

283 (51)

From: Walter Tellez
To: NFANDMF@aol.com
Date: 04/13/2006 10:03:28 AM
Subject: 444 E. Speedway

Mr. Finkelstein,

Staff has reviewed your proposal to create two lots at 444 E. Speedway and to build 2 single family residences. The northern most unit would be built in the future right-of-way area for Speedway. I have discussed your proposal with City staff, including the City Attorney's Office. Section 2.8.3.5.C.2 of the Land Use Code states that buildings cannot be constructed in the MS&R area required for the future right-of-way of a major street. Thus, it is my determination that your proposed dwelling in the future right-of-way for Speedway, is not allowed.

Please note, a zoning administrator's determination is appealable to the Board of Adjustment provided the appeal is made in writing and filed, along with the appropriate fees and documents, with the Zoning Administration Division, Second Floor Offices, 201 North Stone Avenue within thirty (30) days of the date of this letter. If you should require further information concerning the appeal process, contact Wayne Bogdan or Russlyn Wells at 791-4541.

Walter Tellez
Zoning Administrator

CC: Ernie Duarte; Gross, Craig; McCrory, Michael

251
5.11.06
2.8.3.5.C.2
02-

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From: Craig Gross
To: Connor, Andrew; St. Paul, Michael
Date: 02/28/2006 2:36:42 PM
Subject: 1802 E. Prince T05CM03968

Per Walter Tellez, when an existing approved building encroaches into a future setback or landscape buffer we do not require a variance or a portion of the building to be removed to meet code. In this case the property has a future ROW of an additional 30 feet (75') that will extend to the leading edge of the existing building. No landscape buffer will be required in front of the building between the building and the future ROW. If additional room exists beside the building and behind the future ROW then a landscape buffer can be provided in that area. This does not apply for any new construction adjacent to the future ROW, only to existing development. Please come see me if you have additional questions.

Craig

CC: Linville, Joseph; Rivera, David; Tellez, Walter

landscaping = 3' 7 2
- - - - - = 60.2 ft

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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 SZC 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

HDZ 24'
SCZ 30'
P...
C... 25.4
... 3.53
... 2.62

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MEMORANDUM

DATE: June 13, 2005

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.8.3, Regulatory Authority for MS&R Setback; LUC 2.3.4, R-1 Zone
Land Use Code: Zoning Administrator Determination

Regulating development in the future ROW is under LUC 3.8.3.5.F which requires the site plan to show how the project will comply with LUC requirements when the MS&R ROW can no longer be used as part of the site. If in the case of a R-1 lot, the loss of the MS&R ROW results in the property being unusable then under LUC 3.8.3.5.F, the site plan would show the lot with no building (if it's actually not possible) when the MS&R is enforced thereby identifying the lot as a total taking.

s:zoning administration/za determination/LUC 2.8.3.doc

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From: Walter Tellez
To: Dinauer, Andy
Date: 06/17/2004 3:59:43 PM
Subject: Re: Prince Road, Campbell Avenue to Country Club Road

This is fine, thanks. We will keep it in the pending file.

>>> Andy Dinauer 06/17/2004 3:54:16 PM >>>

On previous B of A cases, an e-mail was sufficient. Would this e-mail (or one from Jim Glock) suffice as TDOT's recommendation of approval for this case?

>>> Walter Tellez 6/17/2004 3:50:04 PM >>>

Andy,

Thanks for the information. I had met with the Frey's yesterday and explained that because the MS&R Plan required the 120, that a Board of Adjustment variance would be required to build in the future right of way. I told them that the recommendation from TDOT would be crucial for their variance case. They said that their contractor had received different answers to their proposal, so I recommended they send a letter to get an official recommendation from TDOT. Let me know if we need to discuss this further.

>>> Andy Dinauer 06/17/2004 3:36:01 PM >>>

Earlier today I took a call from a resident by the name of Carol Frey who owns the property at 3565 N. Stewart Avenue (SWC of Prince and Stewart, about 2 blocks west of Country Club). She was asking about our future widening plans for Prince Road in that area. Apparently she is wanting to build a garage on her property but she ran into some hurdles because the future MS&RP right-of-way requirements for Prince Road call out a 120' cross-section (which equates to a 6-lane divided roadway). I told her I would provide you with an e-mail to see if that might provide her with some assistance/relief.

TDOT does not have plans to improve/widen the subject section of Prince Road. TDOT anticipates that the ultimate roadway cross-section for this portion of Prince Road will not exceed the 5-lane cross section that currently exists on Prince Road from Campbell Avenue, west, to I-10. The existing 105' right-of-way on Prince Road along the frontage of the Frey property would accommodate the referenced 5-lane cross-section (although, as Prince Road essentially stops at Country Club Road, it is unlikely that the section of Prince Road abutting the Frey property would ever warrant a 5-lane cross-section). TDOT does not object to the Frey's constructing a garage within the confines of their existing property. Please advise if TDOT can provide any further information that might assist the Frey's in moving forward with their garage. Thanks.

CC: Bogdan, Wayne; Wells, Russlyn

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From: Russlyn Wells
To: Daniel Castro; David Rivera; Michael St. Paul; Patricia Gehlen; Peter McLaughlin
Date: 03/03/2004 1:45:31 PM
Subject: Backing out onto frontage road along a MS&R

Hello All,
Wanted to share the clarification I received from discussing this with Walter.

If a (dedicated, paved) frontage road exists along the MS&R, then that segment of the MS&R is considered a residential street and a variance would not be required to allow vehicular maneuvering directly onto the (frontage) street.

Russ

CC: Walter Tellez; Wayne Bogdan

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MEMORANDUM

DATE: January 23, 2004

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.8.2.4 Scenic Buffer in SCZ
Land Use Code: Zoning Administrator Determination

LUC Section 2.8.2.4 states that "A buffer area thirty (30) feet wide, adjacent to the MS&R right-of-way line, is to be preserved and maintained in its natural state. The buffer area shall be in lieu of the landscape border required along street frontages under Sec. 3.7.0, Landscaping and Screening Regulations."

This has been consistently interpreted and applied by the Zoning Administrator to require that the buffer be left in the natural vegetative state and to prohibit the development of the buffer area, including the construction of trails.

s:zoning administration/za determination/LUC 2.8.2.4.doc

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From: Craig Gross
To: Walter Tellez
Date: 9/18/01 8:37AM
Subject: Re: setbacks

12th Avenue is the MS&R problem. The other street is Drexel. but it is OK.

>>> Walter Tellez 09/18/01 07:38AM >>>
Hi Craig. What street are we talking about?

>>> Craig Gross 09/17/01 04:18PM >>>

Walter: I have a situation where the existing ROW is 150 feet but the adopted MS&R ROW is only 100 feet. The MS&R setbacks for a street with an ADT >1000 is measured from the face of future curb (21' or height of building). In this case the future curb is the same as the existing curb which is approximately 36 feet from the property line because of the extra 25 feet of ROW. Do we treat the setbacks based on the existing 150 feet of ROW or have you dealt with this same type of issue some other way?

*Has to use 150 R/W design for
curb location, unless LOT sells.*