

CITY OF ELOY VARIANCE REQUEST

Agenda item VI.A.
Date: 10/20/2016

Date submitted:
10/13/2016
Date requested:
10/13/2016

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject: Variance request by Joe Green on behalf of Pilot Travel Centers, LLC to co-locate an additional illuminated sign to an existing pylon sign facing Interstate 10 (I-10 freeway located at 619 S. Sunshine Boulevard; Assessor's Parcel Number: 411-10-021E. Case No.: VA16-023

TO: Planning and Zoning Commission
FROM: Jon Vlaming, Community Development Director

DISCUSSION – Staff has received a variance request (VA16-023) by Mr. Joe Green on behalf of Pilot Travel Centers, LLC to allow for the co-location of a 6'-4" X 25'-0" sign (158.3333 square feet) on an existing pylon sign that faces Interstate 10 (I-10). The intent of this request is to provide enhanced advertisement for, and resulting patronage of, the existing business located at 619 S. Sunshine Boulevard, Eloy, AZ 85131. The existing business is located within the I-1 (Light Industrial) Zoning District, but is not located adjacent to the I-10 right of way. The property is identified as Parcel Number: 411-10-021E within Section 8, Township 8 South, Range 8 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona by the Pinal County Assessor.

STAFF FINDINGS –The existing pylon signage at the Pilot Truck Stop is classified as a legal non-conforming sign, due to the fact that it does not comply with the provisions of Article XVI: Sign Provisions, Section 234: Permitted Permanent Signs, E. Freeway Pylon Signage:

- A pylon sign is not permitted to be erected for any parcel not exhibiting a minimum of 300 feet of freeway frontage
- The height of the pylon sign exceeds 80 feet.



- The panel (as proposed) exceeds the single panel size of 150 square feet.

The existing pylon sign is located at the southeast corner of the Pilot parcel and is approximately 100 feet in height. As proposed, the additional sign cabinet would not extend the height of the existing pylon sign.

Pursuant to Arizona Revised Statutes (ARS), the Board of Adjustment may not:



1. Make any changes in the uses permitted in any zoning classification or zoning district.
2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

The Board of Adjustment may, however, authorize a departure from the term(s) of the applicable zoning regulation(s) if the Board finds that the applicant has addressed the following hardship criteria as established in ARS §9-462.06 and in Section 21-35 of the Eloy Zoning Ordinance (as presented above). The applicant has provided their rationale to address each of the four ARS criteria below:

1. **The existing special circumstances or conditions regarding the land or building referred to in the application, which do not apply to other properties in the district.** All other businesses that rely on truck traffic to drive sales, at exit 208, have tall pylon signs (Pilot, Flying J & Blue Beacon) or advertise on another company's sign (Denny's). We feel that we have been restricted in advertising our presence at this exit due to Pilot's signage which places a hardship on our location.
2. **The above special circumstances or conditions are pre-existing and are not created or self-imposed by the owner or applicant.** Pilot Travel Centers provided us with an area or portion of their land to construct a new shop on the property. Pilot had already maximized the amount of signage allowed on the property. As a result, we could not install our own pylon which is what we've done throughout the country at other travel centers. Trucks that are looking for our facility have a hard time locating us since we are behind the Pilot Travel Center. Therefore, as the applicant, we need the variance to properly advertise our presence, which is why we are asking for a variance.
3. **The variance is necessary for the preservation of substantial property rights. Without a variance the property cannot be used for purposes otherwise allowed in this district.** Our marketing information for trucking companies indicates we operate a shop on Interstate 10 in Eloy. Companies and drivers have told us they cannot find our location as they are looking for a Goodyear sign when they take the exit. A sign will allow drivers to identify our location quickly and keep traffic moving properly in and around the

exit and the Pilot Travel Center. We chose Eloy and this area strategically and feel that we need to maximize our presence in order to be successful in this market.

4. **The authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.** There is already a Pilot pylon sign on the property and we want to add a cabinet under Pilots fuel pricing sign. Adding an additional cabinet to advertise “Goodyear” would not place any hardships on people or adjacent property owners. It would not impede any views or give off unwanted light that could be considered a nuisance. All the adjacent property is farm land which places no hardships on those owners as the pylon is already in place. Also the closest house to the existing pylon sign is 323 yards so adding a cabinet would not be materially detrimental to any resident along Sunshine Blvd.

RECOMMENDATION – A variance is not a right. Variances may be granted to an applicant **only** if the applicant makes a compelling case that the statutory and zoning ordinance criteria (ARS §9-462.06 and Section 21-35, respectively, have been met. The proposed request does not meet all of the statutory standards nor zoning code provisions. If the Board grants this variance, it could be construed as a special privilege to the subject property. Therefore, the Community Development Department staff recommends that this request be ***DENIED*** as presented.

However, staff recognizes that the applicant operates a business that relies on capturing truck and vehicle tire sales and service from pass-by traffic on the freeway as a significant proportion of their sales. As such, they have located their building (co-located on the Pilot Truck Stop parcel) within 1,700 feet of the freeway right of way and just north of the Sunshine Boulevard/Interstate 10 interchange.



As such, the Board of Adjustment has the authority to determine when relief is warranted from property hardships caused by zoning regulations. If the Board of Adjustment finds, after the information presented by the applicant together with testimony and evidence presented at the public hearing, that this variance does not constitute a special privilege, then the Community Development Department recommends that this request for a variance be approved subject to the following stipulations:

1. That the rights and privileges established by the granting of this variance shall be exercised within a period of twelve (12) months from the date of approval or said variance shall become null and void;
2. That the proposed sign shall be located below the existing Pilot pricing sign cabinet such that the height of the existing pylon is not increased, as requested;
3. That the subject sign shall be lit or illuminated from within the sign cabinet and will only contain the company logo;
4. That the sign shall be located entirely on the subject property;
5. That the sign be no larger than 6'-4" X 25'-0" in size, as requested; and
6. That the sign be maintained in a continuous well maintained and working condition.

Goodyear | Eloy, AZ

NOTE: Renderings below utilize sample dimensions derived from client surveys.



QTY 2: Pylon Signs mounted back to back

FAIRMONT
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Detroit, MI 48234
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Client:

GOODYEAR
Eloy, AZ

Date: 12/29/15

File: Accounts/Goodyear/Eloy, AZ

Designer: RNB

Scale: N/A

Job# 00000 Sheet# 1 of 1

Revision # 0 Date: 00-00

Revision Description:

Customer Approval:

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