



MEMORANDUM

DATE: April 11, 2006

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 3.5.4.20.C.4, Cell Towers in the SCZ, Gateway Route, HPZ, ERZ, and HDZ
Land Use Code: Zoning Administrator Determination

LUC 3.5.4.20.C.4 restricting new towers within 400 feet of a designated Scenic Route or Gateway Route, within a designated Historic Preservation Zone, Environmental Resource Zone, or on a protected peak or ridge as identified in a Hillside Development Zone applies to private property, public property and any right-of-ways. This determination applies to private commercial uses on public property, which is subject to and not exempt from the LUC, and which we regularly apply to other governmental entities. The lease agreement with the wireless provider makes it clear that it is a lease, and not a franchise or license. This is not subject to the City Manager waiver approach.

s:zoning administration/za determination/LUC 3.5.4.20.doc

281
145

From: Walter Tellez
To: Rivera, David
Date: 01/19/2006 1:42:58 PM
Subject: Fwd: Re: HDZ & Residential

I would say residential is residential.

>>> David Rivera 01/19/2006 12:17:01 PM >>>
Walter

This question came up a few weeks. Maybe you can shed some light on this question from Michael. Should we be looking at a multi-family development as a commercial or residential development for building heights when developed within the SCZ buffer. The allowed building heights within the SCZ 400 foot buffer are 30 feet for a commercial development but restrict the building height to 24 feet for residential development. We review a multifamily development (apt's) as a commercial site for all development criteria and Michaels question was, should we allow the multi-family development building height to be 30 feet if the development designator allows a greater building height.

In the past we have looked at multi-family development as a residential use for building height purposes when developed within the SCZ buffer. This is not an issue in the R-1 and R-2 residential zones because the building height is limited to 25 feet by the development designator. This would be an issue within the R-3, C-2, C-3, OCR-1, and OCR-2 where the allowed building height for multi-family development exceeds the 25 feet. I guess the ultimate question is should we allow the multi-family residential development to exceed 24 feet up to 30 feet if the allowed building height per the development designator is greater than the 24 feet and should we make a distinction between single family and multifamily when it comes the the heights allowed per the SCZ. I hope this makes sense.

David

>>> Michael St. Paul 01/18/2006 6:24:21 PM >>>
Nope. I just sent it to you and David.

>>> Patricia Gehlen 01/18/2006 1:37:30 PM >>>
Did we ever resolve this issue?

>>> Michael St. Paul 12/13/2005 10:57:19 AM >>>
There is a height restriction in the HDZ of 24' for residential and 30' for commercial. It is referred to as building height so we should measure it as building height.

Even though multi-family is viewed as commercial we use a residential development designator; ie a letter as opposed to a number. Coverage is viewed differently from other commercial projects and so on. So, perhaps we should view the heights as residential, which would be consistent with the development designator and the other requirements for the apartment complex.

What do you think?

michael

CC: Gehlen, Patricia; Gross, Craig; St. Paul, Michael

Handwritten notes and numbers at the bottom right of the page, including a list of numbers and a circled '243'.

281
146

From: Patricia Gehlen
To: Alshami, Laith; Blanca Espino; Bruckmeier, John; Castro, Daniel; Connor, Andrew; David Rivera; David Roberts; Eberbach, Elizabeth; Flick, Matthew; Gilbert, Patricia; Gross, Craig; Kalthoff, Marilyn; Linville, Joseph; Machado, Paul; Makus; McLaughlin, Peter; Montes, Susan; Rodriguez, Ferne; Saline, Jason; St. Paul, Michael; Tate, James; Vogelsberg, Jim; Williams, Doug
Date: 10/08/2004 8:29:50 AM
Subject: Overlay zones

Good Morning,
Effective this morning, the new overlay zone application and order form for labels are at the zoning counter. If an applicant needs to apply for an SCZ/HDZ/ERZ/WASH review, prior to submittal of the application, s/he is required to offer to meet with the public prior to application submittal. The applicant will need to order the labels which requires a non-refundable \$200 deposit. ***If the applicant applies for the overlay zone review, the \$200 is deducted from the fee.*** If/when an applicant want to order the labels, please fill out the application form, collect a \$200 check (made out to the City of Tucson), and bring it to me. Payment with a credit card is also possible.

After we accept the application, there will be additional steps staff members will have to take to comply with the new Chapter 23A procedure...I bet you can hardly wait to find out what they are!

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

CC: Duarte, Ernie; Jessie Sanders; Michael McCrory; Tellez, Walter

Overlay zones 218
54



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

281
147

August 24, 2001

Michael Sneyd
350 Bay Street, Suite 1200
Toronto, Canada M5H 2S6

Subject: Starr Pass Boulevard, Block 21 - Hillside Development Zone Protected Peak Setback
Land Use Code (LUC) Information

Dear Mr. Sneyd:

This letter provides written response to V. Kulka (Starr Pass) fax dated July 24, 2001. Of concern is the existing restricted peak designation for Starr Pass Blocks 20 and 21. Specifically the 300 foot setback to the designated peaks and ridges as required by LUC Section 2.8.1.6 "Hillside Development Zone - Development Criteria". You are requesting what zoning steps are required in order to modify or reduce this designated setback.

The Planning Department, and the City Attorney, have reviewed your request and the LUC regulations in question. The 300 foot setback to a protected peak or ridge of LUC Section 2.8.1.6 can be modified in one of two ways. LUC Section 2.8.1.11 "Designation or Amendment of Protected Peak or Ridge" states that this protected peak setback is either designated or amended by Mayor and Council approval through the Type V Legislative Procedures. However, LUC Section 2.8.1.12 "Variances" states that this setback can also be modified by Board of Adjustment variance provided, the conditions of LUC Section 2.8.1.12.A through .G (See Attachment) are met, in addition to the findings of LUC Section 5.1.7.3.B.1 (See Attachment). Information on the Type V Legislative Procedures can be obtained by contacting Glenn Moyer or Sarah More of the Planning Department at (520) 791-4571. Board of Adjustment information can be obtained by contacting Aline Torres or Wayne Bogdan at (520) 791-4541. Should you require further zoning information, please contact Bill Balak, Wayne or myself at (520) 791-4541.

Sincerely,

Walter Tellez
Zoning Administrator

s:zoning/2001/starpasspeaks.doc
Attachments: LUC Sections 2.8.1.12 and Section 5.1.7.3.B.
cc: Michael McCrory, City Attorney's Office
Sarah More, Planning Department
V. Kulka, Starr Pass, fax: 670-0590 ✓
Arden Ranshaw, Tetra Tech, Inc., fax: 884-5278

195

286
18



CITY OF
TUCSON

Zoning
Administration
DSD

May 23, 2005

Jody Gibbs
P.O. Box 1987
Tucson, Arizona 85702

Subject: Historic Preservation Zone Case (HPZ 05-22) Lovegrove-New
Construction (Residence); 334 West 18th Street (Barrio-Historico
Preservation Zone)

Dear Mr. Gibbs:

In your May 5, 2005, letter you requested that the letter you sent to the Zoning Administrator on April 27, 2005, be a protest of my decision to approve this proposal with conditions. The City Attorney's office has reviewed your request and related documentation on this case and has determined that you do not have standing to protest my decision to approve this case. This determination was based on the fact that the request by the property owner was not considered by the Barrio-Historico Preservation Zone Advisory Board and posted as an agenda meeting item in accordance with Section 2.8.8 of the City of Tucson Land Use Code. Your right to protest my decision is therefore waived and this case stands approved with conditions as stated in my letter copied to you dated April 29, 2005.

If I can provide additional assistance, please contact Frank Podgorski at 791-4571 (x1145).

Sincerely,

for Ernest A. Duarte
Ernest A. Duarte
Director

EAD:FSP/hpz0522a

C: Councilmember Steve Leal
Michael McCrory, City Attorney's Office
Walter V. Tellez, Zoning Administrator
Teresita Majewski, Chair, Tucson-Pima County Historical Commission
Marty McCune, Historic Program Administrator

147