



# Zoning Examiner

## Preliminary Report

November 2, 2023

Brian Underwood

The Planning Center

2 E. Congress Street, Suite 600

Tucson, AZ 85701

**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**

Dear Mr. Underwood:

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules and Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case TP-ENT-0823-00035– Intelligent Design –1145 East Fort Lowell, R-2 & O-3 to C-2 (Ward ).

At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report to the Mayor and Council (including background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) shall be filed with the City Manager. A copy of that report can be obtained from the Planning and Development Services Department (791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

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



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## **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).

## **SUMMARY OF FINDINGS**

### **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 services 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



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## **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.

**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 categories in 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.



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**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).

## 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



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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.

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.

## **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, 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.

**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.

Sincerely,

John Iurino

Zoning Examiner



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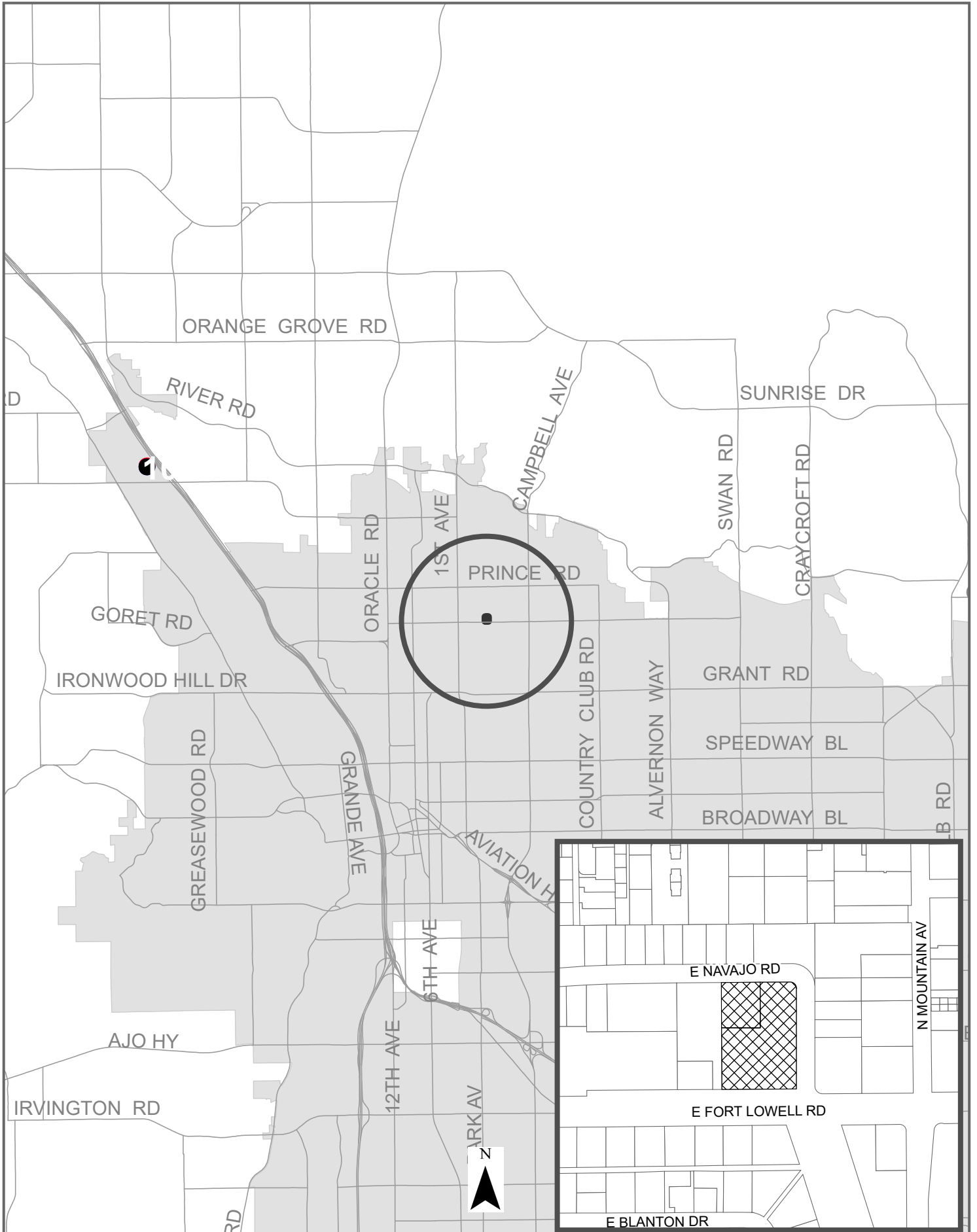
**ATTACHMENTS:**

Case Location Map

Rezoning Case Map

Cc: Mayor and Council

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



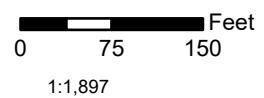


TP-ENT-0823-00035 from R-2 & O-3 to C-2



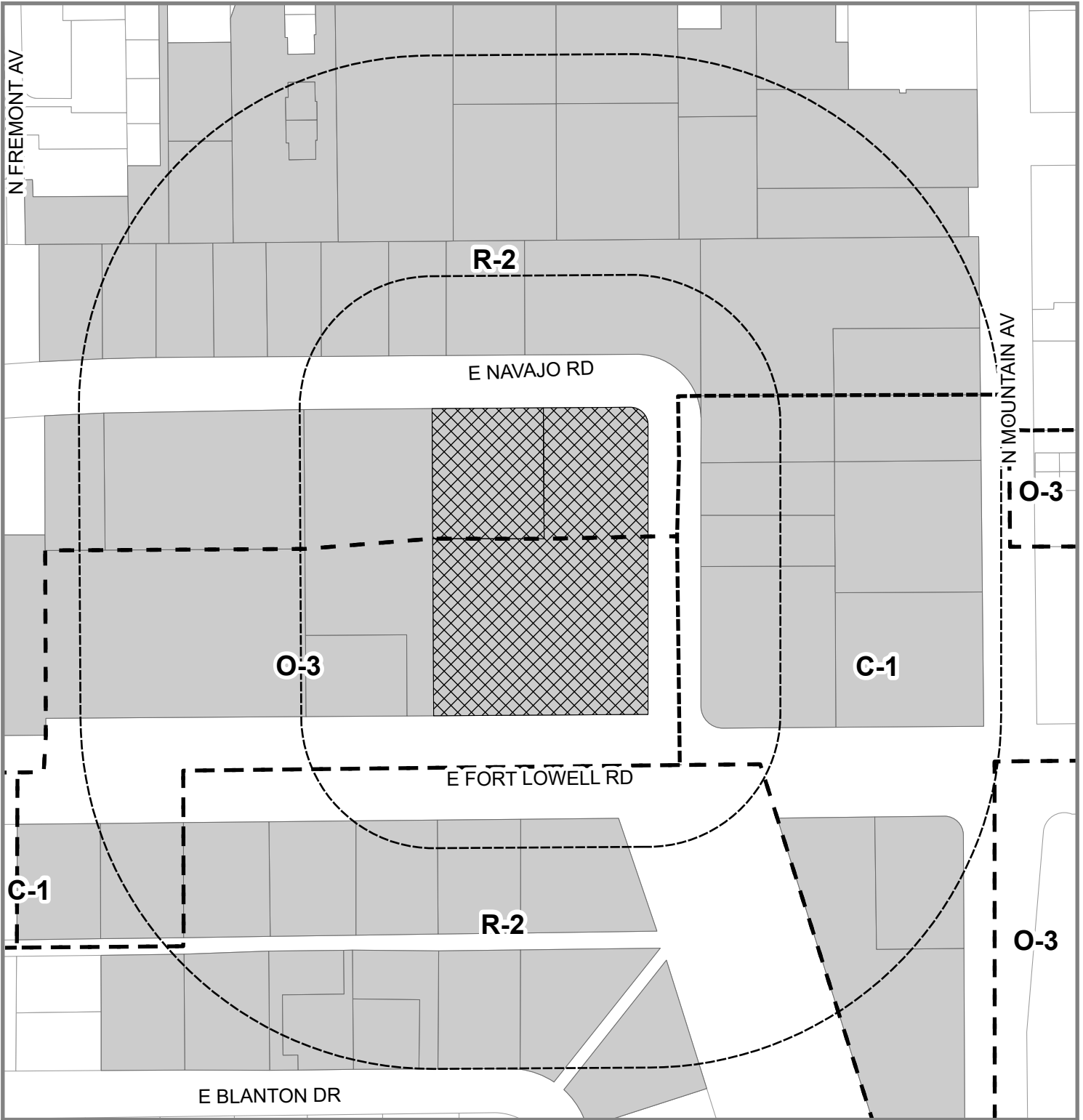
 Area of Rezoning

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



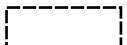
Area of Rezoning



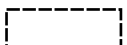
Zone Boundaries



Properties Notified

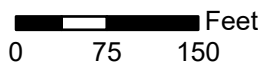


400' Notification Area



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

