

ZONING MEMBERS PRESENT:
Jim Mazzocco, Zoning Examiner
John Beall, Planning & Development Services
Delma Sanchez, City Recording Clerk

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1 ZONING EXAMINER: Okay. I think we are at 6:30. So,
2 good evening. This is a public hearing in front of the Zoning
3 Examiner for January 28th, 2016. My name is Jim Mazzocco, and I
4 am the Zoning Examiner for the City of Tucson.

5 I'm gonna put some information on the record to explain
6 how the hearing works. I conduct special exception hearings and
7 rezoning hearings on behalf of the Mayor and Council, and make
8 findings of fact. In the case of rezonings, I prepare a report
9 along with a recommendation which I then send on to the Mayor and
10 Council.

11 In the case of special exceptions, I render a decision.
12 For special exceptions, I'll explain a little bit because this
13 case happens to be both a special exception and a rezoning.
14 After I close the hearing for special exceptions, I'll prepare a
15 decision within five working days. If I do not close the public
16 hearing this evening, I will continue it to a date not more than
17 30 days from now.

18 In my decision, I will recommend approval, approval
19 with conditions, or denial of the application. I will mail the
20 notice of the decision on an application within three days after

1 I render my decision. The Notice of Decision will be mailed to
2 the Applicant and all persons who request the notice.

3 My decision may be appealed by a party-of-record to the
4 Mayor and Council in accordance with the Unified Development
5 Code, Section 3.4.3-j by submitting a Notice of an Intent to
6 Appeal to the City Clerk within 14 days from the date of the
7 decision with a copy delivered to the Planning & Development
8 Services Department.

9 The complete appeal materials must be filed within 30
10 days of the decision. An Applicant may request a change in a
11 Condition of Approval of a special condition land use, and the
12 request shall be reviewed by Staff for recommendations to me.
13 The request shall be considered at a public hearing in accordance
14 with the Unified Development Code, Section 3.9.2.

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

20 For those of you who wish to receive a copy of my
21 preliminary report, and you are not already a principal listed on
22 the case, please fill out one of the orange cards on the podium.

23 A copy of the final report will be available from the

1 Planning & Development Services Department, and I'll send that
2 report to the Mayor and Council. They may consider my
3 recommendation, along with other factors, and make their
4 decision.

5 A little about the procedure. At the start of the
6 hearing, I'll request that Staff give me a background
7 presentation on the case. After that, I will ask the Applicant
8 to come up and present the case. After the Applicant presents,
9 those wishing to speak in favor of the case may be called up,
10 followed by those in opposition.

11 Then I'll call anyone who may not have a position, but
12 wishes to speak to some issue relevant to this case. In that we
13 have a fairly small amount of, of people here, I'm not gonna put
14 any time limit on, on speaking for, for this particular case.

15 If you wish to speak tonight, please print your name
16 and address very clearly on the sign-in sheet that's in front of
17 the microphone, at the taller microphone there. I want to make
18 sure I can properly associate a name with testimony so that the
19 record is accurate. I'll also ask you to announce your name and
20 address clearly for the record, the Recording Clerk is in the
21 back room and, and for my notes.

22 At this time, I'd like to swear in those wishing to
23 speak this evening. Even if you're not thinking about speaking

1 tonight, you may want to do so as the hearing goes on. So it
2 does no harm to take the oath now as well.

3 For your information, I cannot have any communication
4 with parties involved in the case, and now is the time to speak.
5 With that in mind, will you please now stand for the oath and
6 raise your right hand. Do you swear or affirm to tell the truth,
7 the whole truth, and nothing but the truth?

8 (Affirmative.)

9 ZONING EXAMINER: Okay. Thank you. Okay, and with
10 that, I think I'm going to turn to Staff. I'm gonna ask them for
11 a background report, and then I will have the Applicant give a
12 presentation to the degree we need one. Staff.

13 MR. BEALL: This is a requ- -- my name is John Beall
14 from Planning & Development Services. This is a request by the
15 Planning Center on behalf of the property owner, Tucson School
16 District No. 1 for rezoning and special exception on
17 approximately 8.5 acres located at the northeast corner of
18 Rosemont Boulevard and Pima Street.

19 The Applicant is proposing to rezone from R-1 to R-2
20 and obtain a special exception to allow the development of
21 extended health care facility and out-patient medical services in
22 approximately 47,300-square-foot of floor area on the south half
23 of the site, and approximate 29,000-square-feet of floor area on

1 the north half of the site.

2 Medical services land use in the R-2 zone requires a
3 special exception approval through a Zoning Examiner's special
4 exception procedure, Section 3.4.3 of the Unified Development
5 Code, and subject to Mayor and Council approval of R-2 rezoning
6 request.

7 This Application is being considered as a combined
8 rezoning request and Zoning Examiner's special exception
9 procedure. The rezoning request is subject to a Zoning
10 Examiner's public hearing with a recommendation to Mayor and
11 Council for rezoning decision.

12 The special exception procedure requires a public
13 hearing and decision by the Zoning Examiner. The special
14 exception is contingent on rezoning approval by Mayor and
15 Council.

16 Land use policy direction for this area is provided by
17 the Arcadia Alamo Area Plan and Plan Tucson. The rezoning site
18 is located within a neighborhood center as identified on the
19 Future Growth Scenario Map of Plan Tucson.

20 Neighborhood centers are characterized in Plan Tucson
21 as a mix of small businesses surrounded by housing and accessed
22 internally and from nearby neighborhoods by pedestrian, and bike-
23 friendly streets and by transit.

1 The goal is to maintain the character and privacy of
2 the neighborhoods while accommodating some new development and
3 encouraging reinvestment, services and amenities that contribute
4 to further neighborhood stability.

5 The Arcadia Alamo Area Plan Conceptual Land Use Map
6 identifies the subject site as low, medium density residential.
7 It should be noted that the site is within an area where the
8 Arcadia Alamo Area Plan supports medium to high density
9 neighborhood, commercial and residentially scaled office
10 development to be located on Pima Street between Wilmot and Swan
11 as shown on the Conceptual Land Use Map, provided primary access
12 is from a major street, parking and maneuvering can be met on
13 site, and screening and buffering for adjacent residential uses.

14 The Arcadia Alamo Area Plan calls out that medium and
15 high residential uses are generally appropriate along Pima
16 Street, and insuring that new development enhances existing land
17 uses, their compatible scale, density and character as outlined
18 in the plan's general design guidelines.

19 According to Major Streets and Routes Plan, Rosemont
20 Boulevard and Pima Street are designated as collectors. The
21 rezoning site is located at the northeast corner of two collector
22 streets, Pima and Rosemont Boulevard where the plans support non-
23 residential use.

1 The rezoning site fronts Pima Street which is well
2 established with a mix of office and commercial development.
3 Rosemont Boulevard borders a single-family residential
4 neighborhood.

5 Staff recommends using some of the parking area near
6 the north property line as additional buffer area for the
7 adjacent residential neighborhood to the north, and allow the
8 proposed retention basins to be located further away from the
9 existing off-site walls and fences.

10 Based on the proposed medical service office use, code
11 requires an on-site five-foot tall masonry wall along the north
12 property line. The Applicant indicates the existing off-site
13 walls on adjacent residential lots to the north will provide the
14 wall requirements. Staff recommends a recorded maintenance,
15 repair or replacement of the wall agreement with adjacent
16 neighborhoods as part of the development package review.

17 The PDP dated December 18th, 2015, shows a building
18 setback of 127 feet from the adjacent single-family residential
19 neighborhood located to the north. Single-family residential
20 developments located to the west and east are buffered by the
21 adjacent streets, Rosemont Boulevard and Magnolia Avenue, each
22 with approximately 60 feet of right-of-way.

23 Although the revised PDP does not provide a landscape

1 layout, the Design Compatibility Report states landscaping will
2 mitigate any sound, visibility, exterior lighting and traffic
3 impact by establishing a vegetation border that enhances the
4 aesthetic appeal and helps to mitigate the urban island heat
5 effect around the rezoning site, and that trees and (inaudible)
6 will be planting within the detention/retention basins to maximum
7 rainwater harvesting potential.

8 The PDP dated December 18th, 2015, shows landscape
9 berms along Pima Street which will buffer the extended health
10 care facility from noise and traffic on Pima, a collector street.
11 The northern perimeter landscape border should be increased an
12 additional ten feet in depth to improve the buffering and
13 screening of non-residential use from the adjacent residential
14 neighborhood and to move the proposed retention basins away from
15 existing walls located on adjacent residential property lines.

16 Access will be from Rosemont Boulevard and Pima Street.
17 An issue expressed by area residents at the neighborhood meeting
18 was a concern with the potential traffic that may be generated by
19 the rezoning site impacting Magnolia Avenue, a local street.
20 Staff recommends the development package include a one-foot no
21 vehicular access easement for the full length of the east
22 property line.

23 The proposed access point on Pima Street is directly

1 west of an existing bus stop and may create a blind spot for
2 vehicles exiting the site. Passengers boarding or alighting a
3 bus and pedestrians in general using Pima Street sidewalks.

4 Staff recommends prior to development package review,
5 the proposed access point on Pima Street be submitted to the
6 Department of Transportation and Transit and Suntran for further
7 discussion as it relates to the safety issue.

8 The requested R-2 zoning and special exception to allow
9 medical services extended health care facility and medical
10 services out-patient use is consistent with policy direction
11 provided by Arcadia Alamo Area Plan and Plan Tucson which support
12 protection of established residential neighborhoods regarding the
13 compatibility with the scale, intensity and character of the
14 surrounding development.

15 Subject to compliance with the attached Preliminary
16 Conditions, approval of the R-2 zoning and special exception
17 request is appropriate. Staff, as of to date, as of January
18 28th, 2016, there have been six approvals and zero protests.
19 And the Staff has worked with the Applicant and has sent over a
20 Revised Preliminary Conditions to the Zoning Examiner and the
21 Staff is good with those conditions.

22 ZONING EXAMINER: Okay. Thank you, John. And I
23 received the Revised Conditions and had a chance to read them.

1 Before the Applicant speaks, could I get an idea of how many
2 people are going - wish to speak this evening? Okay. And so
3 that we - you understand, like I said, people in favor speak
4 first, and people in opposition speak second. So, so, Linda, you
5 can come forward, and -

6 MS. MORALES: Good evening. I'm Linda Morales with the
7 Planning Center, 110 South Church here in Tucson. I'm
8 representing TUSD as the owner, current owner of the property and
9 Mainstreet who is the user for the property. And I also have
10 Craig Masters here who is the Applicant with TUSD, and has the
11 contract with, with TUSD on the property.

12 So this whole crew is my, my crew, and, and I think
13 that our one other speaker is here if there are any questions
14 related directly to the Mainstreet operations. So we're happy -
15 I, I can give you a full presentation -

16 ZONING EXAMINER: Sure.

17 MS. MORALES: - I can give you a brief presentation.
18 I think in light of, of the fact that we're in full agreement
19 with Staff on the Staff report and we have worked out all the
20 conditions and are pleased with that. Thank you, Mr. Beall and
21 Mr. Padilla. I'll just kind of give a brief overview of where we
22 are.

23 ZONING EXAMINER: Well, okay. So, so, I'm, I'm

1 familiar with the site plan.

2 MS. MORALES: Right.

3 ZONING EXAMINER: If there is anything you wanted to
4 highlight, that's fine. But I, I think I understand where we
5 stand right now, and I will give you a chance to speak after,
6 after all the speakers speak.

7 MS. MORALES: That, that sounds great.

8 ZONING EXAMINER: And, and then, then you can summarize
9 any issues that might come up.

10 MS. MORALES: Okay.

11 ZONING EXAMINER: But I did want to ask a couple of
12 questions.

13 MS. MORALES: Sure. I'll sign in while you're asking.

14 ZONING EXAMINER: Okay. I looked at the Conditions
15 here and maybe this is more to John and Manny than it is to you.
16 And just for clarification, in Condition 14, we talk about a
17 perimeter landscape border on Pima Street, Rosemont Boulevard,
18 and Magnolia Avenue shall provide a five-foot tall vegetative
19 screen.

20 Now my understanding what that means is at full growth,
21 that you're not putting in five-foot plants, is that correct?
22 Okay. Just wanted to be clear 'cause, you know, so it's on the
23 record what we're talking about.

1 MS. MORALES: Thank you. It's good clarification as
2 well.

3 ZONING EXAMINER: The - in Condition 17, we talk about
4 a recorded wall maintenance agreement, and I think, John, you
5 clarified that that is between the neighbors and the property
6 owner of this rezoning?

7 MR. BEALL: Yes, that is correct. And that needs to be
8 on the development package for the zoning review to use that wall
9 to allow that.

10 ZONING EXAMINER: Okay. And in Condition No. 20, again
11 it talks about the landscaping plan, and that there would - the
12 landscaping plan would include a note regarding a maintenance
13 agreement that monitors larva control. I believe there's some
14 basins there. That maintenance agreement, could you just tell me
15 a little bit about what that means?

16 MR. PADILLA: Mr. Mazzocco, that is for the landscaping
17 of the property, that if there's any ponding water in the basins
18 during the monsoons, that they will also monitor any larva insect
19 growth so it doesn't impact the neighbors as they're so close to
20 the homes in the north (inaudible)

21 ZONING EXAMINER: So it's, it's basically the
22 responsibility of the property owner to have a landscaping
23 contractor be monitoring that condition?

1 MR. PADILLA: That's correct.

2 ZONING EXAMINER: Okay. That's what that condition
3 is -

4 MR. PADILLA: Correct.

5 ZONING EXAMINER: - referring to. Okay. That's all I
6 have -

7 MS. MORALES: Great.

8 ZONING EXAMINER: - as far as questions about the
9 conditions. And, and I think, and like I say, I understand the
10 basic site plan parameters.

11 MS. MORALES: Excellent. Well, I'll just hop back -

12 ZONING EXAMINER: Okay.

13 MS. MORALES: - if there's any other -

14 ZONING EXAMINER: Okay. So with considering what I
15 just presented, are there speakers in favor of this rezoning that
16 want to come forth and speak now? Okay. I'll give you another
17 chance if, if you change your mind.

18 Are there speakers in opposition that want to come
19 forth? Okay. Are there speakers who want to say something
20 that's neither in opposition or in favor, but want a
21 clarification or something of that nature? Okay.

22 MR. FITZGIBBON: Hello. My name is Mike Fitzgibbon.
23 I'm a property owner across the street from where this proposed

1 (inaudible) is on Rosemont.

2 ZONING EXAMINER: And your address is?

3 MR. FITZGIBBON: 1805 North Rosemont.

4 ZONING EXAMINER: 1805 North Rosemont. Thank you.

5 And do you see it? Okay. So you're kind of in the northern,
6 northwestern area of the site plan.

7 MR. FITZGIBBON: And I just had questions about the
8 nighttime lighting of the area. Currently the neighborhood is
9 quite dark, which is nice for amateur astronomy, and I just
10 wanted to be sure that it stays reasonably dark, sort of low
11 intensity. The lighting of the, excuse me, of the parking lots,
12 if needed.

13 ZONING EXAMINER: Okay.

14 MR. FITZGIBBON: And I think everything else would be
15 covered in the report about -

16 ZONING EXAMINER: Okay.

17 MR. FITZGIBBON: - additional traffic on Rosemont.

18 It's just a question for filling out this form. Is there a
19 specific case number to fill out?

20 ZONING EXAMINER: Yeah. Could you guys explain that?

21 MR. PADILLA: The, the case number is C9-15-07.

22 MR. FITZGIBBON: 89-157?

23 MR. PADILLA: No. C, like in cat, C9 -

1 MR. FITZGIBBON: Nine?

2 MR. PADILLA: Uh-uh. Here you go.

3 MR. FITZGIBBON: Ah. Thank you.

4 MR. PADILLA: So there's the second case. There's two
5 case numbers there, but it's one process.

6 ZONING EXAMINER: Okay. Thank you very much. Okay.
7 Linda, please.

8 MS. MORALES: Thank you for the question. And
9 absolutely. I think that the lighting has been, been something
10 that Staff has, has done a really good job of addressing in
11 addition to our pledge that we'll have full cutoff and make sure
12 that the light is all downward directed, and there's not spilling
13 upward, as well as spilling out.

14 So there's the Condition No. 9 of the rezoning which
15 we've agreed to, says full compliance with the - I'm paraphrasing
16 - the outdoor lighting code, and it'll be full cutoff directed
17 down and shielded away from residential parcels and as well as
18 the public right-of-way.

19 And we cannot have light standards or mounting on the
20 walls higher than 12 feet in height. So the height of that will
21 be restricted and again downward facing. Even the signage has
22 some restrictions on the types of signage so it will reduce the
23 light pollution that comes from the site as well. So we do want

1 to fit into that dark skies into the neighborhood and it be a
2 good match for, for you.

3 ZONING EXAMINER: So my understanding what you're
4 saying is this proposal will be in conformance with the outdoor
5 lighting code -

6 MS. MORALES: Yes.

7 ZONING EXAMINER: - which affects astronomy and light
8 trespass onto surrounding properties. And that condition that
9 Linda read, that is supported also by the ordinance, would have
10 to be met and satisfied as part of their development plan.

11 MS. MORALES: Uh-huh.

12 ZONING EXAMINER: Okay?

13 MS. MORALES: Any other questions -

14 ZONING EXAMINER: Okay.

15 MS. MORALES: - for me?

16 ZONING EXAMINER: Anything else? Anybody want to
17 change their mind and speak at this moment? Okay. I'm accepting
18 that. And thank you, Linda, for your presentation. Well, with
19 that, I guess I will be closing the public hearing, and I will be
20 sending a letter, a preliminary report within five days, and then
21 a final report within 14 days. That's all I have, and that's all
22 we have this evening. Okay. So thank you all for coming.

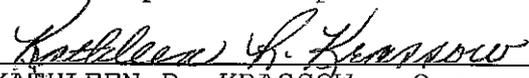
23 MS. MORALES: Thank you so much.

24 (Case: C9-15-07 and Case: SE-15-83 were closed.)

Case: C9-15-07 Mainstreet Health-Rosemont Boulevard, R-1 to R-2
Case: SE-15-83 Mainstreet Health-Rosemont Boulevard,
Medical Services (Ward 6)
City of Tucson Zoning Examiner Public Hearing 01/28/16

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: 02/01/16



KATHLEEN R. KRASSOW - Owner
M&M Typing Service