

272 (131)

From: Wayne Bogdan
To: 2desertrocks@msn.com
Date: 03/10/2006 3:25:47 PM
Subject: Approx. 7425 Block E. Old Vail Road, I-1 @: D&D Materials: Proposed New Location

March 10, 2006

Nancy Legg
D & D Materials Landscape Rock
7777 East 22nd Street
Tucson, AZ 85710

Subject: Approx. 7425 Block E. Old Vail Road, I-1 @: D&D Materials: Proposed New Location
Land Use Code (LUC) Information

Dear Ms. Legg:

Thank you for your email dated March 1, 2006 regarding the above referenced project. The project is the proposed relocation of D & D Materials Landscape Rock. The proposed property is that 12.0 acre vacant lot identified by the Parcel No. 141-11-0270 and located in the approx. 7425 Block East Old Vail Road. The property is zoned I-1 @. D&D Materials retails and wholesales landscape rock, screen fill and blended topsoil. A description of the onsite business operations is as follows. The new property will have one permanent one story office building approx. 30'x60' in dimension. Stockpiles of rock will be brought into the yard by dump trucks and moved by front end loader. A sprinkling water system will be used to maintain and control dust. At present there are six (6) trucks arriving and departing the property for the purpose of supplying the yard with rock material and delivering the material to homeowners. The front end loader will load the trucks and pick up trucks. Hours of operation are weekdays 6:00 am to 6:00 pm, weekends 7:00 am to 3:00 pm. No materials are brought to the site on Sundays. Based on this information you are requesting confirmation the business, as described, is allowed at the proposed new location given its I-1 @ zoning.

The Zoning Administration Division has reviewed your information and the LUC regulations applicable to the project. For zoning purposes the retail and wholesale of landscape rock, screen fill and blended topsoil, as described, is considered to be a "Construction Materials Sales" land use (LUC Sec. 6.3.10.2). Construction Materials Sales: Retail and Wholesale is a permitted principal use in the I-1 zone (LUC Sec. 2.7.2.2.G.1). Please note, the project represents a new use of this property thus all development criteria applicable to new uses of land must be met in full (e.g. parking, loading, landscaping, screening, etc.). Especially take note of the LUC off-street parking requirements for the project. A new Construction Materials Sales use is required to provide off-street parking based on the ratio of one space for each two hundred (200) square feet of gross floor area (GFA). The GFA applicable to this land use includes not only the gross floor area of the building but also the gross lot area dedicated to outside storage. This indoor and outdoor GFA usually results in a rather large off-street parking requirement for the project. With this in mind, final zoning approval for the project requires a detailed site plan be submitted to the Development Services Department (DSD), 1st Floor, 201 North Stone Avenue for the zoning compliance

Wayne Bogdan
3/10/2006 3:25:47 PM
236A

review process. It is the site plan that indicates to staff the project's ability to comply with all LUC development criteria applicable to new construction.

As a final note, the ® after the I-1 indicates there are annexation restrictions that may be deemed applicable to the property (Area 7 Annexation, January 17, 1985: Ord. 6143, Case C9-84-84). A copy of Ord. 6143 is attached for your convenience. If you have any further questions for the Zoning Administration Division, please let me know.

Sincerely,

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

>>> "NANCY LEGG" <2desertrocks@msn.com> 03/01/06 10:58 AM >>>

3/1/06

Dear Mr Tellez:

Kevin Warner of Western Technologies who is performing a phase 1 on parcel 141-11-0270 in Rita Ranch for us gave me your name. My husband and I own D&D Materials presently located at 22nd Street and Pantano Rd. We are interested in the property at Rita Ranch as a new location for our business.

We are trying to evaluate if this property is suitable and appropriate for our business. Being first time land buyers we would appreciate any help and assistance you can offer us concerning any zoning or governmental regulations, statutes and/or ordinances pertaining to this property. We have signed a purchase agreement and have until March 6, 2006 to complete this study.

We are not sure what information you need from us in order to determine if the zoning on this parcel is appropriate for our business. Following is a description of our business activity and I will be glad to supply you with any other information you may need.

Our business is the retail sales of landscape rock. The property will have one permanent one-story office building approximately 30'x60'. Stockpiles of rock will be brought into the yard by dump trucks and moved by a front-end loader. A sprinkling water system will be used to maintain and control dust. At the present time there will be six trucks arriving and departing the property for the purpose of supplying the yard with rock material and delivering the materials to homeowners. The front-end loader will be used to load delivery trucks and pick-up trucks.

Our hours of operations are weekdays 6:00 or 7:00 am to 5:00 or 6:00 pm depending on the season. Saturday hours are 7:00 am to 3:00 pm and Sundays hours are 9:00 to 3:00 pm. No materials will be brought in on Sundays.

We would be appreciative of any assistance you could afford us and if this is not something you can assist us with we would be grateful if you could direct us to who can. Myself and Sam Legg can be reached by phone at D&D Materials, 298-9440 or through email at

131

2desertrocks@msn.com <<mailto:2desertrocks@msn.com>>.

Thanking you in advance for your assistance in the matter.

Nancy Legg

CC: Viola Romero; Walter Tellez

230c

272
132

From: Wayne Bogdan
To: James R. Watson Architects
Date: 01/13/2006 1:36:55 PM
Subject: Re: 3248 N Freeway Ind Loop: Pump It Up

January 13, 2006

James R. Watson
Architect
3026 N Country Club Rd
Tucson, AZ 85716

Subject: 3248 North Freeway Industrial Loop, I-1: Pump It Up: New Use
Land Use Code (LUC) Information

Dear Mr. Watson:

Thank you for your email today and previous email relating to the Pump It Up business. Per your previous emails a description of the business follows. The Pump It Up facility will serve as a youth special occasion area for such uses as birthday parties, holiday parties, and other special events. The facility will offer amenities such as inflatable jumping castles and such not but will not prepare or serve food. Food will be catered or brought to the facility by the customers. The typical hours of operation for this facility in other cities: Monday - Friday 3 pm to 10 pm, and Saturday - Sunday 9 am to 10 pm. The approximate number of employees is 10 maximum at these locations. The existing building is 12,500 square feet of gross floor area now used for wholesale warehouse. The project proposes the following additions: wholesale warehouse gfa of 12,500 sq.ft. existing + 8000 sq.ft. proposed = 20,500 sq.ft. of total warehouse space. The Pump It Up will add 12,000 sq.ft. of new area bringing the building's total square footage to a total of 32,500 square feet. The existing parking area for the building now has 65 spaces. The project will add 35 new spaces bringing the total off-street parking area to 90 spaces. Based on this information you are requesting staff confirm the Pump It Up parking requirements.

The Zoning Administration Division has review your information and the LUC regulations applicable to new uses of land. For parking purposes, the Pump It Up facility is considered to be similar in function to a skating rink thus a "Recreation" land use (LUC Sec. 6.3.7.4). The parking for this land use is calculated using the ratio of one off-street parking space be provided for each 200 square feet of gross floor area (1/200). Please note, a copy of this letter must be attached to the project site plan when submitted to the Development Services Department (DSD), 1st Floor, 201 North Stone Avenue for the zoning compliance review process. Should you require further information from the Zoning Administration Division, please let me know.

Sincerely;

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

Ph: (520) 791-4541 ext. 1116
Fx: (520) 791-5852
Em: wayne.bogdan@tucsonaz.gov

JAN 13 2006
269

272
133



CITY OF TUCSON

MEMORANDUM

DATE: January 26, 2006

TO: Jaret Barr
City Manager's Office

FROM: *Ernie Duarte*
Ernie Duarte
Development Services

SUBJECT: Inn Suites

You had requested information regarding the possible redevelopment of the current Inn Suites located at 475 North Granada .

My zoning staff had previously communicated with a customer interested in redeveloping the site as a "vacation rental" condominium project. This proposal is permitted in the existing I-1 zoning as "Travelers Accommodations, Lodging". However, to qualify for this use the room units must remain as vacation rentals with no kitchens facilities added and must function as a short term stay facility.

However, if the units are changed to residential dwellings such as multi-family apartments with kitchens amenities and separate utilities, the existing I-1 zoning would need to be changed to a residential or appropriate commercial zone as residential dwellings is not a permitted use in the I-1 zoning.

I hope this clarifies any questions you may have. If you need additional information, please contact me or Walter Tellez, Zoning Administrator. Thank you.

cc: Karen Masbruch, Assistant City Manager
Craig Gross, DSD Deputy Director
Walter Tellez, Zoning Administrator

H:\winword\mydocuments\innsuites-barr



272
134

From: Wayne Bogdan
To: Howard @ Tucson Kong
Date: 10/07/2005 4:23:47 PM
Subject: RE: I-1 Variance

October 7, 2005

Howard Kong
Senior Analyst
CB Richard Ellis Brokage Services
3333 East Speedway Boulevard
Tucson, AZ 85716

Dear Mr. Kong:

Thank you for patience in waiting for staff's reply to your email requesting whether the variance process could be used to allow school grades 6-12 in the I-1 zone. Today, staff consulted with the City Attorney's Office on the question. And as you and I had discussed earlier the anticipated answer would be: No, it is the opinion of the City Attorney the variance process could not allow a land use in a zone its prohibited in. For zoning purposes, schools for the grades 6-12 are considered to be a "Educational Use: Elementary and Secondary School" land use. This land use is defined by LUC Section 6.3.4.6.A, which states:

6.3.4.6 Educational Use. Educational Use is a use providing a student with knowledge and instruction through a course or group of courses.

Educational Uses are divided into the following subclasses:

A. Elementary and Secondary Schools. Elementary and Secondary Schools are uses providing primary and secondary education for grades kindergarten through twelve (12), as required by the Arizona State Board of Education. Typical uses include elementary, middle, junior high, and high schools.

Because this land use is not listed as a permitted use in the I-1 zone (LUC Sec. 2.7.2.2.B), its a prohibited use (LUC Sec. 1.2.5). The following LUC regulations were reviewed by staff prior to making its decision:

1.2.5 LAND USES AS ALLOWED IN THE LUC. The LUC applies land use restrictions through the use of zoning categories or districts. The zones are described in Article II of the LUC, and districts are delineated on the City Zoning Maps. Within Article II, each zone lists the land use classes permitted within the zone and the conditions under which they are allowed. Only those land uses listed for that zone are permitted within the zone.

2.7.2 "I-1" LIGHT INDUSTRIAL ZONE.

2.7.2.1 Purpose. This zone provides for industrial uses, that do not have offensive characteristics, in addition to land uses allowed in more restrictive nonresidential zones.

2.7.2.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

B. Civic Use Group, Sec. 6.3.4

3. Educational Use: Instructional School "34"

4. Educational Use: Postsecondary Institution "34"

Q.P.

6.3.4.6 Educational Use. Educational Use is a use providing a student with knowledge and instruction through a course or group of courses.

Educational Uses are divided into the following subclasses:

A. Elementary and Secondary Schools. Elementary and Secondary Schools are uses providing primary and secondary education for grades kindergarten through twelve (12), as required by the Arizona State Board of Education. Typical uses include elementary, middle, junior high, and high schools.

B. Postsecondary Institution. A Postsecondary Institution is a use providing academic, professional, business, technical, or industrial education beyond the twelfth (12) grade, leading to a degree or entry into a paid occupation. Typical uses include community colleges and universities and business, career, beauty, and trade schools.

C. Instructional School. An Instructional School is a use providing domestic, recreational, and other types of instruction for all age groups. Typical uses include dance, cooking, music, martial arts, and handicraft instruction.

If you should further information from the Zoning Administration Division, please let me know.

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

>>> "Kong, Howard @ Tucson" <Howard.Kong@cbre.com> 10/07/2005 10:59:11 AM >>>
Great. Thanks.

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

From: Wayne Bogdan [mailto:Wayne.Bogdan@tucsonaz.gov]
Sent: Friday, October 07, 2005 10:57 AM
To: Kong, Howard @ Tucson
Cc: Michael McCrory; Viola Romero; Walter Tellez
Subject: RE: I-1 Variance

Hi Howard,
Havent heard back yet..but I just forwarded your email to the City Attorney's Office now...I will try my best to get an answer for you before the end of the day...
Wayne

>>> "Kong, Howard @ Tucson" <Howard.Kong@cbre.com> 10/07/2005 10:24:00 AM >>>
Wayne,

I never heard back regarding the question below. There are a few potential sites that my client is interested in considering that are I-1 zoned as we are not having much luck finding C-1 zoned properties meeting their size requirement in the area they need to be in. Their timing is pushed back a bit from Jan 06. Please advise regarding a special exception allowing grades 6-8. Thanks.

Howard Kong | Senior Analyst

134

CB Richard Ellis | Brokerage Services
3333 E. Speedway Boulevard | Tucson, Arizona 85716
T 520 321 3336 | F 520 321 3331
howard.kong@cbre.com | www.cbre.com/tucsonspeedway

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

From: Wayne Bogdan [<mailto:Wayne.Bogdan@tucsonaz.gov>]
Sent: Monday, August 15, 2005 10:56 AM
To: Kong, Howard @ Tucson
Subject: Re: I-1 Variance

Good Morning Howard,
I have forwarded your email to staff and the attnys for their review and comments. As soon as I get their feedback I will email back to you.
Wayne

>>> "Kong, Howard @ Tucson" <Howard.Kong@cbre.com> 08/15/2005 9:15:57 AM >>>
Wayne,

I am working with a Charter School that his being supported by the department head of the University of Arizona's College of Education. They are looking to launch a school to being Jan '06. We have identified a property that is zoned I-1 (3990 S. Evans Blvd). We understand that there is a special exception that allows grades 9-12; however the school would run from grades 6-12. Would a variance to allow grades 6-8 be permissible? What is the process to determine this?
Please advise. Thanks.

Howard Kong | Senior Analyst

CB Richard Ellis | Brokerage Services

3333 E. Speedway Boulevard | Tucson, Arizona 85716

T 520.321.3336 | F 520.321.3331

howard.kong@cbre.com <<mailto:howard.kong@cbre.com>> |
www.cbre.com/tucsonspeedway <<http://www.cbre.com/tucsonspeedway>>

This email may contain information that is confidential or attorney-client privileged and may constitute inside information. The contents of this email are intended only for the recipient(s) listed above. If you are not the intended recipient, you are directed not to read, disclose, distribute or otherwise use this transmission. If you have received this email in error, please notify the sender immediately

60

1347

and delete the transmission. Delivery of this message is not intended to waive any applicable privileges.

CC: Viola Romero; Walter Tellez

68



MEMORANDUM

272
135

DATE: November 1, 2004

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.7.2, General Manufacturing
Land Use Code: Zoning Administrator Determination

A water bottling and distributing business is a "General Manufacturing" land use. The distinction being that bottled water is not perishable like sodas or beer which are "Perishable Goods Manufacturing" land uses.

s:zoning administration/za determination/LUC 2.7.2.doc

EXTRA
C

136
271

From: Wayne Bogdan
To: awarner@planningresources.net
Date: 09/30/2004 2:50:23 PM
Subject: Response to Glenn Moyer and your email to W. Tellez dtd 9/27

Hi Anne,

I have discussed this zoning question with Walter and it is determined that for the purposes of this I-1 @ zoning restriction....Glenn is correct that this zoning restriction @.... A hospital would not be considered a land use that falls within "commercial use supportive park industrial uses and supporting commercial uses"...

If you have any questions concerning this determination, please call me at 791-4541 ext 1116. Also note, this determination can be appealed to the Board of Adjustment provided your appeal is filed in writing along the required appeal fees and documentation with the Zoning Administration Division, 2nd floor offices, 201 North Stone Avenue within 30 days of the date of this email letter.

Sincerely,
Wayne Bogdan
Principal Planner
Zoning Admin. Div. DSD
email: wayne.bogdan@tucsonaz.gov

-----THIS EMAIL REPLY RESPONDS TO-----

>>> Glenn Moyer 09/27/2004 12:20:46 PM >>>

Anne-

I can, in fact, I now have. Walter, please see below, what's your take?

Glenn Moyer, AICP
Rezoning Section
City of Tucson
520-791-4541x1167

>>> "Anne Warner" <awarner@planningresources.net> 09/27/2004 12:18:46 PM >>>
Could you forward to Walter for his take?

Thanks.

A.

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

From: Glenn Moyer [mailto:Glenn.Moyer@tucsonaz.gov]
Sent: Monday, September 27, 2004 12:14 PM
To: awarner@planningresources.net
Subject: Re: Yet another question

I don't think so. You would have to argue that the hospital is a supporting commercial use for the permitted P-I uses. That could be a stretch.

Glenn Moyer, AICP
Rezoning Section
City of Tucson
520-791-4541x1167

DATE: 10/1/04
520-791-4541x1167 52

137

272

From: Walter Tellez
To: Balak, William; Gehlen, Patricia
Date: 12/09/2003 7:57:19 AM
Subject: Re: Pantano/22nd Commercial Storage Project, Eastside Loop Road

Storage for business uses is considered Commercial Storage. The LUC does not allow businesses to use personal storage units. So as long as site plan is noted, it's OK. Thanks.

>>> Patricia Gehlen 12/09/2003 7:50:54 AM >>>

I don't think that he wants to restrict personal storage. In addition, this is an expansion of a non-conforming use. Are you going to write him a letter stating he can't do personal storage? It is designed as personal storage in the sense that there are individual units for rent. They do not have vehicle access and it is unlikely that commercial users are going to carry all their commercial stuff in and out of a building and up and down stairs. Just my thoughts.

>>> William Balak 12/08/2003 4:08:10 PM >>>

This project is located in the Eastside Industrial Park and is zoned I-1(R). The "R" restricts the uses to P1 uses and requirements which allows Commercial Storage but not Personal Storage. Bruce Call of AECM sent a letter on December 4, 2003 describing the type of storage that will occur at the site. He noted that the project is designed in accordance with the Commercial Storage requirements with air cooled units and high security to attract commercial users. The description, in his letter, of the type of storage would indicate the use is "Commercial Storage".

The Plan Notes should state that the use of the site is restricted to Commercial Storage and that the use of the any storage units for storage of personal effects or belongings is not permitted and is a violation of the Land Use Code.

CC: Gross, Craig

6311.2 - Comm Storage
272 - J.1 zone
GA

272

From: John Updike
To: Walter Tellez
Date: 6/26/03 7:58AM
Subject: Re: 1310 W. Miracle Mile - Possible Interim Use

I'd like to think we could install the screening and landscaping in such a way as to be compatible with the ultimate requirements for the TPD substation installation in the main big box, so we have no wasted efforts. I'd advocate for that.

>>> Walter Tellez 06/26/03 07:36AM >>>

Both C-2 and I-1 allow a bus station/terminal. Will landscaping and screening be provided at Miracle Mile?

>>> John Updike 06/25/03 02:21PM >>>

We are exploring with officials of the Greyhound Corporation interim sites for their bus terminal to soon be demolished as a result of the 4th Avenue Underpass Project. One of the prospective sites is the subject, which comes into our possession this week on a purchase from GTC Land, LLC. Actually, it is the vacant pad site at the northeast corner of Miracle Mile and Flowing Wells that would be used by the bus company as a terminal. We are just entering the design phase for the unoccupied portion of the interior of the existing remainder K-Mart building for the new northwest TPD substation. We intend to retain our two existing commercial tenants in the space - they take up about 55,000 square feet (NCS Pearson and Migrant Glass). The pad site is paved parking, unnecessary for the two commercial tenants' operations.

We'd be looking at constructing a modular facility to accommodate passengers, with 10 bus bays with overhead canopy. The interior would not have a standard restaurant, but rather self-service vending machines. I'd expect Greyhound to be in this location for about 24 months at the worst, 12 months at the best. The land parcel is about 2.2 acres, so size isn't a problem. The zoning is C-2. The tax code no. for the parcel is 107-06-023E.

Can you put a bus station in C-2, or does that kind of use require a special exception process? I could be faced with having this operating bus station on the pad site at the same time as we come in for permits for the TPD station build-out, which will require the bus station area for parking. The intent is that Greyhound leaves before TPD would move in. Any complications there that you can think of (couldn't that just be a condition of the permit?)

While I'm asking, the final destination of the greyhound station is still likely to be the northeast corner of 6th Avenue and Toole, zoned I-1. Any issues with a bus station in I-1 (I presume not)...?? Muchas Gracias in advance for any information/direction/guidance you can provide, Walter.

CC: Albert Elias; Ernie Duarte

TPD substation 50,000 sq ft
6,700 sq ft
C-2 zone = 2.54
I-1 zone = 2.92
Land & Scap. Screen 3.72
Retail Sales Big Box 35,000 sq ft

61



The Sunshine City

CITY OF TUCSON

CITY HALL
P.O. BOX 27210
TUCSON, ARIZONA 85726-7210

DEPARTMENT OF PLANNING
791-4505 • 791-4571 • 791-4541
FAX (520) 791-4130 OR 791-2663

272
139

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,

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>

red. out P's
6.5.3.17

I-1 g area = 2.7.2
C-1 = 2.5.3
Spec Exempt = 3.5.4.8.C.2

9/1