



MEMORANDUM

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DATE: April 11, 2006

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 3.5.4.20.C.4, Cell Towers in the SCZ, Gateway Route, HPZ, ERZ, and HDZ
Land Use Code: Zoning Administrator Determination

LUC 3.5.4.20.C.4 restricting new towers within 400 feet of a designated Scenic Route or Gateway Route, within a designated Historic Preservation Zone, Environmental Resource Zone, or on a protected peak or ridge as identified in a Hillside Development Zone applies to private property, public property and any right-of-ways. This determination applies to private commercial uses on public property, which is subject to and not exempt from the LUC, and which we regularly apply to other governmental entities. The lease agreement with the wireless provider makes it clear that it is a lease, and not a franchise or license. This is not subject to the City Manager waiver approach.

s:zoning administration/za determination/LUC 3.5.4.20.doc



MEMORANDUM

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DATE: February 24, 2006

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.8.5.8.C.e, ADC-3, Meeting Space Defined
Land Use Code: Zoning Administrator Determination

LUC 2.8.5.8.C.e states "Any meeting space and function areas where people gather in excess of 5,000 square feet in area will be located underground. This Criteria is only a limitation on "meeting" space or rooms such as an auditorium, conference room, ball room, etc. and not on any place where people might "meet" such as a restaurant or on the cumulative number of customers.

s:zoning administration/za determination/LUC 2.8.5.8.C.doc



MEMORANDUM

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DATE: January 13, 2006

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.8.5.11.E, Variance from AEZ Height Limits
Land Use Code: Zoning Administrator Determination

LUC 2.8.5.11.E allows variances from the height limitations in the AEZ as set forth in the provisions of ARS, Title 28 that apply to airports and military airports. A variance in a military zone requires the additional finding by the Board of Adjustment – *a variance shall not be granted without a specific finding that the purpose of the military airport or ancillary military facility compatibility is preserved.*

s:zoning administration/za determination/LUC 2.8.5.11.doc



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MEMORANDUM

DATE: September 16, 2005

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.8.5.11.E, Variances to the AEZ
Land Use Code: Zoning Administrator Determination

Variance requests from the provisions of the AEZ must be in writing to the Zoning Administrator.

s:zoning administration/za determination/LUC 2.8.5.11.doc

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October 28, 2004



CITY OF
TUCSON

DEPARTMENT OF
URBAN PLANNING
& DESIGN

Mr. Mike Schulte
The Schulte Company, Inc.
6418 E. Tanque Verde
Suite 107
Tucson AZ 85715



Dear Mr. Schulte:

This letter is in response to your inquiry regarding the probability of obtaining permits for additional development proposed for the property located at 7850 S. Rita Road. The City will require a submittal in greater detail before making a final determination.

On October 25, 2004, the Mayor and Council voted to adopt the Davis-Monthan Airport Environs Zone (AEZ), AEZ Code and Map Amendment. The regulations, effective on January 1, 2005, prohibit certain types of development within the five zones/districts identified in the DM AEZ. The property at 7850 S. Rita Ranch is located within the Approach-Departure Corridor Two (ADC-2) and Noise Control District-A (NCD-A).

For property within NCD-A, the AEZ Code Amendment requires a reduction to interior noise levels by 25 decibels with noise reduction features for all site built residential, places of public accommodation and administrative and professional offices. Prohibited uses in this Section include the civic, commercial and residential use groups. Definitions for each use group are located in Article VI, Division 3 of the Tucson Land Use Code (LUC).

Property within the ADC-2 is required to have a minimum project site area of five acres. The maximum FAR is .30 of the gross site and uses are restricted to no more than 20 employees per acre of site area. Uses allowed within the ADC-2 include industrial uses, wholesale, outdoor recreational uses and storage, other than hazardous materials. The Code sections applicable to ADC-2 and NCD-A are attached for your reference.

The installation of a water vending machine and the car detailing use would not be allowed because they are retail and commercial uses. However, the metal cover proposed for the RV parking and the installation of automatic car wash equipment to an existing bay *may* be allowed if the existing development is an allowed use.

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October 28, 2004

The AEZ Ordinance includes several provisions with specific submittal dates. This information is as follows:

To exercise or assert any right to, privilege, option or development plan regarding any respective or pending zoning, rezoning, authorization for requested rezoning, subdivision, use or development under the applicable provisions of Chapter 23 AEZ, **as in effect prior to the effective date of this ordinance**, shall be entitled to do so only if the person complies with the following:

1. Submit a letter of intent and/or concept plan by December 30, 2004. The letter is to include the legal description of the property, the site area, the present land use, the proposed land use, the proposed number of dwellings, employees and gross floor area of the building to be developed.
2. The completed site plan in conformity with the letter of intent and/or concept plan must be submitted by March 30, 2005.
3. The applicant shall obtain issued permits for the development based on the concept plan and approved site plan by March 30, 2005, except as provided in a protective development rights plan.
4. The applicant shall obtain approval of their plan by Mayor and Council as a protected development rights plan before June 30, 2005.

Please be advised that submittals must be provided to the Development Services Department at 201 N. Stone Avenue for formal determination.

Thank you for your continued interest in the DM AEZ Amendment Project

Sincerely,



Sarah More, AICP
 Planning Administrator

cc: Walter Tellez, Zoning Administrator

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Mail: PMB 240 • 4951 East Grant #105 • Tucson, Arizona 85712
Web: www.tucsontennis.com Email: mike@tucsontennis.com

October 25, 2004

Sara More
City of Tucson
Department of Urban Planning and Design
P.O. Box 27210
Tucson, AZ 85726-7210

Re: 7850 S. Rita Road

Dear Sara:

We are interested in doing some improvements to the existing development and would like to receive your opinion regarding the probability of obtaining permits for the following:

- Constructing metal covered parking on some of the existing RV spaces.
- Installing an automatic drive through carwash bay in one of the existing bays.
- Installing a water vending machine in the existing carwash building with an awning attached to existing structure.
- Car detailing area with awning attached to existing structure.

Your help with these issues are greatly appreciated. Sara would you please e-mail me your response to mike@tucsontennis.com

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Schulte", with a long horizontal line extending to the right.

Mike Adams

Mike Schulte

2700

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1688

From: Patricia Gehlen
To: Gross, Craig; Tellez, Walter
Date: 10/28/2004 2:28:07 PM
Subject: Re: Fwd: FAR

Only enclosed building areas are included.

>>> Walter Tellez 10/28/2004 12:34:46 PM >>>
What do you include? I thought it was only buildings.

>>> Sarah More 10/28/2004 12:20:42 PM >>>
do carports or other shade structures count towards FAR limits? this is for AEZ, but should be consistent with other determinations

thanks

Calculations
FAR = 3.2.11
ASD = 5.1.11
AEZ = 7.8.5

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From: Patricia Gehlen
To: Alshami, Laith; Blanca Espino; Bruckmeier, John; Castro, Daniel; Connor, Andrew; David Rivera; David Roberts; Eberbach, Elizabeth; Flick, Matthew; Gilbert, Patricia; Gross, Craig; Kalthoff, Marilyn; Linville, Joseph; Machado, Paul; Makus; McLaughlin, Peter; Montes, Susan; Rodriguez, Ferne; Saline, Jason; St. Paul, Michael; Tate, James; Vogelsberg, Jim; Williams, Doug
Date: 10/08/2004 8:29:50 AM
Subject: Overlay zones

Good Morning,
Effective this morning, the new overlay zone application and order form for labels are at the zoning counter. If an applicant needs to apply for an SCZ/HDZ/ERZ/WASH review, prior to submittal of the application, s/he is required to offer to meet with the public prior to application submittal. The applicant will need to order the labels which requires a non-refundable \$200 deposit. ***If the applicant applies for the overlay zone review, the \$200 is deducted from the fee.*** If/when an applicant want to order the labels, please fill out the application form, collect a \$200 check (made out to the City of Tucson), and bring it to me. Payment with a credit card is also possible.

After we accept the application, there will be additional steps staff members will have to take to comply with the new Chapter 23A procedure...I bet you can hardly wait to find out what they are!

Patricia Gehlen
Zoning/CDRC Manager
Development Services Department
City of Tucson
(520) 791-5608 ext 1179
(520) 879-8010 Fax

CC: Duarte, Ernie; Jessie Sanders; Michael McCrory; Tellez, Walter

Overlay zones 118



MEMORANDUM

285 (171)

DATE: October 14, 2003

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 3.2.13, LUC 2.8.5, Clairmar Terrace
Land Use Code: Zoning Administrator Determination

A subdivision (Clairmar Terrace) platted in 1973 was only half completed with a 150 foot long cul de sac (Clair Circle) never improved with curbs, sidewalks, or paving. What is the mechanism available to the City to make the property owners improve the right of way before we issue building permits.

In consultation with the City Attorney's office, the Zoning Administrator has determined that the plat itself does not establish any legal right to proceed under the 1973 Zoning Code. Any such rights were extinguished when the LUC was adopted. The plat looks like there are two completely separate developments of 8 lots on two cul de sacs. One has been developed, the other has not. Since the undeveloped cul de sac is completely independent, there is no basis for a vested rights claim. Thus any development must be fully reviewed for compliance with the LUC.

s:zoning administration/za determination/LUC 4.1.2.doc