

431
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From: Craig Gross
To: Gehlen, Patricia; McLaughlin, Peter; Rivera, David; Stevens, Terry; Thrall, Heather
Date: 03/17/2006 4:25:07 PM
Subject: RCP outdoor space on attached units

Balconies on above ground floors can be counted as outdoor space per LUC sec. 3.6.1.4.D.2.c. provided they are totally accessible by that unit and have at least seven feet of clearance between the floor and any ceiling or patio cover.

In the case of Riverwalk, the lots have a minimum 14' x 20' yard (280 sq. ft.) and a 4' x 11' balcony (44 sq. ft.) accessible via a sliding glass door for a total of 324 sq. ft. of outdoor space per dwelling. Some end lots are 21' wide but should be reviewed in the same manner. They should all exceed the minimum required 300 sq. ft.

David, please attach this e-mail to the Riverwalk file for further information.

Craig

CC: Duarte, Ernie; Tellez, Walter

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MEMORANDUM

431
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DATE: February 16, 2006

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 4.1.2, Lot Splits vs. Subdivisions
Land Use Code: Zoning Administrator Determination

A subdivision is defined as the division of a parcel into 4 or more lots, or, if there is a new street, 2 or more lots, or if platted, more than 2 lots. If the parcel is less than two and one-half acres but does not require a new street and is not previously platted, it is not a "subdivision" as regulated by the LUC. It is still subject to regulation in a broader sense as a lot split and because the City does not have to approve the creation of a lot that would not comply with City regulations, e.g. insufficient minimum lot size for the zoning or separating all the flood prone areas into a separate parcel where nothing could be built.

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

431
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From: Walter Tellez
To: Rivera, David
Date: 12/15/2005 10:16:38 AM
Subject: Re: Daycare use in the C-1 zone

David,

I concur with your example and think other uses are in the same situation for secondary uses: all residential uses, travelers-lodging, religious, membership, and cultural. Let me know if we all don't agree.

>>> David Rivera 12/15/2005 9:46:44 AM >>>
Walter,

Per our discussion this morning related to the Daycare use in the C-1 zone. I am requesting a clarification of your determination to allow the outdoor activity for a daycare to occur. Per the general restrictions in LUC section 2.5.3.6.B, B. **All land use activities except vehicular use areas shall be conducted entirely within an enclosed building unless specifically provided otherwise.**

It is clear that in the "O" zones outdoor activity is allowed as a subject to performance criteria. Under the C-1 zone it appears that the subject to criteria 3.5.13.5 which allows outdoor activity to occur was mistakenly omitted from the Day Care use. Please confirm.

Thanks Walter

David Rivera
Principal Planner
Development Services Department
(520) 791-5608 Ext. 1181
david.rivera@tucsonaz.gov

CC: Balak, William; Ernie Duarte; Gehlen, Patricia; Gross, Craig; Stevens, Terry

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From: Michael McCrory
To: Eric Peterson
Date: 11/21/2005 3:47:25 PM
Subject: Re: Tucson Land Use Code Questions (Sonterra)

I have reviewed the Land Use Code (LUC) sections concerning conversion of structures to condominiums with the Zoning Administrator and Development Services Department. Sec. 4.1.9.1 applies to a statement from the developer that there will be compliance with the terms of that section in the future. The City will require a statement or affidavit from the developer affirming that there will be such compliance with this section. That statement or affidavit is the only city requirement under this section for approval of the final plat. The City will not review the mechanism chosen by the developer to comply with this section or the subsequent compliance.

With respect to Sec. 4.1.9.2, a report with the required items must be submitted prior to approval of a final plat. The purpose of this section is to provide disclosure of the information being provided. This section does not create any additional substantive requirements beyond disclosure of the condition of the property and will only be reviewed to determine that the required information is provided.

I hope this answers your questions.

>>> "Peterson, Eric" <EPETERSO@quarles.com> 11/15/2005 2:37:16 PM >>>
Michael:

Per our conversation this afternoon, my client owns and wishes to convert into a condominium an apartment complex in Tucson.

This process is regulated by Section 4.1.9 of the Tucson Land Use Code, which requires notice to tenants 120 days in advance of the date on which the first unit is offered to sale. My understanding is that the 120 day notices have been delivered.

The Code further requires that a tenant will have an exclusive right to purchase his or her unit for a period of 60 days from the date such tenant's unit is offered for sale.

The Code also speaks of a \$350 relocation payments that must be provided to any tenant who (i) has occupied his or her unit for at least 2 years prior to notice of intent to convert; (ii) makes a written request for such relocation payment; and (iii) meets certain income or age requirements. As I read this provision, the \$350 figure is required only with respect to tenants who meet the above describe standards.

My client's questions relate to its ability, within the parameters of the Code, to terminate month-to-month leases and otherwise to contract with the tenants to expedite the process of conversion.

The attached email details some of the alternatives proposed by the client, including (i) unilateral termination of month-to-month leases; (ii) offers to permit the termination of leases without payment; (iii) offers of payments (in amounts which may or may not be equal to the relocation payments required by the Code) as incentives to terminate the tenants' leases; and (iv) offers of an option for tenants to waive their rights to purchase and to continue to rent their premises from a new condominium unit owner.

Please advise whether these alternatives would be permissible in accordance with the Code. I appreciate your help on this matter and look forward to speaking with you again soon. Many thanks.

Eric Peterson, Esq.
Quarles & Brady Streich Lang LLP
One Renaissance Square
Two North Central Avenue
Phoenix, Arizona 85004-2391
Direct Tel: 602.229.5702

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Direct Fax: 602.420.5104
E-Mail: epeterso@quarles.com

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

From: Portell, Stephen T.
Sent: Friday, November 11, 2005 12:34 PM
To: Peterson, Eric; O'Keeffe, Nick
Subject: Sonterra (117850.00002): research project regarding client's options for getting units vacated

Eric,

Per our conversation this morning, the client would like to explore several options for getting the Sonterra units cleared out in advance of the 120 day notice required under Tucson's Land Use Code. This notice period is required before a landowner can begin offering apartments for sale as condominiums. After 120 days, existing tenants are given a 60 day period to purchase their units before the units are offered for sale to the public.

In accordance with the requirements regarding the 120 day notice and 60 day notice, the client wants us to investigate whether the following options will violate Tucson's Land Use Code:

1. Give notice to the month-to-month tenants,
2. Formally announce to the tenants the option to break their leases without penalty,
3. Offer an incentive to break their lease early. (i.e. \$50 for each month that they have remaining on the lease, with a one time bonus offer to double the amount if they leave by Dec. 15.),
4. For tenants that know they do NOT wish to buy, but do wish to remain renters, the option to waive their right to buy (60 day notice) and continue to rent under a new owner (investor).

The client's goal is to have 250 units available for sale (either vacant or with tenants that wish to stay under new ownership) by Jan 1. '06.

Thanks,
STP

Stephen T. Portell
Quarles & Brady Streich Lang, L.L.P.
One South Church Avenue
Suite 1700
Tucson, Arizona
85701-1621

2-30 B

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Phone: (520) 770-8718
Fax: (520) 770-2215
(cel) (520) 241-9674

sportell@quarles.com
www.quarles.com
www.lawyersforliteracy.com

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CC: Craig Gross; Nick O'Keeffe; Patricia Gehlen; Robert S. Bornhoft; Stephen T. Portell;
Walter Tellez

230c

SOA-003
R-1
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398

From: Wayne Bogdan
To: cmartin@rickengineering.com
Date: 08/15/2005 4:40:45 PM
Subject: Setbacks: Paired Houses: Tres Pueblos

August 15, 2005

Chuck Martin, R.A.
Principal Project Planner
Rick Engineering Company, Inc.
1745 East River Road, Suite 101
Tucson, AZ 85718-7633

Subject: Tres Pueblos R.C.P.: Paired House Setbacks
Land Use Code (LUC) Information

Dear Mr. Martin:

Thank you for your letter dated August 3, 2005 requesting clarification on the perimeter setbacks to be required for the paired houses in Tres Pueblos. Attached with your letter were sample plot plans for the subdivision. Specifically, you want to know whether the paired houses in Tres Pueblos are to be considered "attached" single family units subject to the setback requirements of LUC Sec. 3.6.1.4.D.2.c, or "detached" single family units subject to the setback requirements of LUC Sec. 3.6.1.4.D.2.d?

The Zoning Administration Division has reviewed your letter, the subdivision plot plans, the applicable LUC regulations, and discussed this matter with the Zoning Compliance Plans Review Section. Based on this review, staff concurs with your opinion and considers the paired housing in Tres Pueblos to be "attached" single family dwellings subject to the requirements of LUC Sec. 3.6.1.4.D.2.c.

Please note, a copy of this letter is to be attached to the project's site plan when resubmitted to DSD, 1st Floor, 201 North Stone Avenue for the zoning compliance review process. If you should have any further questions concerning this zoning matter, please contact me at 791-4541 ext. 1116 or by email at: wayne.bogdan@tucsonaz.gov.

Sincerely;

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

CC: Patricia Gehlen; RTWilliams@drhorton.com; Walter Tellez

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From: Walter Tellez
To: Bogdan, Wayne; Duarte, Ernie; Gehlen, Patricia
Date: 06/21/2005 10:31:01 AM
Subject: Re: DRAFT ZA Det : Silverbell Sub

431
3490 N Silverbell
R-1
399

We were thinking DSMR for street width.

>>> Patricia Gehlen 06/21/2005 10:29:42 AM >>>

When I read the last paragraph it implies that if a house does not meet the setbacks a DSMR may be obtained...shouldn't this be a variance?

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

>>> Wayne Bogdan 06/21/2005 9:39:06 AM >>>

Hi,

Here is the draft...Joe is asking for a zoning det that basically will bless the Silverbell Sub...this is close...the only diff is that we want a min 20' accessway and abutting 5'walkway...and I believe they may have, in some places, a 16' wide accessway...but if this is so...we tell them they can apply for a DSMR...your thoughts..

bodgna

June 21, 2005

Joseph Comella
Chief Architect
Community Services Department

Subject: ZA Determination - Rear Access Driveways
Land Use Code (LUC) Information

Dear Mr. Comella:

This zoning determination is made in regards to the access issues you recently discussed with Sarah More of the Department of Urban Planning & Design in email dated June 1, 2005. Specifically, the "new urbanism" concept of using rear accessways in residential subdivisions, such as proposed in Silverbell Subdivision, DSD #S05-093. Per your information the first submittal of the tentative plat was made 6/8/2005 by Dan Elder of Landmark Engineering. Within the new subdivision there are be 121 lots of about 47 feet x 94 feet. 58 of these lots have rear access. The longest rear accessway would serve 37 units. As a part of Community Services requirements to the developer, all lots with rear access are to have garages on the rear accessway. The plan currently shows a 24 foot rear access paving width, with bollards to break the accessways into segments serving not more than the 14 units. 15 of the lots will be split to accommodate 30 one bedroom units and remain under City ownership as public housing. Only the 15 City owned lots will have "duplexes", and therefore will need to be divided by a property line to conform to the R-1 zoning (the final plat will show 30 lots).

DSD requires a floor plan if lots are less than 4,000 sf. Because the lot lines will be tied to the building design, we are still working out the location & size of the City lots with the engineer). These are the only attached townhouse units - the remaining 106 lots are planned to be detached single family units.

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Garages should not be closer than 2 feet from the accessway, and should have a total of a 24 foot paved area to exit the garage - e.g. if the accessway paving is 16 feet, then the garage needs to be at least 8 feet from the accessway to allow adequate maneuvering room of 24 feet. The concept is to design duplex units to achieve the same massing & design details as the market units, but with a property line between them to conform to the R-1 zoning. Thus, given this project information, you are requesting clarification on whether the rear accessways, as proposed for the project, will be considered acceptable types of access per LUC Sec. 3.2.8.2.

The Zoning Administrator has reviewed the project information, the LUC regulations applicable to access, and has consulted with the City Attorney's Office on the matter. For the purposes of LUC Sec. 3.2.8.2, the Zoning Administrator has determined that the rear accessways proposed for new Silverbell subdivision can be considered the equivalent to secondary streets provided the accessway are paved a minimum 20' wide, are curbed and abut paved 5' wide pedestrian walkways. The abutting walkways can be eliminated from the accessway design if the lots within the Subdivision have frontage on a public or private street that provides the pedestrian facilities per LUC Sec. 3.2.8.4. Detached garages and carports are allowed in the rear yard areas of the lots with setbacks of 8' or less as allowed per LUC Sec. 3.2.6.5.B.2. Those rear accessway designs that fail for whatever reason to comply with the design criteria set forth by this zoning determination must obtain DSMR approval. Please note, that a rear accessway 20' wide that is paved and curbed and abuts a 5' wide paved walkway is equivalent to a secondary street is a determination by the Zoning Administrator that is appealable to the Board of Adjustment provided the appeal is made in writing and filed, along with the appropriate fees, with the Zoning Administration Division, 2nd floor, 201 North Stone Avenue within 30 days of the date of this email. If you have any questions concerning this zoning matter, please contact either myself (ext. 1116) or Walter Tellez (ext. 1154) at (520) 791-4541.

Sincerely,

Wayne F. Bogdan
Principal Planner
for
Walter Tellez
Zoning Administrator
Development Services Department
City of Tucson

CC: Gross, Craig

431
400

From: Craig Gross
To: Catallini, Lou
Date: 09/16/2004 4:41:49 PM
Subject: Re: ENCANTO VILLAGE, #04-086

Lou:

They are both correct. That section is only applicable when a zoning boundary splits a lot of record as of 1948. Once you resubdivide you eliminate the original lot of record thus eliminating that encroachment option. Options are to develop under existing zoning or rezone. A variance would probably not be an option as it would likely be considered a self-imposed hardship.

See you Monday.

Craig

Please make a note of my new e-mail address *

craig.gross@tucsonaz.gov

>>> "Lou Catallini" <lcatallini@walbaker.com> 09/16/2004 3:37:11 PM >>>
Craig,

Good to see you this afternoon. I look forward to seeing you on Monday (9/20) at 10:30 AM to discuss Encanto Village Tentative Plat. We wish to address comments received regarding the use of Section 1.3.5 of the LUC - allowing 25' zone encroachment. Both Walter and Patricia have stated that this option is not available for a resubdivision.

Call me if you have questions, otherwise see you Monday.

Lou

416.1
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401

From: Patricia Gehlen
To: Armstrong, Jean
Date: 09/02/2004 6:53:29 AM
Subject: Re: ENCANTO VILLAGE, #S04-086

Good Morning Jean,
I apologize for the delay in getting back with you. I have included all the applicable reviewers in this response so they will revise their comments according.

1. Parking lanes are not required along new streets on sides that do not have any lots proposed, as long as sufficient guest parking is provided. The Development Standards also have a provision which states that sidewalks are not required along streets if no lots are proposed and the CDRC committee approves the request.

2. I have also confirmed with Walter that zone encroachment (LUC 1.3.5) may not be used when subdividing or resubdividing property.

Please let me know if I may be of further assistance.

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

>>> "Jean Armstrong" <jean@walbaker.com> 08/25/2004 1:17:49 PM >>>

Patricia:

We received the Tentative Plat comments on the above project. This project had previously been discussed/processed as a rezoning; the rezoning was not pursued, based on discussions between Evan Eglin and Craig, as follows:

1. Parking and sidewalk would only be required along the west side of the street since the houses are all located on the west side of the project.
2. One of the lots (Lot #8) would be allowed to encroach into the R-1 area, based on L.U.C. Section 1.3.5.

Regarding Item #1, we have received comments from Engineering, Community Planning and Zoning requiring 5' sidewalks on both sides, plus parking on both sides. Several agencies have indicated they would support a DSMR to waive these requirements, but Evan feels that this was not what was agreed previously. Please review and advise.

Regarding Item #2, our initial submittal included a Density Bonus calculation, which we now realize is not available (because 5th St. is not an arterial, and the detention basin cannot be used as a recreational facility). Therefore, we planned to make our resubmittal reflecting the Zone Encroachment option. I talked with Dan Castro today to confirm exactly how I should show the areas, etc. Dan checked with Walter, and informed me that the Zone Encroachment option is not available for "re-subdivisions." Please review and advise on this problem also.

Thank you.

5.1 P.L. B 112
4.1.6 = P.L. 112
2. 112
1. 112
3. 112
48

401

Jean Armstrong
318-1950, x111

CC: Aragonez, Karol; Castro, Daniel; Gilbert, Patricia; Gross, Craig; Howlett, Roger; Tate, James; Tellez, Walter

431
402

From: Walter Tellez
To: Gehlen, Patricia; McCrory, Michael
Date: 06/01/2004 3:00:10 PM
Subject: Re: R-1(RCP)

R-1 RCP, 2.3.4.2.A.3, does not referce 3.5.7.1.G. or H.

>>> Patricia Gehlen 06/01/2004 2:54:59 PM >>>

I am confused. The last I heard the new R-1 regulations apply to RCP's. Now I hear they don't. Please clarify

CC: Gross, Craig

R-1
F-28
p. 4/4/04

431
403

From: William Balak
To: i:droberts@arcadis-us.com
Date: 11/05/2003 3:29:15 PM
Subject: Casitas Del sol Estates

Derek,
Walter Tellez discussed the feasibility of allowing the Family Dwelling RCP in the MH-2 zone with the City Attorney's office and Sarah More of the Planning Task Force. The Family Dwelling RCP in the MH-2 zone was not included as a permitted use since the Code was adopted in 1995. It was not an error in the Land Use Code therefore the only RCP available in the MH-2 zone is for mobile homes. Please let me know if you have any other zoning questions.
Bill

CC: David Rivera; Michael McCrory; Walter Tellez

6-3-07 Arcadis
MH-2 23.8
137

431
404

From: Patricia Gehlen
To: Tellez, Walter
Date: 8/11/03 1:17PM
Subject: Interpretation of LUC 3.2.8.3

Hey Walter,

Per our conversation I would like to get a written interpretation for the above listed standard. The current code reads "If access is provided by an easement and the easement serves more than three (3) single-family homes or duplexes, the City may require the easement to be developed as a street or as a PAAL". I would like an interpretation which changes this to "Three (3) or more units". My reasoning is for consistency. Throughout the LUC current development must meet stricter criteria once three or more units are placed on one property. This includes surfacing of vehicle use areas (LUC 3.3.7.3.D), use of street or alley for vehicle maneuvering (LUC 3.3.7.4), tandem parking (LUC 3.3.7.6), Screening and landscaping (3.3.7.7), on-street parking (LUC 3.3.7.1.E). The entire landscape and screening section of the code is applicable once three (3) or more units are proposed on one lot.

The only example I can find that does not require stricter development criteria at three or more units is bicycle parking which kicks in at four (4) or more units.

I am asking for a written interpretation for the access provision listed above to be "at the City's discretion" once the access easement provides access to three (3) or more units. This would go along way to consistency within the department and code and make my life somewhat easier.

Thanks and let me know if you need more documentation.

or lots

CC: Gross, Craig

3.2.8.3 - Access Provisions
Walter Tellez
1/5/1



MEMORANDUM

436
405

DATE: May 2, 2003

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 4.3.1, Lot Combo/Split
Land Use Code: Zoning Administrator Determination

Two lots combined together in the past can not be split back into the original platted lots if the original lots can not meet current LUC requirements for minimum lot size. Any rights to a nonconforming lot size was given up at the time the lots were combo'ed. Plats by themselves do not establish the right to construct.

s:zoning administration/za determination/LUC 4.3.2.doc

436
406

From: James Maurer
To: Andy Dinauer; Jim Vogelsberg; Walter Tellez
Date: 9/26/02 11:29AM
Subject: Re: Permits v. Plat

Generally, permits may be issued for construction, if the work could be permitted under the underlying zone.

More specifically, Section 4.1.3.1 permits issuance of up to five model home permits upon approval of the tentative plat, subject to limitation on sale or occupancy of the home until after the final plat is recorded, and also subject to the location of the home being consistent with the layout of the plat.

Land clearing and grading is permitted under Section 4.1.4.4., after grading plans are approved, subject to grading plans being consistent with an approved tentative plat, and if the grading is in conformance with the underlying zoning.

So, I guess the answer to your question is - permits may be issued upon approval of a tentative plat, without the approval of a final plat. Permits cannot be issued for construction of a development proposed by a tentative plat until the tentative plat is approved, unless the construction could be accomplished under the underlying zoning. For example, a single family home subdivision in R-1, which generally permits only one residence per lot, may have one home permit issued prior to the tentative plat approval. A single family home subdivision in R-2, which permits multiple unit development on a single lot, may have multiple unit permits issued, as long as the number of units does not exceed that permitted under the underlying zoning in an unsubdivided lot, with the understanding that each unit will be located on a lot proposed by the plat, and cannot be sold until the final plat is recorded.

Commercial properties can be developed based on the underlying zoning, and may be constructed before, during, or after a subdivision plat is filed, subject to meeting all code requirements in place at the time of submittal.

Questions? Call me at 4505.

Jim M.

>>> Andy Dinauer 09/13/02 10:38AM >>>

Is there a LUC regulation that says - if you have a plat in process, you can't get permits (even for work under the preplatted land use)?

CC: Craig Gross; Dave Dotson; David Mann; Sarah More

191



CITY OF
TUCSON

Zoning
Administration -
Development
Services
Department

August 2, 2002

411
407

Wayne R. Rutschman
Special Projects Manager
P.O. Drawer 397
Rillito, Arizona 85654

Subject: Camp Lowell Corporate Center Project – Loading Zones, etc.
Land Use Code (LUC) Information

Dear Mr. Rutschman:

Thank you for your letters, dated June 13, 2002 and July 5, 2002, regarding the above project. Applicable project numbers are Rezoning Case No. C9-95-27 and DSD Processing No. S02-027 (Development Plan/Tentative Plat). The Corporate Center site is a 33 lot commercial subdivision with common area. A total of twelve (12) buildings are proposed to be built within the subdivision. Several of the buildings are designed to straddle or cross over as many as four interior lots. Offstreet parking for all the buildings will be provided by single joint use parking area with spaces located throughout the site. Despite the multiple building multiple lot layout, the Corporate Center is designed to function the same as a single site development. Of specific concern to you is how the LUC loading space, lot area coverage, floor area ratio (FAR) and building setback requirements will be applied to this project.

The Zoning Administration and the City Attorney's Office have concluded their review of your letter and the LUC regulations applicable to the project. For the purposes of applying the LUC development criteria in question (i.e. loading space, floor area ratio, minimum lot sizes and lot coverage, building setbacks, etc.), the Zoning Administrator has determined the Corporate Center Project, as designed, to be the same as if it were a single project single site development. This zoning interpretation requires all lots within the project be bound to comply with the approved development plan through a recorded covenant approval by the City of Tucson and notes on the plat that serve to unify the development as a single site.

Please note, however, the internal setbacks for the project are subject to Fire Code regulations. Also note that a copy of this letter must be attached to the project site

Zoning Administration (DSD), 2nd Floor, 201 North Stone Avenue •
P.O. BOX 27210 • TUCSON, AZ 85726-7210
PHONE (520) 791-4541, 791-4571 • FAX (520) 791-4340

5.32 = Rezoning
5.38 = Development
179

August 2, 2002

407

plan when submitted to the Development Services Department, 201 North Stone for the zoning compliance review process. If you should have any further questions concerning this zoning matter, please contact Wayne Bogdan or myself at 791-4541.

Sincerely,



Walter Tellez
Zoning Administrator

s:zoning/2002/camplowellcorpctr.doc

c: Ernie Duarte, Development Services Department
Dave Mann, Development Services Department
Michael McCrory, City Attorney's Office

431
408

From: Walter Tellez
To: Gross, Craig
Date: 12/5/01 2:17PM
Subject: Re: multi zoned lots

Looks like we allowed it in phase 1 to the west, with an R-1/R-2 split. OK for this phase.

>>> Craig Gross 12/05/01 09:02AM >>>

Walter, I have a proposed subdivision that is zoned MH-1 and RX-1. The majority of the RX-1 area is being dedicated to Pima County for bank protection and river park improvements, however a small portion will remain as part of the subdivision. They are not able to combine the RX-1 into lots because it is a small strip of land approximately 20 - 25 foot wide. Is there any way that they could combine a small amount of the RX-1 property with the MH-1 property to create larger lots? The lots would all be large enough to stand along as MH-1 (except maybe for one) and all the RCP calcs would work. I'll fax you over a copy of the plan so it might make a little more sense.

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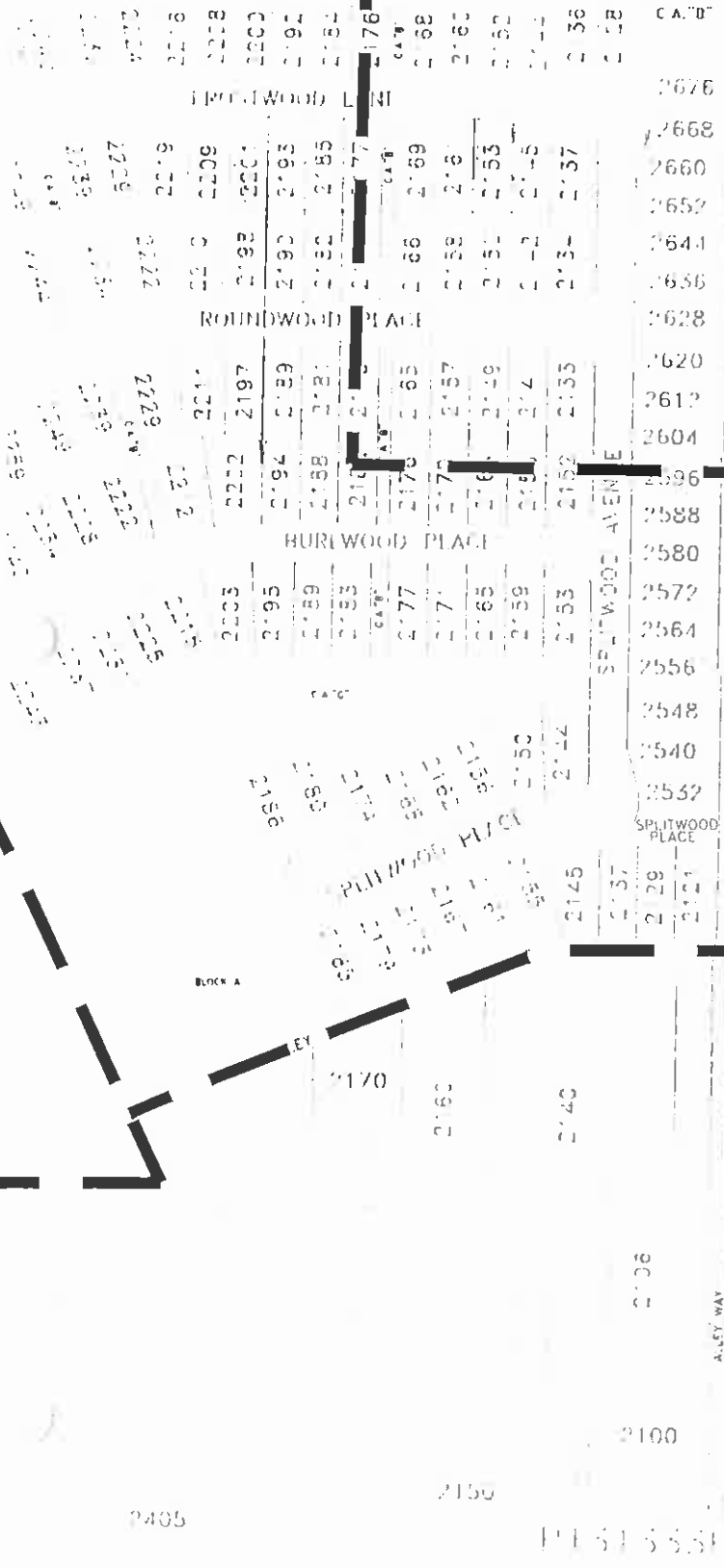
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***** FACSIMILE COVER SHEET *****

DEC-05-2001 09:25

Message To:

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| 4130 |
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Message From:

|
| DEVELOPMENT SERVICES CDRC |
| 520 791 5559 |
|

02

Page(s)

Following This Cover Page

26cc

408



FAX

Date: 12-05-01

Number of pages including cover sheet: 2

To:

Walter Kelley

Phone:

Fax phone: 791-4130

CC:

From:

Craig

Phone:

Fax phone:

REMARKS:

Urgent

For your review

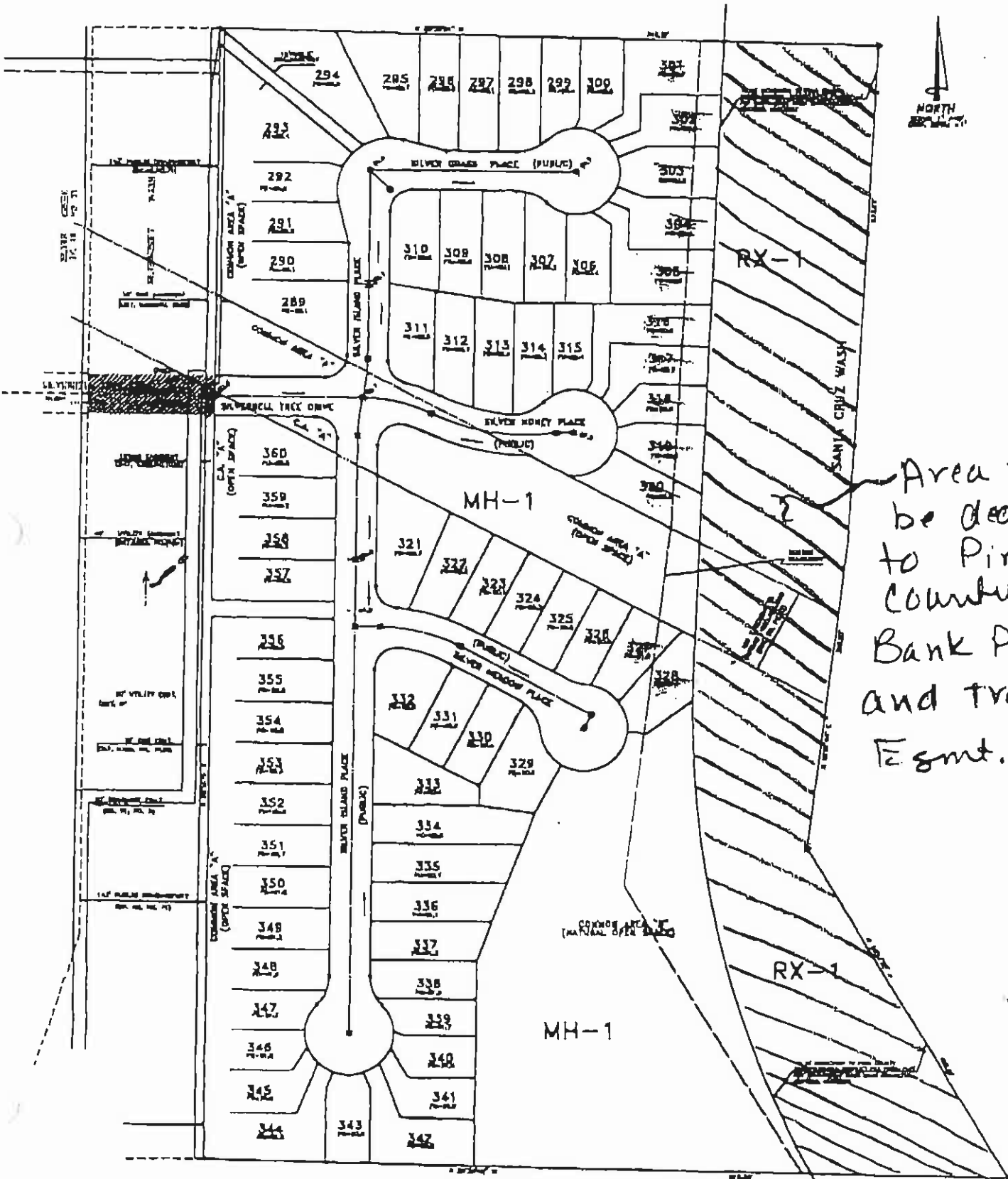
Reply ASAP

Please comment

2001

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Silvercreek II Lots 289-360 PCP



Area to be dedicated to Pima County for Bank Prot. and trail Egmt.

431
409

From: Walter Tellez
To: Gross, Craig; McCrory, Michael
Date: 11/26/01 12:43PM
Subject: Re: Another subdivision question

Remember when we did away with PUD's, they had 5 years to start construction or they lost the PUD. They need an RCP.

>>> Craig Gross 11/26/01 12:37PM >>>
OK, two in the same day. Way more than I need!

I have an old PUD (C12-87-17A) for Bellevue Townhomes lots 1 - 10 and Common Area zoned R-2 (not a rezoning). A final plat was recorded in 1985. However, absolutely no development has ever occurred. They have no problem with the front and rear setbacks, but the side setbacks on the PUD are only 7 foot. In transferring it to an RCP the side setbacks increase to 10 feet or 3/4 height. If we redo the tentative plat to an RCP he would need a variance to reduce the setbacks and open space? He would also have to comply with the new parking requirements for multi-family? He doesn't want to change the final plat if at all possible.

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MEMORANDUM

431

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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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