



MEMORANDUM

PUBLIC HEARING – July 19, 2017

DATE: July 13, 2017
TO: Jim Portner, AICP, Hearing Administrator
FROM: Janet Emel, Senior Planner
SUBJECT: **P17CU00001 – ARIZONA IRONWOOD LLC – E. TANQUE VERDE ROAD**
Type II Conditional Use – Restaurant in the RVC zone

LOCATION:

The subject site is located on the north side of E. Tanque Verde Road, west of the Tanque Verde Loop and Tanque Verde Road intersection.

SURROUNDING LAND USE OR CONTEXT:

To the west of the property is CR-1 zoned residential, to the north is SR and CR-1 zoned residential, to the east is Rural Village Center (RVC) zoned undeveloped, and across E. Tanque Verde Road to the south are CB-1 and CB-2 zoned properties – one property has a hay/feed store and the other remains undeveloped.

PUBLIC COMMENT:

To date, staff have received two telephone calls on the case. The callers voiced their concerns for the proposed use such as increased traffic and noise. The calls were received prior to the applicants' meeting with the neighbors. Two persons attending the May 24, 2017 Hearing Administrator meeting (which was continued to 7/12/17 and then 7/19/17) expressed concerns about the proposed use including drainage, traffic, children's safety, and noise. One letter of opposition from the tenant living directly north of the site has been received and is attached. The author cited concerns such as dust, noise, loss of privacy, the potential for incidents related to drinking, and protection of wildlife.

BACKGROUND INFORMATION

The request is for a Type II Conditional Use Permit to allow a restaurant in the Rural Village Center (RVC) zone.

The applicants propose a restaurant seating approximately 125-150 persons and serving liquor. The applicant's concept is a rustic barnyard/local gathering place setting. The applicant intends to remodel the existing main building and to add additional square footage. The structures (approximately 4,000 sq. ft.) and parking would be focused on the southeast portion of the property. Ten parking spaces per 1,000 sq. ft. of gross floor area would be required. Access would be from the front of the site. The property slopes down off of Tanque Verde Road.

The applicant has agreed with staff that it is preferable to limit the east access to emergency only so that customers, employees, and deliveries use the front access. Additionally, the area between the existing structures and the north property line would not entail activities and would have additional noise buffering in the form of landscaping or other methods. Additionally, any live music would be limited to acoustic.

The existing vegetation would remain. Most of the western parcel is designated “Biological Core Management” according to the Maeveen Marie Behan Conservation Lands System.

The RVC zone in this area covers approximately 40 acres around Tanque Verde Road and Tanque Verde Loop Road. The area, including the subject property, was rezoned to the RVC zone (Co9-62-97) in 1963 at the initiation of the Tanque Verde Valley Neighborhood Association. The rezoning conditions are that an acceptable development plan be submitted and that the developers comply with drainage requirements. A Certificate of Compliance (an administrative step) showing compliance with the rezoning conditions is required to obtain building permits.

The purpose of the RVC zone is to provide a mixed-use (commercial and residential) village center for the convenience and necessity of a suburban or rural area. The RVC regulations are designed to maintain a suburban character of commercial areas along a scenic route (Tanque Verde Road is a designated scenic and major route) and provide safe access to and from the village center. To ensure compatibility and mitigate any potential impacts of uses, all RVC uses, except single-family residential, are Type II conditional uses requiring notice of surrounding property owners. The property had previously been approved, in 2012, for a Conditional Use Permit and used as a plant nursery and retail store.

This case was originally scheduled for the May 24, 2017 Hearing Administrator meeting, however, the site plan was deemed inadequate and the case was continued to July. The applicant subsequently submitted an acceptable site plan. The continuance provided staff time to review the new site plan, to meet to discuss outstanding issues, and for the applicants to schedule and hold a meeting with interested neighbors. Planning, transportation, and flood control staff subsequently met with the applicants and their representatives to go over issues with the project. The Hearing Administrator (at the 5/24/17 hearing) noted that he wanted the status of drainage and traffic issues to be addressed at the July hearing. The applicants held a neighborhood meeting on Saturday, June 10, 2017 at the Bear Canyon Library. The applicants submitted a summary of the neighborhood meeting (see attached).

DEPARTMENT OF TRANSPORTATION AND REGIONAL FLOOD CONTROL DISTRICT

The Department of Transportation and the District have met with the applicants and discussed potential requirements and will review this project as needed during the permit process.

CULTURAL RESOURCES

Please be aware that Pima County cultural resources requirements could apply to Pima County Conditional Use Permits. If cultural or historic sites will be impacted by the proposed use, mitigation of impacts on sites eligible to the National Register of Historic Places could be required before the County issues the building permit. A first step in identifying the cultural resources status of your property is to request an archaeological records review from the Arizona State Museum (ASM), at 621-2096, and submit it with the permit application. The County Office of Cultural Resources and Historic Preservation will review the ASM report and determine whether additional cultural resources actions are necessary.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the conditional use request subject to the following recommended conditions:

1. The property shall be developed as presented in the application and on the site plan;
2. Additional noise buffering measures be provided along the north boundary and the north area remain a “no-activity buffer” for the adjacent neighbors;
3. The northeast “access” (from easement) to be limited to emergency access; and,
4. Site improvements shall be implemented with a Type I grading permit.

Staff suggests that a condition limiting hours of operation such as 10 pm on weekends and 9 pm on weeknights could also be considered, if necessary. Such hours would seem consistent with the concept of a 'local or neighborhood restaurant' focused mainly on dining. And, consider a condition requiring a wall along the west side of the property to mitigate the residents from the potential noise and light from parking cars.

The applicant should be prepared at the hearing to provide an update on circulation and flood control measures for the property along with additional noise buffering measures.

The property has previously been used for commercial purposes - albeit much less intense uses. The structures and activities will be focused on the southeastern portion of the parcel thereby providing a buffer to the residence to the west by a road (Mesquite Thicket Ct), by distance, and by existing vegetation. The property that may be the most effected is the property to the north where a 'no-activity' area, fencing, and additional noise buffering are proposed.