



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

PUBLIC HEARING – April 4, 2019

DATE: March 26, 2019

TO: Jim Portner, AICP, Hearing Administrator

FROM: Nick Coussoulis, Senior Planner

SUBJECT: **P17CU00001 ARIZONA IRONWOOD LLC – E. TANQUE VERDE ROAD**
(TK Family LLC – Owner/Applicant)
Type II Conditional Use – Restaurant

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. The development site area, approximately 2.1 acres across 2 parcels, is zoned RVC (Rural Village Center).

SURROUNDING LAND USE OR CONTEXT:

To the west of the property is CR-1 zoned residential, to the north is a combination of SR and CR-1 residential, to the east is RVC undeveloped land, and across E. Tanque Verde Road to the south are CB-1 and CB-2 zoned properties. One of which has a hay – feed store and the other remains undeveloped.

PUBLIC COMMENT:

Staff has received two telephone calls on the case. The callers were requesting information regarding the case and the changes that are being proposed.

PREVIOUS CASES ON PROPERTY:

There is an existing Type II Conditional Use Permit on this property for a restaurant with a significantly smaller footprint. The original first hearing administrator public hearing was dated May 29, 2017 and July 19, 2017.

BACKGROUND INFORMATION

There is a historical development plan, project number CO1279104 (5/30/1979) for a plant nursery. This development plan encompasses the entire 2.1 acres.

The previous recommendation from the hearing administrator included standard and special conditions. Of those standard and special conditions it was stated that any request to expand the proposed restaurant more than twenty percent (20%) beyond the gross floor area shown on the submitted application materials shall require a new Type II conditional use permit. The max approved size was approximately 3147 sq ft.

DEVELOPMENT SERVICES COMMENTS:

This request is for an expansion of an existing approved conditional use permit for a restaurant. The maximum square footage approved under the existing approval is 3741 square feet. Due to changes in the type of product that applicant wants to offer to customers, the size of the project has changed and the new maximum square footage shown by the applicant is 7472 square feet. Additional parking spaces are required due to the proposed expansion and a minimum of 74 spaces are needed to meet the zoning code requirements. In the original submitted conditional use application from 2017, a total of 5 tables were shown in the submitted material. The current proposal shows 43 tables. In addition, there are areas proposed for bag toss, bocci ball, an outdoor stage for live music, a beer garden and an outdoor kitchen area where guest can congregate. As part of the outdoor kitchen a smoker is proposed as well as a pizza kitchen. The applicant is proposing six shipping containers as part of the expansion. These are labeled for “acoustics”.

The new proposal is substantially larger and more intense than the original proposal. Staff understands that the Tanque Verde Valley area is underserved with restaurants and gathering areas and this type of use would be a positive to residents in the area that do not want to travel further to the west for this type of service. Staff believes that careful consideration should be given to some of the items proposed and if the Hearing Administrator recommends approval of the conditional use permit, staff requests that the conditions listed below be included or modified to ensure that negative impacts to neighbors are minimized or eliminated. Staff has listed the areas where there could be concerns to immediate residents in the area;

1. **Outdoor Smoker and Pizza Oven** – The outdoor smoker and pizza oven are located in the outdoor kitchen near the center of the property. Both the smoker and the oven can produce odors and smoke which could impact adjacent residential properties.
2. **Beer Garden, Bag Toss and Bocci Court** – Outdoor uses have the potential to generate noise that can travel across property lines to neighboring adjacent properties.
3. **Use of Shipping Containers** – The use of shipping containers are proposed for acoustics. The use of the metal containers may or may not assist in the reduction of noise and may be perceived negatively if not aesthetically enhanced.
4. **Hours of Operation** – The proposed hours of operation are until 10:00pm or 10:30pm depending on the night of the week. Interior operations would not normally impact neighbors, but outdoor use in the evening may generate concerns from neighbors.
5. **Stage** – A stage with live music is proposed. Live music on a stage could impact neighbor’s use of their property.

One final comment is whether or not a development plan should be required. There

is an existing development plan on the property for a nursery. There have been numerous commercial uses on this property over the years. Given the existing development plan and the area of the use, a new one is not required by the code. Furthermore, as the conditional use process provides the flexibility and allows the Hearing Administrator and/or Board of Supervisors to determine if a development plan should be required. Staff has informed the applicant, that they should be prepared to discuss in detail why a development plan should not be required. In addition, input from neighbors should be considered in determining if one should be required. The Hearing Administrator has broad discretion in determining what should and should not be required. This could include certain requirements of a development plan and others can be waived.

DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL DISTRICT

The Department of Transportation and the Flood Control District have been provided a copy of the plans and submittal. Any comments and associated conditions recommended by the departments will be provided by to the Hearing Administrator.

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

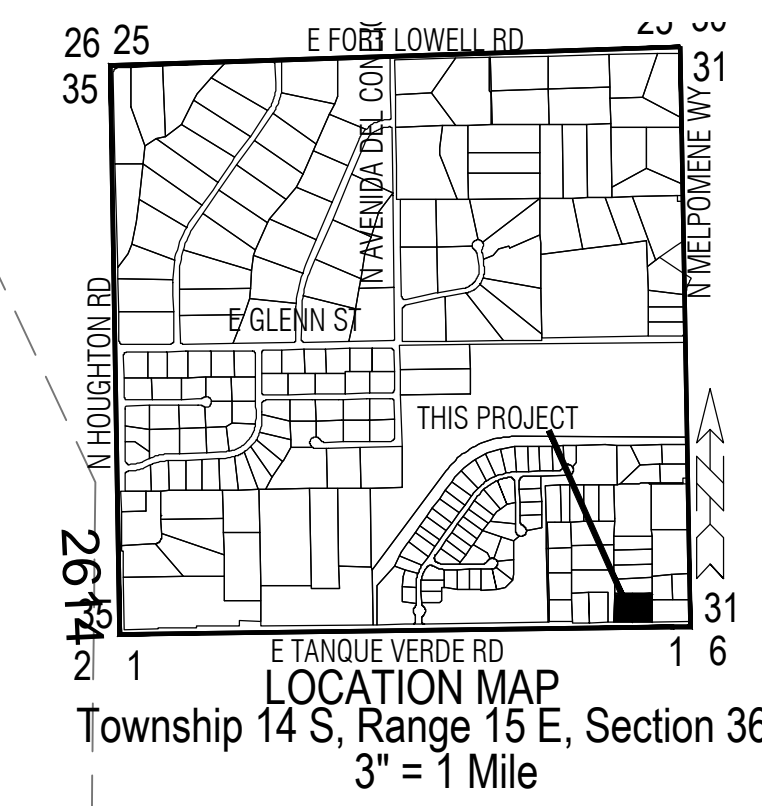
Generally staff is supportive of a restaurant use on this property in the RVC zone. RVC is a business zone and a restaurant use is appropriate. The area of concern for staff is with the stage and the outdoor smoker and pizza oven. The Hearing Administrator may want to limit the hours of the stage and smoker to reduce impacts to neighboring property owners. It may be appropriate to limit the stage to only Friday and Saturday evenings and to provide restrictions on when the smoker is permitted to be on. According to the applicant, neighbors are supportive of the use. If neighbors are supportive and do not speak appear to speak in opposition to the request some of the conditions may not be needed.

Should the Hearing Administrator recommend approval to the Board of Supervisors staff is requesting the following conditions be included;

1. Adherence to all previous conditions of the conditional use permit except those specifically amended by the Hearing Administrator.
2. Areas not shown as use area on the conditional use site plan are not permitted to be used for a restaurant or gathering area. Barriers shall be installed to prevent use of the area.
3. Use of stage is permitted on Friday and Saturday only.

4. No expansion is permitted without a revised conditional use permit.
5. A bufferyard in accordance with the Pima County Landscape manual shall be provided.
6. Main Wall Identification Signage shall be limited to main restaurant building only. Other buildings may not contain signage.
7. Use of cargo containers is limited to 80 square feet in the most northeasterly cargo container. This area is for storage only. No other use of cargo containers is permitted.

c: Tom Drzazgowski – Chief Zoning Inspector
Jeff Witthoft, Applicant



TABULATIONS/PROPOSED FOR CUP AMENDMENT, TABULATIONS BASED ON ZONING ADMINISTRATION ALLOWING OCCUPANT SPACE ONLY, NO GROSS USE AREAS CONSIDERED:

1. 2614 SF, NEW RESTAURANT
2. 48 SF, EXTG STORAGE BLDG
3. 590 SF OUTSIDE KITCHEN (SEATING AREA)
4. 420 SF NEW BANDSTAND PARTIALLY OCCUPIED)
5. 80 SF, SHIPPING CONTAINER STORAGE
6. 160 SF, BOCCI COURT
7. 1960 SF, WEST PATIO
8. 1000 SF, EXT'G SOUTH PATIO
9. 320 SF, BEER GARDEN
10. 110 SF, WAITING AREA
11. 10 SF, BIKE RACKS
12. 160 SF, BAG TOSS

7472 SF TOTAL OCCUPANT USE AREA
3741 SF APPROVED CUP # P17CU00001

PARKING :

7472 SF PROPOSED PROJECT USE AREA
7472 / 1000 (10) = 75 SPACES REQ'D
SPACES PROPOSED : 78 SPACES

LEGEND:

- EXISTING BUILDINGS AS PER CUP#P17CU00001 INITIAL APPLICATION
- PROPOSED ADDITION
- (E) EXISTING

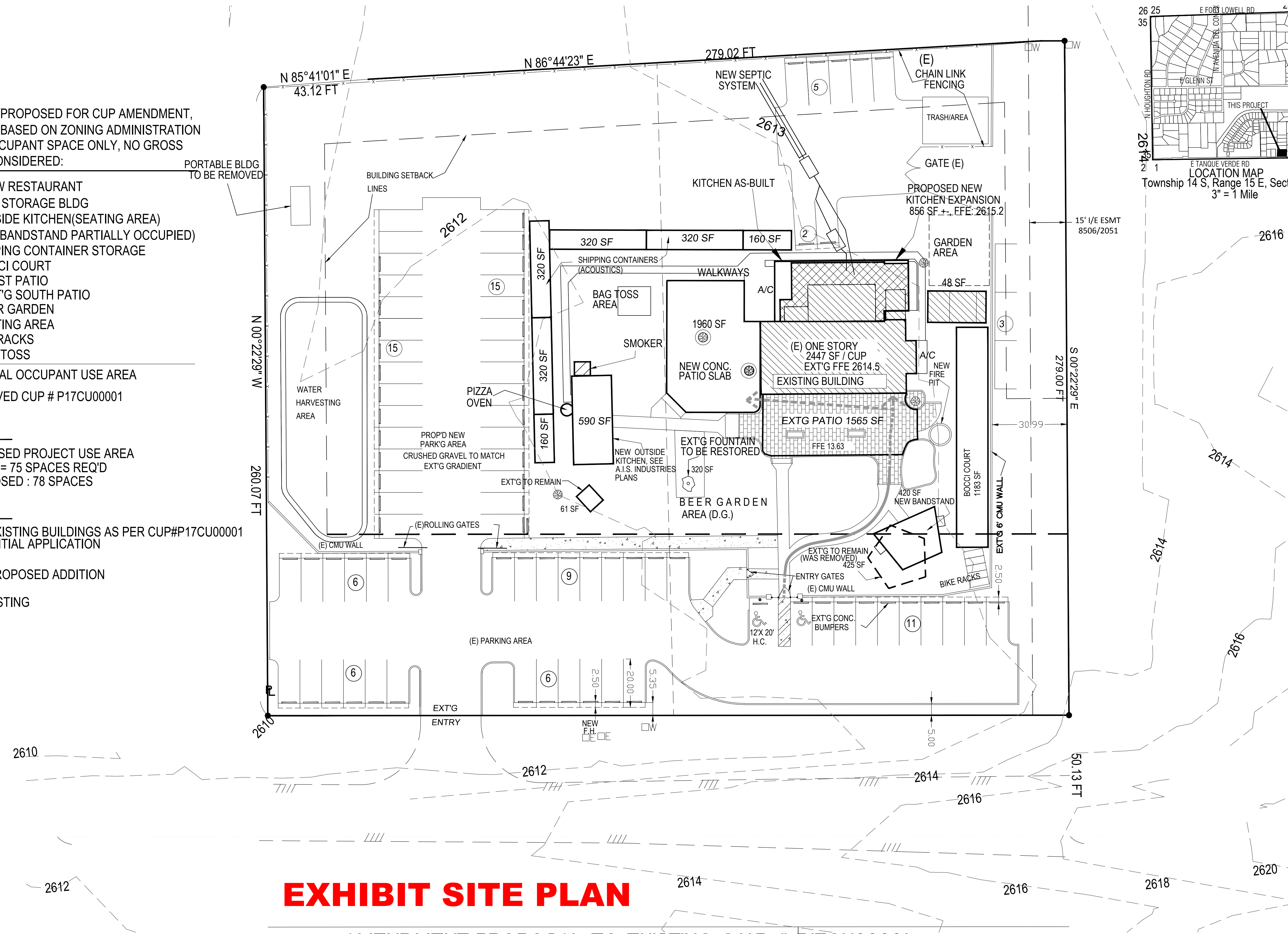
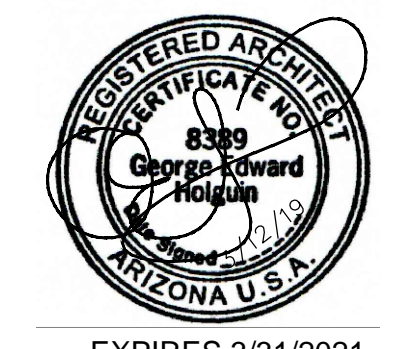


EXHIBIT SITE PLAN

AMENDMENT PROPOSAL TO EXISTING C.U.P. # P17CU00001



THE BARNYARD CRAFTHOUSE AND EATERY
11011 E TANQUE VERDE RD
TUCSON, ARIZONA



EXPIRES 3/31/2021

REVISIONS:

1	PER P.C. REVIEW	05-21-18
2	ANALYSIS	3/12/19
3	OWNER REV'S	3/20/19

DATE	03/01/19
PROJECT NO.	W1724
CAD DWG FILE	W1724
DRAWN BY	GHKS
CHECKED BY	GH

SHEET TITLE:
CONDITIONAL USE SITE PLAN AMENDMENT
SHEET :

CU-1

P17CU00001