



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

DATE: October 9, 2014

TO: BOARD OF ADJUSTMENT District #4

FROM: Tom Drzazgowski – Deputy Chief Zoning Inspector

SUBJECT: **Co10(4)14-12 CONTINENTAL GREEN VALLEY ASSOC LLC**
Scheduled for public hearing on October 14, 2014.

LOCATION:

The subject site is located in Green Valley. The property is a large scale shopping center with numerous tenants. The property is located on the northwest corner of Continental Rd and Interstate 19. The property is approximately 14.61 acres and is zoned CB-1 (Local Business).

SURROUNDING ZONING / LAND USES:

North -	TR	Business
West -	CB-1	Business
South -	CB-2	Business
East -	CB-1	Business

PUBLIC COMMENT:

Staff has received one call on the request from an adjacent property owner's representative. Staff returned the call and left a message providing the information requested.

PREVIOUS CASES ON PROPERTY:

There are no previous cases on the property.

REQUEST:

The applicant requests the following variance:

- 1. To allow a billboard in the CB-1 zone, which is not a permitted use, and only permitted in CB-2 and the industrial zones after obtaining a sign use permit.**

TRANSPORTATION AND FLOOD CONTROL REPORT:

The Department of Transportation will not review this project. The Flood Control District will review this project as needed during the permit process.

BACKGROUND:

This property is a commercial complex that was developed in the late 1970's. It consists of a large strip mall and additional freestanding businesses. Some of the tenants include a large grocery store, fast food establishment and other retail uses.

It appears that the sign has existed for many years and is clearly visible in a 2008 aerial photo of the area. A check of permits shows that there is no permit for the billboard or other similar type sign on the property. Staff received a complaint on the billboard and started enforcement action on the property.

RECOMMENDATION:

Staff recommends **DENIAL** of the variance request. The basis for denial is that Standard #5 below is not being met. Should the Board of Adjustments approve the variance request, it would be permitting a use that is not permitted in the zone. Billboards are permitted in CB-2 zoning and the industrial zones subject to the property owner meeting the development standards and receiving a special use permit from the Board of Supervisors. Most variances heard by the Board of Adjustments involve property owners not meeting a specific development standard. This could include a setback, height issue or other similar development standard. Staff would consider this a similar request to someone asking the Board of Adjustments to allow a commercial use in a residential zone. There is already the rezoning process to allow commercial uses in a residential zone.

Staff believes the remedies for this are either removal of the billboard or rezoning the property to an appropriate zone to allow the billboard and to secure appropriate special use permits and building permits.

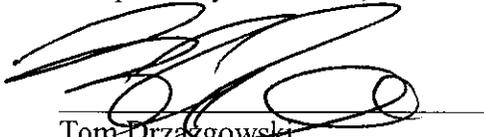
Lastly, it should be noted that staff believes there is the potential that the billboard is not totally located on the property owner's property. It appears from aerial photos that a significant portion of the billboard is located in a drainage way in front of the property which is owned by Pima County.

Standards that must be considered by a board of adjustment when considering a variance request include:

1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;
3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property;
4. The variance is the minimum necessary to afford relief;
5. The variance does not allow a use which is not permitted in the zone by the Code;
6. The variance is not granted solely to increase economic return from the property;
7. The variance will not cause injury to or adversely affect the rights of surrounding property owners and residents;
8. The variance is in harmony with the general intent and purposes of the Code and the provision from which the variance is requested;
9. The variance does not violate State law or other provisions of Pima County ordinances;
10. The hardship must relate to some characteristic of the land for which the variance is requested, and must not be solely based on the needs of the owner;

11. If the variance is from a sign or advertising structure area limitation, no reasonable use of the property can be made unless the variance is granted;
12. If the variance is from a height limitation, no reasonable use of the property can be made unless the variance is granted.

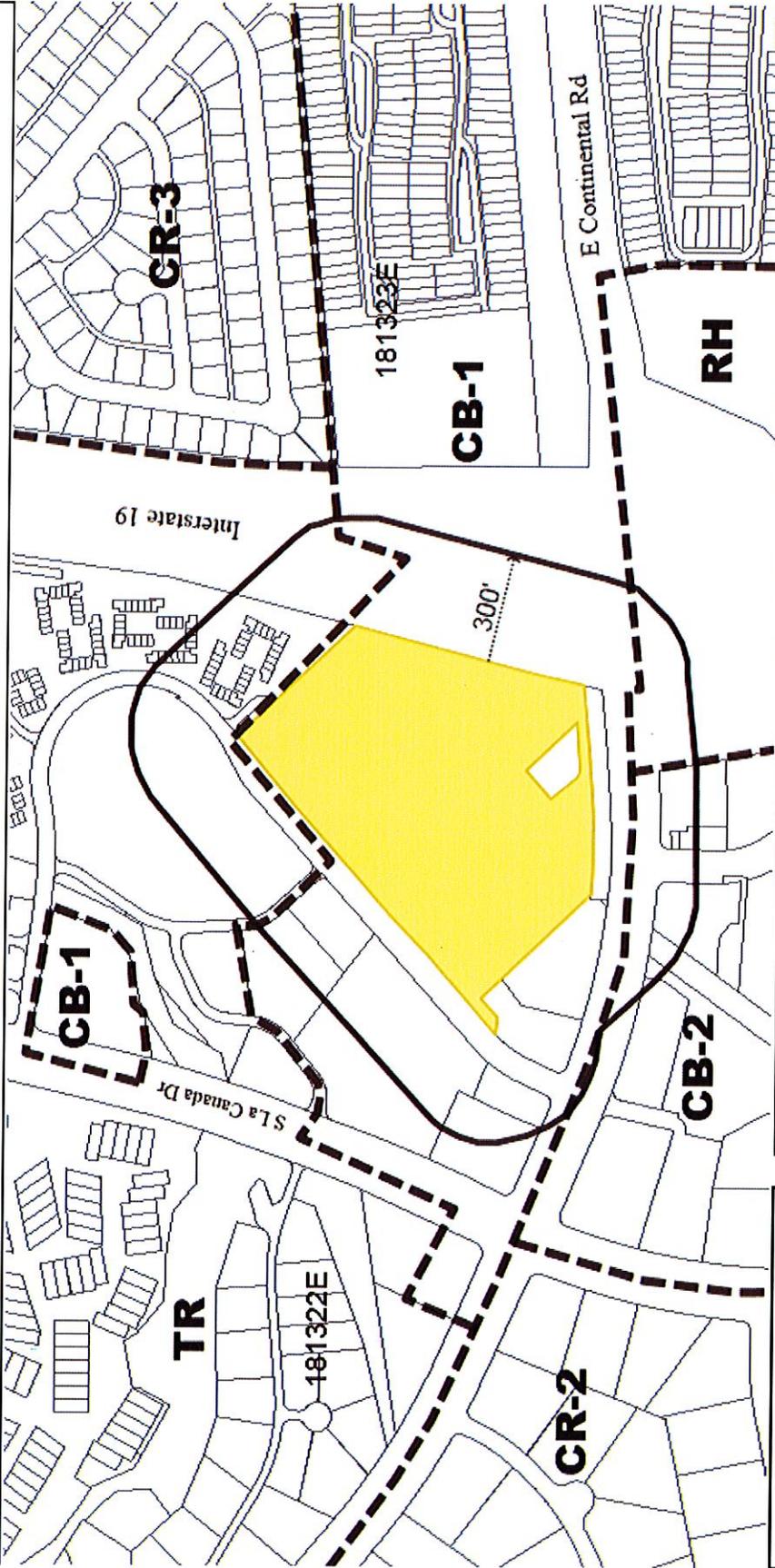
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tom Drzazgowski', written over a horizontal line.

Tom Drzazgowski
Deputy Chief Zoning Inspector

NOTIFICATION MAP

CONTINENTAL GREEN VALLEY ASSOC LLC—W CONTINENTAL ROAD



LEGEND

- Petition Area
- Notification Area

NOTES

File no.:	Co10(4)14-12	Tax Code(s):	304-25-145E
Application:	Variance	Base Map:	887
		Drafter:	A.H.



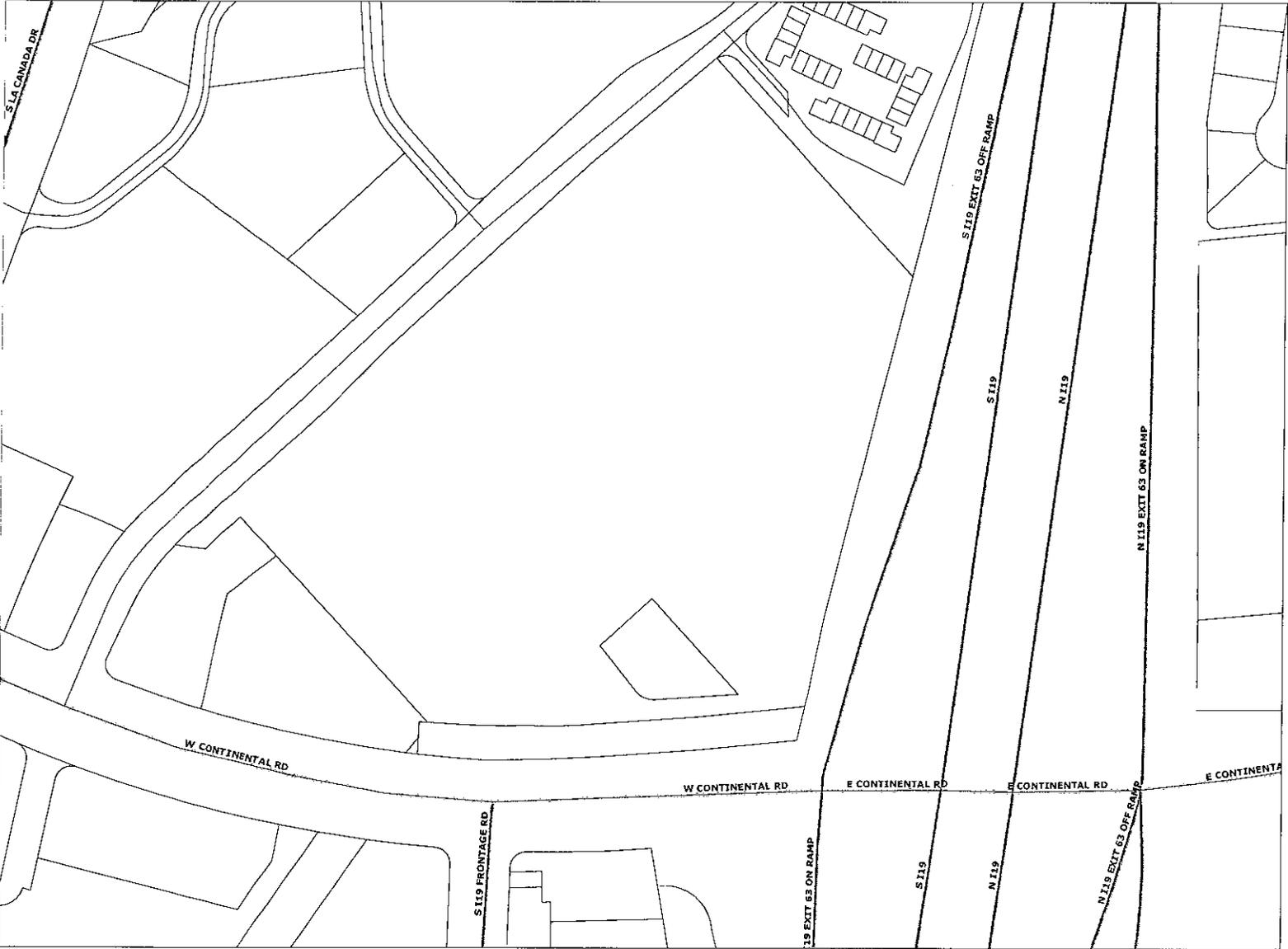
9/25/2014

Co10(4)14-12 CONTINENTAL GREEN VALLEY ASSOC LLC - WEST
CONTINENTAL RD. Kelly Gardner, for the property owner, Continental Green
Valley Assoc LLC, on the property located at 210 W. Continental Rd., in the CB-1
zone, requests a variance to allow a billboard in the CB-1 zone, which is not a
permitted use, and only permitted in CB-2 and the industrial zones after
obtaining a sign use permit. Sections 18.43.030 and 18.79 of the Pima County
Zoning Code lists requirements for permitting a billboard.

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N



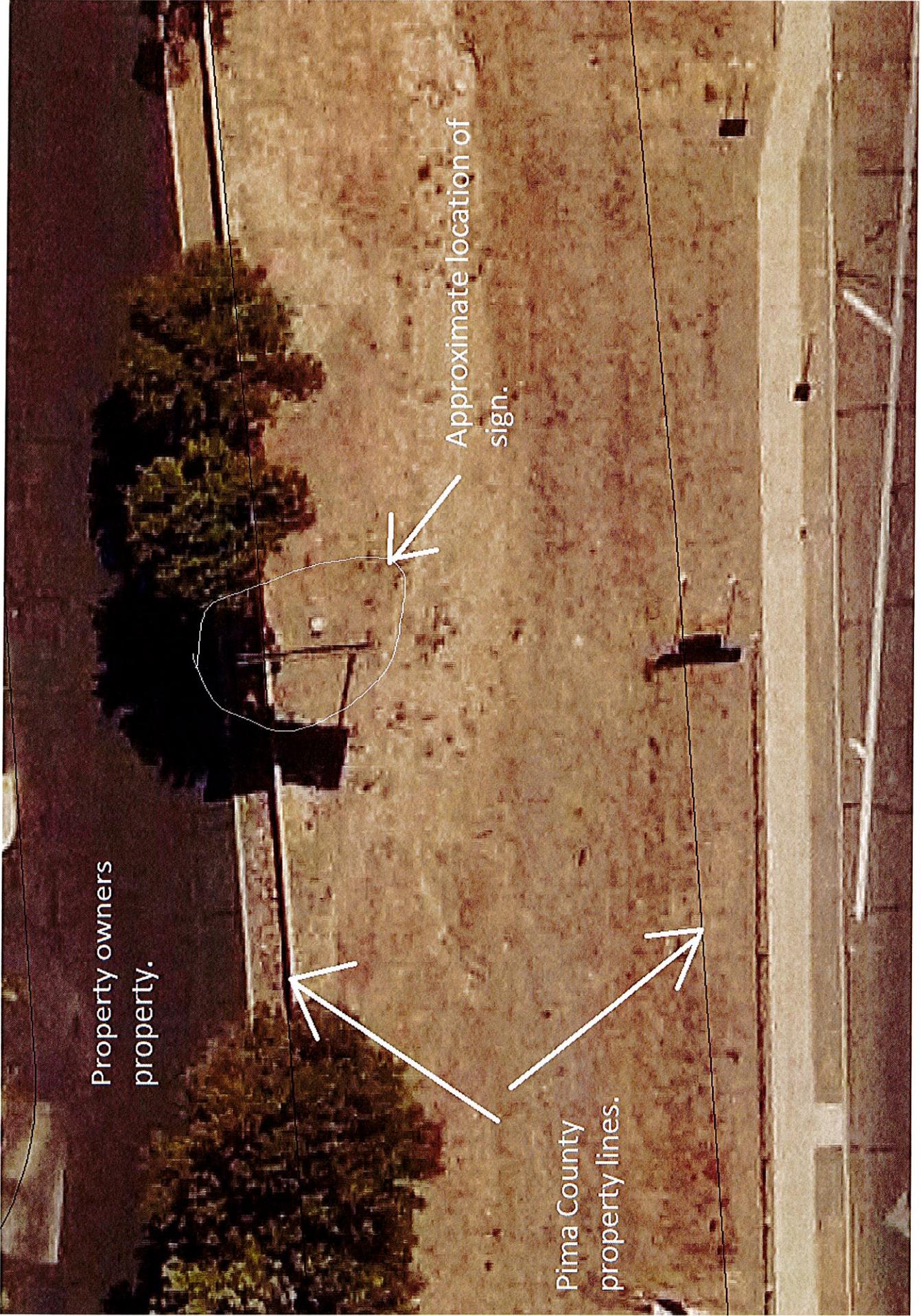
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Property owners
property.

Approximate location of
sign.

Pima County
property lines.

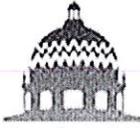






2008 Photo showing sign
on property.

W CONTINENTAL RD



PIMA COUNTY
DEVELOPMENT SERVICES

Variance Application

Revised 12/2013

(Please print or type) **NO PENCIL**

Property Owner: Continental Green Valley Associates Phone: 520-625-5005

Owner's Mailing Address: 210 W. Continental Rd. #213 City: Green Valley Zip: 85622

Authorized Representative: Kelly Gardner Phone: 520-625-5005

Rep's Mailing Address: 210 W. Continental Rd. #213 City: Green Valley Zip: 85622

Property Address: 210 W. Continental Rd. City: Green Valley Zip: 85622

Tax Code Number(s): 304 - 25 - 145E3 Zone: CB-1

Does the subject parcel have an active building or zoning code violation? P14CV00418

Owner or Applicant's Email Address: Kgardner@glvna.com

I, the undersigned, swear that all the facts in this application are true to the best of my knowledge, that I will appear in person at public hearing to present the request, that I have read and understood the board of adjustment guidelines and procedure for granting a variance, and that I am able and intend to apply for all necessary county permits for construction and use of the property within nine months of receiving an approval of my variance request.
Signature: Kelly Gardner Date: 9/2/2014

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

*****FOR OFFICE USE ONLY*****

Case Title: Continental Green Valley Assoc - W. Continental Rd Co10(4) 14 - 12
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.79.110.E2 of the Pima County Zoning Code which requires _____

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY AH DATE 9 / 5 / 14

P14PDA00068

Continental Green Valley Associates, LLC

September 2, 2014

Board of Adjustment District #4
201 N. Stone Avenue
Pima County Development Services 2nd Floor
Tucson, AZ 85701

RE: Variance from Pima County Zoning Code #P14CV00418

Board of Adjustment District 4 Board Members,

I am writing to request a variance as it relates to the sign code for the billboard currently located at The Continental Shopping Plaza in Green Valley.

The shopping center has been here for 32 years and the sign has since been installed for 20+ years according to information given to me by the previous property manager. It was never the intention to circumvent any zoning code or ordinance but merely give the local businesses an opportunity to advertise on Continental Rd. Advertisers in the past have included local industries and businesses Robson Homes, Fairfield Homes, Mortgage Brokers and others.

This billboard has supported the local community for over 20 years without any complaint or issue until now. Given the condition and wear and tear over the years, we realize the sign is due for some improvements and upgrades. The sign currently is non-lighted and measures 16'x8'. If a zoning variance is approved, we will clad the posts with a stone veneer giving it a modern and appropriate Arizona look. We also propose to install a border around the sign and modify the measurements to a 12'x7', reducing the appearance as a large format billboard but continue as a sign where local businesses can advertise. We believe this sign does not create a blight or nuisance in Green Valley and further promotes the goals of the County in this area.

The Continental Shopping Plaza collectively generates more than \$40,000,000 in gross annual sales providing the County with badly needed sales tax. This billboard only supports the shopping center and its success in providing local jobs and tax revenue for the county.

Thank you for your time and consideration.

Kelly Gardner
Asset Manager
Continental Shopping Plaza
Green Valley, AZ
520-625-5005

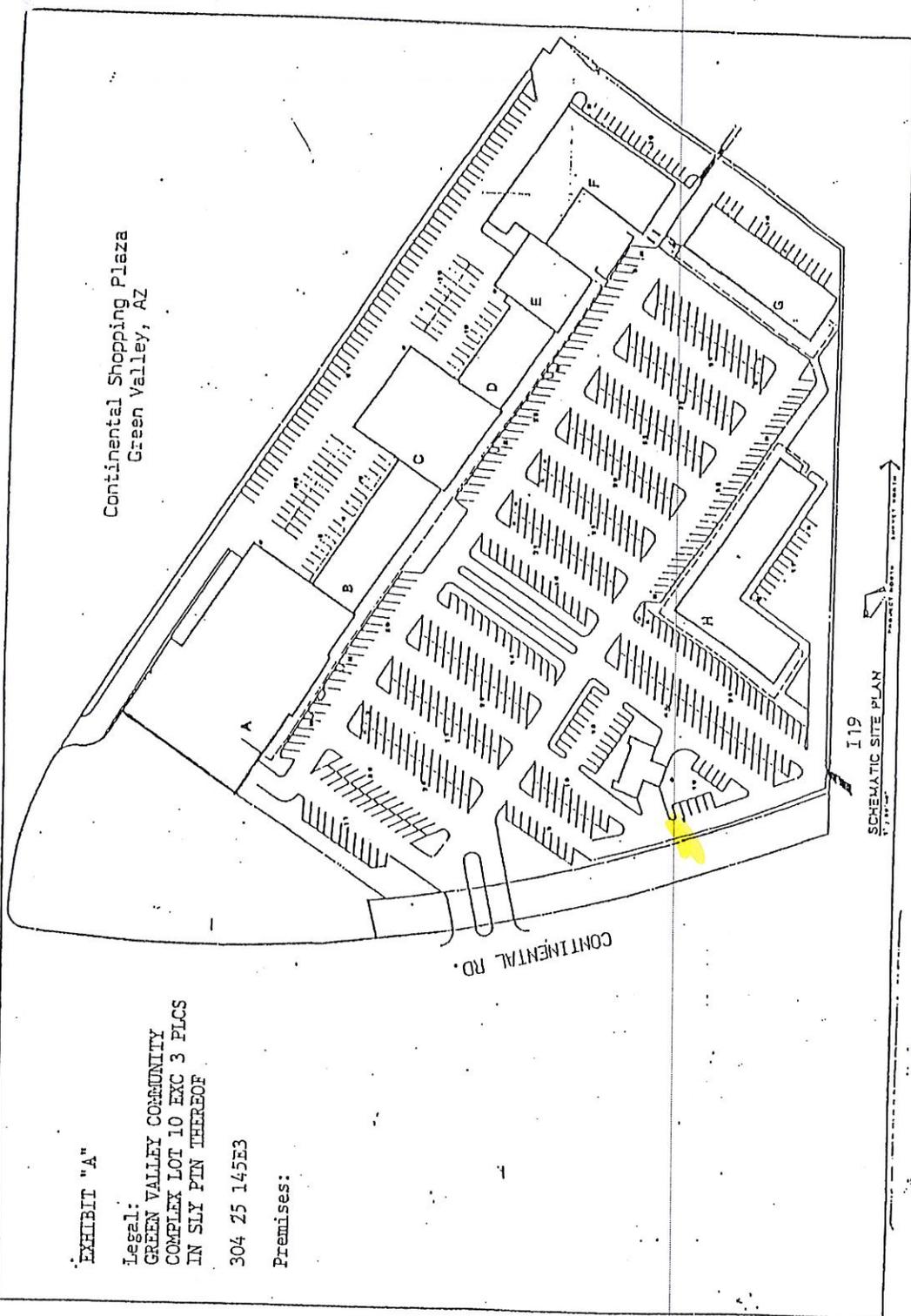
EXHIBIT "A"

Legal:
GREEN VALLEY COMMUNITY
COMPLEX LOT 10 EXC 3 PLCS
IN SLY PTN THEREOF

304 Z5 145E3

Premises:

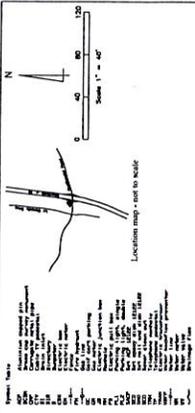
Continental Shopping Plaza
Green Valley, AZ



I 119

SCHEMATIC SITE PLAN

Revised 1/95



CONTINENTAL SHOPPING CENTER

GREEN VALLEY COMMUNITY COMPLEX

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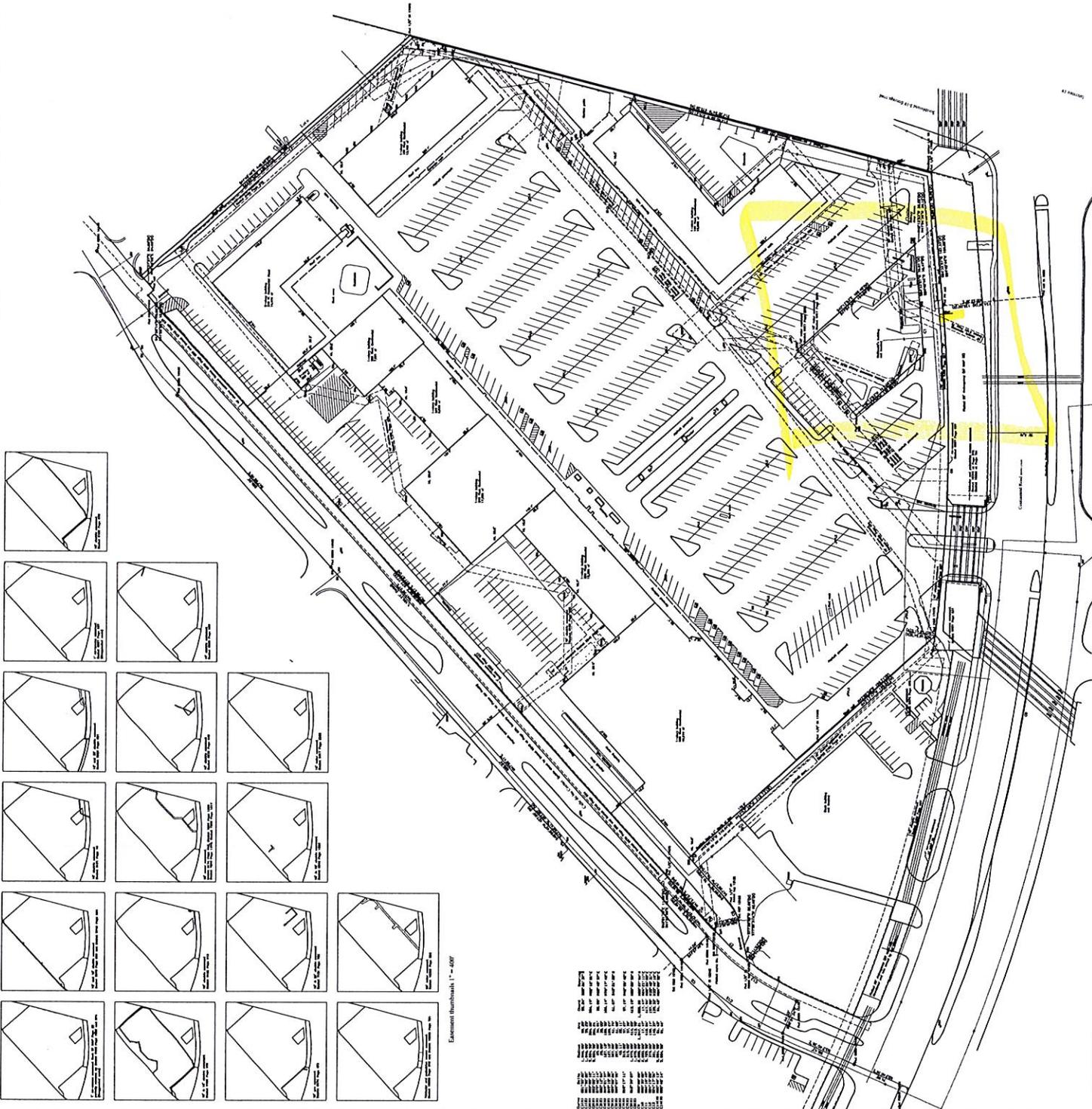
San Ignacio De La Canal Land Grant

Green Valley, Pima County, Arizona

Job 4900003

3/6/88

1. The site is located in the Green Valley area of Pima County, Arizona, approximately 10 miles north of Tucson. The site is bounded by the San Ignacio De La Canal Land Grant to the north and east, and by the Green Valley Community Complex to the south and west. The site is situated on a relatively flat, arid landscape with sparse vegetation. The proposed development consists of a large, multi-story shopping center building with an attached parking garage. The building is designed to accommodate a variety of retail and service uses, including a major anchor store, a food court, and a variety of smaller retail units. The parking garage is designed to provide ample parking space for the shopping center and its visitors. The site is well-served by major roads, including State Route 101 and State Route 168. The site is also well-served by public utilities, including water, sewer, and gas. The proposed development is consistent with the local land use plan and the regional growth strategy. The site is a prime location for a new shopping center, and the proposed development is a high-quality, modern facility that will provide a wide range of retail and service options for the Green Valley community. The site is well-served by major roads and public utilities, and the proposed development is consistent with the local land use plan and the regional growth strategy. The site is a prime location for a new shopping center, and the proposed development is a high-quality, modern facility that will provide a wide range of retail and service options for the Green Valley community.



Continental Shopping Center

GREEN VALLEY COMMUNITY COMPLEX

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San Ignacio De La Canal Land Grant

Green Valley, Pima County, Arizona

Job 4900003

3/6/88

Green Valley Community Complex
 1000 N. Green Valley Road
 Tucson, AZ 85704-1112
 P.O. Box 1270
 Green Valley, Pima County, Arizona
 85623-0127
 Phone: (520) 733-3125
 Fax: (520) 733-3125
 e-mail: greenvalley@pima.gov

