



MEMORANDUM

252 (78)

DATE: April 5, 2006

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.5.3, C-1 Zone, Liquor Sales in Restaurants
Land Use Code: Zoning Administrator Determination

In order to match the State's definition for "restaurant", a Food Service land use is considered the Principal Use when 40 percent of gross revenues are from food sales. Liquor service as a permitted secondary use can not be restricted to only beer and wine in order to conform with the State liquor license regulations. The only difference between liquor sales as the permitted secondary use and the special exception use is the special exception use would allow a separate cocktail area for a restaurant with less than 75 seats.

s:zoning administration/za determination/LUC 2.5.3a.doc

252 (19)

From: Walter Tellez
To: Ernie Duarte; Gross, Craig
Date: 03/01/2006 8:05:03 AM
Subject: Fwd: Parking Lot - NEC 6th and Campbell

Glenn's email to Ruth Beeker and Gail Schuessler from the neighborhood. We approved TUP for no landscaping, expires Nov. 1, 2006.

>>> William Balak 03/01/06 7:44 AM >>>
Glenn's response.

>>> Glenn Moyer 02/28/06 5:22 PM >>>
Gail-

I spoke to Bill Balak at DSD regarding the Parking Lot at the NEC of 6th and Campbell. Here's the rezononig condition we spoke about:

16. All loading, maneuvering, and parking shall be located on-site.

"on-site" in the condition has been interpreted to mean not "on-street." With this interpretation the satelite parking lot at the NEC 6th and Campbell is acceptable because it reduces pressure for on-street parking. I can see the logic behind this. Whether we agree with the interpretation or not they must still comply with the LUC for landscaping etc. In my opinion a properly developed satalite parking lot would be minor change unlike a request to allow parking on neighborhood streets which would be a major change requiring Mayor and Council approval.

The parking lot has been permitted without LUC compliance on a temporary basis pending development of the site for commercial uses and parking on the first floor and residential development above. I don't know if they plan to develop under the existing C-1 zoning or if there is a rezoning proposal expected in the future. If they don't develop the for a permanant use they will have to bring the parking lot up to code.

Glenn Moyer, AICP
City of Tucson
Urban Planning and Design
MacArthur Building
345 East Toole Avenue
520-791-4505 (office)
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Glenn.Moyer@tucsonaz.gov
www.tucsonaz.gov/planning

Mailing address:
Glenn Moyer
City of Tucson
Department of Urban Planning and Design
P. O. Box 27210
Tucson AZ 85726-7210

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252 (80)

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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252 (81)

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 (1832 E 6th St)

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

10.4

252 (82)

From: Wayne Bogdan
To: MJM
Date: 03/24/2005 11:32:55 AM
Subject: Re: Personal Storage & the Old Results Fitness Building

CITY OF TUCSON

March 24, 2005

Michael Marks, AICP
MJM Consulting, Inc.
7002 E. 4th Street
Tucson, Arizona 85710

Re: 6444 E Broadway, C-1 - Former Results Fitness Building - New Personal Storage
Land Use Code (LUC) Information - Land Use Classification

Dear Mr. Marks:

Thank you for your email, dated March 20, 2005, regarding the proposed new use of the former Results Fitness Building for Personal Storage. The subject property is addressed 6444 E. Broadway Boulevard and zoned C-1. A project description is as follows. The purpose of the storage facility will be to store business related documents for the general public. The customers box the documents then bring it to the facility. An employee of the facility will then place the box on a storage shelf as opposed to a separate rentable storage space. When the customer wishes to retrieve the boxed documents, a facility employee will bring the box to the office area for the customer to pick up. Based on this information, you request this type of storage facility as "Personal Storage".

The Zoning Administration Division has reviewed your information along with the LUC regulations applicable to the land use classification. Based on this review, the storage facility is considered to be, as proposed, a "Commercial Storage" land use. This consideration takes into account the definitions of LUC Sec. 6.3.11.2 and Sec. 6.3.11.4:

6.3.11.2 Commercial Storage. Commercial Storage is the keeping of trade and personal goods by business and industrial establishments. Typical uses include cold storage plants, warehouses, and utility storage yards.

6.3.11.4 Personal Storage. Personal Storage is the renting or leasing of space for storage of personal effects. Typical uses include multiple unit storage facilities or miniwarehouses.

Per these definitions, Personal Storage is restricted to the effect of non business customers. The trades and goods of business customers, which includes office documents, fall under this category. Commercial Storage requires a minimum of C-2 zoning. The Commercial Storage use of the subject property then will require its rezoning from C-1 to C-2 by Mayor and Council action. If you should have any further questions for the Zoning Administration Division, please contact me by either phone (520) 791-5550 ext. 1116 or by email: wayne.bogdan@tucsonaz.gov.

Sincerely,

Wayne F. Bogdan
Principal Planner
Zoning Admin. Division



MEMORANDUM

252 (83)

DATE: October 15, 2004

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.5.3, C-1 Zone, Restaurant Hours of Operation
Land Use Code: Zoning Administrator Determination

While there are some circumstances where hours of operation of a business may be limited, such as a rezoning case, Zoning can not apply an hours of operation limitation to one property that has the same zoning as other similar properties. Any change in the LUC to limit the hours of operation of a business would have to be a code amendment that applies City wide.

s:zoning administration/za determination/LUC 2.5.3.doc

252
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From: Walter Tellez
To: Torres, Aline
Date: 09/08/2004 9:59:59 AM
Subject: Re: Audio Express

Hi Aline,
Only the area, inside or out, that has the auto use occurring on it needs C-2. Does not include parking, loading or p.a.a.l.'s. Parking areas needs only C-1. This is how we originally did Costco and K-marts with auto repair. I have told Trish and David R. already.

>>> Aline Torres 09/08/2004 9:50:34 AM >>>

Hi, Walter - Glenn would like me to get something in writing from you regarding the Audio Express rezoning request. Our question was if they should rezone the building square footage or a portion of the site covering the parking, loading, access areas. Can you please provide us with some form of written statement? Thanks.

CC: McCrory, Michael; Moyer, Glenn; Romero, Viola

C-1 = 2.5.3
C-2 = 2.5.4
Auto repair 6.3.5.5
129

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 (Astro 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

6-23-04
42

252
86

From: Walter Tellez
To: Gross, Craig
Date: 06/02/2004 7:17:58 AM
Subject: Re: nail salon

OK with me.

>>> Craig Gross 06/01/2004 4:38:42 PM >>>

Since the LUC doesn't specifically list nail salons as a personal service can we go back to the BA decision that nail salons are similar to retail at 1:200 for parking purposes?

Please make a note of my new e-mail address

craig.gross@tucsonaz.gov

CC: McCrory, Michael

6.3.10
3.34-10-11-9
40

From: Walter Tellez
To: deniseandandrew@cox.net; Gehlen, Patricia
Date: 02/20/2004 4:15:41 PM
Subject: Re: zoning

A retail store is a principal permitted use in C-1. The making of jelly as proposed is permitted as a secondary/accessory use.

>>> Patricia Gehlen 02/20/2004 3:55:42 PM >>>

Denise,

You very clearly told me yesterday that the only thing you would be doing in the building would be making the jelly and storing it. You told me there would be no customers coming in to the building. There was no confusion on my part. What you are saying now is very different than what you told me yesterday. There are provisions in the C-1 zone that allow for up to 33% of the building area to be used for the making of baked goods and confectionery products as long as the product is sold on site.

Patricia

>>> "McCreery Family" <deniseandandrew@cox.net> 02/20/2004 3:40:21 PM >>>

I'm sorry, I thought I mentioned I wanted to do retail there....I got so frazzled when we were speaking. Yes, we certainly plan to do retail there, we have a loyal and quickly growing customer base that is looking for where they can buy our jelly outside of the street fairs and such, which is one of the reasons we are so attached to this space, it's not at all industrial looking and will make a beautiful gourmet shop. When we get going, we plan to sell other items as well, such as decor, serving wear, etc.

Our kitchen requirements are very limited due to our product. We will have one range to cook the jelly, a counter top to fill the jars and a sink/washing area. This will take up less than a fourth of the square footage. Next to the kitchen area will be work stations for wrapping the jars, creating the gift baskets, etc. Easily the front half of the store we intend to use for a little tasting table, retail decor/items, etc.

I'm so sorry I wasn't clear, is there a chance I have made myself anxious all day for no reason? Please please please????

If you could let me know soon, I would be forever in your debt!

Denise
deniseandandrew@cox.net
440-6994

252 (88)

From: Walter Tellez
To: Rivera, David
Date: 9/6/01 11:12AM
Subject: Re: Proposed Carwash at Mission and Drexel

(5627 S. Mission)

Hi David, all development related to the commercial use has to be on commercial zoned land.

>>> David Rivera 09/06/01 10:54AM >>>
Walter,

I had a customer by the name of Phil Veneziano (Architect) in the office a couple of weeks ago requesting information on the possibility of development of a carwash northeast corner of the Drexel Road and Mission Road. The Carwash would be developed adjacent to the north and east property boundaries of the Diamond Shamrock convenience/gas store. The parcel is zoned C-1 and the north portions zoned R2.

I spoke to Phil yesterday regarding the possibility of placing the required screen wall at the north boundary of the site which is the R-2 zone portion. The code requires that the wall be placed where adjacent to the street or adjacent zone developed or vacant. My question is, can the required screen wall be placed on the north property line instead of at the split zone boundary location or will this be a Board of Adjustment variance approval?

The second item we discussed was the possibility of placing the detention basin on the R-2 portion of the parcel. Would the detention basin be considered an extension of the commercial use and thus would the detention basin not be allowed in the R-2 portion? I could not find a specific use for a detention basin in the LUC.

What are the possibilities either of the two items working? The parcel is in southeast corner of section 4 T.15 R.13.

David Rivera
DSD 791-5608 x181

CC: Craig Gross; GEHLEN, Patricia

R-2 zone = 2.3.5
C-2 zone = 2.5.3
Carwash: 6.3.5.5
98



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DEPARTMENT OF PLANNING
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FAX (520) 791-4130 OR 791-2663

252 (89)

September 4, 2001

Michael Marks, AICP
MJM Consulting, Inc.
7002 East 4th Street
Tucson, AZ 85710

Subject: 6755 Block East Speedway, RX-2/O-3/C-1 - Dorado Country Club Hotels
Land Use Code (LUC) Information

Dear Mr. Marks:

Thank you for your letter dated August 20, 2001, with attachments, regarding the proposed Dorado Country Club Hotel project. The site is comprised of several parcels located in the 6755 Block of East Speedway Boulevard and currently zoned RX-2, O-3 and C-1. The project will consist of two hotels and a complex of rental casitas. One of the hotels will contain a conference center, a golf club, a bar, a restaurant and some retail use. Based on the description of the project, you request clarification of the project's parking and loading space requirements.

The Planning Department has completed its review of your letter and attachments. The parking and loading requirements for the hotel project are provided as follows. First, the hotel parking along with its ancillary uses designated for guest use only (e.g. complimentary breakfast buffet, weight rooms, tennis courts, in-hotel conference rooms, pool areas, etc.), is calculated using the ratio of one space per hotel rental unit. Calculated separately and added to this parking requirement is the parking required for those ancillary uses designated for both hotel guest and public use (e.g. restaurant, lounge, gift shop, golf course, etc.). The parking requirements for these ancillary uses are calculated using the parking ratios for the individual uses as listed in LUC Section 3.3.4. For example, the restaurant areas (hotel and/or golf club house) are calculated using the ratio of 1/100 sq. ft. of g.f.a., the lounge and bar requirements (hotel and golf club house) at the ratio of 1/50 sq. ft. of g.f.a., the gift shop or any other retail areas (hotel and the golf club house) at the ratio of 1/200 sq. ft. of g.f.a., and for the golf course itself the ratio of (36) spaces per (9) holes, etc.

Please note that a copy of this letter must be attached to the project's site plan when submitted to the Development Services Department (DSD), 201 North Stone Avenue for the zoning compliance review process. Should you require further zoning information from the Planning Department, please contact Bill Balak, Wayne Bogdan or myself at 791-4541.

Sincerely,

Walter Tellez
Zoning Administrator

s:zoning/2001/6755speed.doc

RX-2 3200 = 2.33 Pkg = 3.34
O-3 " = 2.43 DSD = 5.1.11 96
C-1 " = 2.53

252 (90)



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DEPARTMENT OF PLANNING
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August 22, 2001

Linda S. Morales, AICP
The Planning Center
110 South Church, Suite 1260
Tucson, AZ 85701

Subject: 840 Block East Broadway Boulevard, I-1/C-1 - Proposed Blood Plasma Center
Land Use Code (LUC) Information

Dear Ms Morales:

Thank you for your letter dated August 2, 2001. The subject site is located at the southeast corner of Euclid and Broadway (approximately addressed 840 E. Broadway) and split zoned C-1 and I-1. The project proposes to locate on that portion of the site zoned I-1 a new plasma collection center. You are requesting confirmation that LUC Section 3.5.4.8.C.2 (Special Exception Land Use in the I-1 zone) is applicable to the project as stated. Additionally, you request clarification as to whether or not the current site could be newly split so as to allow the project its own property.

The Planning Department, and the City Attorney's Office, has reviewed your letter and zoning regulation in question. This particular regulation requires a minimum setback of 300' be provided between the project's property lines and all nearby residentially zoned boundaries or from the property lines of any nearby elementary or secondary school. Staff considers this regulation to be quite clear in that the reference to "property lines" is to be taken and applied literally (i.e. from the property lines of the project and not to the project buildings, etc.). Additionally, if the current site is split so as to provide the project its own property, the new property must be of sufficient size to contain all the elements of the project (e.g. the building, parking, loading, landscaping, and ingress/egress areas, etc.) Otherwise, this particular setback may still be required by staff to be measured from the property lines of the original site. Please note that a copy of this letter must be attached to the project's site plan when submitted to the Development Services Department (DSD), 201 North Stone Avenue for the zoning compliance review process. If you have any further questions concerning this zoning matter, please contact Wayne Bogdan or myself at 791-4541.

Sincerely,
W. Tellez
Walter Tellez
Zoning Administrator

s:zoning/2001/840broad.doc
cc: Michael McCrory, City Attorney's Office

E-Mail: comments_planning@ci.tucson.az.us • Website: <http://www.ci.tucson.az.us/planning>

med. out pt
8.5.3.17

I-1 zone - 2.7.2
C-1 zone - 3.5.4.8.C.2
Special Exception = 3.5.4.8.C.2

9/1

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DEPARTMENT OF PLANNING
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August 16, 2001

Richard Moore
RMM Enterprises, Inc.
10990 East Oakwood Drive
Tucson, AZ 85749

Subject: 1170 North Pantano Road, Pantano Quick Lube

Dear Mr. Moore:

Based on the information you provided in your letter dated August 2, 2001 and the regulations provided in the Land Use Code (LUC) relating to Special Exceptions and Nonconforming Uses or Structures, the use of the property at 1170 North Pantano Road is allowed to continue as previously approved. The existing use located on the property was approved in August 1995 under the Conditional Use provisions in the Zoning Code (now repealed). This use is now translated as stated in the Special Exception Land Use regulations in the C-1 zone which allow certain land uses within this zone, if approved through a Special Exception Land Use procedure. Because the Conditional Use process was replaced by the Special Exception Land Use regulations in the LUC, the Special Exception approval and conditions will be transferred to any similar uses on the property. The approval of the Special Exception land use would be subject to the existing approved site plan and any future change of use will be reviewed according to those regulations. However, an increase in intensity of the use, or expansion of the building or property, will result in the Special Exception Land Use being suspended. In that event, a rezoning application or a new Special Exception request must be submitted.

As a translation of the conditional use as a Special Exception rather than a nonconforming use, the Special Exception approval will not be rescinded if the property or building has been left vacant for six (6) months or more.

Sincerely,

Walter Tellez
Zoning Administrator

WT/at/s:zoning.2001.1170pant

C-1 zone - 2.5.3
Nonconforming - 5.3.6 90