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MEMORANDUM

DATE: April 10, 2006

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 6.3.9, Restricted Adult Activities
Land Use Code: Zoning Administrator Determination

A description of "live dancing entertainment" is not specific enough to be considered a violation of the Restricted Adult Activities. Nude or topless female employees of a bar who are dancing, serving drinks or taking tickets constitutes an adult use by definition under LUC 6.3.9 and not by interpretation.

s:zoning administration/za determination/LUC 36.3.9b.doc

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From: Wayne Bogdan
To: KSilvyn@rlaw.com
Date: 07/28/2005 9:38:29 AM
Subject: Curves, 2130 N Oracle, C-2: New Parking Lots

July 28, 2005

Keri L. Silvyn
Lewis and Roca, LLP
One South Church, Suite 700
Tucson, AZ 85701-1611

Subject: Oracle Road Properties: 115-05-091A, 1B, and 1D: Curves Cabaret New Parking Area.
Land Use Code (LUC) Information

Dear Ms. Silvyn:

Regarding your inquiry in letter dated July 19, 2005 on the above referenced project. The project involves the existing Curves Cabaret adult entertainment club at 2130 North Oracle Road, zoned C-2. Proposed is the acquisition and development of the above referenced parcels to provide new offstreet parking area for the club. Of specific concern is that the proposed expansion of the existing club site by new parking lot area could affect the property's nonconforming status for adult entertainment use.

The Zoning Administration and the City Attorney's Office have reviewed this matter within the framework of the existing LUC regulations relating to the nonconforming land use and adult entertainment regulations. Given the project proposes to provide additional offstreet parking for the club, bringing the club closer to LUC compliance, and not to expand the club's area for adult activities, the project does not affect the property's nonconforming status and may proceed. Also, the development of these lots for new offstreet parking is allowed in the C-2 zone, in and by itself, as principal use and when fully improved can be used for parking by anyone.

I hope this letter provides the information you desired, if not please let me know.

Sincerely,

Wayne F. Bogdan
Principal Planner
Zoning Administration
Development Services Center
City of Tucson

CC: David Rivera; Patricia Gehlen; Walter Tellez

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From: Walter Tellez
To: Saylor-Brown, Thomas
Date: 12/17/2003 4:23:27 PM
Subject: Re: Fascinations

Thomas,

For zoning purposes, Fascinations store at Speedway and Kolb is considered nonconforming. A Restricted Adult use is not permitted in the C-1 zone. To relocate Fascinations would require C-2 and compliance with LUC requirements for Restricted Adult Use.

Let me know if you need any further information.

Walter.

>>> "Thomas Saylor-Brown" <tsaylorbrown@sbbaarch.com> 12/17/2003 9:15:38 AM >>>
Walter,

We are designing a new Lowe's Home Improvement Warehouse on the northeast corner of Speedway and Kolb. This project will completely redevelop the site, excluding the offices at north and the retail building at the southeast corner. We will be rezoning the site from C-1 to C-2 for the garden center (C9-03-023).

Fascinations is currently located on the site adjacent to the vacant grocery store. I assume that Fascinations is considered an adult retail establishment but would like your confirmation of that. They have 2 years left on a 3 year lease and do not want to leave the site. The cost to force them out is extremely high.

1. If the site is fully redeveloped, can the Fascinations still be located on the site? We show a small retail building on the north side of the Lowe's building. It is set back 143' from the Kolb Road right of way. This is the building that Fascinations would want to occupy.
2. Are there any exceptions, grandfather clauses, etc, that come into play in determining that Fascinations can remain or that it is not a technically an adult retail establishment?
3. Is there ANY WAY that Fascinations can stay on this property? (I am assuming by what I see in the code that the business must be 1,000 feet away from the residential zone to the west...is that correct?)

Thanks, Walter.

Thomas Saylor-Brown

CC: Ernie Duarte; McCrory, Michael

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CITY OF
TUCSON

MEMORANDUM

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DATE: August 15, 2002

TO: Walter Tellez
Zoning Administrator

FROM: 
Richard Putz
Revenue Administrator

SUBJECT: Review of License Applications for Regulated Licenses – Adult Entertainment Establishments, and Dance Halls – For Zoning Compliance.

Chapter 7 of the Tucson Code outlines the process that the Finance Department has to follow in order to issue these types of regulated licenses. We are required to send you a copy of the application and the Planning Department has a designated period of time within which you make a recommendation to the Finance Director.

According to Article X - Adult Entertainment Enterprises– Section 7-210, “The director of planning and zoning shall review the zoning regulations which apply to the business property to see whether it is in conformity therewith. Based upon such review and any necessary inspections of the business property, the director of planning and zoning shall recommend to the director of finance approval or denial of a license within thirty (30) days of receiving a completed application.” According to Article XV – Dance Halls - Section 7-352, “The director of planning shall review the zoning regulations which apply to the proposed location to see whether it is in conformity therewith. Based upon such review and any necessary inspections of the location, the director of planning shall recommend to the director of finance approval or denial of a license within fifteen (15) days of receiving a completed application.”

The City Attorney’s Office has told us that we must not hold up the issuance of regulated licenses because departments have not responded within the required time frame. So, from now on, if the Zoning Division does not forward a recommendation to us within the required time period, the finance director will proceed as if a favorable recommendation has been received. If we have to do this, we will inform your staff by E-mail that we have issued the license.

Should you have any questions, please call me at 4080.

cc: Margaret Campbell, License Supervisor



6.3.5 11: Dance hall
6.3.9: Restricted
Adult Activity



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DATE: April 13, 2001

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 3.5.8.1, LUC 6.3.9, Setbacks for Restricted Adult Activities,
Land Use Code: Zoning Administrator Determination

The 1000 foot setbacks for the Restricted Adult Activities Use Group are measured in a straight line.

s:zoning administration/za determination/LUC 3.5.7.doc