



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 9/20/2022

**= Mandatory, information must be provided*

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

P22CU00006 TK FAMILY, LLC – E. TANQUE VERDE ROAD

***Introduction/Background:**

The applicant requests a Type II Conditional Use Permit for commercial/retail use in a new, small neighborhood scale building, on property located on the north side of E. Tanque Verde Road, at the northeast corner of the intersection of E. Tanque Verde Road and N. Tanque Verde Loop Road, addressed as 11101 E. Tanque Verde Road, in the RVC (Rural Village Center) zone.

***Discussion:**

The Type II Conditional Use Permit proposes a combination of small scale commercial uses, as permitted under Section 18.41.040.A of the Pima County Zoning Code, to provide necessary commercial and retail services to a semi-rural area that is currently underserved.

***Conclusion:**

The request for a Type II Conditional Use Permit for commercial/retail uses in the RVC (Rural Village Center) zone is allowed, subject to the procedures in Chapter 18.97 (Conditional Use Procedures) of the Pima County Zoning Code.

***Recommendation:**

Staff and the Hearing Administrator recommend APPROVAL subject to standard and special conditions.

***Fiscal Impact:**

0

***Board of Supervisor District:**

☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ All

Department: Development Services - Planning

Telephone: 520-724-8800

Contact: Thomas Drzazgowski, Chief Zoning Inspector

Telephone: 520-724-6675

Department Director Signature: _____

Date: _____

Deputy County Administrator Signature: _____

Date: _____

County Administrator Signature: _____

Date: _____



TO: Honorable Steve Christy, District 4

FROM: Chris Poirier, Deputy Director *Tom Drargowski*
Public Works-Development Services Department-Planning Division

DATE: August 30, 2022

SUBJECT: **P22CU00006 TK FAMILY, LLC – E. TANQUE VERDE ROAD**
(Conditional Use Type II – Commercial uses in RVC (Rural Village Center) Zone)

The above referenced Type II Conditional Use Permit is within your district and is scheduled for the Board of Supervisors' **TUESDAY, September 20, 2022** hearing.

REQUEST: For a **Type II Conditional Use Permit for commercial/retail use in a new small neighborhood scale building**, in accordance with Section 18.41.040.A of the Pima County Zoning Code, on property located on the north side of E. Tanque Verde Road, at the northeast corner of the intersection of E. Tanque Verde Road and N. Tanque Verde Loop Road and addressed as 11101 E. Tanque Verde Road, in the RVC (Rural Village Center) zone.

OWNERS: TK Family LLC
8400 E. Cresthill Drive
Tucson, AZ 85750

AGENTS: Lazarus and Silvyn, P.C.
Attn: Rory Juneman
5983 E. Grant Road, Ste. 290
Tucson, AZ 85712

DISTRICT: 4

STAFF CONTACT: Anita McNamara, AICP, Senior Planner

PUBLIC COMMENT TO DATE: As of August 30, 2022, two written comments have been received, with one in support and one opposed.

HEARING ADMINISTRATOR RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS): The project is outside of the Maeveen Behan Conservation Lands System

TD/AM/ds
Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P22CU00006

Page 1 of 4

FOR SEPTEMBER 20, 2022 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director *Tom Drargowski*
Public Works-Development Services Department-Planning Division

DATE: August 30, 2022

ADVERTISED ITEM FOR PUBLIC HEARING

TYPE II CONDITIONAL USE PERMIT

P22CU00006 TK FAMILY, LLC – E. TANQUE VERDE ROAD

Rory Juneman, on behalf of TK Family, LLC, requests a **Type II Conditional Use Permit for commercial/retail use in a new small neighborhood scale building**, in accordance with Section 18.41.040.A of the Pima County Zoning Code on property located on the north side of E. Tanque Verde Road, at the northeast corner of the intersection of E. Tanque Verde Road and N. Tanque Verde Loop Road and addressed as 11101 E. Tanque Verde Road, in the RVC (Rural Village Center) zone. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 4)

Summary of the Hearing Administrator Hearing (August 10, 2022)

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held before the Hearing Administrator on August 10, 2022. The hearing was held telephonically. The applicant presented the case to the Hearing Administrator and answered his various questions.

The Hearing Administrator opened the public hearing. Five (5) members of the public attended the hearing to speak, one (1) of whom expressed support and four (4) of whom expressed concerns that included drainage/flooding of nearby properties, noise, location of the proposed dumpster, parked/idling service vehicles, and the fact that no specific commercial tenants had yet been identified. One (1) letter of support had been received prior to the public hearing.

After hearing all of the above and allowing the applicant to reply to the public testimony, the Hearing Administrator closed the public hearing, explaining that he felt that this particular proposed use at this particular location along a designated arterial street was a good one, and that he intended to recommend approval of the request, subject to his refinement of the Special Conditions that had already been promulgated by staff. He also explained that his decision was

a recommendation only, given that this was a Type II request, and that the Board of Supervisors would make the ultimate decision to approve or deny the application.

After visiting the subject property and considering the facts and testimony presented at the public hearing, together with the written materials submitted by the applicant and neighbors, the Hearing Administrator recommends **APPROVAL** of this request for a Type II conditional use permit for a small-scale neighborhood commercial/retail building and overflow parking. The applicant is advised that this is a recommendation to the Board of Supervisors, who will make the ultimate and final decision on this CUP request.

Should the Board of Supervisors agree with the Hearing Administrator's recommendation for approval, it is suggested that this approval be granted subject to the following standard and special conditions:

Standard Conditions & Requirements per the Pima County Zoning Code

1. Adherence to all requirements of Pima County Zoning Code Sections 18.41.040.A and 18.43.030.G for the restaurant use.

Special Conditions

1. The property shall be developed as presented in the application and on the preliminary development plan, except as modified by the remaining Special Conditions below.
2. Development Plan Standards shall be implemented consistent with the requirements of Pima County Zoning Code section 18.71.060.
3. All 73 parking spaces shall be constructed prior to any restaurant use being permitted on the property.
4. To ensure there will be sufficient excess parking on the subject property to accommodate overflow parking for the adjacent restaurant, the following scenarios shall be allowed:
 - A. Any combination of office, commercial, retail, personal service and/or food service uses operating between 6:00 am and 6:00 pm, that meets the required Pima County parking standards; or
 - B. A restaurant up to 3,500 sq. ft. in floor area (including outdoor patio) with hours of operation between 6:00 am and 10:00 pm, in combination with other office, commercial, retail, or personal service uses with operating hours of 6:00 am to 6:00 pm; or
 - C. Any combination of uses, floor areas, and hours of operation that, in the opinion of the Chief Zoning Inspector, will allow sufficient onsite parking, and provide the required offsite parking needed for the Barnyard Restaurant during peak times.
 - D. As part of the Traffic Impact Study (TIS) stipulated in Special Condition 12.A below, the project's traffic engineer shall furnish a summary of parking counts for the Barnyard Restaurant during its weekend evenings in peak season(s). The purpose of this data is to provide an empirical basis for ensuring adequate overflow parking for the Barnyard Restaurant on the new retail site, and to provide a reliable basis for evaluating Scenario 4.C above.
5. Primary access shall be from E. Tanque Verde Road.
6. A cross-access easement shall be provided for overflow parking from the Barnyard Restaurant property to the west. This shall be completed prior to the approval of a development plan.
7. The proposed dumpster shall not be located as shown on the submitted concept plan. It shall be repositioned on the site in a location that ensures maneuverability and which is south of a line defined by the southern edge of the northern 24' parking area access lane.

8. The Flood Control District has no objection subject to the following:
 - A. Regional Flood Control District review and approval are required at the time of development.
 - B. Diversions or obstructions to flow within the Federal Emergency Management Agency (FEMA) floodplain are prohibited.
 - C. In addition the detention requirement, first flush retention shall be provided in Low Impact Development practices distributed throughout the site.
9. Cultural Resources has no objection subject to the following:
 - A. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property and submitted to OSC for review.
10. The Department of Environmental Quality has no objection subject to the following:
 - A. The property owner shall connect to the public sewer system at the location and in the manner as specified by PCRWRD. On-site wastewater disposal shall not be allowed.
 - B. The subject property is located within Tucson Water's service area. Property owners shall provide written approval from Tucson Water indicating water service will be provided.
11. Pima County Regional Wastewater Reclamation Department (PCRWRD) has no objection to the request for a conditional use permit and offers the following standard wastewater requirements:
 - A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the subject property until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the PCRWRD stating that treatment and conveyance capacity is available for any new development within the subject property, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the subject property to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the subject property to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the subject property, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system is permanently committed for any new development within the subject property.
12. The Department of Transportation has no objection to this conditional use permit subject to the following:

- A. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Development Plan submittal. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner/developer.
- B. The Tanque Verde Road and Tanque Verde Loop Road intersection traffic signal shall be modified as determined by TIS, including but not limited to adjusting the signal timing for existing legs of the intersection, signal heads, turn lanes, and signage. Coordination will be required with the Department of Transportation prior to Development Plan approval.
- C. The access easement from Tanque Verde Road to the second driveway along the west property boundary shall be improved to Pima County standards.
- D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and easements.
- E. Sidewalk and ADA ramp improvements shall be constructed along the site frontage on Tanque Verde Road between the site's access on Tanque Verde Road and the access easement.

TD/AM/ds
Attachments

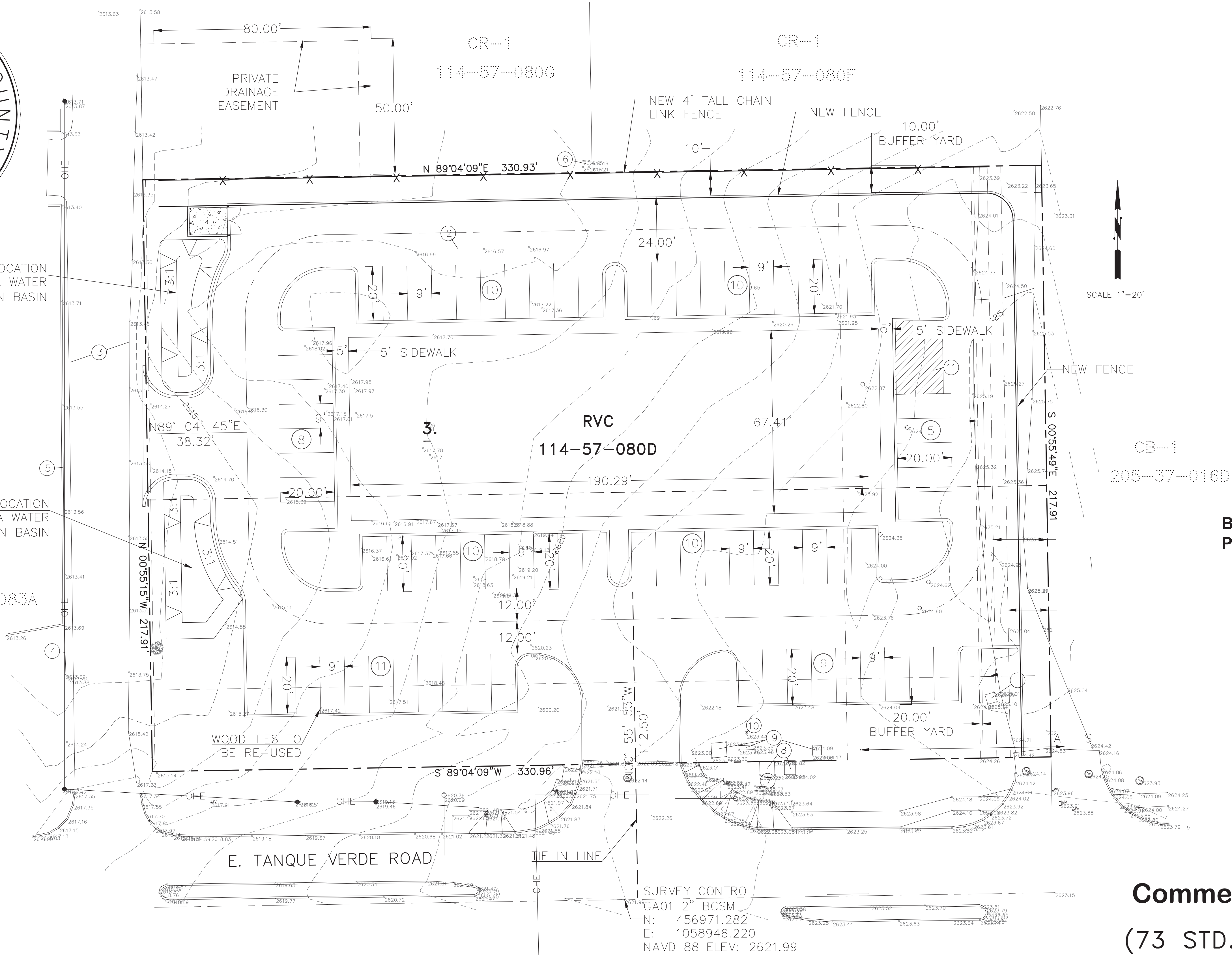
C: Rory Juneman, Lazarus & Silvyn P.C.
Tom Drzazgowski, Chief Zoning Inspector



TENTATIVE LOCATION
FOR A WATER
RETENTION/DETENTION BASIN

TENTATIVE LOCATION
FOR A WATER
RETENTION/DETENTION BASIN

RVC
114-57-083A



Commercial/Retail Center (73 STD. PARKING SPACES) FOR

Parcel 114-57-080D
11101 E. Tanque Verde Rd.
Tucson, AZ 85749



ALR ENGINEERING, INC.
CONSULTING ENGINEERS
7141 VIA VENEZIA, Tucson, Az. 85704
520-980-1799, email rmartinez@sib-alr.com

11101 E. Tanque Verde Road Aerial Map





MEMORANDUM

PUBLIC HEARING – August 10, 2022

DATE: August 3, 2022
TO: Jim Portner, AICP, Hearing Administrator
FROM: Anita McNamara, AICP, Senior Planner
SUBJECT: **P22CU00006 – TK FAMILY, LLC – E. TANQUE VERDE ROAD**
Type II Conditional Use – retail/restaurant/office/parking in the RVC zone

LOCATION:

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

SURROUNDING LAND USE OR CONTEXT:

To the west of the property is Rural Village Center zoned property developed with a restaurant, to the north is SR and CR-1 zoned residential, to the east is Rural Village Center (RVC) zoned undeveloped and CB-1 undeveloped, and across E. Tanque Verde Road to the south is CR-1 zoned property developed with a junior high school. E. Tanque Verde Road is a designated Scenic, Major Route on the Major Street and Scenic Routes Plan.

PUBLIC COMMENT:

As of the writing of this report staff has received no comments.

BACKGROUND INFORMATION

The subject property, parcel 11457080D, is a 1.65 acre parcel under common ownership with the restaurant on the parcel to the west, the Barnyard, and is currently being used as temporary overflow parking for the Barnyard. The temporary parking is allowed under a Temporary Use Permit as approved by the District 4 Board of Adjustment in August 2021. Given that the subject parcel was purchased to provide overflow parking, this demonstrates that the Barnyard's current business operation is very successful and that the additional parking is required. This request is for a Type II Conditional Use Permit to allow a combination of small scale commercial uses as yet to be determined. The applicant states these uses will provide necessary services to an area that is currently underserved. While not yet determined, the uses could be a restaurant, retail, personal service and office space that will be housed in a new building along with parking to serve the new uses and the overflow parking for the Barnyard. The proposed uses require a

Conditional Use Permit in the Rural Village Center (RVC) zoning district.

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 applicant's preliminary development plan depicts a maximum 12,827 square feet multi-tenant building with small-scale commercial uses with 73 parking spaces. The exact uses have yet to be determined, but could consist of a restaurant up to 3,500 square feet and additional uses on the property such as office, retail or personal services that close no later than 6:00pm. The restaurant would be permitted with hours of operation in the evening. Conditions have been proposed that would limit the size so that overflow parking for the Barnyard would still be sufficient. Another option is a combination of office, restaurant, commercial and retail, or personal service, with hours of operation between 6am and 6pm; or any combination of uses, floor areas, and hours of operation that, in the opinion of the Chief Zoning Inspector, will allow sufficient onsite parking for the property, and overflow parking for the Barnyard which is needed. Primary access to the subject parcel will be from the existing access point on E. Tanque Verde Road, at the terminus of N. Tanque Verde Loop.

Restaurant uses require ten parking spaces per 1,000 square feet of gross floor area, while general retail requires 3.5 spaces per 1,000 square feet and grocery, drug or liquor store retail requires 5 spaces per 1,000 square feet. At a building size of 12,827 square feet, with 3,500 square feet of that as restaurant space, 35 parking spaces are required for the restaurant, with the remaining 9,327 square feet used as retail requiring 33 parking spaces for a total of 68 parking spaces required. This figure does not include the overflow parking for the Barnyard. The preliminary development plan shows 73 parking spaces, leaving only 5 spaces for the Barnyard's overflow parking during the day when all uses can exist. Staff is committed to ensure that sufficient additional parking for the Barnyard exists at the times when the Barnyard would be most crowded and additional parking would be needed. To ensure that parking is available on evenings when the Barnyard restaurant can be expected to be the most crowded, the applicant has proposed to limit other uses to day time with a closing time of no later than 6:00pm. Permitting only a 3,500 square foot restaurant to remain open in the evening will allow substantial overflow parking for the Barnyard. Given the concerns to ensure that sufficient overflow parking needs to be incorporated into the plan, staff has added recommended conditions accordingly.

There are two residential properties immediately to the north of the subject parcel. The

preliminary development plan shows an existing rustic metal fence 10 feet south of the northern property boundary, with a ten foot landscape bufferyard to be installed between the fence and this northern boundary. South of the existing fence and bufferyard and behind the proposed building is the back of house area containing a walkway, drive aisle, parking and a dumpster. Staff is concerned about the proximity of the dumpster to these residences and has added a condition requesting it be relocated on-site further away from the residences.

The subject parcel itself has no previously approved Conditional Use Permits. The property to the west (Barnyard), under common ownership with the subject parcel, has previously approved conditional use permits. These include a 2012 Conditional Use Permit to allow the property to be used as a plant nursery and retail store and a 2017 Conditional Use Permit to allow a restaurant (The Barnyard) serving alcohol with seating for approximately 125-150 persons.

The subject parcel is not in the Maeveen Marie Behan Conservation Lands System.

DEPARTMENT OF TRANSPORTATION

The site is located north of the Tanque Verde Road and Tanque Verde Loop Road intersection. The intersection was improved and completed in 2020 per capital improvement plan project (CIP) No. 4TVTVL. Improvements included the addition of a traffic signal at the intersection, separate right and left-turn lanes, crosswalks, ADA accessible curb ramps, bicycle lanes/roadway shoulders, lighting and driveways for private property access.

Tanque Verde Road and Tanque Verde Loop Road are both classified as an Urban Major Collector by its federal functional classification. The most recent traffic count for Tanque Verde Road is 9,439 average daily trips (ADT) with an approximate capacity of 12,390 ADT. The most recent traffic count for Tanque Verde Loop Road is 2,418 ADT with an approximate capacity of 10,360 ADT.

The Tanque Verde Road and Tanque Verde Loop Road intersection is signalized for northbound, eastbound and westbound traffic. Primary access to the site is located at the existing northern leg of the intersection. A secondary access point is proposed along the western property boundary. Access to the second driveway from Tanque Verde Road is an access easement. Improvement to the easement shall meet Pima County standards. Sidewalk will be required along the project frontage and west of the primary access providing connectivity with the existing commercial uses to the west.

A traffic impact study (TIS) will be required. The TIS shall incorporate trip generation from the proposed uses. The traffic signal will be required to be modified incorporating all movements to and from the site including but not limited to adjusting the signal timing for existing legs of the intersection, signal heads, turn lanes, and signage as determined by the traffic impact study.

The Department of Transportation has no objection to the request for a conditional use permit subject to condition #14A-E.

PIMA COUNTY REGIONAL WASTEWATER RECLAMATION DISTRICT

The Planning Unit of the Pima County Regional Wastewater Reclamation Department

(PCRWRD) has reviewed the request and offers the following comments for your use. The proposed project consists of a small-scale commercial/retail/office development located adjacent to the intersection of Tanque Verde Rd and Tanque Verde Loop Rd. The subject property is located within the Rural Village Center (RVC) Zone and is subject to a conditional use permit approval. The property is within the PCRWRD service area.

The existing public sewer system consists of an 8" sewer located within the eastern property area, within a dedicated sewer easement. Please call out the existing public sewer easement on the preliminary development plan. The PDP shows a new fence along the eastern property line. No permits will be issued for any structure (walls, fences, etc.) within a sewer easement unless written permission is granted by PCRWRD.

Please submit a Type I request for capacity evaluation to confirm that capacity is available for the proposed development. Allocation of capacity is made by the Type III Response.

PCRWRD has no objection to the conditional use subject to condition #13A-F.

DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department of Environmental Quality has no objection subject to condition #12A-B.

REGIONAL FLOOD CONTROL DISTRICT

The District has no objection to the request subject to condition #10A-C.

This project is not impacted by a local floodplain or Regulated Riparian Habitat.

1. A small portion (0.08 acres) of the parcel on the northwest property boundary is impacted by Federal Emergency Management Agency Special Flood Hazard Area (SFHA) Zone AE. The floodplain limit is not shown on the site plan submitted with the application. When development modifies a SFHA, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required. Development that modifies the SFHA should be precluded to avoid this requirement. Any development, including grade changes, improved drainage crossings and fencing may be minor enough not to effect the entire SFHA but can impact immediate neighbors. The District is aware of numerous drainage complaints from neighbors in vicinity.
2. The proposed commercial project has a significant amount of impervious surface due to the structure, parking and parking area access lane. It is recommended that the project utilize Low Impact Development Practices distributed throughout the site to retain runoff and maximize stormwater for supplemental irrigation for the required landscaping. A recommended supporting condition below is provided.

CULTURAL RESOURCES

Cultural Resources has no objection to the request subject to condition #11A.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the conditional use request subject to the following standard and special conditions:

1. Adherence to all requirements of Pima County Zoning Code section 18.41.040.A. and section 18.43.030.G. for the restaurant use.
2. The property shall be developed as presented in the application and on the preliminary development plan except as modified by the following conditions.
3. Development Plan Standards shall be implemented consistent with the requirements of Pima County Zoning Code section 18.71.060.



4. All 73 parking spaces shall be constructed prior to any restaurant use being permitted on the property.
5. To ensure there will be sufficient excess parking on the subject property to accommodate overflow parking for the adjacent restaurant, the following scenarios shall be allowed:
 - A. Any combination of office, commercial, retail, personal service and/or food service uses operating between 6:00am and 6:00pm, that meets the required Pima County parking standards; or
 - B. A restaurant up to 3,500 sq. ft. in floor area (including outdoor patio) with hours of operation between 6:00am and 10:00pm, in combination with other office, commercial, retail, or personal service uses with operating hours of 6:00am to 6:00pm; or
 - C. Any combination of uses, floor areas, and hours of operation that, in the opinion of the Chief Zoning Inspector, will allow sufficient onsite parking, and provide the required offsite parking needed for the adjacent restaurant to the west during peak times.
6. To ensure adequate overflow parking for the adjacent restaurant to the west is provided, the applicant shall provide parking/traffic counts for the adjacent restaurant to the west during peak times and seasons.
7. Primary access shall be from E. Tanque Verde Road.
8. A cross-access easement shall be provided for overflow parking from the restaurant property to the west. This shall be completed prior to the approval of a development plan.
9. The location for the dumpster shall be relocated between the north wall of the building and the drive aisle to the north of the building.
10. The Flood Control District has no objection subject to the following:
 - A. Regional Flood Control District review and approval are required at the time of development.
 - B. Diversions or obstructions to flow within the Federal Emergency Management Agency (FEMA) floodplain are prohibited.
 - C. In addition the detention requirement, first flush retention shall be provided in Low Impact Development practices distributed throughout the site.
11. Cultural Resources has no objection subject to the following:
 - A. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property and submitted to OSC for review.
12. The Department of Environmental Quality has no objection subject to the following:
 - A. The property owner shall connect to the public sewer system at the location and in the manner as specified by RWRD. On-site wastewater disposal shall not be allowed.
 - B. The subject property is located within Tucson Water's service area. Property owners shall provide written approval from Tucson Water indicating water service will be provided.
13. PCRWRD has no objection to the request for a conditional use permit and offers the following standard wastewater requirements:
 - A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the subject property until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) stating that

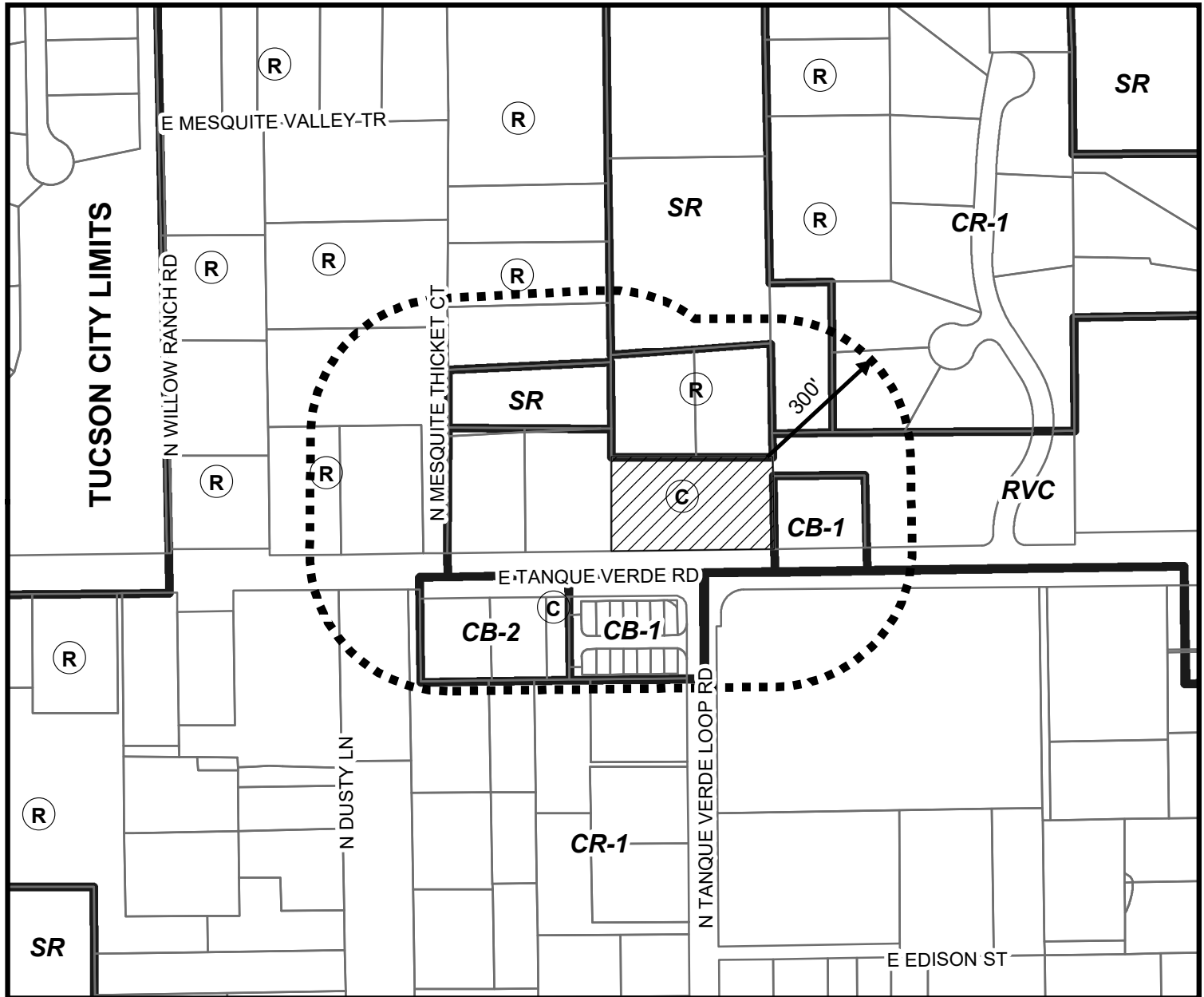
treatment and conveyance capacity is available for any new development within the subject property, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- C. The owner(s) shall time all new development within the subject property to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the subject property to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the subject property, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system is permanently committed for any new development within the subject property.
14. The Department of Transportation has no objection to this conditional use permit subject to the following:
- A. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Development Plan submittal. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner/developer.
 - B. The Tanque Verde Road and Tanque Verde Loop Road intersection traffic signal shall be modified as determined by TIS, including but not limited to adjusting the signal timing for existing legs of the intersection, signal heads, turn lanes, and signage. Coordination will be required with the Department of Transportation prior to development plan approval.
 - C. The access easement from Tanque Verde Road to the second driveway along the west property boundary shall be improved to Pima County standards.
 - D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and easements.
 - E. Sidewalk and ADA ramp improvements shall be constructed along the site frontage on Tanque Verde Road between the site's access on Tanque Verde Road and the access easement.

c: Tom Drzazgowski – Chief Zoning Inspector
Rory Juneman – Applicant

Case #: P22CU00006
Case Name: TK FAMILY, LLC - E. TANQUE VERDE ROAD
Tax Code(s): 114-57-080D

 Subject Property
 300' Notification Area



0 145 290 580 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes: **CONDITIONAL USE PERMIT - TYPE II**







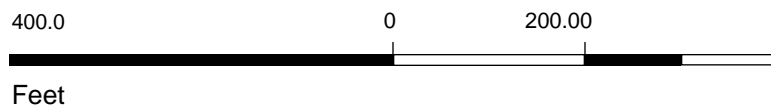
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Map Date: 7/14/2022 - ds

Enclosure 1 - Property Map 11101 E. Tanque Verde Rd.

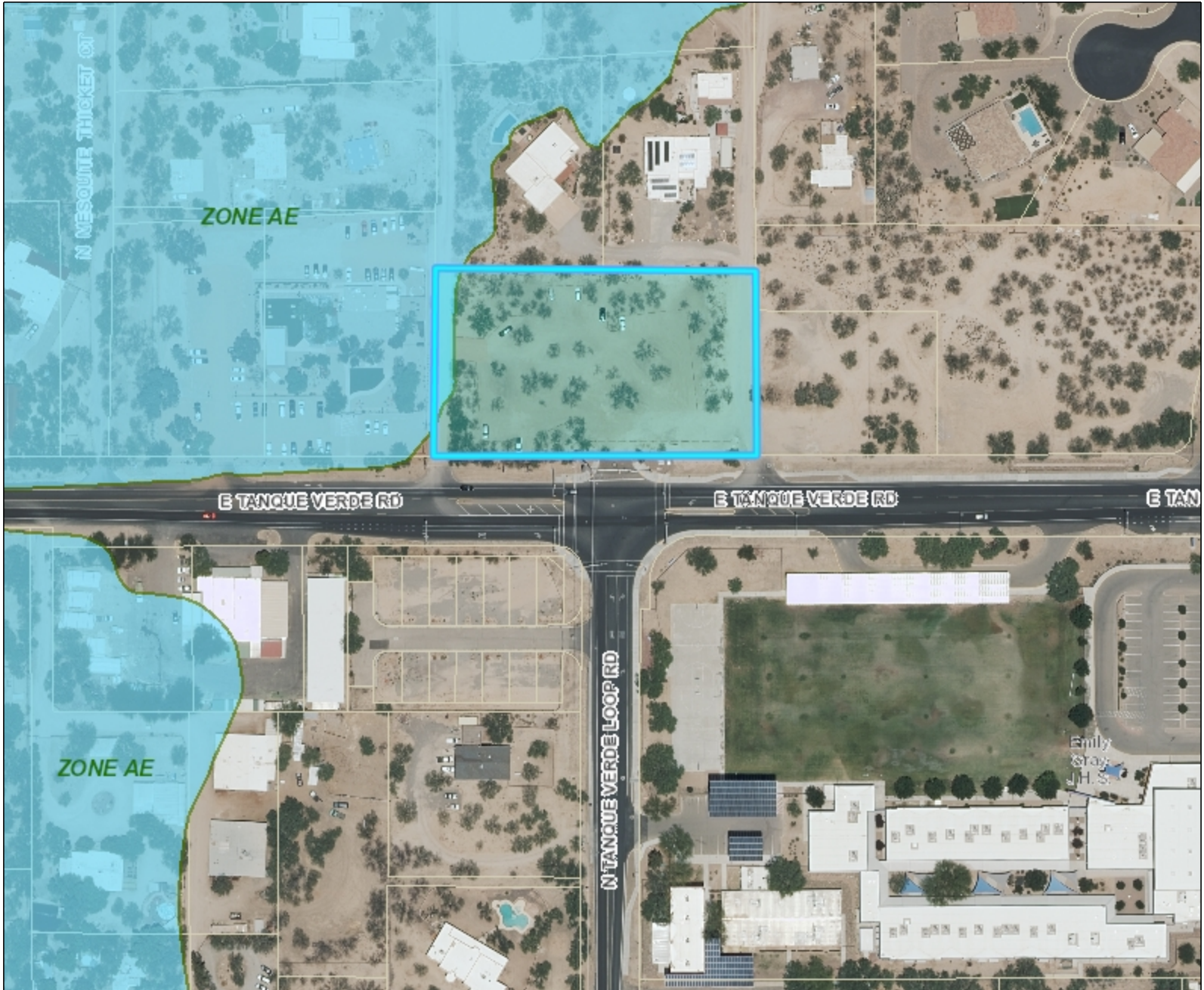
Legend

-  Parcels
-  Rezoning Policies
-  Special Area Policies
-  Growth Areas



This map is static output from an internet mapping site and no warranty is expressed or implied as to the accuracy, reliability, currency or completeness of the data, and is for reference only

Enclosure 2: Flood Hazard Map



Notes

Legend

- A Zones
- ZONE A
- ZONE AE
- ZONE AH
- ZONE AO
- Parcels

1: 2,257



0.1 0 0.03 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City of Tucson

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



201 N. Stone Avenue, Tucson, AZ 85701

(520) 724-9000

www.pima.gov/developmentservices

BIOLOGICAL IMPACT REPORT

(Not applicable for rezonings that require a site analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

INSTRUCTIONS FOR SAVING FORM: 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

Project ID (case no., APN no., address, or other identifying info):

Part I. Information Provided by Pima County Staff

Pima County Planning staff will provide the following information for the project site, as applicable:

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections)
2. Is the project within a CLS Special Species Management Area?
3. Is the project in the vicinity of any of the six Critical Landscape Linkages?
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property?
5. Is the project located within a Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl:
 - b. Western burrowing owl:
 - c. Pima pineapple cactus:
 - d. Needle-spined pineapple cactus:

Part II. Information Provided by the Applicant

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property?
If yes, provide a summary of those communications:
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl			
Western burrowing owl			
Pima pineapple cactus			
Needle-spined pineapple cactus			

Questions about this form?

Contact the Office of Sustainability and Conservation at (520) 724-6940.



Conditional Use Permit Application

Property Owner: TK Family, LLC Phone: _____
Owner's Mailing Address, City, State & Zip: 8400 E. Cresthill Dr., Tucson, AZ 85750
Applicant (if different from owner): Rory Juneman Phone: 520/207-4464
Applicant's Mailing Address, City, State & Zip: 5983 E. Grant Rd., Ste. 290, Tucson, AZ 85712
Applicant's or Owner's Email Address: rjuneman@islawaz.com
Property Address or Tax Code: 114-57-080D
Type of Use Proposed for the Property: See attached narrative.

Discuss the proposed use and it's compatibility with the surrounding area: See narrative.

☐ The applicant agrees to contact the Regional Flood Control District to discuss the proposal prior to application submittal.

☐ The applicant agrees to contact United States Fish and Wildlife Service at scott_richardson@fws.gov and provide a written notice that an application for a conditional use permit has been submitted a minimum of 15 days prior to the public hearing date.

This application is for a (Select one):

☐ Type I Conditional Use ☒ Type II Conditional Use ☐ Type III Conditional Use

Terms and Conditions

☒ I confirm the information provided is true and accurate to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. (By checking the box, I am electronically signing this application.)

Date: 7/11/2022

July 28, 2022

Anita McNamara
Development Services
Pima County
201 N. Stone Avenue
Tucson, Arizona 85701

Re: Addendum for Conditional Use Permit – 11101 E. Tanque Verde Rd. (P22CU00006)

Dear Ms. McNamara:

This letter is an addendum to our application for a Type II Conditional Use Permit (“CUP”) for 11101 E. Tanque Verde Rd. (the “Property”), Case No. P22CU00006. After our July 11th submittal (the “Application”), we have had several discussions with Pima County (“County”) Development Services staff regarding the CUP submittal. Based on these discussions, we have made several adjustments to the Application. This letter summarizes these changes and serves an addendum to the Application.

A. Addendum to CUP Application

The primary adjustment to the Application provides parameters around the combination of potential uses and areas that will be allowed by the CUP. The purpose of these parameters is to ensure there will be sufficient excess parking on the Property to accommodate overflow parking for the adjacent restaurant. These parameters allow the following uses:

- Any combination of office, commercial, retail, personal service and/or food service uses operating between 6:00am and 6:00pm; or
- A restaurant up to 3,500 sq. ft. in floor area (including outdoor patio) with hours of operation between 6:00am and 10:00pm, in combination with other office, commercial, retail, or personal service uses with operating hours of 6:00am to 6:00pm; or
- Any combination of uses, floor areas, and hours of operation that, in the opinion of the Chief Zoning Inspector, will allow sufficient on-and-offsite parking for the Property.

The actual uses will be known at or near the time of development. At that time the square footage of the building will be determined by the actual mix of uses and areas in compliance with the Code’s parking space requirements, but in no case shall the total square footage exceed 12,827 sq. ft.

The other adjustments to the Application are:

- The Project site plan will be adjusted so that the dumpster will not be located adjacent to the residential properties to the north.
- The Property is in the service area for Tucson Water, and therefore the Project will be served by Tucson Water.

- The Application incorrectly states the north bufferyard. The northern border of the Project will be Bufferyard D.
- To accommodate any overflow parking from the adjacent restaurant, a cross-access easement and parking agreement will be put in place to allow for the potential that the two parcels fall out of common ownership.

Other than these changes, the Application and site plan will remain the same.

B. Addendum Conclusion

As a small-scale development, the Project has been designed to have little to no impact on the surrounding areas. The adjustments to our Application further reduce the potential for any impacts Project will have on the neighboring properties. These changes ensure that there will be ample parking on the Property for both the Project uses and any overflow from the adjacent restaurant. This amount of parking ensures that no parking will spill over into the adjacent neighborhood or right-of-way.

Thank you for accepting this Application addendum. Please do not hesitate to reach out if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rory Juneman". The signature is stylized with a large "R" and a long horizontal stroke at the end.

Rory Juneman, Esq.

July 11, 2021

Anita McNamara
Development Services
Pima County
201 N. Stone Avenue
Tucson, Arizona 85701

Re: Conditional Use Permit – 11101 E. Tanque Verde Rd.

Dear Ms. McNamara:

This is a request for a Type II Conditional Use Permit (“CUP”) for the property at 11101 E. Tanque Verde Rd. in unincorporated Pima County (“County”), APN 114-57-080D (the “Property”). The Property is owned by TK Family, LLC (“TK”), who desires to build a small commercial/retail development with associated parking (the “Project”). As described below, the Project will provide needed commercial and retail uses to the area with little effect on the surrounding properties. Therefore, we request an approval of this CUP request.

A. Project Description.

1. Property Overview

The Property is zoned Rural Village Center (“RVC”) and is approximately 1.65 acres of vacant land, although it currently provides temporary parking for the adjacent use.¹ See **Enclosure 1**, Property Map. It is adjacent to the intersection of Tanque Verde Rd. (“Tanque Verde”) and Tanque Verde Loop Rd. In 2021 this intersection had approximately 9,439 average daily trips.² Tanque Verde is a Low Volume Arterial on the County’s Major Streets Routes Plan (“MS&R”), and it currently meets the 90 ft. required right-of-way (“ROW”) width. Tanque Verde is also a Major Scenic Route on the County’s Scenic Routes Plan.

The Property is mostly surrounded by developed parcels. South of the Property across Tanque Verde is a junior high school zoned CR-1 and a vacant Commercial, CB-1 subdivision. To the north of the Property is single family residential residences zoned Residential, CR-1. To the west is the applicant’s restaurant zoned RVC, and to the east of the Property is vacant land zoned CB-1. The Property is in an area adjacent to a FEMA AE Zone floodplain, but this floodplain only covers a small portion of its western edge, mostly within an access easement. See **Enclosure 2**, Flood Hazard Map. As discussed below, the Project avoids the flood hazard areas.

¹ Pursuant to Temporary Use Permit No. P21BP09563.

² Pima Association of Governments, Transportation Management System, <https://pag.public.ms2soft.com/teds/tsearch.asp?loc=Pag&mod=>, July 7, 2022.

2. *Project Overview*

TK desires to develop the Project as a small commercial/retail center with at maximum 12,827 square feet (“sqft.”) of neighborhood commercial/retail space. The area around the Property has few neighborhood-commercial uses. Other than the Circle K and two restaurants, the nearest commercial uses are 2.4 miles to the west at Tanque Verde Rd. and Catalina Highway, and 3 miles to the south at Broadway Blvd. and Houghton Rd. The area within 3 miles of the Property has approximately 13,000 housing units with an average household income of \$117,035.³ TK desires to provide more commercial and retail services to these nearby residences with the Project’s approximately three to five neighborhood commercial uses.

While the specific uses within the Project have not yet been identified, TK anticipates there will be market demand for several uses permitted in the RVC zone, such as a small retailer, office for a service provider (e.g., cell phone or insurance), medical/dental provider, or a small coffee shop, restaurant, or bakery. The programming of the Project will be determined by the market as TK moves closer to opening, thus ensuring that the uses will meet market demand. That said, TK anticipates most of the Project will be general commercial/retail, with a small portion (i.e., estimated 3,000 sqft.) as food service, potentially a coffee shop, bakery, or smaller restaurant that will complement its current restaurant. TK does not desire to place another large restaurant adjacent to its existing restaurant.

a. Project Design and Function

The Project will function like a typical retail and commercial center. The Project’s site plan includes one building near the Property’s center, surrounded by parking spaces and access lanes. See **Enclosure 3**, Site Plan. The Project’s building will be one story, will not exceed 12,827 sqft., and likely will include three to five tenant spaces. Most of the traffic will enter at the Tanque Verde intersection and park around the Project building. The Project’s current design includes a secondary vehicle access on its western edge. At the time of development package/site construction permit submittal (“DP”), TK will provide a traffic impact analysis (“TIA”) to detail the traffic generated by the actual uses. This TIA will include any required improvements to Tanque Verde and the secondary access based on the anticipated traffic.

All customer activity will occur facing Tanque Verde, minimizing impacts on the SFR properties to the north. If there is a restaurant patio designed into the Project, it will be placed on the south side of the Project facing Tanque Verde to minimize noise to the north. All lighting on the Property will meet, and likely exceed, the Outdoor Lighting Code (“OLC”) requirements. The northwest corner of the Property will include solid waste dumpster(s) that will serve the Project. These dumpsters will be serviced as needed and on a regular basis.

The Project is designed to mitigate flood impact and a drainage report will be prepared at the time of DP submittal. The western edge of the parking area will include two drainage detention/retention basins designed to adequately capture the water running from east to west on this sloped site.

³ Cushman & Wakefield/PICOR demographic information, 2021.

While the Project's programming is yet to be determined, TK estimates that it will include approximately 3,000 sqft. of restaurant/food service space (e.g., coffee shop, bakery), with the remaining 9,827 sqft. as retail or commercial space. The Project will have ample parking for this mix of uses by providing 73 vehicle parking spaces. These will include 30 spaces for a restaurant use and 34 spaces for the remaining uses. These parking requirements include approximately 9 additional spaces for overflow parking, which may also be used as employee or overflow parking for TK's adjacent restaurant. An estimate of the Project's parking requirements is shown below:

Use	Sq. Feet	Code Ratio	Required Parking	Total Parking
Food Service	3,000	0.0100	30	
Commercial Services	5,827	0.0035	20	
Retail	4,000	0.0035	14	
Total Area	12,827			
Est. Total Required Spaces			64	
Total Provided Spaces				73
Est. Excess Spaces				9

b. Exterior/Perimeter Design and Function

The Project's exterior is designed to mitigate impacts on the surrounding residences. The Project's uses will all be activated towards Tanque Verde, and only parking and some back-of-house activity will occur on the Project's north side. The Project's building will be set approximately 59 ft. from the Property's northern boundary adjacent to the existing residential. This buffer will include a 10 ft. border at the northern edge of the Property, then the existing metal fence will remain in place as a view and noise buffer. To the south of the fence will be the 24 ft. parking access lane and 20 ft. deep parking spaces, along with a 5 ft. walkway adjacent to the building. The buffer, fence and limited back-of-building activity will combine to significantly reduce the possible impacts from the Project.

In addition, the Project is designed to meet the County Scenic Route requirements.

B. The Project meets the CUP standards.

Conditional Uses are those that, because of their greater potential for nuisance or hazard, are conditioned upon the process and standards in the County Zoning Code ("Code").⁴ The CUP standards for approval, provided below, lay out clear guidance on evaluating and approving a proposed CUP use.⁵ The Project meets all of the below standards.

⁴ Code § 18.97.020.A.2.

⁵ Code § 18.97.030.F.3.c.

1. The proposed use will not be in serious conflict with the objectives of the general land use plan or the area plan in which situated.

The Project meets the following applicable policies of Pima Prospects, the County's comprehensive plan (the "Plan"):

- Neighborhood Activity Center ("NAC"): The Property is in the Plan's NAC planning area, which is designated for lower intensity mixed-use areas to provide goods and services at or near residential neighborhoods for daily or weekly living needs. This includes providing lower-intensity commercial services. Plan § 8.1.A.2.

TK's proposed Project meets the purpose and intent of the NAC area. TK proposes a small commercial center with a mix of uses that is near multiple residential neighborhoods. TK anticipates there will be market demand for numerous low intensity uses that will meet the needs of the surrounding neighborhoods. The Project will place these uses close to existing residential, thus providing convenient and easy access to uses that currently does not exist. Therefore, these uses will meet the daily or weekly needs of the surrounding residents.

- The Property is not in the Plans' Rezoning or Special Area Policy areas.

2. The proposed use will provide safeguards for the protection of adjacent developed property, or if the adjacent property is undeveloped, the legal permitted uses of such property.

The Project has been thoughtfully designed to reduce any impacts it may have on the neighboring properties, as follows:

- Setbacks: The Project will be setback almost 60 feet from the SFR uses to the north. The Project's buildings were thoughtfully designed with an increase north setback to ensure there as fewer noise and other impacts to the north. Within this setback is the metal fence that will further block noise and activities occurring on the Project. The fence is currently installed pursuant to the TUP and ranges between 10 ft. and 7 ft. in height, so the view south of these neighbors will be little changed when the Project is built out.
- Parking Surface: The Project's parking surface will be an asphalt (or similar surface) appropriate for a commercial center. This will provide ample dust control for the surrounding area.
- Perimeter Fence: The existing perimeter metal fence will remain and continue to provide an effective and attractive screening element to the Project. It will provide a visual and noise barrier to all surrounding properties.
- Lighting: The Project's lighting will be minimized to preserve the dark skies in the area. Standard and security lighting will be limited to an as-needed basis. All lighting, including lighted signage, will be compliant with the OLC.
- Traffic: The Project will provide a TIA at the time of development to determine specific impacts to Tanque Verde and the adjacent intersection. That said, the Project likely will

not generate a significant amount of trips based on the potential uses (some food service, with mostly commercial/retail uses).

3. The proposed use has adequate accessibility to the County road network.

The Project will directly access Tanque Verde Rd. This is a low volume arterial County road that provides a connection to the broader County road network. TK expects a significant number of customers to come from residents along the Tanque Verde and Houghton corridors, and much of the traffic will be local in nature.

4. The proposed use has sufficient off-street parking and loading facilities that will be developed in accordance with County engineering standards.

The Project will have ample off-street parking that will meet County engineering standards. The Project will include parking above the Code required amount to ensure that all parking needs will be met onsite.

The Code requires the Project to have one loading zone, which will be located on the east side of the Project.

5. The proposed use will meet County standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses, and other forms of air pollution, liquids, and solid wastes.

The Project will meet all the County standards for nuisance and environmental issues, as described below:

- Noise: The only noise the Based on all these factors, the Project will comply with the Code's Excessive Noise Ordinance (Code Ch. 9.30).
- Smoke: The Project's proposed commercial/retail uses will not produce any smoke, and therefore will meet the County's standards including those in Title 17, Air Quality, and Title 18, Zoning.
- Glare: The Project's proposed commercial/retail uses will not create any daytime glare. At night, the Project will be designed to comply with the OLC and minimize light spillover to the surrounding properties.
- Heat: The Project's parking and storage use will not produce any heat, and therefore the use complies with the applicable County standards.
- Odors: The Project's proposed commercial/retail uses will not produce any odors.
- Vibrations: The Project's proposed commercial/retail uses will not involve any machinery that will produce vibrations.
- Fly or Ash: The Project's proposed commercial/retail uses will not produce any fly or ash.
- Dust: The Project will be developed and therefore reduce dust across the Property. During construction, the Project will comply with all County regulations related to the

mitigation of construction dust. Both during and after construction, the Project will comply with the County's Air Quality regulations in Title 17.

- Fumes, Vapors or Gases: The Project's proposed commercial/retail uses will not produce any fumes, vapors, or gases.
- Other Air Pollution, Liquids and Solid Waste: The Project's proposed commercial/retail uses will not create air pollution or liquids and solid waste.

6. *The hours of operation will not be detrimental to adjoining residents.*

The Project's standard hours of operation will be from 6:00am to 10:00pm, seven days a week. Because the Project will have direct access from Tanque Verde Rd., customer access during these hours will not be detrimental to the surrounding properties.

7. *Landscaping will be fully in conformance with zoning code regulations.*

The Project's landscaping will fully conform with Code regulations. The Project will provide landscaping buffers on all sides, as follows:

- West – No landscaping buffer is required as the adjacent zone is RVC.
- North – The Project will provide a Bufferyard C adjacent to the CR-1 zoning.
- East – No landscaping buffer is required as the adjacent zone is CB-1 and does not have a residential use.
- South – The Project will provide a Bufferyard D adjacent to the street.

The Bufferyards will comply with the County Landscape Design Manual's required planting types and amounts.

C. Conclusion

The Project will bring low intensity, neighborhood commercial uses to the Tanque Verde/Tanque Verde loop intersection. This is an area with few neighborhood services, and the Project will provide uses that will address this deficiency. The use of the Property for neighborhood commercial is supported by the Plan and should help meet the market demand from residents in the area. The project is a small-scale development that has been designed to have little to no impact on the surrounding areas.

Based on the above, we respectfully request a positive recommendation and Board approval of this CUP request. Please do not hesitate to reach out if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rory Juneman".

Rory Juneman, Esq.

Enclosures



LETTER OF AUTHORIZATION

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

11101 E. Tanque Verde Rd.

Property Address

CUP - Type II

Type of Permit Applied for: (SFR/MH/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Adult Care/Secondary Dwelling/Assisted Living/Group Home)

Rory Juneman

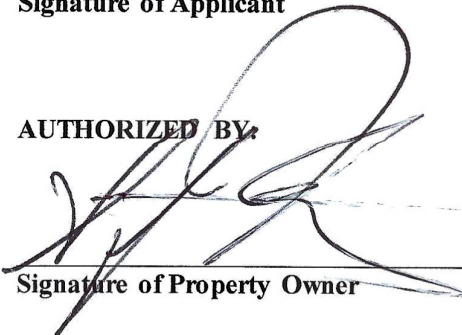
Digitally signed by Rory Juneman
Date: 2022.07.12 11:02:24 -07'00'

07-11-22

Signature of Applicant

Date

AUTHORIZED BY:



Signature of Property Owner

07-11-22

Date

From: [Randy Agron](#)
To: [DSD Planning](#)
Subject: Conditional Use Hearing wish to speak on Agenda item 5 request
Date: Tuesday, August 9, 2022 5:18:12 PM

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Please find this email as my request to speak at the 8/10/22 Conditional use Hearing agenda item 5 (PC22CUoooo6 TK Family, LLC – E Tanque Verde Road).

My name is Randy Agron and I am the managing member of the property (tax codes 205-37-5700 and 205-37-5710) just east of the subject property.

Thank You,
Randy

*Randy Agron
Vice President
A.F. Sterling HomeBuilders, Ltd.
6340 N. Campbell Ave., Suite 240
Tucson, AZ 85718
520 577-3600
afsterling.com*

Development Services Department, Planning Division

July 30, 2022

201 N Stone Ave, 1st Floor

Tucson, Arizona 85701

To: Hearing Administrator

This letter is my comments for Case # P22CU00006 on the Conditional Use Permit (CUP)-Type II on property owned by TK Family, LLC. who also own the adjacent Barn Yard restaurant? My property is the SR 3-acre parcel north of the TK property. The CUP property was originally part of our 10-acre parcel purchased by the family in the early 50's.

We have been neighbors with the TK family since they opened their restaurant and purchased the current CUP property in question. They have been excellent neighbors and have gone a long way to solve the issues and concerns of all neighbors. This was not easy as there are some neighbors of the type that would "complain were they hanged with a new rope".

The restaurant has been very popular from the beginning and its large main parking area is full most of the time. In the beginning the overflow vehicles were parking on both sides of the two lane Tanque Verde road and customers were walking at night to the restaurant and back to their vehicle on the traffic side of the roadway. It was very obvious that it was only a matter of time before there would be serious injuries or fatalities. The TK family recognized the danger and purchased the current CUP property, had it cleared off for overflow parking and built a very expensive fence on 2 sides to satisfy one neighbor. I think the County even added significant expense to this effort by requiring surface improvements to satisfy a single neighbor.

We were concerned, in the beginning, that some of the hundreds of customers at the restaurant would wander and explore our adjoining properties and attempt to park on our property. To my knowledge this has never occurred due to signing installed by TK. Additionally, we had many coyotes in our area with groups of 5-17 at a time which were hard on pets. They had used the thick brush and cactus areas of the CUP for dens that was subsequently cleared by TK. That problem has definitely ended.

The narrow road between the restaurant and the CUP overflow parking lot is our best legal access to our property that use this most of the time. When the County installed the traffic light they blocked 15' of our 30' access road on the eastside and also built a traffic island that precludes our safe use and trailer access.

It is beyond me how any sane person cannot see the substantial expense, the significant limitation of income options and Herculean effort that the TK Family has made to improve the safety of our community, for their customers and to satisfy their neighbor's concerns. I have no reason to believe that the TK Family would not continue this pattern of sensitivity for any new development that they may plan for the CUP area.

Thomas E. Waddell

11111 E. Tanque Verde Rd, Tucson AZ.85749

From: [DSD Planning](#)
To: [Anita McNamara](#)
Subject: FW: P22CU00006 TK Family,LLC-E. Tanque Verde Road
Date: Monday, August 8, 2022 10:34:31 AM

Anita,
You may want to wait until the end of the day for all cases to see what else you get and we can upload in the morning.
Thanks,
Terri

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

From: Rita <rcoteaz@hotmail.com>
Sent: Monday, August 8, 2022 9:22 AM
To: DSD Planning <DSDPlanning@pima.gov>
Subject: P22CU00006 TK Family,LLC-E. Tanque Verde Road

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

To Whom It May Concern...

My name is Rita Cote and I have been an East Side resident for over 30 years. My late husband, Robert Cote and I ran the Tanque Verde Ranch for many years.

Over the past year, I have been pleased in watching The Barnyard Restaurant and Bar grow as a thriving East Side business. The owners had done a great job in providing an environment for adults and families alike. Not to mention good food. I can't tell you how many people have told me how fun it is to bring their families to enjoy a meal and drinks without having to travel far.

Please give them a Type II Conditional Use Permit so in the future they are allowed to expand their business when necessary.

Thank you for your attention on this matter!

Rita Cote
Sent from my iPad

From: [Thomas Drzazgowski](#)
To: [Anita McNamara](#)
Subject: FW: Conditional Use Permit
Date: Tuesday, August 9, 2022 2:55:13 PM

Please post to agenda. Thank you.

Tom Drzazgowski
Pima County - Chief Zoning Inspector
201 N Stone Av – 1st Floor
520.724.6675

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

From: Margie Robinson <margierobins@yahoo.com>
Sent: Tuesday, August 9, 2022 2:42 PM
To: Thomas Drzazgowski <Thomas.Drzazgowski@pima.gov>
Subject: Conditional Use Permit

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

P22CU00006 TK Family LLC
11101 E. Tanque Verde Rd.

I would like to voice our concern, to the development of the above property, specifically to the flooding aspect of the neighbors.

Currently our property 2457 N. Mesquite Thicket Court which is to the west of “The Property.”

We access Mesquite Thicket Court road with our neighbors, representing at least 10 drivers.

During large storms, our road is flooded and hinders access till the water can recede. It just doesn't have anyplace to go.

Our concern is that the development of “The Property” will add to the flooding.

My hope is that “The Property” will have a much larger catchment basin or two, to help decrease the flooding to our road and neighboring properties.

I know the catchment systems take up a lot of space, so hopefully it is designed Large enough to be “More than Adequate” for this area.

I would like to see what the “TK Family” has in mind for flood control, as it affects all the neighbors to the west of “The Property”.

Sincerely,
Oran & Marjorie Robinson
520-204-2200

Sent from my iPhone