DOT regarding the median. And where, where that is now is that
3 we have, we have received a determination from T-DOT that the,
4 that the landscape median is, is unfeasible, it's non-negotiable.
5 It's a safety issue and, and it cannot be reinstalled in River
6 Road.

7 We did, we did create a conceptual design for a
8 possible median that might work out there since, since the
9 existing median needs to be demolished, and we, we took that to,
10 to T-DOT and they subsequently said that no median can, can be
11 accommodated out there.

12 But they did say that any other improvements to perhaps
13 allow for, allow for a landscaped median along that stretch of
14 River Road would have to go through the Pima County approval
15 process, given that the improvements would be made on the Pima
16 County, Pima County side of River Road that's within Pima County
17 jurisdiction.

18 So the, the underlying issue of, of not being able to
19 provide full landscape median turning movements is that the
20 center turn lane for this segment of River Road is not wide
21 enough. It's only 10 to 12 feet, and you need about 20 or 30
22 feet to be able to provide a full U-turn movement within that
23 center lane, and to be able to, you know, get, get cars fully
24 turned around to be able to, you know, travel westbound along,

1 along River Road.

2 So we did consult with, with Pima County Department of
3 Transportation as well to find out if there were any future plans
4 for improvements to that segment of River Road, and there are not
5 at this time. And that would be the only way that, that the full
6 landscape median that the neighbors to the east would like to see
7 could be accommodated along the segment is if the entire roadway
8 was widened, repaved, re-striped and, and the landscape medians
9 installed. And as I said, Pima County Department of
10 Transportation has no plans to do that.

11 Now there was in our, in our subsequent meeting with,
12 with the adjacent neighbors to the east, they did have a concern
13 about just the loss of the vegetation within that landscape
14 median. So we have agreed to enhance the 30-foot natural
15 landscape buffer along the northern perimeter of the site to, to
16 install some additional vegetation to, to sort of balance what,
17 what's being lost in the existing median along River Road.

18 And on to the, the wall concern. There is a concern
19 about road noise, traffic noise being generated from River Road.
20 And so we've, we've consulted with a sound expert, or sound
21 specialist on what sort of sound-attenuating material might be
22 appropriate to block sound from, from River Road to the adjacent,
23 adjacent home to the east.

24 And we did agree with, with the, the adjacent neighbors

1 to provide some sort of sound-attenuating material for the
2 northernmost 80, 80 feet of the eastern wall section. So what
3 we've, what we've learned in, in some of our consultation is
4 that, that essentially no material is going to be able to
5 attenuate sound from River Road unless the wall is at least 20
6 feet high, and also parallel to the roadway.

7 So between, you know, adjacent to the noise source and
8 between the, the neighbors to the east, their home, and, and
9 River Road. And it would also need to be at least 20 feet to, to
10 have any noticeable impact.

11 So we've, we've agreed to increase the wall height from
12 five feet to six feet. And, as I said, to provide that sound-
13 attenuating material for the first 80 feet from the, from the
14 northern boundary of that wall.

15 And we've, we've found that apparently an unpainted CMU
16 wall is most effective at blocking sound, or absorbing sound.
17 And so we've, we've agreed to make that segment of the wall
18 unpainted and the, the neighbors to the east mentioned that they
19 are, they are agreeable to the wall segments along River - or
20 along First Avenue north of River Road that are also unpainted
21 CMU, and they're a decorative CMU in a variety of colors.

22 And so we've, we've agreed to do something like that on
23 that first 80 feet of the wall, or to provide some sort of a
24 stone veneer to also diffuse the sound. So that's, that's where

1 our, our discussions and negotiations have, have gone thus far. And
2 also the neighbors did send us a sound, a sound barrier wall type
3 by a licensed dealer known as Stone Tree.

4 And so that company is located out of, out of Salt Lake
5 City, Utah, and we've, we've contacted them. They put us in
6 touch with their local representative here, here in Tucson. And
7 we received the, the same feedback, that essentially, the wall,
8 with its placement being perpendicular to the roadway rather than
9 parallel is not going to attenuate any sound even at 20 feet
10 tall. It's, it's only going to cast a sound shadow of 40 feet,
11 which won't even make it to, to the home, the adjacent home to
12 the east.

13 And it also is, is very cost prohibitive as well.
14 It's 175 feet per lineal foot at a six-foot height, and so that
15 equates to about \$14 to \$15,000. And if we went three times that
16 height to 18 or 20 feet, it'd be about \$50,000 segment of wall
17 for only 80 feet, and very, very little impact.

18 ZONING EXAMINER: Okay.

19 MR. UNDERWOOD: Thank you.

20 ZONING EXAMINER: Okay. Thank you. Do we have anybody
21 who wants to speak in support? Anybody want to speak against the
22 rezoning? Come forward, Mr. Kligman.

23 MR. KLIGMAN: My name is Evan Kligman, and we're the
24 resident living at 2950 East River Road. Though we have a number

1 of concerns about the proposed development and rezoning, we
2 agreed when we met last meeting two weeks ago, to just focus on
3 three that were our major concerns.

4 The first major concern, of course, is safety from our
5 property turning westbound, or left onto River Road. It
6 continues to be a safety hazard. There's already been one
7 accident a couple of years ago after the re- -- after the
8 realignment of River Road. And we're very concerned about other
9 accidents happening because of the poor visibility.

10 We understand that now being under the City, we feel
11 like we need to make it clear at this meeting that we would hold
12 the City accountable if any of us were involved in an accident.

13 Number two, we see the proposed development and the
14 rezoning as a further effort, or a further step, rather, to
15 debeatifying River Road. As you know, this was a rural area at
16 one time, and a lot of people that live in Tucson sought to see
17 River Road as one of the few remaining areas where we had a
18 feeling of what Tucson was like years ago.

19 We, we were promised an island initially when the
20 County did do realignment. And we ended up with a median, at
21 least with some vegetation. Although Brian talked about
22 providing more vegetation approximate to the area in which
23 the proposed development will occur, there still is a major
24 effort that we see in further decreasing the beautification of

1 River Road.

2 And the third thing that we were concerned about was
3 the sound-attenuating wall because existing traffic we felt will
4 rebound noise directly onto our, our property. Though we had
5 proposed looking at a place like Sound Tree that, that Brian had
6 mentioned, we did not get information back until just a few hours
7 ago regarding what their thoughts were, as well as the City
8 sound-attenuating person who specialized in this had. So we had
9 no opportunity to seek our own consultant to see what other
10 options out there.

11 So we remain concerned, of course on these three
12 issues. And we don't feel that we had enough time to at least
13 deal with the issue regarding the sound-attenuating wall.

14 Thank you.

15 ZONING EXAMINER: Thank you. Anybody else?

16 MS. KLIGMAN: My name is Louise Kligman. I'm - I live
17 at 2950 East River Road also. And as my husband has stated, we
18 are really concerned primarily of the safety issue.

19 And, you know, we had originally, when they proposed
20 this new professional office development, had asked for less
21 offices which would at least make it a little safer if we can't
22 have a U-turn, and a median in the middle where, where we can,
23 you know, turn safely, where we would make a right, and then make
24 a U.

1 So I do feel that with traffic, they, they increased,
2 or they put the entrance to this complex closer to our property.
3 And with the multiple spaces for office, people could be backing
4 up to where we're turning which would be even making it more
5 dangerous. So my concern for safety is, is really huge. And we
6 would, we would feel that the City would be liable if they do not
7 consider this issue.

8 As my husband said, the sound-attenuation, we have not
9 really had a chance to investigate except the sound barrier fence
10 which we investigated right after the previous meeting here. And
11 we really didn't know that supposedly it is not workable or it's
12 too expensive.

13 So I don't know if there's another option about that.
14 But, you know, I would like the opportunity to, to investigate
15 that further. So those are the two main concerns that I have in
16 addition to what my husband stated. Thank you.

17 ZONING EXAMINER: Thank you. Is there anyone to speak?
18 Okay. Mr. Underwood, could you come up for a second? So, you
19 have, you have new drawings that you've shown us about the turn
20 lane and increased landscaping.

21 And you also have talked about an increased height of a
22 wall and certain kind of design of a wall. Have you put that in
23 specific writing or - yet, or is this just, you're just
24 explaining this at this point?

1 MR. UNDERWOOD: Mr. Mazzocco, we have not written up a,
2 a condition of the rezoning, but we have e-mail correspondence
3 with, with the adjacent neighbors to the east, with the Kligmans,
4 that explains what we're willing to do out there with the six-
5 foot wall, and, and the additional enhancement of the 30-foot
6 natural landscape buffer.

7 ZONING EXAMINER: Okay. So what I'm gonna ask is I'm
8 gonna ask you to continue speaking with them. But I'm gonna
9 close the public hearing, and I'm going to be looking for some
10 type of condition that memorializes whatever you come up with,
11 with the Kligmans as far as the height of the wall and the design
12 of the turn lane and the design of the landscape buffer.

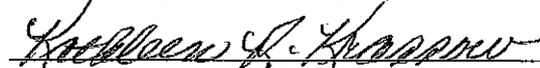
13 MR. UNDERWOOD: Thank you.

14 ZONING EXAMINER: Okay? Okay. Thank you.

15 (Case C9-16-02 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.

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KATHLEEN R. KRASSOW - Owner
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