



Zoning Examiner

PRELIMINARY REPORT

October 13, 2025

To: Lexy Wellott
The Planning Center
2 E. Congress Street #600
Tucson, AZ 85701

SUBJECT: REZONING - PLANNING & DEVELOPMENT SERVICES REPORT

TP-ENT- 0725-00016 – Rezoning – 3954 E. Fort Lowell Rd
R-3 to C-1 (Ward 3)

PUBLIC HEARING: October 9, 2025

Dear Ms. Wellott,

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 TP-ENT- 0725-00016 – Rezoning – 3954 E. Fort Lowell Rd R-3 to C-1 (Ward 3).

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 (520-791-5550) 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.

SUMMARY OF FINDINGS

Applicant's Request for Rezoning R-3 to C-1

The request is made by The Planning Center, on behalf of Robert B. and Joan M. Cook, to rezone approximately 0.35 acres located at 3954 E. Fort Lowell Road (Parcel #11006014N) from R-3 Residential to C-1 Commercial. The applicant proposes to adapt the existing and vacant 2,688 square-foot residential building with on-site parking for Administrative and Professional Offices and General Merchandise Sales.

The subject property is on E. Fort Lowell Road, a major arterial, and approximately 500 feet east of N. Alvernon Way. The applicant indicates that market conditions and the development pattern along this corridor support a commercial zone that would enhance the property's long-term continued use. The project was submitted under TP-ENT-0724-00016 in 2024 and at the landowner's request was re-filed under TP-ENT-0725-00016 in 2025 following a change in consultant.

Zoning Background Information

Existing Land Use: Unoccupied building, formally an art studio and residence

Zoning Descriptions:

Existing: R-3 Residential: Provides for urban, high density, residential development and other uses compatible with adjoining residential uses. _

Proposed: C-1 Commercial: Provides for low intensity, commercial, and other uses that are compatible with adjacent residential uses.

Surrounding Zones and Land Uses:

North: R-3 Residential, C-1 Commercial, C-2 Commercial, and MH-1 Mobile Home

South: O-2 Office and P Parking

East: C-1 Commercial

West: C-1 Commercial

The following land uses exist around the project location:

North: Commercial/Professional Offices

South: Parking and non-residential use

East: Self-storage use

West: Office building use

Previous Cases on the Property: None

Related Cases: None

Summary of Planning Considerations

The proposed rezoning is subject to policy guidance from *Plan Tucson* and the *Grant-Alvernon Area Plan (GAAP)* and conforms to the policy guidance of these citywide and area policies.

Plan Tucson provides citywide policy direction through goals and policies organized under four focus areas: Social, Economic, Natural, and Built Environments. Relevant policies emphasize supporting the retention and expansion of existing businesses (LT28.1.11) and locating community commercial and office uses at arterial or collector street intersections (LT28.2.4). These policies support neighborhood commercial development when within key transportation nodes. In addition, the rezoning is compatible with the mixed use designation of Plan Tucson's Future Growth Scenario Map.

The *Grant-Alvernon Area Plan (GAAP)* establishes land use policies intended to balance new development with the protection of existing neighborhoods. The interior of the plan area is primarily medium-density residential, while office, commercial, and higher-density residential uses are concentrated along major streets.

GAAP policies for office and commercial development include policy that these uses be consistent with the GAAP's Conceptual Land Use Map. The direction is to provide primary access from arterial and collector streets, minimize access impacts to residential areas, and comply with design and buffering standards. Policies also encourage parcel consolidation to achieve effective buffering including landscaping and walls between non-residential and residential uses.

GAAP rezoning policies include support for commercial uses that provide retail and services for surrounding neighborhoods.

Overall, *Plan Tucson* and *GAAP* provide a policy framework supporting neighborhood commercial uses, and their compatibility when adjacent to residential uses.

Neighborhood Meetings – On May 17, 2024, and January 6, 2025, the applicant held neighborhood meetings at the subject site located at 3954 E. Ft Lowell Rd. The meetings were noticed by mailers sent out two weeks in advance to property owners, within 400 feet, as well as to all registered neighborhood associations, within one mile of the property. The mailing labels were provided by the Planning and Development Services Department using Pima County Assessor's parcel data. According to the applicant, no property owners or neighborhood association representatives attended the May 17, 2024 neighborhood meeting.

For the January 6, 2025, neighborhood meeting, the applicant indicated that five neighbors attended the meeting expressing the following: preference that the building's location be closer to the street; potential increasing of the height of the existing building; potential for reduced parking requirements; and no final indication of the building's future use. The applicant indicated the property would likely be leased or sold in the future after the rezoning was complete, and while no

current development plans are prepared for a specific business at this point, future tenants would need to adhere to the proposed C-1 zoning use specific standards and dimensional standards.

The applicant has complied with Section 3.2.2 of the Unified Development Code, since the applicant has held two neighborhood meetings and the project proposal has not changed.

Staff requested the applicant reach out to the neighborhood associations and Ward 3 staff to notify them of the change in engineers to the Planning Center, that the project had not changed, and that they would agree to meet to discuss the proposal if requested. This was completed by the applicant's email dated July 31, 2025, to the Ward 3 office and neighborhood association representatives. No further responses or comments were received.

Summary of Zoning Examiner Public Hearing October 9, 2025

The Zoning Examiner meeting on October 9, 2025, addressed the proposed rezoning. There were presentations by Planning and Development Services Department staff and the applicant's representative. No one else spoke.

The representative said the rationale for the rezoning comes from the owner's difficulty finding residential tenants. She also made further statements about the location and the proposed rezoning. The subject property is in an area with mostly commercial and office uses, reflecting changes occurring along the Fort Lowell corridor. The existing building on the property is a 2,600 sq. ft. structure that is in good condition and the proposed development plan focuses on the adaptive reuse of the existing building instead of demolition. Planned improvements include a landscaping buffer along Fort Lowell, parking as required by the Unified Development Code (UDC), and enhanced pedestrian connectivity.

Key clarifications noted the rezoning would permit uses under the C-1 zoning subject to the site's parking capacity and compliance with the UDC. It was noted that landscaping is required along Fort Lowell, but no landscaping is required on the east and west sides as the adjacent properties are non-residential. There was also mention that the adjacency to O-2 zoned property previously required the O-2 to provide a buffer to the property's R-3 zone. With the rezoning to C-1 the subject property may be required to provide a buffer. The representative said they may ask for an administrative waiver at the time of the development plan review. It was also confirmed that while an adaptive reuse is desired, a future redevelopment that needed demolition of the existing building would still be permitted.

Regarding community outreach, the representative's team reached out to prior attendees of two neighborhood meetings conducted by a previous consultant for the applicant, as well as the Ward 3 office. No objections to the current proposal were reported.

The representative accepted the staff conditions. The meeting then was closed.

Summary of Context of the Rezoning and Proposed Conditions

This is a request to rezone a 0.35-acre parcel located along E. Fort Lowell Road from R-3 Residential to C-1 Commercial to convert an existing 2,688 square foot vacant residential structure to Administrative and Professional Offices and General Merchandise Sales. The site is located in a corridor that is already characterized by commercial and office uses, with surrounding zoning that includes C-1 and C-2 Commercial, O-2 Office, and P Parking. The proposed rezoning reflects the established land use pattern and would facilitate the adaptive reuse of an underutilized property with access to existing infrastructure and commercial activity.

The change to C-1 zoning will permit neighborhood office and retail uses that are compatible with the adjoining properties reinforcing a neighborhood commercial area. Although C-1 zoning also allows for other low-intensity commercial uses, the proposal is limited by site size and existing building conditions, making the proposed office and retail uses reasonable. The subject property already has existing masonry walls and landscaping along the site's east, west and south boundaries. There is an existing single access point onto E. Fort Lowell Road. Further, there are only non-residential properties along these boundaries.

The existing building height and setbacks are consistent with the dimensional standards of the C-1 zone and are compatible with surrounding development, which includes an office building, a self-storage complex, and a commercial center. Parking and circulation will be upgraded to meet Unified Development Code (UDC) requirements, with 15 off-street parking spaces, bicycle parking, pedestrian paths, and ADA accessibility provided. Landscaping and screening improvements, including planters, border landscaping, and water harvesting measures ensure visual and functional compatibility with the area. Lighting and defensible space design elements will contribute to site safety and security.

Preliminary conditions of rezoning are proposed to ensure that the project develops in substantial compliance with the Preliminary Development Plan and with applicable UDC standards. These conditions address key aspects of development including site access, parking and circulation improvements, landscaping and screening, and drainage requirements. Additional conditions require compliance with procedural requirements such as execution of a waiver of claims, reporting of any cultural resources discovered, and confirmation of wastewater capacity prior to development. Together, these conditions provide assurance that the rezoning will be implemented to comply with City standards and compatible with the surrounding environment.

In summary, the proposed rezoning allows for the adaptive reuse of an existing building in a commercial corridor while providing safeguards to protect adjacent properties and ensure compliance with the City's design and development standards. Approval of the request is appropriate subject to the recommended preliminary conditions.

CONCLUSION

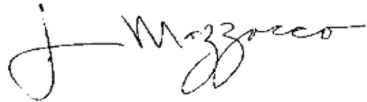
The subject rezoning conforms to Plan Tucson and the Grant Alvernon Area plan policies. The rezoning is also compatible with Plan Tucson's Future Growth Scenario Map's mixed use designation. The applicant accepts the Planning and Development Services conditions. The

proposal is compatible with the surrounding land uses and transportation features. Approval of the request is appropriate subject to the recommended preliminary conditions

RECOMMENDATION

The Zoning Examiner recommends approval of the rezoning subject to the recommended conditions of PDSD staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Mazzocco". The signature is fluid and cursive, with the first name "Jim" and last name "Mazzocco" clearly distinguishable.

Jim Mazzocco

Zoning Examiner

ATTACHMENTS:

Recommended Conditions

Aerial Map

Rezoning Case Map

cc: City of Tucson Mayor and Council

RECOMMENDED CONDITIONS

1. A development package in substantial compliance with the Preliminary Development Plan, dated August 14, 2025, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”. The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during any future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains, and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

EXISTING ROAD/VEHICULAR ACCESS/CIRCULATION

6. The site will be accessed from E Fort Lowell Road by one (1) existing driveway. The existing driveway shall be improved to current standards.

DRAINAGE

7. Balanced basin detention and first flush retention requirements would apply for the proposed development as directed by Site Engineering.

RECLAMATION DISTRICT

Pima County Wastewater Reclamation provides the condition that the owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of

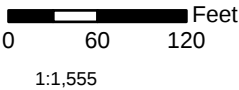
funding, designing, and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

TP-ENT-0725-00016 3954 E. Ft. Lowell Rd

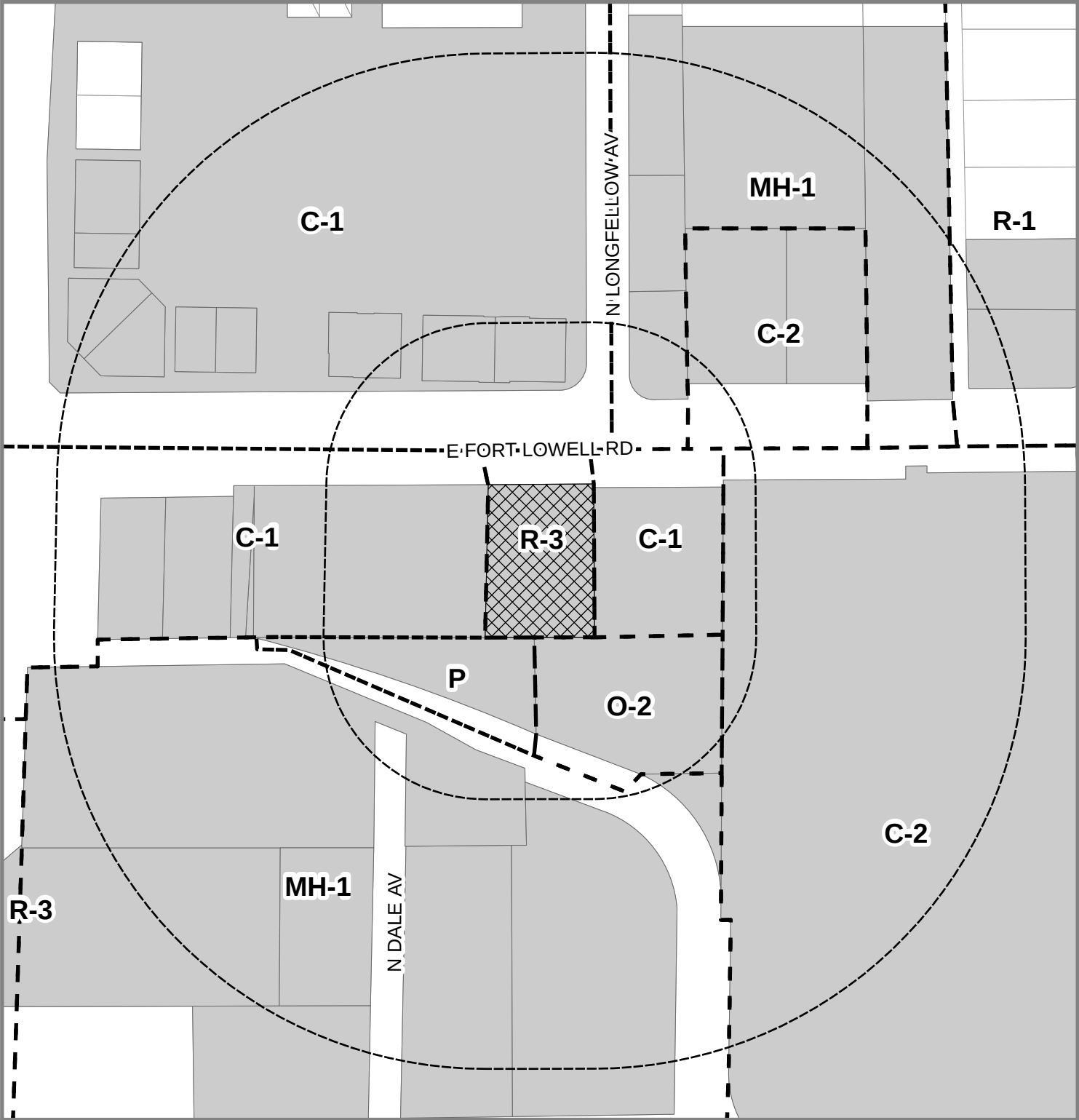


Area of Rezoning

Address: 3954 E FORT LOWELL RD
Base Maps: Twp. 1303 Range 1402 Sec. 34
Ward(s): 3



TP-ENT-0725-00016 3954 E. Ft. Lowell Rd



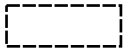
Area of Rezoning



Zone Boundaries



Properties Notified



400 Foot Notification Area



Protest Area (150 ft. Radius)

Address: 3954 E FORT LOWELL RD
Base Maps: Twp. 1303 Range 1402 Sec. 34
Ward(s): 3

0 60 120 Feet

1:1,555

