



Zoning Examiner

REPORT TO MAYOR AND COUNCIL

November 9, 2023

SUBJECT: TP-ENT-0823-00035– Intelligent Design –1145 East Fort Lowell, R-2 & O-3 to C-2 (Ward 3)

Public Hearing: October 26, 2023

BACKGROUND

This is a request by Brian Underwood and Garrett Aldrete of the Planning Center, on behalf of the property owner, Intelligent Design, to rezone 1.94 acres from R-2 Residential and O-3 Office to C-2 Commercial, for the purpose of a warehouse, office and training facility. The proposal includes an adaptive reuse of an existing assembly hall and support spaces and the addition of a 9,000-sf warehouse and 12,300 sf office space totaling approximately 42,950 sf. This site will be used as a corporate headquarters and charitable works center. The preliminary development plan also identifies parking, loading, landscape and buffer areas. The subject site is north of East Fort Lowell Road, and west Navajo Road. (see Case Location Map).

PUBLIC HEARING SUMMARY

October 26, 2023, Zoning Examiner Hearing

The Applicant spoke in support of the requested rezoning at the October 26, 2023, Zoning Examiner hearing. One other person spoke and asked whether the Applicant intended to operate a community soup kitchen as part of the development. The speaker also expressed support for there being an operating use on the property. The Applicant confirmed that it intends to continue to offer a holiday-related food event, but the Applicant would not be operating a community kitchen.

As of the date of the Zoning Examiner hearing, there were four (4) written approvals and no (0) written protests.



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FINDINGS OF FACT

Background Information

Existing Land Use: Vacant, formerly a religious use including assembly hall, sanctuary, and office.

Zoning Descriptions:

Existing: Residential Zone (R-2): This zone provides medium density, single-family and multifamily, residential development, together with schools, parks and other public service necessary for an urban residential environment. Select other use, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

Existing: Office Zone(O-3): This zone provides for mid-rise, office, medical, civic, and select other uses, such as urban agriculture and renewable energy generation, that provide reasonable compatibility with adjoining residential uses.

Proposed: Commercial Zone (C-2): This zone provides for general commercial uses that serve the community and region. Residential and select other agriculture, civic, recreational and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Adjacent Zones and Land Uses:

North: R-2; Residential

South: R-2; Commercial

East: C-1; Commercial

West: R-2 & O-3; North Residence and South Office

Project Background

The Applicant is proposing a change in zoning and land use to accommodate the rehabilitation and adaptive reuse of the vacant Greek Orthodox Church. New additions to the property include two office buildings, one 1-story and one 2-story, as well as a 1-story warehouse building.

Applicant's Request – The Applicant seeks to rezone this now vacant site from R-2 & O-3 to C-2, to develop a corporate headquarters and charitable works center for Intelligent Design Air Conditioning. C-2 zoning allows for medium intensity general commercial uses that serve the community and region. The Applicant is requesting a change to C-2 (Commercial) zoning to accommodate the warehouse-use on site, which is not an allowable use in C-1.



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Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson* and *Northside Area Plan*.

Plan Tucson - *Plan Tucson* contains a variety of elements that are categorized into four focus areas, including the Social Environment, the Economic Environment, the Natural Environment and the Built Environment. Each focus contains specific goals, and each element contains specific policies.

The future Growth Scenario map illustrates different building blocks within the city that have specific policies to promote future growth opportunities. The property is identified as an Neighborhood Centers Building Block of the Future Growth Scenario Map.

LT28.2.4 Support community commercial and office uses located at the intersections of arterial streets, taking into consideration traffic safety and congestion issues.

LT28.2.12 Support environmentally sensitive design that protects the integrity of existing neighborhoods, complement adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community.

LT28.2.13 Support infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines.

The Northside Area Plan - The *Northside Area Plan (NAP)* is intended to guide future development, while protecting and enhancing existing uses. Relevant policies in the *NAP* include:

Nonresidential Subgoal: Provide for nonresidential uses in the Northside area that are designed in harmony with adjacent development.

Nonresidential Policy 5: Ensure well-designed nonresidential development by:

- a) Minimizing the number of vehicular access points.
- b) Providing common access points and parking, integrated vehicular and pedestrian circulation systems, and other amenities in common with adjacent nonresidential developments.
- d) Requiring appropriate design elements and buffering techniques during the rezoning and associated development review process to ensure the sensitive design of nonresidential development on established neighborhoods. These elements must be shown on rezoning concept plans and development plans (See General Design and Buffering policies).



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Design Considerations

Land Use Compatibility – Surrounding zoning is C-1 Commercial to the east with residential and commercial uses, R-2 Residential to the south with residential uses along Fort Lowell Road, R-2 Residential to north with vacant and residential uses, O-3 Office to the west with vacant, office, and commercial uses. As a result of pre-submittal comments, the Preliminary Development Plan (PDP) has emphasized setbacks and a minimum number of vehicular access points along Fort Lowell Road and Navajo Road per the *Northside Area Plan*. The proposed corporate headquarters and charitable development is aligned with *Plan Tucson's* policy, which supports infill and appropriate residential development along arterial streets with a limited number of access points. As a result, the proposed use is designed in harmony with adjacent residential uses.

Design Compatibility – The Design Compatibility Report (DCR) and the proposed PDP includes a series of existing and new 1 and 2 story buildings that range from 14 to 29 feet in height. The preliminary development plan also indicates the proposed office along the southern property line, consistent with providing greater separation from the southern residential area. Additionally, the other new proposed warehouse building will be located at the northwest area of the parcel and have minimum impact to Navajo Road with a left turn only and right turn only along the northern property line. Additional screening will be provided to the residential land use via 5-foot wall and fence.

Privacy Mitigation – Building orientation and specific window positioning will provide protection for adjacent residences. The buildings and windows are orientated to face the interior of the site. Additionally, there are no windows directly facing west. Clerestory windows will also be utilized in the two-story building along the northeast corner to provide interior lighting while protecting the residential use to the north.

Road Improvements/Vehicular Access/Transit – Access to the site can be perceived as two pronged, with a “public” entrance along Fort Lowell and a “service” entrance along Navajo Road. Fort Lowell provides a two-way ingress driveway at the southwest corner. The service facing functions are accessible from the previously mentioned left turn only and right turn via Navajo. Additionally, pedestrian improvements will also occur along Navajo Road as well as curb returns. A waiver from DTM will be required to waive new curb requirements due to related impacts to localized flooding. Additionally, the applicant has a concurrent request with the Real Estate Division to purchase a portion of the Fort Lowell Road right of way shown in the preliminary development plan. This area is approximately 20 feet by 240 feet. The purchase is considered an administrative sale under Ordinance 10892.



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Site Engineering – The site is within a floodplain and as a result any new structures will be required to evaluate the flood elevation impacts on adjacent properties. Additionally, new and existing structures will need to follow substantial improvements and damage standards.

Landscaping and Screening –At the direction of the City of Tucson Engineering Department, the project will not incorporate any landscape materials along the north, south, and eastern property lines that would alter the existing flow or water surface elevation of the Navajo Wash. Landscaping will be limited to western property line and the front parking area.

Conclusion –The proposed rezoning of the site from R-2 & O-3 to C-2 is appropriate for this location, is compatible with existing surrounding land uses, and is in compliance with *Plan Tucson* and *the Northside Area Plan*. Subject to compliance with the preliminary conditions proposed by PDSD, approval of the requested C-2 zoning is appropriate and recommended.

RECOMMENDATION

The Zoning Examiner recommends approval of the requested rezoning, subject to compliance with the preliminary conditions proposed by PDSD.

Sincerely,

John Iurino

Zoning Examiner

ATTACHMENTS:

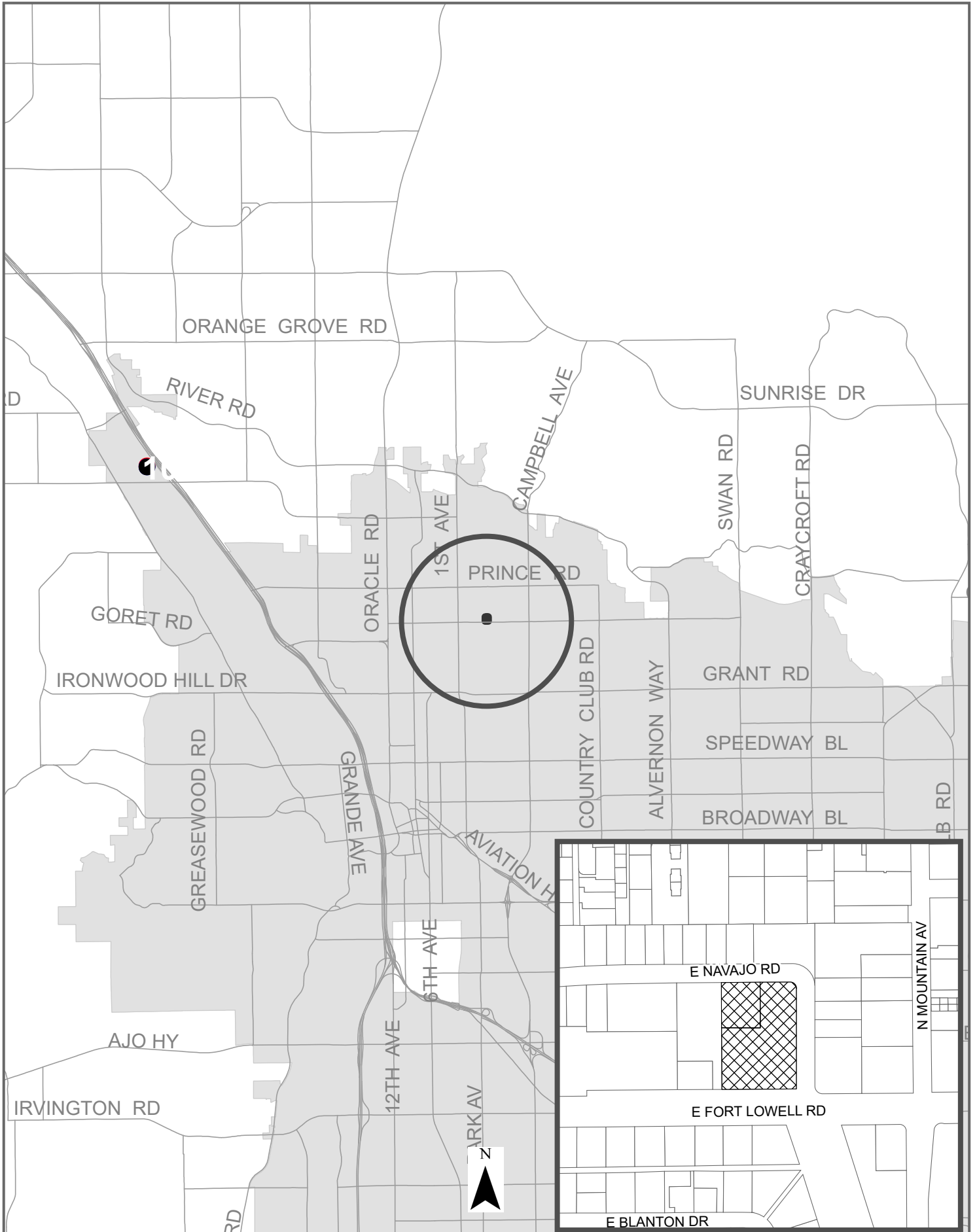
Case Location Map

Rezoning Case Map

Public Hearing Minutes

Cc: Mayor and Council

TP-ENT-0823-00035 from R-2 & O-3 to C-2



TP-ENT-0823-00035 from R-2 & O-3 to C-2

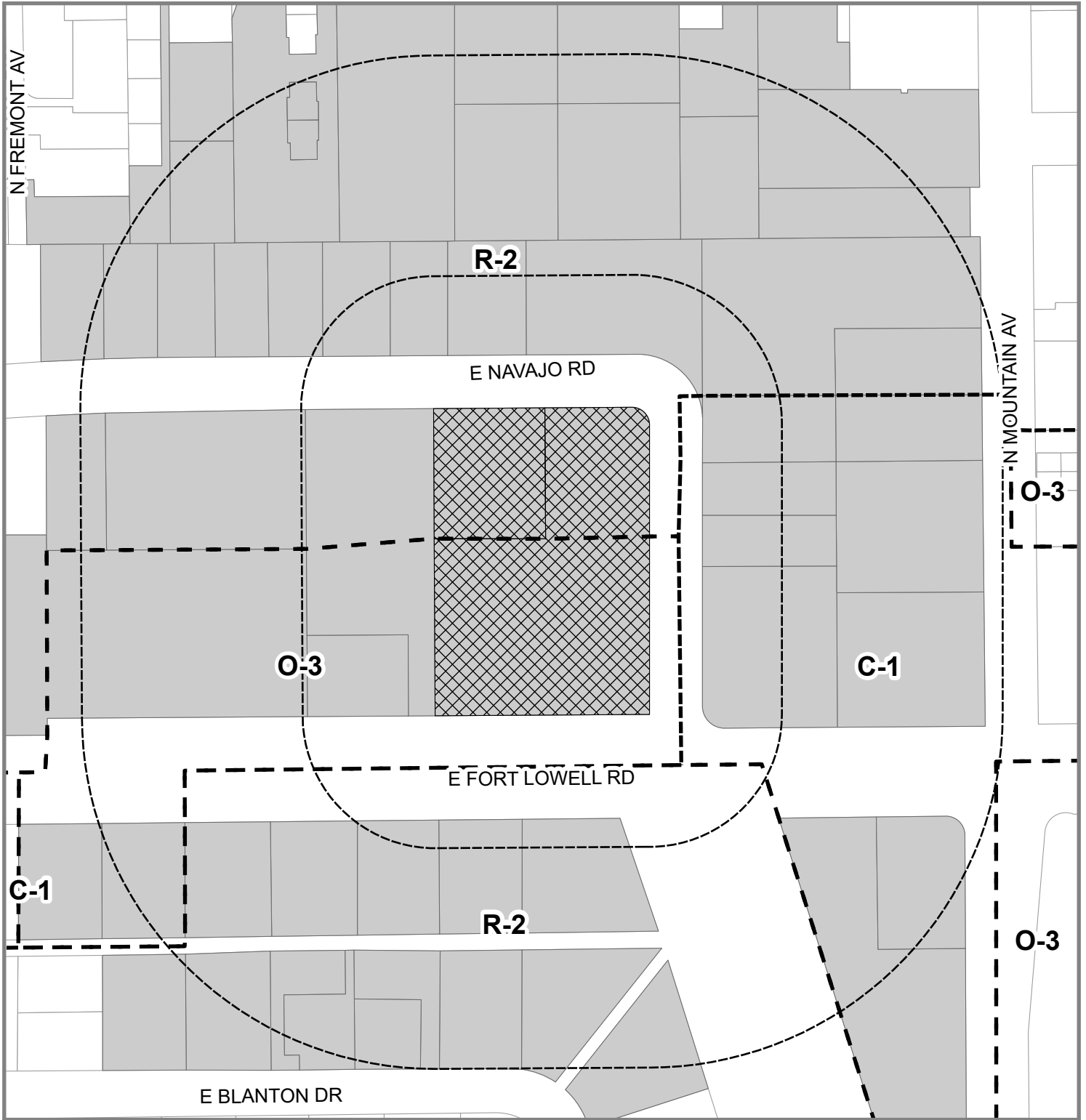


 Area of Rezoning

Address: 1145 E FORT LOWELL RD
Base Maps: Twp. 1303 Range 1402 Sec. 30
Ward(s): 3



TP-ENT-0823-00035 from R-2 & O-3 to C-2



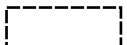
Area of Rezoning



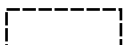
Zone Boundaries



Properties Notified

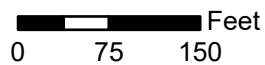


400' Notification Area



Protest Area (150 ft. Radius)

Address: 1145 E FORT LOWELL RD
Base Maps: Twp. 1303 Range 1402 Sec. 30
Ward(s): 3



1:1,897



CITY OF TUCSON
ZONING EXAMINER PUBLIC HEARING
OCTOBER 26, 2023

ZONING EXAMINER:

- John Iurino

STAFF PRESENT:

- Samuel Paz
City of Tucson
Planning and Development Services Department
- Gabriel Sleighter, Planner
City of Tucson
Planning and Development Services Department

APPLICANTS/AGENTS PRESENT:

- Jeffrey Stanley
JAS Engineering
200 East Yvon Drive
Tucson, Arizona 85704
- Lexy Wellott
The Planning Center
2 East Congress, Suite 600
Tucson, Arizona 85701
- Adam Call
The Planning Center
2 East Congress, Suite 600
Tucson, Arizona 85701

1 ZONING EXAMINER: It's 6:00 o'clock so let's get
2 started. Good evening and welcome to tonight's Public Hearing.
3 My name is John Iurino. I'm the Zoning Examiner for the City of
4 Tucson. I conduct rezoning hearings on behalf of the Mayor and
5 Council, and make findings of fact which I put into a written

1 report, along with my recommendation, which I then send along to
2 Mayor and Council for their -- for their consideration and for
3 their final decision.

4 My report will be based on the information submitted to
5 me, which includes the rezoning application, the Staff Report,
6 all written approvals and protests, all correspondence, and the
7 testimony given at tonight's Public Hearing. I will also include
8 in the record all documents submitted to me up to the close of
9 the Public Hearing.

10 A recording of tonight's testimony is being made. If
11 requested, a transcript will be prepared; and, as well, the
12 recording is posted on the Planning and Development Services'
13 website after the hearing. With that in mind, if you choose to
14 testify, I would ask that you please speak clearly and begin your
15 testimony by stating your name and your address.

16 The process in rezoning cases goes like this: First,
17 we have the Public Hearing. Then I complete a Preliminary Report
18 within five working days after the close of the Public Hearing.
19 Then I prepare a Final Report. The Final Report will be issued
20 two weeks after the close of the Public Hearing. For anyone who
21 wishes to receive a copy of the Preliminary Report, or the Final
22 Report, and are not a listed party on the case, you can either go
23 to the Planning and Development Services' website where it'll be
24 posted, or you can send an email to: Tucsonrezoning@tucsonaz.gov,
25 again, Tucsonrezoning@tucsonaz.gov. At the scheduled Public

1 Hearing on the case before the Mayor and Council, the Mayor and
2 Council will then vote on the matter based on my recommendation,
3 along with other factors.

4 Tonight's Public Hearing will proceed in the following
5 manner: I will open the Public Hearing and ask the Planning and
6 Development Services Department representative to give a brief
7 presentation of the case. After that, I will ask the Applicant,
8 or the Applicant's representative, to make his or her
9 presentation. I will then ask to hear from anyone in the
10 audience who wishes to speak. After everyone has had a chance to
11 -- to speak, I will ask the Applicant, or the Applicant's
12 representative, to address any issues of concern they may choose
13 to do so based on other testimony given at the hearing. Since I
14 cannot have any communication with anyone involved in the case
15 outside of this Public Hearing, I would invite you to speak
16 tonight if you would like to do so.

17 So our first case is Case TP-ENT-0723-00031, Houghton
18 and Escalante. This is a second hearing in this case. The first
19 hearing was on September 21st, 2023. So, unless Staff has
20 anything they want to supplement or add, please let me know and
21 we'll do that now.

22 MR. PAZ: Mr. Iurino, I can give a brief summary
23 again --

24 ZONING EXAMINER: Okay.

25 MR. PAZ: -- if you wish.

1 ZONING EXAMINER: Please go ahead, Mr. Paz.

2 MR. PAZ: Thank you. This is a request by
3 Jeffrey Stanley of JAS Engineering on behalf of the property
4 owners, BTO Development, Seamus Capital, and CAMFE, LLC, to
5 rezone 10.7 acres from SR, Suburban Ranch Residential, to R-2,
6 Residential, for the purpose of a residential subdivision. The
7 proposal is located northwest of Escalante and the Houghton Road
8 intersection. The rezoning is requested as a direct ordinance
9 adoption which will require hillside development requirements and
10 environmental resource reports. The neighborhood meeting was
11 held in person on May 4th at 5:00 p.m.

12 The zoning is requested to develop a 32-lot residential
13 subdivision, with a density of three units per acre. The
14 proposal is described as two developed areas, bisected by a
15 regulatory wash. The proposal also includes two streets, one
16 accessible from Houghton, another accessible from east Escalante
17 Road. This configuration also reflects Staff's comments received
18 from the required presubmittal meeting. The Preliminary
19 Development Plan also includes retention areas, easements,
20 parking improvements, landscaping, buffering, and access. This
21 request is aligned with Plan Tucson and the South Pantano Area
22 Plan policy. Additionally, R-2 zoning allows for medium-
23 intensity residential development, together with schools, parks,
24 and other public services necessary for urban residential
25 environment.

1 As of today, there are zero approvals and 11 protests
2 recorded. Based on plan policy, Staff has (unintelligible) this
3 request.

4 ZONING EXAMINER: Thank you, Mr. Paz.

5 Would the Applicant like to be heard further?

6 MR. STANLEY: Can you hear me? (Echo.)

7 ZONING EXAMINER: Yes, but you may have more than
8 one device --

9 MR. STANLEY: Yeah --

10 ZONING EXAMINER: -- because we have quite an
11 echo.

12 MR. STANLEY: -- with my camera, so let me -- one
13 second. Okay. Is it better?

14 ZONING EXAMINER: Yep.

15 MR. STANLEY: Yeah.

16 ZONING EXAMINER: Thank you very much.

17 MR. STANLEY: Thank you very much.

18 ZONING EXAMINER: Go ahead and start with your
19 name please, and address.

20 MR. STANLEY: Okay. My name is Jeffrey Stanley,
21 and I'm at 200 East Yvon Drive in Tucson.

22 ZONING EXAMINER: Mr. Stanley, go right ahead.

23 MR. STANLEY: Okay. So a few things regarding
24 feedback from the neighborhood meeting. The meeting we had was
25 on May 4th, this year, and there's nine members of the community

1 there. Their concerns were parking, a large saguaro, views,
2 elevation, house heights, and turns onto Houghton.

3 So, regarding parking, parking will be in the --
4 entirely in the neighborhood and it'll be on the lots, so
5 there'll be no outside parking as far as outside the subdivision.

6 There's a saguaro -- there's one large saguaro in the
7 middle of the lot. And, as part of the process, we have to
8 follow Native Plant Preservation ordinance and their guidelines
9 and requirements; those will be met. So any -- any native plants
10 will have to be preserved or moved per the -- per the
11 requirements, so we're not going to just mow down the -- the
12 large saguaro.

13 Views, the concern would have -- would have -- the site
14 would affect people's views. And, in -- in general, the -- the
15 hilltops will be lowered a little bit for grading purposes and
16 there'll be minimum fill depending -- along the -- the west and
17 south boundaries. Elevation, this again relate -- relates to the
18 views. The site is in a hillside development zone, HPZ, which
19 limits the matter of grading, limits the amount of cut and fill
20 we can do.

21 House heights. In the -- in the proposed R-2 zone, the
22 maximum height is 25 feet, which would include two-story homes;
23 however, for this project, we're going to -- we're going to just
24 use single-family (sic) homes, so it'd be ten or so feet lower
25 than -- than the max.

1 Turns onto Houghton. When having this constructed, all
2 the turns onto Houghton will have to be right-turn out. We won't
3 be able to go left out. So we have to go right out onto -- onto
4 Houghton. So those are -- feedback from the neighborhood
5 meeting. Some of their comments were also in the -- in the
6 concerns that they submitted to the City and I'll talk about
7 those.

8 Another thing is about the compatibility of the -- of
9 the area within -- in the surrounding area, the compatibility of
10 our proposed residential development. And the site is surrounded
11 by residential land uses. There's a multifamily development just
12 to the north; and to the west and south, there are single-family
13 residences, some two-story, some one-story.

14 The proposed R-2 subdivision is in alignment with Plan
15 Tucson and South Pantano Area policies, which supports
16 appropriate residential development along arterial streets. The
17 proposed use is in -- is integrated with the adjacent regulated
18 washes, it's in line with -- in harmony with adjacent residential
19 uses, and it will have a limited number of access points.
20 Additionally, Houghton is a county scenic route, it is
21 appropriate for residential development. So I believe that we're
22 compatible with the surrounding area.

23 The number of units and for heights -- proposed heights
24 of the units within the subdivision and impact of views. There's
25 going to be 32 units, which is three per acre. Again, the

1 allowable height is 25 feet and we're only going to use single-
2 story houses so we will not -- not come up to 25 feet. And the
3 grading efforts will be done to lower the site as much as we can
4 to help minimize affected views.

5 Regarding the integration of the wash and how the wash
6 will be impacted or protected during construction. There's two
7 onsite washes. The Escalante Wash is a large wash to the west,
8 and then there's a local wash that goes through the middle of the
9 site. None of the proposed lots will encroach into the 100-year
10 floodplains of the washes. And, during construction, any
11 sediment from grading activities will be captured by SWPPP
12 measures, Stormwater Pollution Prevention measures. We'll have
13 something to capture the sediment from going into the washes.

14 Regarding how we participated in the right-of-way
15 process for Houghton and Escalante improvements, the owner gave
16 up some land for right-of-way purposes. The City needed some of
17 the -- some of the site to add to the right-of-way so they could
18 build their project. Can you still hear me okay?

19 ZONING EXAMINER: Yes.

20 MR. STANLEY: Okay. And regarding how our project
21 will integrate into the Houghton improvement project in terms of
22 completion date. The Houghton Road project is scheduled to start
23 in 2024. Site work on the -- on our project site will start near
24 the end of 2024, with houses to start when Houghton is completed.
25 So we expect to start building houses in 2025.

1 UNIDENTIFIED MALE: By the --

2 MR. STANLEY: What's that?

3 UNIDENTIFIED MALE: Yeah.

4 MR. STANLEY: Okay. All right. And then as far
5 as responding to people's concerns, we had comments from ten
6 neighbors and one homeowner's association, and I've kind of
7 combined all of the similar comments into one thing -- into one
8 category. Those categories are: Traffic, Houghton Road,
9 density, height and view, noise, lights, the ecosystem,
10 development of the site, property values, hospital, and 22nd
11 Street.

12 So, regarding traffic, the traffic count for Houghton
13 in 2022 was 31,066. And then our site is going to generate way
14 less than one-percent of that. I expect the -- the 31,066 is a
15 peak hour traffic count, and our site would maybe -- onto
16 Houghton, we have 18 lots going into it, and 14 on the --
17 Escalante, and those are going to be maybe 36 if we had two -- if
18 we had two trips out of one lot onto Houghton. And that's like
19 .1-percent or something like that, so it's not a big contributor
20 for that.

21 The site will not affect any other subdivision streets,
22 to the streets (unintelligible) to the west and to the south, we
23 don't have to access those streets. We -- we will access
24 directly onto Escalante or onto Houghton. Again, Houghton -- the
25 construction is to begin in 2024, and that's from 22nd Street to

1 Irvington. Our -- our site -- we expect to start doing site work
2 at the end of 2024, but houses won't start until Houghton is
3 completed, which is expected to be in 2025.

4 Density. We are proposing three -- three units per
5 acre. What is allowed is an R-2 is up to 8.7 per acre, so we're
6 at the lower range of that. We have 32 lots on the 10.7 acres.

7 Height and view. Again, the houses will be -- can be
8 up to 25 feet, but we're going to use one-story houses, not two-
9 story.

10 Noise. The traffic noise on the new streets will --
11 should be muffled by the houses and the yards. We don't expect a
12 lot of noise outside the development, and any other -- and the
13 lots themselves will have wall -- be walled off, so it should
14 lower -- limit noise escaping from the -- from the subdivision.

15 Lights. We're not going to have any streetlights. And
16 any lights from vehicles at night will come -- should be blocked
17 by the houses and/or the walls. We don't expect light escaping
18 from the subdivision.

19 The ecosystem, the concern about water. Tucson -- we
20 have to petition Tucson Water to determine if there's water
21 availability, so they will tell us. We -- we apply to them. If
22 there's water availability, then we're allowed to move forward.
23 Extraneous water usage. We -- we will have to have landscaping
24 along Houghton Road, but that should be minimal because it's got
25 typically desert and native landscaping.

1 Animals and wildlife. And the washes are going to be
2 natural, so there'll be natural areas where the wildlife can
3 remain or to travel. Some of the -- some of the travel will be
4 blocked by Houghton Road itself, but anything onsite or in
5 Escalante Wash we're not going to affect them.

6 Plants. The onsite plants, we're required to do the
7 Native Plant Preservative Plan, an NPPO, and that's done by a
8 local professional and we will strictly adhere to that -- to the
9 rules and guidelines of that NPPO. Washes -- again, both washes
10 will remain natural. None of the lots will encroach into the
11 100-year floodplain.

12 There's concern about developing the site. These are,
13 again, concerns from the neighbors. The concern was that there's
14 open space behind their houses when they purchased their house;
15 and, particularly on the west side, there's the Escalante Wash,
16 which is going to serve as a barrier for that. And there was
17 also a concern for privacy, and looking at that -- this is from
18 -- from the nearest home to our onsite homes is about 250 feet,
19 and that's again across the wash, there's some vegetation, so I
20 don't think we're going to affect their privacy.

21 Another comment was not -- not every inch of the desert
22 needs to be developed, and that's one reason we're keeping --
23 keeping the washes natural.

24 Another comment was property values. And we don't --
25 we expect that the values won't be -- will not decrease. We --

1 our neighborhood is going to be well-constructed with nice homes,
2 and we don't expect that to drive down property values in the
3 area.

4 There was a comment about the hospital that's up at
5 Spanish Trail, it's about a mile away I believe, and I don't
6 think we're going to affect that. When they fix that road, that
7 should fix that situation I believe. And the same with 22nd
8 Street, there's concern about the traffic jams at 22nd Street.
9 And, again, when Houghton Road's completed, that should improve
10 that situation.

11 So, again, I have comments from ten neighbors and the
12 homeowner's association. I think that I've covered everything in
13 those concerns in my little summary I just went through for the
14 neighbors. So that's all I have for now, And if there's
15 something else later, I'll be glad to answer any questions.

16 ZONING EXAMINER: Thank you very much, Mr.
17 Stanley.

18 Would anyone in the audience like to be heard on this
19 case? Yes, please go ahead.

20 MS. MOORE: Good evening. I'm Lonnie Moore and I
21 am within Reddington Hills which is just downstream from La Cima.

22 And the questions that I have for you is: Houghton
23 Road project, from what I have been following, was supposed to
24 take place starting in 2022, then it got moved to 2023, and now
25 it's being pushed. Is this part of the stalling of these

1 improvements which are -- have been needed for years, is that
2 part of this project coming in?

3 MR. STANLEY: No, we're -- we're not really
4 associated with -- with the Houghton Road improvements. We want
5 to get 'em done as well as everybody else.

6 MS. MOORE: Okay. Then my other question to you
7 is: You say that it's not going to affect property tax -- or
8 property values, but my concern here is that it will increase our
9 property taxes. Any feedback to that?

10 UNIDENTIFIED MALE: Doesn't -- probably won't
11 affect it.

12 MR. STANLEY: I'm not qualified to speak on that,
13 property values. I -- I apologize for that.

14 MS. MOORE: Okay.

15 MR. STANLEY: But I --

16 MS. MOORE: As -- as far as our neighborhood, we
17 have 213 homes, and within those 213 homes we have a lot of
18 individuals who are not pro on this development. And, at this
19 juncture, we are prepared to initiate passing a petition around
20 against the development. This is a quiet little area. It's a
21 small little area. It's a very peaceful area. And we're
22 concerned about the traffic. We're concerned about the -- the
23 washes you state, the natural areas. Walled-off areas, as we
24 know, kind of inhibits the movement of animals. We have a lot of
25 different birds in the area and it's going to push those animals

1 one way -- direction or the other. So that, of course, remains a
2 concern.

3 But I think the biggest factor here, too, is water. I
4 can't, for the life of me, understand wanting to continue to
5 build when we don't have enough water, supposedly, to fulfill the
6 needs of the community. But, to me, it sounds like there is a
7 hand in the pot, and that being our Mayor and Council as well;
8 obviously, it's about money and so that is another concern and
9 another reason for perpetuating a petition against.

10 UNIDENTIFIED MALE: The City of Tucson Water calls
11 and, you know --

12 MR. STANLEY: You mention traffic and, you know, I
13 think that we're going to produce minimal traffic to affect
14 Houghton. The washes, again, we -- we're leaving them natural.
15 And walls, we're not going to have like huge walls. We're going
16 to have just patio walls basically around the -- the -- actually
17 walls around the yards I think.

18 And water, that's -- Tucson City Water will let us know
19 if there's availability for that. And we're at the lower --
20 lower end of density for the -- for the R-2 zone. Again, we
21 could be up to 8.7, and we're down at three units per acre. So
22 that's -- that's what I think about that.

23 ZONING EXAMINER: Well, I want to thank both of
24 you. Ms. Moore, was it? Did you have anything else?

25 MS. MOORE: No, I don't.

1 ZONING EXAMINER: Thank you very much for your
2 participation.

3 Would anyone else in the audience like to be heard?
4 (No response.) Hearing no one, Mr. Stanley, did you want to add
5 anything further or are you pretty much done?

6 MR. STANLEY: I think I've pretty much covered
7 everything.

8 ZONING EXAMINER: Okay. Thank you very much. I'm
9 closing the hearing on Case TP-ENT-0723-00031, Houghton and
10 Escalante. Thank you very much for your participation.

11 MR. STANLEY: Thank you.

12 ZONING EXAMINER: The next case is Case TP-ENT-
13 0823-00034, Dorado Office Plaza. Mr. Paz, are you presenting the
14 Staff Report, sir?

15 MR. SLEIGHTER: I'll be presenting this one.

16 ZONING EXAMINER: Okay. Mr. Sleighter, please go
17 ahead.

18 MR. SLEIGHTER: All right. So this case is a
19 request for a rezoning of an existing already-built-out site
20 around Lee Street and Wilmot. It's -- it's currently zoned O-3,
21 and it's got some office uses, but they would like to rezone to a
22 C-1 to open up the availability of some of the units for personal
23 services land uses. There are some existing personal services
24 land uses in the Dorado Center south across Lee Street and
25 elsewhere in the area, the -- but it's appropriate to the

1 location and in compliance with Plan Tucson and the Arcadia-Alamo
2 Area Plan. Staff is supportive of this proposal with the
3 attached conditions.

4 ZONING EXAMINER: Thank you, Mr. Sleighter.

5 Would the Applicant like to be heard?

6 MR. WELLOTT: Good evening, Mr. Iurino. This is
7 Lexy Wellott from The Planning Center, and I'm also joined by a
8 number of us here this evening as we have many cases on the
9 agenda tonight.

10 But, for all intents and purposes, I -- we agree with
11 -- with Staff's recommendations as far -- far as the conditions
12 go. And I do want to address I have gotten some feedback through
13 -- through the process. There was one protest that we received
14 about some traffic concerns at the intersection of Rook and Lee
15 Street. And I just want to reiterate that, as part of this
16 process, as Mr. Sleighter mentioned, is we're not really asking
17 to develop anything other than what is already existing, and
18 we're asking for the opportunity to bring in additional users.
19 So, whether it's personal service uses, like an aesthetician,
20 which, for all intents and purposes, operates like a medical
21 office, but the City recognizes that as a commercial use and it's
22 not allowed in the O-3 zone that the property is currently
23 designated as. So we're not going to be generating any more
24 traffic is the point of which -- that I'm trying to get at here.

25 And then the other concern that I -- was -- that was

1 expressed through the process was from the office complex next
2 door, and they had some concern about smoke shops going in as --
3 you know, opening up this property to a C-1 use. And I do want
4 to make it a part of the record that the City has been addressing
5 that through their smoke shop ordinance, you know, UDC amendments
6 that they've been proposing where a smoke shop won't be able to
7 -- assuming Mayor and Council adopt that regulation -- but a
8 smoke shop shouldn't be able to locate here. So I do want to
9 make that a part of the record, that our intent is not to put any
10 smoke shops on this site whatsoever.

11 So, without -- unless you have any other questions or
12 would like a presentation, I'll open it up to you. Thank you so
13 much.

14 ZONING EXAMINER: Thank you, Ms. Wellott. I don't
15 have any questions at this time for you. Thank you.

16 MS. WELLOTT: Thank you.

17 ZONING EXAMINER: Would anyone else in the
18 audience like to be heard on this case? (No response.) Hearing
19 no one, I'm going to close the public hearing on Case TP-ENT-
20 0823-00034.

21 And our next case is Case TP-ENT-0623-00027, Your Space
22 Self Storage, Irvington and I-10. Mr. Paz, are you up or Mr.
23 Sleighter?

24 MR. PAZ: I'm on -- I'm on deck.

25 ZONING EXAMINER: Thank you. Go right ahead.

1 MR. PAZ: This is request by Lexy Wellott and
2 Garrett Andrade (ph.) from The Planning Center on behalf of the
3 property owners, Vida Fina, LLC, to rezone a 2.74-acre parcel
4 from C-1, Commercial, to C-2, Commercial, for the purpose of a
5 self-storage facility. The proposal is located north of
6 Irvington Road and east of Interstate 19. A neighborhood meeting
7 was held virtually on April 19th, at 5:45 p.m.

8 The rezoning is requested to develop a self-storage
9 facility with a three-story building with a 40-foot building
10 height, and a single-story building. The Preliminary Plan also
11 includes perimeter parking, loading, landscaping, and buffering
12 areas. Main vehicle access is provided through an interior
13 access point located at the southeast corner via the adjacent
14 shopping center. This request is aligned with Plan Tucson
15 policy. Additionally, C-2 zoning allows for medium intensity,
16 general commercial development, person- -- personal storage, and
17 uses compatible with adjoining residential uses.

18 As of today, there's one approval and zero protests
19 recorded. Based on plan policy, Staff supports this request.

20 ZONING EXAMINER: Thank you, Mr. Paz.

21 Ms. Wellott, would you like to be heard?

22 MS. WELLOTT: Mr. Iurino, as always, I just -- I
23 appreciate the opportunity to be presenting this case before you
24 all. Unless you have any questions, I -- I don't -- I don't have
25 anything else to say. Thank you so much.

1 ZONING EXAMINER: Thank you. Would anyone in the
2 audience like to be heard on this case? (No response.) Hearing
3 no one, I'm closing the Public Hearing on Case TP-ENT-0623-00027.

4 And our next and final case this evening is TP-ENT-
5 0823-00035, Intelligent Design. Mr. Paz?

6 MR. PAZ: Thank you. This is a request by Brian
7 Underwood and Garrett Andrade of The Planning Center, on behalf
8 of the property owners, Intelligent Design, to rezone 1.94 acres
9 from R-2, Residential, and O-3, Office, to C-2, Commercial, for
10 the purpose of a warehouse, office, and training facility. The
11 proposal is located north of east Fort Lowell Road, and west of
12 Navajo Road. The neighborhood meeting was held virtually on May
13 30th, at 5:45 p.m.

14 The rezoning is requested to redevelop this site as a
15 corporate headquarters and charitable work center, with the
16 addition of a 9,000-square-foot warehouse and a 12,300-square-
17 foot office. The C-2 zoning allows for warehouse and office use.
18 The Preliminary Development Plan can be described as a public-
19 facing site along Fort Lowell, and a service-based site along
20 Navajo Road. The Preliminary Development Plan also includes
21 parking, loading, landscaped and buffer areas. This request is
22 aligned with Plan Tucson and the Northside Area Plan policy.
23 Additionally, C-2 allows for medium intensity, general commercial
24 development, warehouse use, and civic and recreational uses
25 compatible with the adjoining residential neighborhood.

1 As of today, there are four approvals and zero protests
2 recorded. Based off plan policy, Staff supports this request.

3 ZONING EXAMINER: Thank you, Mr. Paz.

4 Mr. Underwood, would you like to be heard?

5 MR. CALL: Actually, this is Adam Call with The
6 Planning. I've been working --

7 ZONING EXAMINER: Okay.

8 MR. CALL: -- with -- with Brian on this as well.

9 First off, I'd like to thank the City of Tucson Staff
10 for working with us on this adaptive reuse of the former Greek
11 Orthodox Church. It was -- had a lot of different components to
12 it and helping -- having Staff help us through the vision to --
13 to get to this point has been really appreciated. They've been
14 great to work with.

15 We have a presentation if -- if you'd like. But, as
16 always, if you have any questions we'd be happy to answer them.
17 The --

18 ZONING EXAMINER: I've reviewed the file. I don't
19 have any questions for you right now.

20 MR. CALL: Okay. Through the discussions with the
21 City, we did have -- one thing we wanted to put on the record was
22 for the pedestrian connectivity along Navajo was keeping that
23 flexibility to make that work with the Navajo Wash that runs
24 through there. We will be pursuing a TSMR through the
25 development package to modify those standards. We want to put on

1 the record that our intent is to keep that pedestrian
2 connectivity, but still maintaining that flexibility to -- to
3 keep the Navajo Wash in its current state.

4 ZONING EXAMINER: I appreciate that. Thank you.

5 Would anyone else in the audience like to be heard on
6 this case?

7 MR. CARLSON: Hi, this is Mike Carlson. I'm on a
8 telephone call. I need -- I wanted to speak a little bit if I
9 could (audio cuts out).

10 ZONING EXAMINER: Go right ahead, sir.

11 MR. CARLSON: Yeah. Excuse me. My name's Mike
12 Carlson, Carlson Plumbing & Air. I own the properties -- 1000
13 East Fort Lowell, 1010 and 1028 adjoining kitty-corner.

14 And I just wanted to -- I wanted -- I have no
15 opposition to the facility over there. It'd be great to have the
16 space occupied by a business. But I did have one question
17 concerning the kitchen. I read once where they were going to
18 have some type of a community kitchen or a cooking center there,
19 something using that -- and I just wanted to make sure that
20 they're not putting in a community kitchen or something like
21 that, because we have enough problems with the street vengeance
22 and stuff in this area already.

23 ZONING EXAMINER: Okay. So thank you for your
24 comment.

25 And, Mr. Andrade, can you address that, please?

1 MR. CALL: Again, Adam Call here to --

2 ZONING EXAMINER: I'm sorry. I apologize. Mr.
3 Call --

4 MR. CALL: Garrett --

5 ZONING EXAMINER: -- go right ahead.

6 MR. CALL: -- is very positive, we like having his
7 around. (Laughter.)

8 To answer -- to answer the question: Is there is a --
9 there is a kitchen that has operated there. We are not proposing
10 to use it as a -- as a soup kitchen or anything like that. We
11 are looking to continue the holiday tradition of -- of opening
12 that up during Christmas or Thanksgiving, but it won't be an
13 operating soup kitchen on a -- on a normal basis.

14 MR. CARLSON: Yeah. Okay. Well, yeah, because I
15 just -- I think there's enough -- as I said, I have no opposition
16 to a nice facility, an improvement to the neighborhood, but there
17 are a lot of issues over here with the street vengeance, with
18 crime and stuff, and I just wanted to make sure that we're not
19 inviting anybody -- any of that into our neighborhood. There's
20 already people over there living in that Navajo Wash and we've
21 had problems. Just the other night, they set all of my dumpsters
22 on fire behind my shop. So I'd like to welcome you to the
23 neighborhood and, hopefully, you can help us try to eliminate
24 some of the problems in the community.

25 ZONING EXAMINER: Okay. Thank you very much, sir,

1 for your question and participation.

2 MR. CARLSON: Okay. Thank you.

3 ZONING EXAMINER: Thank you. Would anyone else in
4 the audience like to be heard on this case? (No response.)

5 Hearing no one, I want to thank Mr. Call, and I'm closing the
6 hearing on Case TP-ENT-0823-00035.

7 And that concludes our hearing this evening. I hope
8 everyone has a safe evening. Good night.

9 MR. CALL: Thank you.

10 MS. WELLOTT: Thank you, Mr. Iurino.

11 (Conclusion of the hearing.)

12 * * * * *

CERTIFICATE

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the digitally-recorded City of Tucson Zoning Examiner Public Hearing held via video on October 26, 2023.

Transcription completed: November 9, 2023.

/S/ Danielle L. Krassow

DANIELLE L. KRASSOW

Legal Transcriptionist