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From: Frank Sousa
To: Craig Gross; Patricia Gehlen; William Balak
Date: 06/05/2006 7:15:15 AM
Subject: Re: NUOS

Thanks. I assume the same procedure would hold for an individual property owner.

I could not envision how such a land use restriction could eliminate the owners need for liability management, especially with the invasion of buffel and fountain grasses which are fire hazard producers. Speaking of which, if the owners/HOA wish to eradicate invasive species such as the two mentioned grasses, I assume the same procedure would hold?

>>> William Balak 6/2/2006 11:25:40 AM >>>

The NUOS areas in the Silverado Hills subdivisions were created as a result of the rezoning of the property in 1987. One of the conditions of the rezoning was the preservation of a portion of the site as natural, undisturbed, open space. These NUOS areas were delineated on the Tentative Plat, which followed the development concept plan submitted for review and approval to the City. The Mayor and Council adopted Ordinance number 6857 on November 23, 1987. Mayor and Council made the ordinance subject to a number of conditions, one of which is Section 2. Section 2 of the ordinance states:

The Final Plat was approved by Mayor and Council with the following condition listed in the General Notes:

13. All areas shown as natural undisturbed open space (N.U.O.S.) are restricted from any type of disturbance (Grading, grubbing, clearing, fences, structures, etc.) including disturbance by lot owners.

Under the Dedication section of the Final Plant the title to and the responsibility for control, maintenance, and liability of the NUOS Common Areas is with the Homeowners Association. Therefore any type of disturbance of these areas is the responsibility of the Homeowners Association.

The condition was included to protect the natural areas along the washes and was not meant to restrict issues involving health or safety such as fire hazards. If the Homeowners Association would send a letter to Walter Tellez detailing the proposed cleanup of the fire hazard along with a map of the area to be cleaned up, we can have our landscape section review the proposed work and send a landscape inspector out to make sure the work is done without undo damage to the NUOS. We would like to start as soon as possible therefore the Homeowners Association should fax their letter to Walter Tellez, Zoning Administrator at 791-2566 as soon as possible.

>>> Patricia Gehlen 06/02/06 10:40 AM >>>

William -
Do you know the answer to this question?

>>> Frank Sousa 06/01/06 3:37 PM >>>

Got an inquiry from a resident in Silverado Hills area. Most of the washes have NUOS around them. Some are owned by an HOA. What does/can an HOA do when there is a fire hazard in the NUOS.

CC: Joaquin Solis; Walter Tellez

Resident's letter
N.U.O.S. area

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From: Craig Gross
To: Connor, Andrew; St. Paul, Michael
Date: 02/28/2006 2:36:42 PM
Subject: 1802 E. Prince T05CM03968

Per Walter Tellez, when an existing approved building encroaches into a future setback or landscape buffer we do not require a variance or a portion of the building to be removed to meet code. In this case the property has a future ROW of an additional 30 feet (75') that will extend to the leading edge of the existing building. No landscape buffer will be required in front of the building between the building and the future ROW. If additional room exists beside the building and behind the future ROW then a landscape buffer can be provided in that area. This does not apply for any new construction adjacent to the future ROW, only to existing development. Please come see me if you have additional questions.

Craig

CC: Linville, Joseph; Rivera, David; Tellez, Walter

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60.2.4



MEMORANDUM

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DATE: September 27, 2005

TO: Irene Ogata
Urban Landscape Manager
Administrator

FROM: Walter V. Tellez
Zoning

SUBJECT: Design Development Option (DDO)

This is in response to your memo dated September 14, 2005 and the discussions at the September 21, 2005 Landscape Advisory Committee Meeting. As you know the DDO (LUC 5.3.5) is an administrative process to allow parking space reductions and flexibility for landscape options. As we discussed, you will be contacted to meet with future DDO applicants to assist in reviewing their proposals. It is anticipated that your participation in the DDO process will help make it a more efficient.

In addition, the LAC felt that Land Use Code amendments were necessary to strengthen landscape requirements. Development Services Department is willing to meet and discuss future code amendments with Urban Planning and Design.

XX:irenememo

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SEP 28 2005
12:00 PM

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From: Walter Tellez
To: Gross, Craig
Date: 09/07/2005 12:37:15 PM
Subject: Re: DDO Process

Don't think so. LUC 3.5.4.3.B says for Dev. Designator setbacks only, not Performance Criteria.

>>> Craig Gross 09/07/2005 12:20:45 PM >>>

Could we use the administrative DDO process to modify setbacks in LUC 3.5.6.3.C (for golf courses)? If they offer a lesser setback with trees and safety nets?

11/11/05 2:21 PM
LUC 3.5.6.3.C
6.3.2

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From: Craig Gross
To: Gehlen, Patricia
Date: 07/29/2005 10:50:42 AM
Subject: Re: Fwd: ERZ crossing for Sierra Morado Sewer, Unit 3

After kicking it around with other staff I would think that if all other construction is outside of the ERZ and they can show us that they have no other reasonable option and they are not disturbing an area of critical riparian habitat (removing significant vegetation) and they are willing to return the site to a post-construction condition (same grade, reseed, etc.) they would not have to do the public process.

>>> Patricia Gehlen 07/29/2005 6:30:27 AM >>>

If it is for a sewer line does that mean they don't have to do the public process?

>>> Kent McRae <kmcrae@mmla-psomas.com> 07/28/2005 4:42:33 PM >>>

Ms. Gehlen,

Can you please direct me concerning a public meeting for a sewer line crossing of an ERZ? This project falls in the Sierra Morado Unit 3. I would like to discuss the process with you.

Thank you,

Kent

Kent McRae, P.E.
MMLA PSOMAS
800 E. Wetmore Road
Suite 110
Tucson, AZ 85719
(520) 292-2300
(800) 441-4875
(520) 292-1290 fax
www.mmla.com <www.mmla.com>

CC: Flick, Matthew; Tellez, Walter; Vogelsberg, Jim

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From: Walter Tellez
To: Duarte, Ernie
Date: 07/13/2005 9:27:38 AM
Subject: Re: Lofts at 5th Ave

I discussed the dumpster issue with Craig and Trish. We could determine that it was allowed when ADT's are less than 140 and the alley/street width is less than 30 feet.

>>> Ernie Duarte 07/12/2005 8:48:20 AM >>>

Let's talk to Walter about the trash enclosure through the landscape border.

>>> Craig Gross 07/11/2005 5:10:29 PM >>>

Spoke with Wayne Silberschlag about the signage. They are only interested in the the major building identification signage at this time. Wayne really hadn't thought about the tenant signage. He will start working on a signage package for the building and tenant spaces. His first thought is that they will restrict tenants to window signage only or maybe a small sign hanging under the canopies..

I also talked to him about the loading zone and parking issues. He said that they understood the limitations and would probably work on it case by case if that type of tenant became involved. He realizes that variances might be needed for certain uses but they aren't that concerned with variances after the building is constructed.

CC: Gehlen, Patricia; Gross, Craig

5/3

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From: Craig Gross
To: Castro, Daniel; Connor, Andrew; Gehlen, Patricia; Linville, Joseph; McLaughlin, Peter; Rivera, David; St. Paul, Michael; Stevens, Terry; Thrall, Heather
Date: 05/16/2005 3:24:54 PM
Subject: required screen walls

We seem to be having a problem with required screen walls recently. In several instances we have approved the use of adjacent screen walls without obtaining approval of the owner of the wall. Screening is a requirement of the project being developed and as such they are required to provide a wall on their property or provide a written agreement from the owner of the wall that it is OK for them to use the existing wall as the required screening.

Effective Immediately ALL required screening must be provided on the developing property or a joint-use agreement must be provided indicating that the adjacent wall may be used to meet the screening requirement. They must provide a recorded joint use agreement before we can approve the plan and the recording information for the joint-use agreement must be referenced on the plan (typically where they reference the existing wall). You must also verify that the adjoining wall complies with the height requirement as measured from the adjacent grade being developed. The requirement is measured from the use requiring the screening. They cannot use the wall as a retaining wall that lowers the minimum height. A cross-section should always be provided on the plan showing the adjacent grades and the measurement of the wall height.

Craig

CC: Tellez, Walter

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From: William Balak
To: Juan Valdez; Rick Mendoza; Zoning Enforcement Staff
Date: 05/09/2005 8:45:01 AM
Subject: JMV's as Storage

Walter Tellez, Zoning Administrator, made a zoning determination in a September 17, 2004 letter to Thomas D'Angelo, 8037 E. 18th Placethat junk motor vehicles (JMV's) are residential storage and per his previous interpretation of residential storage requirements, personal residential items must be screened from view behind a customary fence in side or rear yards. In addition, residential storage counts toward the 25% maximum permitted lot coverage of a residential property. It was furthermore his determination the keeping of a junk motor vehicle on residential property is considered residential storage, which is required to comply with the above mandates.

The two points to remember are:

- 1) For a vehicle to be excluded from being considered a JMV, it must be running, licensed and registered.
- 2) JMV's are considered residential storage therefore must be kept in the side or rear yards, screened from view, and counted towards the 25% maximum permitted lot coverage for residential storage on a residential property.

CC: Walter Tellez

5.11.05
J. B. ...

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From: Patricia Gehlen
To: ALL_DSD_STAFF.DSPO2.CHDOM2@tucsonaz.gov; Desk, Zone1
Date: 04/21/2005 9:00:19 AM
Subject: Re: block walls

\$27 and they start at the Ambassador desk

>>> Zone1 Desk 04/21/2005 8:52:19 AM >>>

How much does it cost and where do they start (application from Ambassador)? We get these questions frequently.

>>> Patricia Gehlen 04/21/2005 8:27:59 AM >>>

Effective Immediately....all walls of any height must have a compliance review. The compliance review consists of Zoning and Engineering. Permits and inspections are required once the wall is 6 feet or more. The web page and process manual are being changed and we will post some signs around DSD. Please let me know if you have any questions.

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

Residential visit view
3-25-11
5.1.11
743 A

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From: Ernie Duarte
To: Tellez, Walter
Date: 08/31/2004 3:04:42 PM
Subject: Re: Airport Pay-parking Lot

~~no an... for not catching it in 99?? I think that...~~

(★)

>>> Walter Tellez 08/31/2004 1:50:29 PM >>>

Wanted to let you know that I will be letting Joseph Badiei of United Parking at 2310 E. Valencia know that I concur with Joe Linville (as does legal opinion) that his use is classified as "parking" and not "commercial storage". It will cause him to put canopy trees into his pay parking lot. I had already told him that this would most likely be my determination. He was not very happy. He has called the Mayor's office (Jeff Sales) already. He was approved for a 1999 expansion without a canopy tree requirement. I would like to not require trees for his existing parking lot (it is a over 25% expansion) only for the new lot.
Any thoughts?

(★)

STAFF NOTE: BA REVERSED THIS ZONING DETERMINATION ON NOVEMBER 17, 2004 (CASE C10-04-48) FINDING LONG TERM AIRPORT PARKING, AS PROPOSED, TO BE "COMMERCIAL STORAGE" NOT "PARKING"

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From: William Balak
To: BJ Viestenz; Heather Thrall; Patricia Krausman; Richard Diaz
Date: 05/10/2004 12:23:51 PM
Subject: Chain Link Fences with Slats.

Chain link fences with slats (metal, wood or plastic) are allowed in all zones except:

1. All chain link fences must have wooden slats in the Scenic Corridor Zone. No bare chain link or metal or plastic slats.
2. If a fence is required by the Land Use Code for screening (according to Table 3.7.2-1) a chain link fence with wooden slats is permitted (no metal or plastic slats allowed).

CC: Walter Tellez

3.2150.11-1
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From: Patricia Gehlen
To: Duarte, Ernie; Gross, Craig; Jessie Sanders; Tellez, Walter
Date: 02/26/2004 8:35:18 AM
Subject: ESD heads up

Good Morning,

Per many discussions, one of my "to do" items is a letter to ESD about placing dumpsters in landscape buffers. We are not going to allow this without a BofA variance which staff will not support. John Clark came in today because he is going to propose this solution on some additional sites. I verbally told him about the memo and the variance. I don't know if you will hear from the higher ups from ESD prior to me getting the memo done.

Patricia

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From: William Balak
To: BJ Viestenz; Heather Thrall; Patricia Krausman; Richard Diaz
Date: 12/10/2003 2:44:03 PM
Subject: Right-of-Way

We recently had cases with a wall or fence extending into the right-of-way. The following information may help you deal with such cases.

The owner of the fence/wall that is built into the public right-of-way has the choice of to buy the strip of land from the City or remove the fence/wall. Jim Rossi is the contact person in the City's Real Estate Section who handles such sales. The City does not issue permits for permanent structures(including fences/walls) in the right-or-way; either the City agrees to sell the strip of land or the fence/wall goes (landscaping is considered temporary and is allowed in the right-of-way but requires a site plan and permit from Transportation).

The width from the curb to the property line varies from street to street and sometimes varies on the same block. The City requires sidewalks for new residential subdivisions and for new infill residential property if there is an existing sidewalk on either side of the new development. All commercial uses must install sidewalks along the streets. The Development Standards require public sidewalks to be a minimum of 4 feet wide except along a Major Street or Route which requires a sidewalk to be a minimum of 6 feet wide.

CC: Walter Tellez

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W. S. B. - 5 1 11
Wall/Fence

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From: Walter Tellez
To: GEHLEN, Patricia
Date: 7/11/01 9:32AM
Subject: Re: outdoor display area

Hi Trish, I talked to Jim, he said we just called display area as new use/development. so only new display area meets xeriscape per table 7.7.2.I. no expansion calc's needed, but needs to revise parking to show LUC compliance.

>>> Patricia GEHLEN 07/11/01 09:15AM >>>

I just wanted to clarify our conversation earlier today. I understood that outdoor display of vehicles is expansion and must be parked. When you look at LUC 3.3.3.7.C it specifically excludes vehicle display area. Please clarify. Thanks

CC: Balak, William; Gross, Craig; Maurer, James

Calculation of Required PKG
3.3.3 7.C

g



MEMORANDUM

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DATE: June 8, 2001

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 3.7.3, Required Screening using Existing Walls or Bank Protection
Bedrock/Broadbent S-01-014
Land Use Code: Zoning Administrator Determination

The applicant may include on the plat a note that it will provide the required screen walls in the future in the event that either the ADOT wall or the back protection cease to function as the required screen for the billboard site.

s:zoning administration/za determination/LUC 3.7.3.doc



MEMORANDUM

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DATE: August 31, 1999

TO: Planning Dept. Staff

FROM: Walter Tellez
Zoning Administrator

SUBJECT: Residential Cluster Projects and the Landscape and Screening Requirements

The following is a clarification of how the Landscaping and Screening Regulations are applied to RCPs.

The intent of the Sections 3.6.1.4.A.4. and 3.7.2.7 are to assure that common areas are designed to include landscaping and ground cover, primarily for aesthetic and dust control purposes.

The intent of Sec.3.6.1.4.C. is to apply the Landscape and Screening Requirements, Sec.3.7.0, to common areas, that are common use areas, wherever they abut a land use outside the boundaries of the RCP. These exterior edges of common areas must contain a landscape border per LUC 3.7.2.4. Common areas, including along interior streets, within the RCP itself, do not require landscape borders or screening per LUC 3.7.2.4. Single-family dwellings within the RCP are also not required to provide landscaping and screening (Sections 3.7.1.2.C.1, 3.7.2.4.C.3.d, and 3.7.3.1).

Common use areas, generally, must be landscaped and accessible per LUC 3.6.1.4.A.4 and 5. For that reason, common areas within RCPs that are common use areas should be labeled differently from those areas that are common to the subdivision, but not common use areas.

Drainageways, within an RCP and on the RCP site boundary, of at least 10' in width, do not require a landscape border per LUC 3.7.2.4.C.3.B. Drainageways within the interior of the RCP do not require landscaping or screening.

Undisturbed natural areas may be designated as common area, while not being common use areas, therefore no additional landscaping or screening is required.

c:/sarahm/luc/rcpmemo.doc

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