

255 C-3
114

From: Wayne Bogdan
To: info@saharaapartments.com
Date: 12/14/2005 3:44:23 PM
Subject: Sahuara Apartments, 919 N Stone: Nightly/Monthly Rental Units

December 14, 2005

Ted Mehr
Managing Member
Sahuara Apartments
919 N. Stone Avenue
Suite 1101
Tucson, AZ 85705

Subject: 919 N Stone: Sahuara Apts: Proposed Rental of Units for Gem Show
Land Use Code (LUC) Information

Dear Mr. Mehr:

Thank you for your letter dated November 23, 2005 regarding the proposed rental of the Sahuara apartment units. Specifically you would like to be able to rent some of the apartment units (50-100) on a nightly or monthly basis during the Gem show. If this is possible you would also like to be able to rent these same units the same way during the rest of the year as well.

The Zoning Administration Division has reviewed your request, the project and the LUC regulations applicable to the project. Based on this review staff has no objections to the rental of 50 to 100 apartment units on a nightly or monthly basis. Staff's decision in this matter is based, in part, on the projected ADT counts provided by the Traffic Engineer Department that indicate there will be no change in the daily vehicular trips per day to the complex caused by the request (e.g. apartment versus motel rental). Please note, this staff decision is conditioned upon the submittal to the Development Services Department (DSD), 1st floor, 201 N Stone Avenue of a revised site plan for the apartment complex indicating those units assigned for nightly/monthly rental and those units reserved for student rental.

If you should have any questions concerning this zoning matter, please contact me by telephone: (520) 791-4541 ext. 1116 or by email: wayne.bogdan@tucsonaz.gov.

Sincerely,

Wayne F. Bogdan
Zoning Administration Division
Developmental Services Department
City of Tucson

CC: Craig Gross; Walter Tellez

2005
2007

255 (113)

From: David Rivera
To: Gehlen, Patricia; Gross, Craig; Tellez, Walter
Date: 08/15/2005 11:12:29 AM
Subject: Re: Retail uses with seating areas

That is correct. As long as the the seating area is defined on the plan and does not exceed the 25% floor area. That's what I recall.

David

>>> Walter Tellez 08/15/2005 11:06:27 AM >>>

I thought we had a long standing determination that retail uses (AM/PM's, Circle K's, Take out food/coffee) could have seating areas as long as less than 25%. I don't think we need a letter to allow Scot Cummings to do it at 6th and Campbell for pizza take out.

CC: Balak, William; Bogdan, Wayne

February 9, 2005

WALTER 255
YOUR REFERENCE (116)
COPY
CONSTRUCTION
SERVICE
C-2
IF YOU NEED
IT
MAY



CITY OF
TUCSON

ZONING
ADMINISTRATION
DIVISION

DEVELOPMENT
SERVICES
DEPARTMENT
(DSD)

Bob Patrick
R.G. Patrick, Ltd.
Land Planning & Development
5524 E. So. Wilshire Drive
Tucson, AZ 85711

SUBJECT: Tucson Plumbing – Land Use Classification
Land Use Code (LUC) Information

Dear Mr. Patrick:

Thank you for your letter, dated January 10, 2005, regarding the above referenced zoning matter. Per your letter, Tucson Plumbing is a construction service related business. The plumbing materials used in their business, is sold on a retail basis to their customers within the provisions of their service contracts. Plumbing materials are also available for sale to walk-in customers on a retail basis. Tucson Plumbing does not wholesale any of the plumbing materials they acquire, use and sell. Based on this information, you are requesting Tucson Plumbing be classified as "Retail Trade Use Group, Construction Materials Sales". If staff concurs, then you request confirmation that, in the C-2 zone, Tucson Plumbing would be allowed to store plumbing materials outside.

The Zoning Administration Division has reviewed the information provided by your letter, the Tucson Plumbing website www.tucsonplumbing.com, and the LUC regulations applicable to land use classifications. Staff notes that the business profile created by the sum of this information clearly fits more closely with the definition of LUC Sec. 6.3.5.9 "Commercial Services Use Group, Construction Service",

6.3.5.9 Construction Service. Construction Service is a use which provides construction activity to be performed at a construction site with related work performed on shop premises. Typical uses include construction companies, carpentry services, and plumbing services.

and not for "Construction Material Sales" per LUC Sec. 6.3.10.2:

6.3.10.2 Construction Material Sales. Construction Material Sales is the sale of lumber and other building materials. Typical uses include lumberyards, fence companies, and brick and block sales.

116

Given the specific language of these LUC definitions and the descriptions of the services provided by Tucson Plumbing, it is quite clear to staff the principal activity of the company is "Commercial Services Use Group, Construction Service" and not "Retail Trade Use Group, Construction Materials". Construction Service is an allowed principal use of land in the C-2 zone (LUC Sec. 2.5.4.2.A.8). However, all land uses within this zone are subject to compliance with LUC Sec. 2.5.4.6, which states:

2.5.4.6 General Restrictions. The following restrictions apply to all uses and development in this zone.

- A. Outdoor display of finished products for rent or sale at retail or wholesale is permitted, unless prohibited by specific performance criteria.
- B. Unless modified by specific performance criteria or Sec. 2.5.4.6.A, land uses in the Commercial Services, Industrial, Restricted Adult Activities, and Wholesaling Use Groups shall be conducted entirely within an enclosed building.

Outdoor storage other than that allowed per LUC Sec. 2.5.4.6, requires a minimum of C-3 zoning. Please note that a copy of this letter must be attached to the project's site plans when submitted to the Development Services Department (DSD), 1st floor, 201 North Stone Avenue for the zoning compliance review process. If you should require further LUC information from the Zoning Administration Division, please contact William Balak (ext. 1168) or Wayne Bogdan (ext. 1116) at (520) 791-4541.

Sincerely,



Walter Tellez
Zoning Administrator

s:zoning administration/zoning/200/tucsonplumbing.doc

255 (117)

From: Walter Tellez
To: Warner, Anne
Date: 02/08/2005 2:12:19 PM
Subject: RE: 1101-1115 South Park

Anne,

If your client is a contractor, he is considered "construction service" which needs C-3 to have outdoor storage. See LUC 2.5.4.6.B which prohibits outdoor storage in C-2.

>>> "Anne Warner" <awarner@planningresources.net> 02/08/2005 1:30:35 PM >>>
Yes.

Anne Warner, RLA
Planning Resources
270 North Church
Tucson, AZ 85701
awarner@planningresources.net
520 628-1118
520 628-7637 fax

-----Original Message-----

From: Walter Tellez [<mailto:Walter.Tellez@tucsonaz.gov>]
Sent: Tuesday, February 08, 2005 12:09 PM
To: awarner@planningresources.net
Subject: Re: 1101-1115 South Park

Anne,

Does he need outside storage?

>>> "Anne Warner" <awarner@planningresources.net> 02/08/2005 11:09:05 AM >>>
Walter -

I need your advice. I have a parcel at the above location, surrounded by C-2 to the south (Unocal station), residential on the north and west sides (R-2), and I-1 to the east and north west. On this particular parcel, the owner would like to rezone the property to allow a warehouse for heating and cooling equipment. The neighbors prefer C-2 rather than have more industrial zoning in the neighborhood, which I agree with, but after reading the code, I don't know if this use would be allowed. It would make everyone happy if it were. Can you let me know what you think about the appropriate zone? I appreciate your help and wisdom.

Anne

Anne Warner, RLA

Planning Resources

270 North Church

Tucson, AZ 85701

awarner@planningresources.net

520 628-1118

520 628-7637 fax



255 (118)

MEMORANDUM

DATE: November 29, 2004

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.5.5, C-3; LUC 5.3.9 Special Exception; Tohono Tadaí Transit Center
Monopole
Land Use Code: Zoning Administrator Determination *4540 N Stone Ave*

The City of Tucson proposed 50 foot high monopole at the Tohono Tadaí Transit Center is to be used to transmit City of Tucson data (dispatching) and video public safety information. It is not a "Distribution System" and not subject to LUC regulations applicable to new telecommunication cell towers.

s:zoning administration/za determination/LUC 2.5.5.doc

255
119

From: Heather Thrall
To: Walter Tellez
Date: 08/10/2004 9:07:37 AM
Subject: Re: Interpretation = type of activity for spray on truck bed liners

Thank you Walter.

>>> Walter Tellez 08/10/2004 7:34:32 AM >>>
It would be auto repair, if a paint booth is not required. If required, it would be Trade Service Major.

>>> Heather Thrall 08/09/2004 4:15:38 PM >>>
Hi Walter,

Town of Marana would like to know what type of classification we give to the activity of spraying on truck bed liners. I advised I would classify it to possible auto body/paint which needs a C -3. I thought it would fall under a trade service Major, rather than just auto repair.

Do you concur? Please advise. Thanks, HT

4377...

45

255
125

From: Walter Tellez
To: Krausman, Patricia
Date: 07/23/2004 3:34:11 PM
Subject: Re: Car Sales Incidental to Car Repair Shop

OK if they send letter saying no more then 12 per year. One per month average seems incidental.

>>> Patricia Krausman 07/23/2004 3:29:13 PM >>>

I looked up the definition for "motor vehicle dealer", Chapter 28-4301 Definitions and it says "Motor vehicle dealer" means a used motor vehicle dealer (etc, etc)...excluding a person who comes into possession of a motor vehicle as an incident to the person's regular business and who sells or exchanges the motor vehicle." So, I think not?

>>> Walter Tellez 07/22/2004 8:48:37 AM >>>

Does the State require a dealer's license?

>>> William Balak 07/22/2004 8:45:59 AM >>>

I would call it auto sales so they need a new site plan and landscaping but let's see what walter thinks.

>>> Patricia Krausman 07/22/2004 8:41:39 AM >>>

Do you have a policy or has there been a determination on a case basis for car repair shops to be able to display cars for sale that are repaired, not paid for and not claimed? One of the cases I'm working (Aastro Transmission on Speedway) claims they've always had the right to have "incidental" car sales for cars that they have filed liens. They have two vehicles in front of their shop. They say they don't sell more than 10-12 a year and they do not allow any other type of sales.

CC: Balak, William; McCrory, Michael

6-2-10
42

255
121



CITY OF
TUCSON

PLANNING
DEPARTMENT

November 20, 2001

Joseph D. Warshauer
Oasis Gardens
2719 East Broadway Boulevard
Tucson, AZ 85716

SUBJECT: Land Use Code (LUC) Information

Dear Mr. Warshauer:

The zoning information requested in your letter dated November 7, 2001 is as follows. For the purposes of zoning, Oasis Gardens landscape contracting firm is classified as a Commercial Services: Building and Grounds Maintenance. This use is a permitted use of the land in the C-2 zone if no outside storage occurs. C-3 zoning is required for outside storage of materials, equipment, etc.

Building or Fire Code information relating to this project, such as Certificates of Occupancy, can be obtained by contacting a project manager at the Development Services Center, 201 North Stone Avenue, Tucson, Arizona 85701 at (520) 791-5550. Should you require further zoning information regarding this matter, please contact William Balak, Wayne Bogdan or me at 791-4541.

Sincerely,

Walter Tellez
Zoning Administrator
Planning Department

s:\zoning\2001\Oasis Gardens.doc

CITY HALL • 255 W. ALAMEDA • P.O. BOX 27210 • TUCSON, AZ 85726-7210
(520) 791-4505, 791-4571, 791-4541 • FAX (520) 791-4130 OR 791-2663
Website: <http://www.ci.tucson.az.us/planning> • E-Mail: comments_planning@ci.tucson.az.us

C-2 zone = 2.5.4
C-3 zone = 2.5.5
Comm/Blkg+grounds Maint. =
6.3.5 7 10