

August 31, 2017

Clerk of the Board
Administrative Division
130 West Congress,, 5th Floor
Tucson, AZ. 85701

RE: Public Petition
Conditional Use Permit
No: P17CU00005

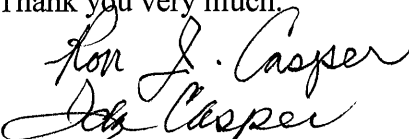
Dear Ms. Castaneda;

My wife and I are property owners, and residents, at 6055 North Sandario Road. The purpose of this letter is to convey a PETITION of surrounding neighbors and rural homestead property owners in objection to the above referenced Conditional Use Permit scheduled for consideration for the Pima County Board of Supervisors at the September 19th, 2017 Public Hearing.

Additionally, I have included a copy of our personal letter, dated July 01, 2017, that was directed to Pima County Development Services in opposition to the above referenced Conditional Use Permit.

I would respectfully request these materials and information be forwarded to each of the five (5) members of the Pima County Board of Supervisors, and if possible, be included within the official Board Packet.

Thank you very much.


Ron & Ida Casper
6055 North Sandario Road
Tucson, AZ 85743

c: Pima County Development Services: Ms. Janet Emel

AUG 31 17 PM 01:44 PCLK/CF/ED
AFB

NOTICE OF PUBLIC HEARING

PUBLIC HEARING WILL BE HELD BY THE PIMA COUNTY BOARD OF SUPERVISORS on TUESDAY, SEPTEMBER 19, 2017 at or after 9:00 a.m. in the Board of Supervisors' Hearing Room, First Floor, Administration Building, 130 West Congress Street, Tucson, Arizona, at which time and place all interested persons will have an opportunity to appear and be heard on this matter.

Please note that property owners within 300 feet of a proposed rezoning, substantial change or specific plan request may file written approvals or protests of the change at any time prior to the close of the Board of Supervisors' public hearing. If twenty percent (20%), by number and area, of the owners of property within 300 feet of the rezoning, substantial change or specific plan file written protests, an affirmative vote of three-fourth (3/4) of all members of the Board of Supervisors will be required to approve the rezoning, substantial change or specific plan. Written approvals or protests may be filed with the Pima County Development Services Department, Planning Division, 201 N. Stone Avenue, 2nd Floor, Tucson, AZ 85701, or with the Clerk of the Board of Supervisors.

This is not a complete agenda and does not reflect the order in which cases will be heard. Please call the Clerk of the Board at 520-724-8449 or go online to www.pima.gov for the Board Agendas, prior to the Hearing for the correct agenda order. Publicly noticed items may be continued during the Board's meetings. If an item is moved from the Public Hearing date noted above to a future date, the new date will be announced at the above noticed meeting.

The Board Hearing Room is wheelchair accessible, Assistive Listening Devices are available, and closed captioning is available on cable television. The following services are available upon prior request (ten working days) at the Clerk of the Board: Agenda materials printed in braille or large print; a signer for the hearing impaired.

ADVERTISED ITEM FOR PUBLIC HEARING

TYPE II CONDITIONAL USE PERMIT RESTAURANT (Food Vending Cart)

P17CU00005 SMILEY/ROBERTS – N. SANDARIO ROAD

Request of Charles Smiley and Murray Roberts on a site located at 6029 N. Sandario Road, in the RH zone, for a conditional use permit for a restaurant, in accordance with Section 18.13.030 of the Pima County Zoning Code as a Type II conditional use permit.

(District 3)

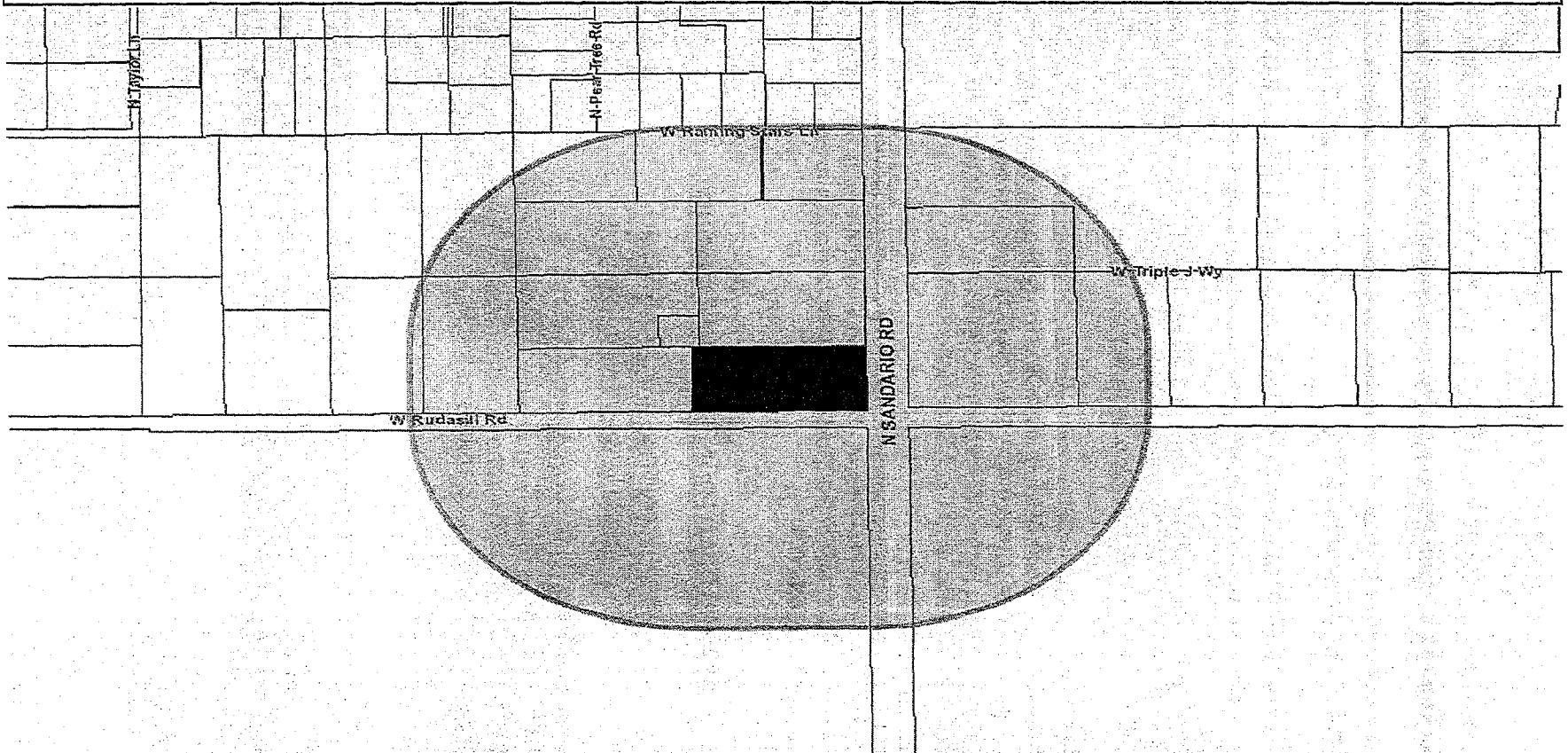
DONE BY ORDER OF THE PIMA COUNTY BOARD OF SUPERVISORS THIS 14th DAY OF AUGUST, 2017. TELEPHONE: PUBLIC WORKS - DEVELOPMENT SERVICES - PLANNING DIVISION 520-724-9000. PUBLISH:

DAILY TERRITORIAL

FRIDAY, SEPTEMBER 1, 2017

NOTIFICATION MAP

SMILEY/ROBERTS—N. SANDARIO ROAD



LEGEND	
	Petition Area
	1000' Notification Area

NOTES			
File no.:	P17CU00005	Tax Code(s):	213-13-091B
Application:	CONDITIONAL USE	Base Map:	154
	 0 500'	Drafter:	A.H.



6/26/2017

PIMA COUNTY BOARD OF SUPERVISORS

We, the under signed property owners and residents, are writing to urge you to DENY the proposed Conditional Use Permit P17CU00005 for 6029 N. Sandario Rd. for which Mr. Charles Smiley is applying. We agree the proposed use of this property will be disruptive to the existing ambiance of the area and is neither needed or necessary for the following reasons.

First and foremost, Mr. Smiley's proposed use of the lot is completely inappropriate and out of character for the area. While it and the surrounding lots are currently zoned RH, conditional uses neither promote nor maintain the current integrity of the area. Any commercial use of this obviously residential property will detract from its ability to blend with the adjacent lots and Saguaro National Park land.

Given the pristine beauty of Saguaro National Park West, any type of non-residential development on properties adjacent to the park boundary will severely detract from its aesthetics. And given that Mr. Smiley's property is literally across the street from the Park boundary, we believe that food carts and shipping containers parked on this lot would give the area a "flea market" appearance, in addition to potentially opening the door for nearby lots to propose similar developments. Available commercial lots exist one mile to the north for this exact purpose. In addition, these uses present no benefit to neighbors, Pima County, or Saguaro National Park.

Please note that nine (9) members of the public attended the Public Hearing and all expressed opposition to this permit application with NO ONE, except the applicant, appearing in Support. The Hearing Administrator, for whatever reason, chose to ignore this public testimony. You are encouraged to visit the permit location and drive north/south and east/west and judge for yourself how a "roadside vendor" business would benefit the local residents and our national treasure the Saguaro National Park.

In summary, we would like to state that our opposition is not to any development of this property, but to the intended commercial use as stated in the permit application. We all moved out here to get away from high density structures, light pollution, and noise. We all appreciate the comparatively quiet, clear days and nights here. These lots were and always have been intended to be residential homesteads. Mr. Smiley, who lives nearby, and his out-of-state business partner purchased this lot with the sole intention of making it a commercial venture. While he has been open and approachable thus far, we do not believe he respects our concerns or the integrity of the area. Just because one can apply for a commercial permit for an RH lot doesn't mean one should, given the reasons stated above. Therefore, we respectfully request you DENY Mr. Smiley's permit request.

Thank you.

11130 W RUDASILL RD

NAME Nick Bonifas ADDRESS 11130 W RUDASILL RD TUCSON AZ 85743 DATE 8-21-17

EDWARD FORPHY 11250 W RUDASILL Rd 8/21/17

Mamunifaw TUCSON AZ 85743

JOE FINCHER 1380 W KENNETH RD. 8/26/17

JOE FINCHER 11770 TRIPPLE J WAY 8/26/17

Nathan Fincher 11770 W TRIPPLE J way 8-26-17

FERNANDO VALDEZ 12010 W. Rudasill Rd 8-28-17

Gloria Valdez 12010 W Rudasill Rd 8-28-17

Michelle Montague 12020 W. Rudasill Rd, Tucson AZ 85743 8-28-17

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Thank you.

NAME	ADDRESS	DATE
<i>Waini Ann</i>	<i>11950 W Ruidasill Rd Tucson, AZ 85743</i>	<i>8/19/17</i>
<i>Paralace Colson</i>	<i>11950 W. Ruidasill Rd. 85743</i>	<i>8/19/17</i>
<i>Roy H. ...</i>	<i>6121 N. SANDARIO RD. 85743</i>	<i>8/22/17</i>
<i>Mr. ...</i>	<i>6121 N. SANDARIO RD. 85743</i>	<i>8/22/17</i>
<i>John J. Casper</i>	<i>6055 N. Sandario Rd.</i>	<i>08/24/2017</i>
<i>John J. Casper</i>	<i>6055 N. Sandario Rd.</i>	<i>Aug. 24, 2017</i>

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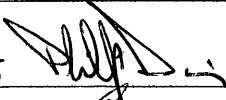
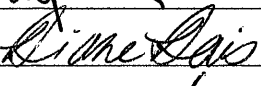
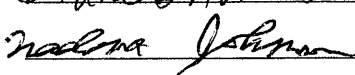
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Thank you.

NAME	ADDRESS	DATE
Phillip Davis 	6011 N. Sandario	8/22/17
Diane Davis 	" " "	8/26/17
	6115 N. SANDARIO RD	8/15/17

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Thank you.

NAME	ADDRESS	DATE
Susan C. Scher	11400 W Rudasill Rd	8/16/17
Laura Ruff	11400 W Rudasill Rd	8/28
Joanne A. Coffman	11390 W Rudasill Rd.	8/28/17

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Thank you.

NAME	ADDRESS	DATE
Russell Davis	12260 W. Rindasill Rd.	8/29/17
Gloria Davis	12260 W. Rindasill Rd.	8/29/17
Phil Davis	6111 N. Sandario Rd.	8/29/17

July 01, 2017

Pima County
Development Services
201 North Stone Avenue, 2nd Floor
Tucson, AZ 85701

ATTN: Ms. Janet Emel
Senior Planner

RE: ~~Conditional Use Permit Application~~
P17CU00005: Smiley/Roberts North Sandario Road

Dear Ms. Emel:

My wife and I are residents/owners of Parcel # 213-13-0880 located at 6055 North Sandario Road. We write this letter in response to the received notice of a public hearing on the above referenced Conditional Use Permit application for Parcel (# 213-13-091B) located at 6029 North Sandario Road. We will attempt to voice our thoughts, concerns, and provide additional information for consideration with this public process.

Our first thoughts are that this application for roadside "vending" at this location, while well presented, is not appropriate or necessary for this location. One need only to drive Sandario Road or Rudasill Road for more than a mile east, west, or south; and more than ½ mile north of this Parcel to conclude this proposed type of transient roadside business is "out of character" with the surrounding area rural residences.

A mile to the north at Sandario Road and Picture Rocks road, this type of roadside vending has been visibly evident the entire 12 years we have lived here, but never this far south. On any given day, 2 or 3 roadside vendors, including food trucks, would occupy the SE Corner of Sandario Road & Picture Rocks Road. On weekends this activity would mushroom to 5 to 8 roadside vendors. Only the County could confirm if this was permitted activity at that location.

At any rate, all of that changed a month ago when the new DOLLAR GENERAL store site development commenced and evicted all of these roadside vendors. Some disappeared, some relocated to adjacent commercial zoned properties, and at least one has relocated on the west side of Sandario Road within the public right-of-way.

Our concern is that if this application is approved it will be a potential magnet to attract these type of transient roadside vendors south one mile to Sandario Road & Rudasill Road. A quick review of the application drawing reveals no site secure fencing to prevent others from migrating to this site, or nearby.

Of significant importance to this particular parcel # 213-13-091B is a "Shared Water Well" that is legally conveyed with five (5) other resident occupied parcels: 213-13-086; 213-13-087; 213-13-088; 213-13-090, and 213-13-091A. The referenced "Shared Water Well" is located on the ½ acre Parcel # 213-13-089.

This "Shared Water Well" was established in the early 1960's when the original four parcels (086; 087; 088; 90) were developed and family residences built. When the last parcel adjacent to Rudasill Road was split into 213-13-091A & 21-13-091B with a family residence constructed on Parcel 213-13-091A in the late 1990's, the original Parcel owners established and recorded a WELL OWNERSHIP and WELL SITE AGREEMENT. I have attached a copy of this document, executed in 1999, and included a covenant with the land. This copy is provided for your convenience and review. Please note that all covered parcels have established rural residences, some with numerous animals, with the sole exception of this undeveloped Parcel # 213-13-091B. A review of the WELL OWNERSHIP AGREEMENT should pretty well conclude the previous six (6) parcel owners enacted & recorded this AGREEMENT to set the ground rules for providing & maintaining a water system for DOMESTIC, RESIDENTIAL use only.

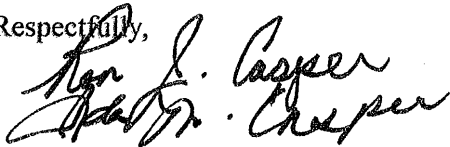
The Conditional Use Permit does not include any on-site residence; only a proposed commercial use. I do not believe the other shared well owners would be receptive to providing water to other than an on-site fixed residence as originally intended. To do otherwise would place the security and health of our water system in potential peril. An on-site residence provides a 24/365 yearly visible security presence for these security/health concerns for an activated parcel water source.

I am hopeful this information and concerns will be helpful and sufficient to deny this Conditional Use Permit. If not, and due to no on-site residence; then at a minimum the following security & safety measures need to be incorporated to protect the other (5) parcel owners and the well site:

- 1) West and north property lines fenced with minimum six (6) foot security fence to prevent transient encroachment onto Parcel # 213-13-090 that has numerous animals including horses, Parcel # 213-13-091A, and "shared well" parcel #213-13-089.
- 2) Security fencing for east and south Conditional Use Permit area, with access gates to be locked when applicant is not present to prevent other transient vendors from occupying site in owners absence.
- 3) If water service from this well is planned for this permit, then specific plan conditions and or stipulations regarding water service given no residence accompanies this application; to include stipulations in case of property transfer.

These are our thoughts and concerns regarding this issue. Please advise in writing of the final process determinations. Thank you.

Respectfully,



Ron & Ida M. Casper
6055 North Sandario Road
Tucson, AZ 85743-9672

Home: [REDACTED]

E-Mail: [REDACTED]

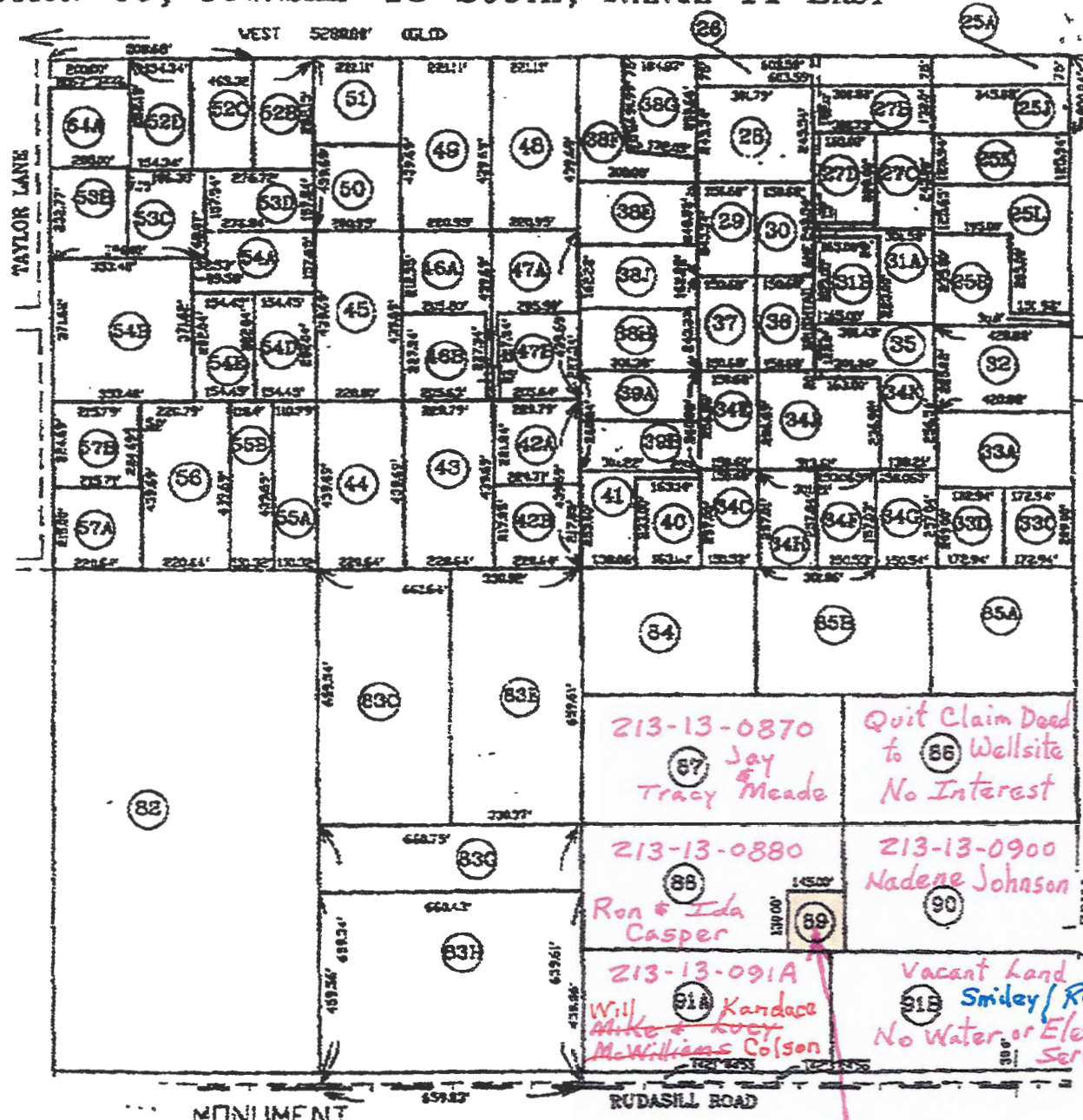
c: Pima County Hearing Administrator

ASSESSOR'S RECORD MAP

213-13

SECTION 09, TOWNSHIP 13 SOUTH, RANGE 11 EAST

FORMERLY
204-05



SEP-15-99 WED 08:53 AM

FAX:

PAGE

11672 17911

pg: 22 of 24

Well site Parcel
213-13-0890