



MEMORANDUM

PUBLIC HEARING – July 12, 2017

DATE: June 29, 2017
TO: Jim Portner, AICP, Hearing Administrator
FROM: Janet Emel, Senior Planner
SUBJECT: **P17CU00005 – SMILEY/ROBERTS – N. SANDARIO ROAD**
Type II Conditional Use – Restaurant

LOCATION:

The subject site is located on the northwest corner of Rudasill and Sandario Roads across from Saguaro National Park (West) and approximately one mile south of Picture Rocks Road. The property is zoned RH (Rural Homestead).

SURROUNDING LAND USE OR CONTEXT:

The site is surrounded on the north and west sides by RH-zoned residential development, on the east side by Sandario Road with vacant property further east, and on the south by Rudasill Road and Saguaro National Park (West).

PUBLIC COMMENT:

To date, staff has received one call on the case expressing concern by several neighbors about use of a shared well and the potential for a full-size restaurant. Staff sent several neighbors copies of the application showing that the request is for a food cart, not a full-size restaurant. The applicant did verify that they will be “tying into the well” and that he would be speaking to the neighbors. No written protests have been received to date.

BACKGROUND INFORMATION

The request is for a Type II Conditional Use Permit to locate “street cart style food vending with patio/garden ambience adjacent to Saguaro National Park”. The street cart is considered a “restaurant”. The applicant states that this is a major tourist corridor and growing residential area.

The food vending cart (hot dogs, convenience snacks, non-alcoholic beverages) is approximately 5' X 8' and is towable. As proposed, the cart would operate 11 am to dusk daily. A mobile mini (cargo container) of size 8' X 8' X 30' would be placed on site to store the vending cart, tools and supplies. The mobile mini would be painted tan or sage to blend with the desert. Two accesses are proposed, one on Sandario Road and one on Rudasill Road. The areas proposed to be cleared are 240 sq. ft. for the mobile mini site and 400 sq. ft. for the cart site plus parking and access areas. The applicant proposes not to disturb any ironwood, Palo Verde, or mesquite trees, saguaros or barrel cactus. The applicant proposes selective clearing of creosote, prickly pear, jumping cholla, ratany, brittlebush and bursage for locating the cart, parking, and access.

Regarding the Maeveen Marie Behan Conservation Lands System, there is a strip of Multiple Use Management Area along the south side of the site. Also, the site is proposed habitat for the cactus ferruginous pygmy-owl and the western burrowing owl.

An area surrounding Saguaro National Park (West) is designated "Resource Sensitive" by the Pima County Comprehensive Plan. The objective of "Resource Sensitive" is to designate key larger parcels and land holdings with environmentally sensitive characteristics in close proximity to public preserves or other environmentally sensitive areas. Development of such land shall emphasize design that blends with the surrounding natural desert and provides connectivity to environmentally sensitive linkages in developing areas.

DEPARTMENT OF TRANSPORTATION AND REGIONAL FLOOD CONTROL DISTRICT

The Department of Transportation and Regional Flood Control District 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 Cultural Resources and Historic

Preservation Division of the Office of Sustainability and Conservation will review the ASM report and determine whether additional cultural resources actions are necessary.

STAFF REVIEW AND RECOMMENDATION

Staff is concerned that the proposed use not have any major negative effects on surrounding property owners and that minimal clearing of significant vegetation occur. Across Rudasill Road to the south is the entrance to Saguaro National Park (West).

Negative effects directly relate to how well the site is maintained, minimizing noise and dust, and minimal clearing of vegetation. As noted by the "Resource Sensitive" plan designation, design is very important. In this case, staff suggests "design" means keeping the property tidy, free of trash (regular trash pick-up) and structures properly maintained such as no tattered tarps or excessive paraphernalia or junk. Noise and dust should be minimized, that is not affecting surrounding properties.

The applicant should be prepared to address the following issues at the hearing. Based on a site visit, there are many full grown trees along Sandario Road that would appear to be within the right-of-way, how does the applicant intend to make the use visible to potential customers? Additionally, the application references "casual outdoor dining" and "patio/garden ambience" however the parking spaces are noted as "15 minutes". And, whether any night lighting is proposed.

Subject to the applicant adequately addressing the above issues and any concerns presented by Saguaro National Park and other neighbors, staff recommends **APPROVAL** of the conditional use request subject to the following conditions:

1. The site shall be maintained properly including regular, frequent removal of trash, well-maintained site and structures, and dust control.
2. The operation shall be limited to and subject to the description proposed with the Conditional Use Permit application and site plan, including limits on clearing vegetation.