STAFF REPORT

DATE: October 28, 2020

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T20SA00240

C10-20-04 PLACITA DEL RIO SECOND FREEWAY SIGN / NEC IRVINGTON I-19 LLC ATTN: WEST COAST CAPITAL PARTNERS / PDR INVESTORS LLC / 902 WEST IRVINGTON ROAD / C-2 AND C-1

The applicant's property is an approximately 24-acre shopping center, zoned C-1 and C-2. The applicant is proposing to reconstruct one of two existing freeway signs at the site. The subject sign is along I-19 site frontage. The applicant is requesting variances to allow for an increase in the number of freeway signs for a total of two freeway signs for a commercial premise in the General Business District, and to allow the grade for freeway sign height to be measured from an alternate elevation point than edge of I-19 travel lane, all as shown on the submitted plans.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variances:

1) Allow an increase in the number of freeway signs for a total of two freeway signs for a commercial premise in the General Business District;
2) Allow the grade for freeway sign height to be measured from an alternate elevation point, in lieu of measuring from the edge of I-19 travel lane, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to,

Section 7A.6.5.B which provides criteria for freeway sign height measurement; and

Section 7A.10.2.C, which provides design criteria for freeway signs in the General Business District of the Sign Standards, which include the C-1 and C-2 zones.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED C-2; (Commercial) and C-1; (commercial)
North: Zoned R-2 and R-1; (senior apartments, vacant land)
South: Zoned C-2; (commercial, across Irvington Road)

East: Zoned R-1; (single-family residential, across alley)
West: Zoned R-1; (ADOT Right of way along I-19 corridor)

RELATED PLAN REVIEWS

Planning and Development Services, Engineering Section

The site has no special Engineering nor drainage issues.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.

3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.

5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.

7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The subject property is an approximately 24-acre shopping center bordered by Irvington Road to the south, Interstate-19 (I-19) right of way to the west, a multi-family residential development and an undeveloped residentially zoned parcel to the north, and a single-family residential subdivision to the east. The site is zoned C-1 and C-2 and is in the General Business (signs) District. For purposes of the sign standards applicable to the General Business District, the entire shopping center site is one premise.

The 24-acre shopping center is accessed from two driveways off Irvington Road and is developed with three buildings with setbacks varying from 200' to 600', as measured from Irvington Road. Parking for the shopping center is located between Irvington Road and these buildings.

The closest building to Irvington Road is the Texas Roadhouse restaurant. One freeway sign is located near the restaurant building in the far southwest area of premise and is for sole display of Texas Roadhouse.

A second multi-tenant display freeway sign exists in the far northwest area of the premise along the I-19 frontage of the center, approximately 80' from the I-19 travel lane. Arizona Department of Transportation (ADOT) recently constructed a new 24' tall wall along the I-19 right of way that obscures a portion of the freeway sign. The applicant is proposing to reconstruct the existing freeway sign with cabinetry that is visible above the new wall. This requires plan review and triggers compliance with technical codes.

Number of freeway signs

UDC Section 7A.10.2.C.2 provides dimensional standards applicable to the number of freeway signs within the General Business District (commercial zones). Within the General Business District one freeway sign is allowed: the applicants seeks two freeway signs for the premise.

The applicant proposes reconstructing the existing multi-tenant freeway sign located in the frontage adjacent to I-19. This involves removing the original sign cabinetry, retaining the freeway sign support footer system and providing additional support, installing new sign cabinetry with the base of the cabinet visible above the wall, and adding architectural embellishments. Because the cabinet is being removed and a new cabinet constructed and installed, this is considered to be a new sign.

The Texas Roadhouse freeway sign, off Irvington Road frontage was reviewed and approved in 2010 based on staff's review of plans that were later deemed to lack information critical to completing an accurate compliance review. This sign will remain as is.

Measuring freeway sign height

UDC Section 6.8.5 provides criteria for measuring sign height. Sign height is measured as the vertical distance from the [design] grade to the topmost sign copy of the sign. Section 6.8.5.B further specifies that for freeway signs, the grade is the elevation of the outside edge of the freeway travel lane nearest to the freeway sign and sign height is measured from this grade to the top of the sign lettering or sign cabinet. The maximum allowed height of a freeway sign is 48' (UDC 7A.10.2.C.2.b).

The applicant is requesting a variance to allow the grade for freeway sign height to be measured from an alternate specified elevation point within the I-19 right-of way/travel lane configuration, in lieu of measuring from the outside edge of the nearest I-19 travel lane. Using GPS coordinates, the sign height will be taken from the alternate specified point by measuring vertically to the top of the sign cabinet, as shown on the submitted drawings.

Discussion

The site is an irregular shape bounded by residential uses to the north and east and a freeway on ramp (travel lane) to the west which is at a lower elevation than the site. The shopping center was built in 1991 with vehicular access and street frontage only off Irvington Road to the south. With the large building setbacks from Irvington Road, the need for additional signs to identify the multiple tenants was significant. The existing multi-tenant freeway sign along the I-19 frontage was constructed when the shopping center was built.

ADOT's recent installation of a 24' tall wall is driving the need to reconstruct this sign to raise the base of the cabinet so that the entire sign is visible, while also maintaining conformance with sign area limits and height restrictions. To accomplish this, approval is needed to allow the grade, where sign height is measured, to be taken from the alternate point within the I-19 travel lane configuration, in lieu of the outside edge of the nearest I-19 travel lane. In accordance with measurement standards, the sign height will still be measured vertically from this alternate point to the top of the sign cabinetry. From this alternate point the sign height will not exceed the maximum allowed height of 48'.

Conclusion

The shopping center is adjacent to a freeway (on ramp) and has only one street frontage with two access points, which results in unique physical circumstances that create the need for additional signage for its multiple tenants. ADOT's installation of the 24' tall wall obscured the sign copy on the lower portion of the existing sign. Considering the site's elevation in relation to the travel lane and that the need to raise the base height of the sign is not self-imposed; and given that the new sign will otherwise be in conformance with sign area limits and measurement standards, staff supports the variance requests.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notifications by the applicant, dated July 16, 2020, and the virtual meeting summary dated July 29, 2020.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff recommends approval of the applicant's variances, as requested.

It is staff's opinion that there are special circumstances applicable to the property; that granting of the variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and that the variances requested are the minimum needed to afford relief and the least modification possible of those *UDC* provisions which are in question.

Heather Thrall, Lead Planner
for
Russlyn Wells, Zoning Administrator

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