PIMA COUNTY
DEVELOPMENT SERVICES

DATE: February 6, 2015

TO: BOARD OF ADJUSTMENT District #3

FROM: Elva Pedregó, Assistant Executive Secretary

SUBJECT: **Co10(3)15-02 REAYS GORDON & LOIS FAMILY TRUST – N PICTURE ROCKS ROAD**
Scheduled for public hearing on February 17, 2015

LOCATION:
The subject parcel is located on the southwest corner of Picture Rocks and Sandario Roads.

SURROUNDING ZONING / LAND USES:

North	CB-2	Developed
West	GR-1	Developed
South	GR-1	Vacant
East	GR-1	Vacant (open storage in aerial)

PUBLIC COMMENT:
None

PREVIOUS CASES ON PROPERTY:
Co10(3)05-32 Approved the following requests on August 15, 2005:
1. To reduce the side yard setback for a 65' monopole communication tower to 22 feet;
2. To reduce the rear yard setback for a 65' monopole communication tower to 50 feet.

Co10(3)05-38 Approved the following request on September 19, 2005:
To reduce the Major Street and Scenic Route setback for the fuel canopy to 101 feet.

REQUEST:
The applicant requests a variance to **allow electronic changeable copy on a proposed freestanding identification sign.** Section 18.79.020B5a defines a changeable copy sign as "An on-site sign designed to permit the changing of messages by means of non-electronic sign copy".

TRANSPORTATION AND FLOOD CONTROL REPORT:
No comment

BACKGROUND:
This property is located in Picture Rock in northwest Pima County. The area is also rural and while there are a number of non-residential uses on the properties along Sandario Road, the majority of the other properties are residentially developed 1+ acre parcels.

This convenience store/gas station has been in operation since 1985 after the approval of their development plan (Co12-85-20). Throughout the years, there have been a number of permit issued on the site ranging from remodels, small additions, to sign installation and replacement permits.

Just like our previous case, the applicant recently applied for two sign permits (P14CP7685 and P14CP07947). One is for main wall identification signs and the other for a freestanding, illuminated changeable copy, identification sign. The permit for the main wall identification signs advertising "Giant" which will be placed on the store's and fuel canopy's east façades, was approved and issued in December. The application for the freestanding sign was denied and referred to the Board of Adjustment due to the electronic changeable copy.

RECOMMENDATION:

The applicant in part states "The electronic price display is used to provide a reliable solution to the challenges associated with frequent price changes, replacing the time consuming and potentially unsafe manual price cards".

As we all know, the electronic changeable copy signs are the trend and almost the norm at most gas stations now-a-days. These types of signs permit the constantly changing gas prices without extensive work and hazard to the employees. Additionally, the LED type signs are more energy efficient.

Since there has been no public comment on the variance request, it appears that there is no adverse effect to surrounding property owners. Staff believes the hardship is not self-created but due to the zoning code's antiquated restrictions.

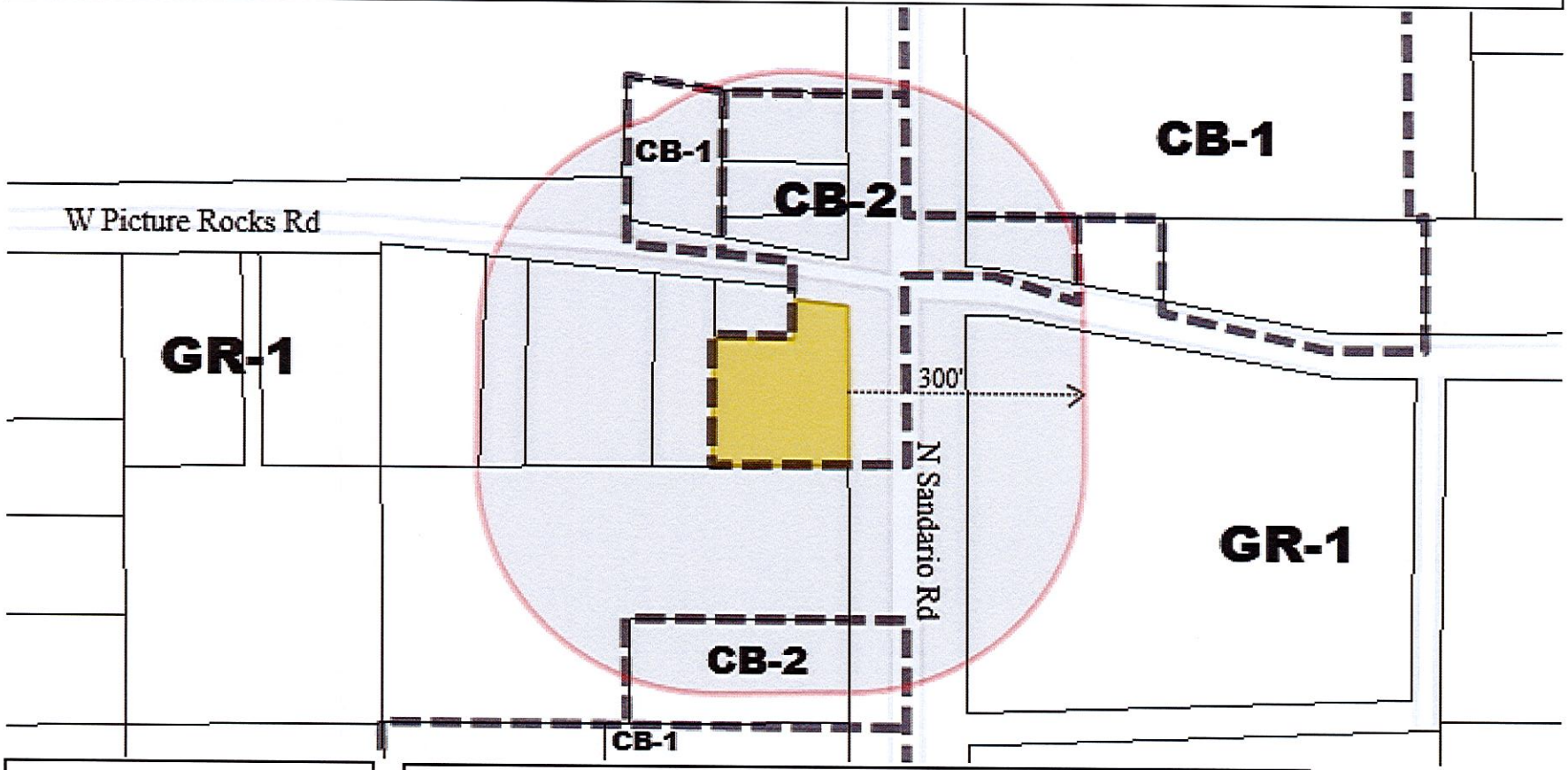
****

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.

NOTIFICATION MAP

REAY GORDON & LOIS FAMILY TR—N. SANDARIO ROAD



LEGEND

Petition Area

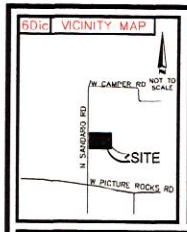
Notification Area

NOTES			
File no.:	Co10(3)15-02	**Tax Code(s):**	213-07-0020
Application:	Variance	**Base Map:**	155
N W E S	0 300'	**Drafter:**	A.H.

PIMA COUNTY
DEVELOPMENT SERVICES

1/12/2015

6Dic VICINITY MAP



6Dis NORTH ARROW & SCALE

5Cii SURVEYOR OBSERVED POSSIBLE ENCROACHMENTS

(A) BUILDING ENCROACHES ONTO REAR BUILDING SETBACK AS MUCH AS 4.09'.

3 FLOOD INFORMATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE "AO", AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 040073 (MAP NO. 04019C 2200L), WHICH BEARS AN EFFECTIVE DATE OF 02/06/1995

6Dib LEGEND & ABBREVIATIONS

- BOUNDARY LINE
- CENTERLINE OF ROAD
- MONTGOMERY
- FENCE
- BUILDING SET BACK
- UTILITY EASEMENT/DRAINAGE EASEMENT
- SET/FOUND MONUMENT (AS NOTED)
- TELEPHONE PEDESTAL
- WATER METER
- WATER VALVE
- GAS METER
- ELECTRICAL BOX
- LIGHT
- BOLLARD
- BRL BUILDING SETBACK
- U.E. UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT

2 ZONING INFORMATION

ITEM	REQUIRED	OBSERVED	ZONING INFORMATION SHOWN HEREON WAS NOT PROVIDED BY INSURED. INFORMATION WAS OBTAINED BY ASM, INC.
PERMITTED USE	X	GAS/RETAIL	
MINIMUM LOT AREA (SQ.FT.)	X	N/A	
MINIMUM FRONTAGE	X	N/A	
MINIMUM LOT WIDTH	X	N/A	CONTACT: X
MAX BUILDING COVERAGE	X	N/A	
MAX BULDING HEIGHT	X	39'	
MINIMUM SETBACKS			DATE CONTACTED: X/X/14
FRONT	X	20	PHONE/FAX/EMAIL:
SIDE	X	0	X
REAR	X	25	
PARKING REQUIREMENTS	2 PER SERVICE BAY & 1 PER COMPANY VEHICLE		

NOTES: X

6B RECORDED SETBACKS/RESTRICTIONS

NONE PROVIDED TO THIS SURVEYOR

5Ei SCHEDULE "B" ITEMS

(6) — All matters regarding well and water rights, disclosed in Docket 1072 at Page 323 (affects nothing to plot)

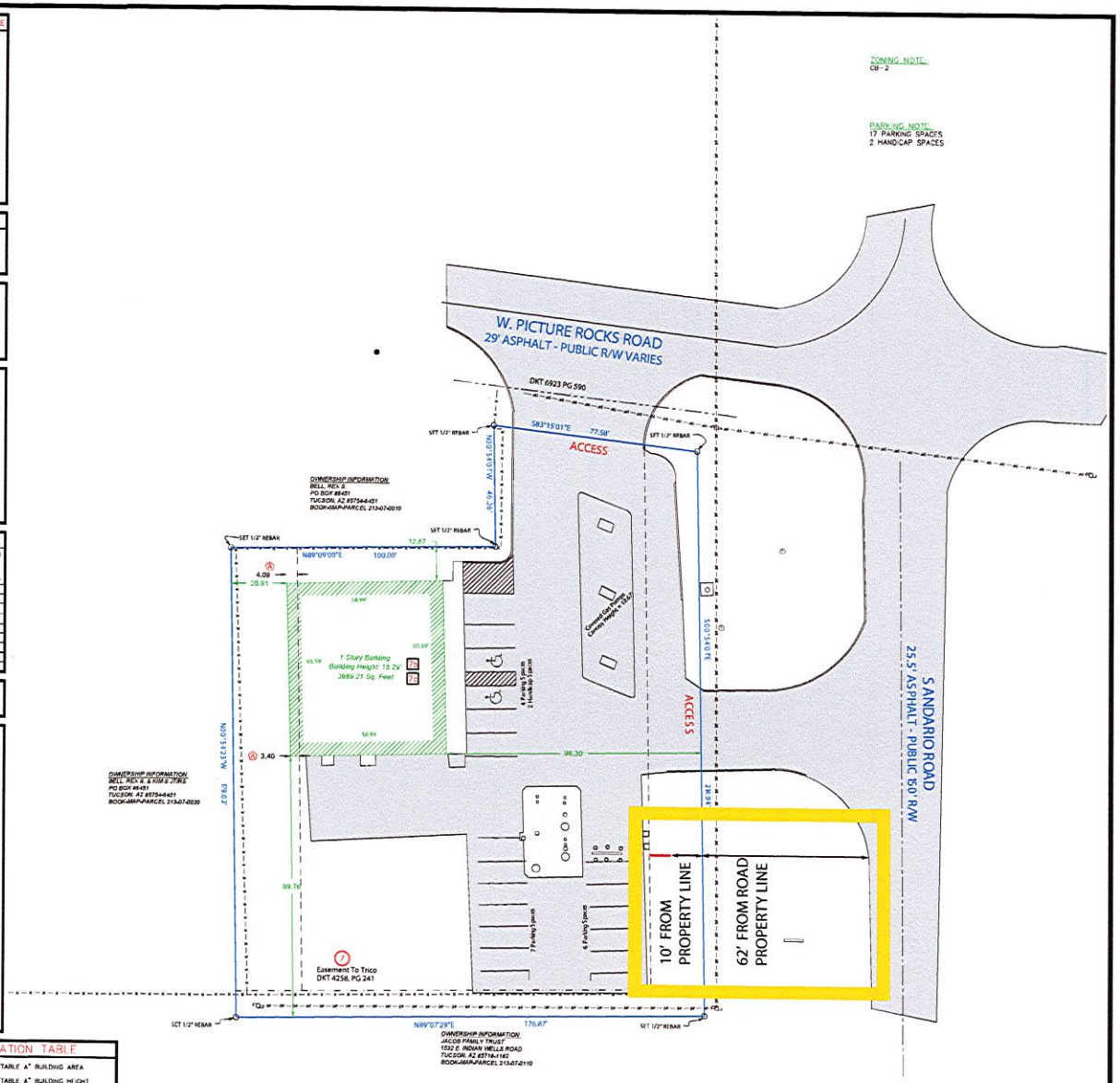
(7) — Easement for electric utilities and appurtenances, and rights incident thereto, as set forth in instrument recorded in Docket 4258 at Page 241 (affects shown)

(8) — Easement for electric utilities and appurtenances, and rights incident thereto, as set forth in instrument recorded in Docket 4999 at Page 887 (affects nothing to plot)

(9) — Restrictions, Conditions, Covenants, Reservations, including but not limited to any recitals creating easements, liabilities, obligations or party walls, omitting, if any, from the above, any restrictions based on race, color, religion, sex, handicap, familial status or national origin contained in instrument recorded in Docket 7556 at Page 732, (affects nothing to plot)

ALTA/ACSM LAND TITLE SURVEY IDENTIFICATION TABLE

2 "TABLE A" PROPERTY ADDRESS	6Bvii CONTIGUITY STATEMENT	7A "TABLE A" BUILDING AREA
3 "TABLE A" FLOOD INFORMATION	6Bv TITLE INFORMATION	7B "TABLE A" BUILDING HEIGHT
4 "TABLE A" LAND AREA	6Bi TITLE DESCRIPTION	8 SURVEYOR'S NOTES
5Biii ACCESS TO PROPERTY	6Biv BEARING BASIS	9 "TABLE A" PARKING SPACES
5Cii SURVEYOR OBSERVED POSSIBLE ENCROACHMENT	6Dic NORTH ARROW & SCALE	13 "TABLE A" ADJOINING OWNERS
5Ei SCHEDULE "B" ITEMS	6Dib LEGEND & ABBREVIATIONS	16 "TABLE A" INTERSECTING STREET
5F CEMETERY NOTE	6Dic VICINITY MAP	16 "TABLE A" EARTH MOVING NOTE
6B RECORDED SETBACKS/ RESTRICTIONS	6Div TYPE OF SURVEY	18 "TABLE A" DUMP, SUMP OR LANDFILL NOTE
	7 SURVEYOR'S CERTIFICATE	22 "TABLE A" ZONING INFORMATION



DATE	REVISIONS	TECH

SCALE: 1" = 20'
DRAWN BY/FIELD CREW: JZO/WA
APPROVED BY: B.D.B.
DRAWING FILE NAME: 14-852.DWG

SHEET 1 OF 1

6Bv TITLE INFORMATION

THE TITLE DESCRIPTION AND SCHEDULE B ITEMS HEREON ARE FROM, STEWART TITLE GUARANTY COMPANY ORDER NO: 14190183, HAVING AN EFFECTIVE DATE OF AUGUST 6, 2014.

6Bi TITLE DESCRIPTION

SCHEDULE "A" DESCRIPTION

That portion of the Northeast quarter of the Northeast quarter of the Northeast quarter of the Southeast quarter of Section 4, Township 13 South, Range 11 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows: BEGINNING at a point in the center line of Picture Rocks Road, being the Northeast corner of that certain parcel of land conveyed to Herman Crawford by Deed recorded in Docket 4590 at Page 575;
THENCE Southerly along the East line of said Crawford parcel 100 feet to the Southeast corner of said Crawford parcel; THENCE Westerly along the South line of said Crawford parcel 100 feet to a point being the Southwest corner of said Crawford parcel and said point being in the Easterly line of that certain parcel conveyed to Herman Crawford by Deed recorded in Docket 3467 at Page 400; THENCE Southerly along said East line of the property conveyed by Deed recorded in Docket 3467 at Page 400 to the South line of the Northeast quarter of the Northeast quarter of the Northeast quarter of the Southeast quarter of said Section 4; THENCE Easterly along said South line to a point distant 75 feet from the East line of said Section 4; THENCE Northerly, parallel with the East line of said Section 4 to a point in the center line of Picture Rocks Road; THENCE along the center line of Picture Rocks Road to the POINT OF BEGINNING; EXCEPT ALL interest in and to Water Well as set forth in Deed recorded in Docket 1072 at Page 323;
AND FURTHER EXCEPT all those portions lying within the right of way for Picture Rocks Road, and within the right of way for Sandario Road

THE ABOVE DESCRIPTION DESCRIBES THE SAME PROPERTY AS INSURED IN THE TITLE COMMITMENT REFERENCED ABOVE.

8 SURVEYOR'S NOTES

1. NO UNDERGROUND UTILITIES ARE SHOWN ON THIS SURVEY, ONLY ABOVE GROUND VISIBLE EVIDENCE OF UTILITIES ARE SHOWN.
2. ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO: UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, PARKING, EASEMENTS, SERVITUDES, AND ENCROACHMENTS ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
3. THIS SURVEY MEETS OR EXCEEDS THE SURVEY STANDARDS/STANDARDS OF CARE AS SET FORTH IN SECTION 3 OF THE 2011 ALTA/ACSM SURVEY REQUIREMENTS.
4. NO GOVERNMENTAL AGENCY REQUIREMENTS HAVE BEEN FURNISHED TO THE UNDERSIGNED AT THE TIME OF THE SURVEY, FOR THE SUBJECT PARCEL.

4 LAND AREA

34,820.52± SQUARE FEET 0.79± ACRES

6Biv BEARING BASIS

BEARINGS SHOWN HEREON ARE BASED ON THE P.C.H.S ROAD MAP, BEING N89°59'08"W, PER BOOK 15 RECORDS OF SURVEY AT PAGE 40.

5F CEMETERY NOTE

THERE IS NO VISIBLE EVIDENCE OF CEMETERIES ON SUBJECT PROPERTY.

9 PARKING SPACES

REGULAR = 17 HANDICAP = 2

5Biii ACCESS TO PROPERTY

THE SUBJECT PROPERTY HAS (DIRECT PHYSICAL) (AND INDIRECT PHYSICAL) ACCESS TO N. SANDARIO ROAD & W. PICTURE ROCKS ROAD, A DEDICATED PUBLIC STREET OR HIGHWAY.

16 EARTH MOVING NOTE

THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.

18 DUMP, SUMP OR LANDFILL NOTE

THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

6Bvii CONTIGUITY STATEMENT

THE PARCELS CONTAINED IN THE LEGAL DESCRIPTION ARE CONTIGUOUS WITHOUT ANY GAPS, GORES OR OVERLAPS.

7 SURVEYOR'S CERTIFICATE

TO: : ARCP ACQUISITIONS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ARCP _____ LLC, A DELAWARE LIMITED LIABILITY COMPANY AND "STEWART TITLE GUARANTY COMPANY"

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11(a), 12, 13, 14, 16, 18, 21 AND 22 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 11/2/2014. DATE OF PLAT OR MAP: 11/4/2014.

_____ _____
TIMOTHY SPANGLER DATE
PROFESSIONAL LAND SURVEYOR NO.: 16-19-3
STATE OF ARIZOA
PROJECT NO.: 14-852

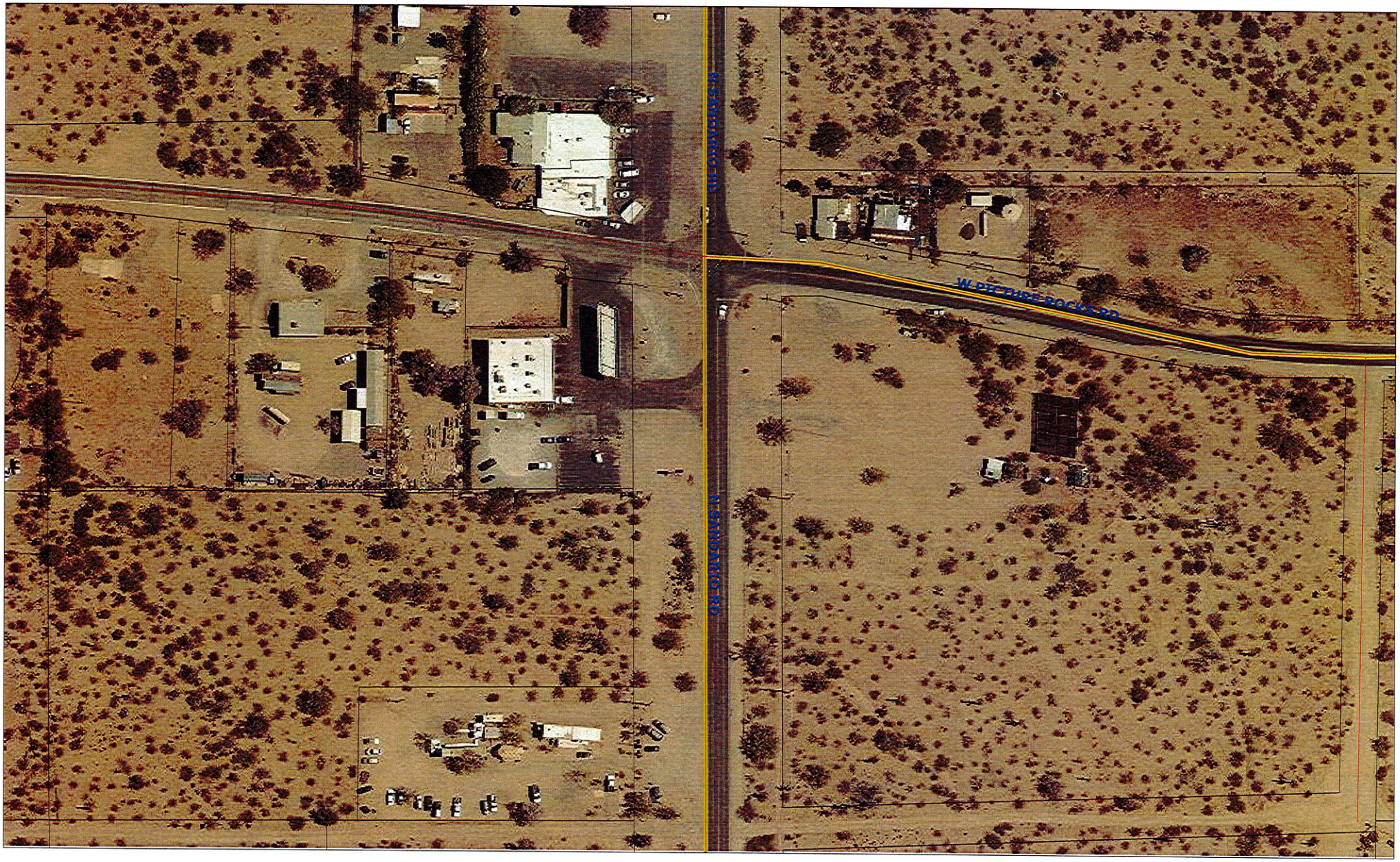
SURVEY PREPARED BY:
RLW & ASSOCIATES, PA
524 W. SYCAMORE
FAYETTEVILLE, AR 72701
PHONE: (479) 443-4506
FAX: (479) 582-1883

SURVEY PREPARED FOR THE USE AND BENEFIT OF:
AMERICAN SURVEYING AND MAPPING, INC.
3191 MAGUIRE BLVD., SUITE 200
ORLANDO, FL 32803
PHONE: (407) 426-7979
FAX: (407) 426-9741

6Dv 2 ALTA/ACSM LAND TITLE SURVEY OF MINIT MARKET 7 N Sandario Road PIMA CO., TUCSON, AZ

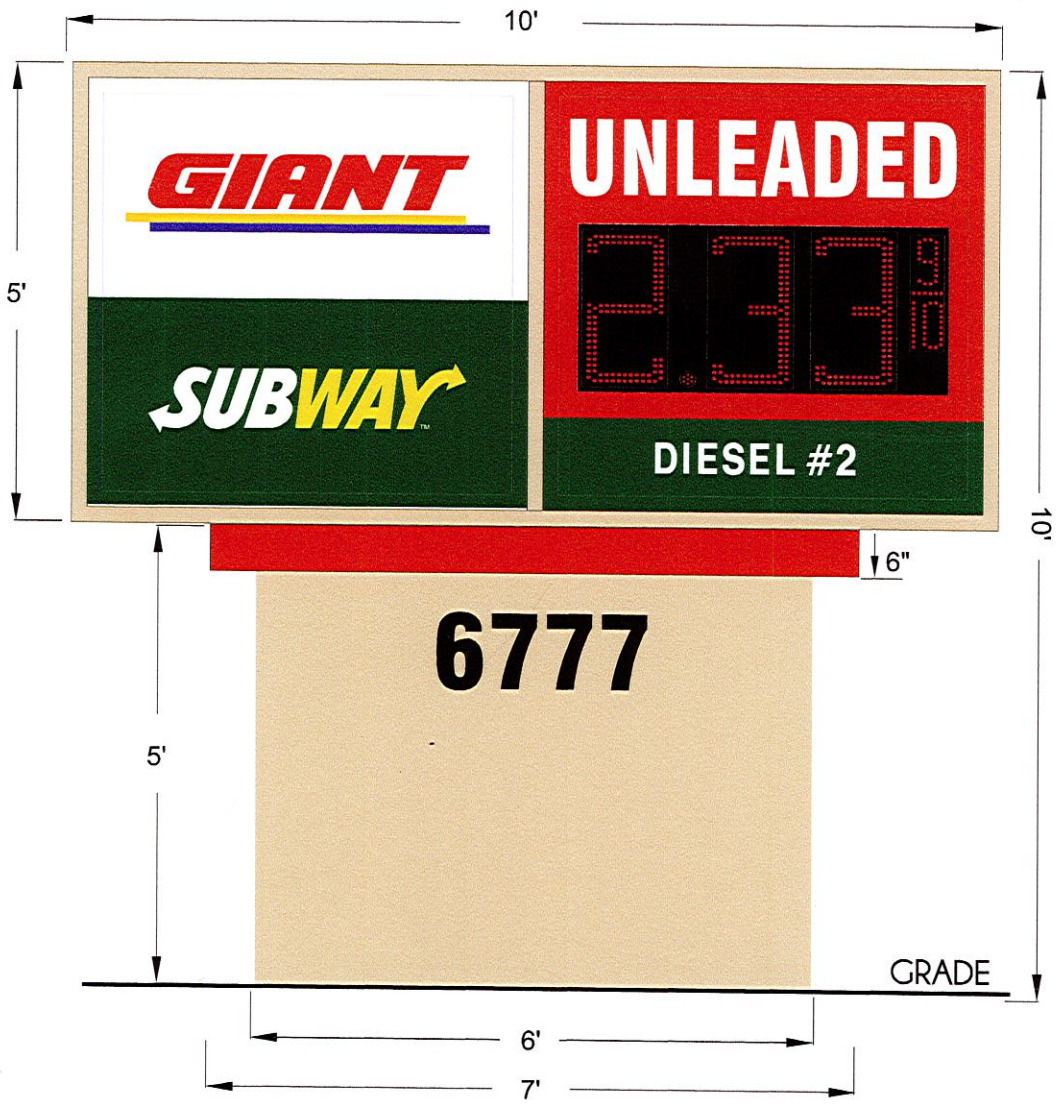
AMERICAN SURVEYING & MAPPING INC
3191 MAGUIRE BLVD., SUITE 200 ORLANDO, FLORIDA 32803
PHONE: (407) 426-7979 WWW.AMERICANSM.COM

Co10(3)15-02 - N PICTURE ROCKS RD



VIEW OF EXISTING SIGN TO BE REPLACED

6777 N. SANDARIO RD



STORE 6672 - FABRICATE AND INSTALL ONE DOUBLE SIDED INTERNALLY ILLUMINATED MONUMENT SIGN

GIANT / SUBWAY:
FORMED PAN FACE PAINTED WHITE
GIANT PAINTED TO MATCH PMS 485C
YELLOW PAINTED TO MATCH PMS 123C
PURPLE PAINTED TO MATCH PMS 2622C
SUBWAY: BACKGROUND PAINTED TO MATCH PMS 554
"SUB" PAINTED WHITE
"WAY" PAINTED TO MATCH YELLOW 109

UNLEADED / DIESEL:
FORMED PAN FACE
UNLEADED:
PAINTED RED TO MATCH PMS 485C W/ WHITE LETTERING
DIESEL PAINTED TO MATCH GREEN PMS 554 W/ WHITE LETTERING

EMC UNIT:
(2) 18" RED ABLE TECHNOLOGIES DIGITAL GAS PRICE SIGN

SKIRT & CABINET TO BE PAINTED/TEXTURED:
DUNN EDWARDS SP150 LINEN WHITE
W/ RED ACCENT PAINTED PMS 485C RED

ADDRESS #'S:
FLAT CUT ACRYLIC PAINTED BLACK

EXISTING SIGN TO BE REMOVED

Palo Verde Signs
PH: 884-4322 FAX: 884-5060
www.paloverdesigns.com

This artwork is the property of Palo Verde Signs Inc. and may not be copied or used in any manner without written permission from Palo Verde Signs Inc. Unauthorized users will be subject to damages.

Underwriters Laboratories Inc.

ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS.

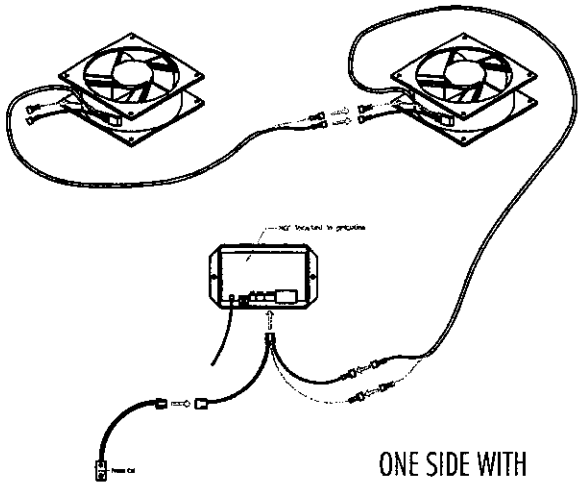
TO-SI(3)010

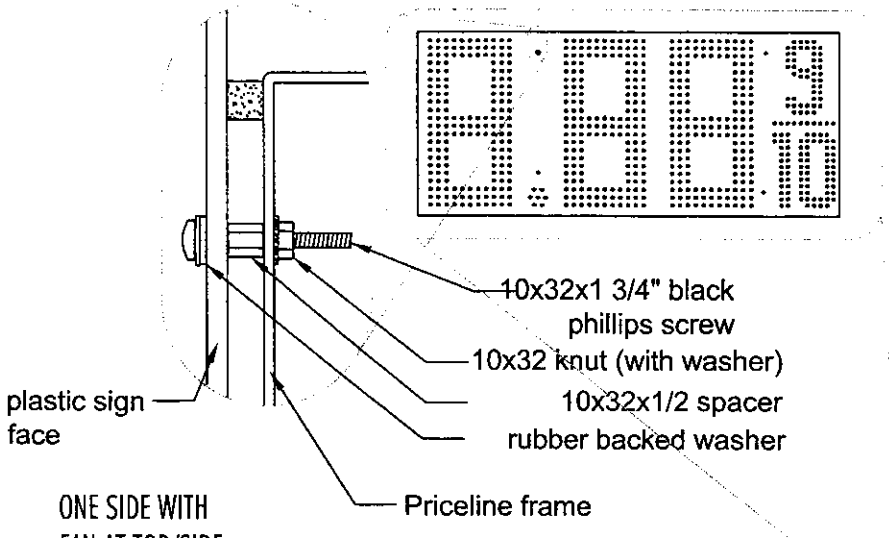
Lamping, Louver/Fan Detail/ LED Gas Price Detail

Circuits: (1) 20AMP
Votls: 120v
Sign Total AMPS:11.4
(LED Unit: 3.6 - Cabinet:7.8)

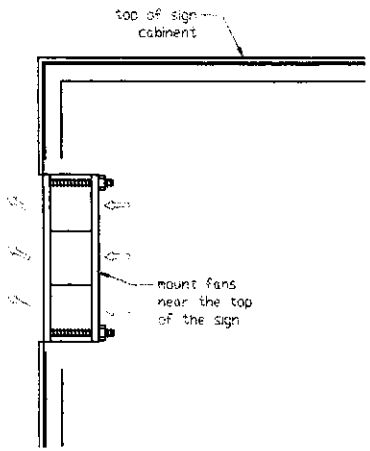
Underwriters Laboratories Inc.

ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS.

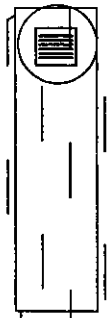




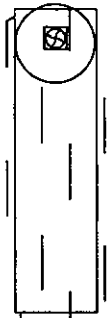
FAN DETAIL (Side View):

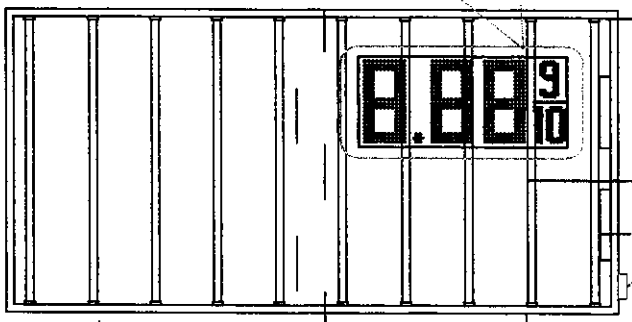


ONE SIDE WITH LOUVER AT TOP/SIDE:



ONE SIDE WITH FAN AT TOP/SIDE:





Note: All Welding Per ASTM Standards
All Wiring In Conduit or Wireways

PIMA COUNTY
DEVELOPMENT SERVICES

Variance Application

Revised 12/2013

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

Property Owner: REAY GORDON & LOIS FAMILY TR Phone: _____

Owner's Mailing Address: 2100 N. KOLB RD City: TUCSON Zip: 85715-3845

Authorized Representative: PALO VERDE SIGNS INC - KIMBERLY DANNETTEL Phone: 520-884-4322 EXT 2

Rep's Mailing Address: 3302 S. PALO VERDE RD City: TUCSON Zip: 85713

Property Address: 6777 N. SANDARIO RD City: TUCSON Zip: 85743

Tax Code Number(s): 213 - 07 - 0020 Zone: CB-2

Does the subject parcel have an active building or zoning code violation? NO

Owner or Applicant's Email Address: kim@paloverdesigns.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: Kimberly Dannettel Date: 1-8-15

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

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

Case Title: Reay Gordon & Lois Family Tr - N Sandario Rd Co10(B) 15 - 02
OWNER'S NAME – STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

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

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY _____ DATE ____/____/____.

Minit Market #412

I authorize Palo Verde signs to make changes to our property at 6777 N. Sandario Road, Tucson, AZ 85743, for a digital fuel price display in a double sided free standing monument sign.

Owner Signature: Gordon M Reay Trustee
GORDON AND LOIS REAY FAMILY TRUST

Date: 01/07/15

Board of Adjustment District 3 Board Members

Site: Giant Fuel Station
6777 N. Sandario Rd
Tucson, Az 85743

Owner: Reay Gordon & Lois Family TR
2100 N. Kolb Rd
Tucson, Az 85715

Applicant: Kimberly Dannettel
Palo Verde Signs Inc

I am requesting a variance to allow an electronic changeable gas price display for a new 50 square foot internally freestanding sign. Under the current Pima County sign standards section 18.79.040 Prohibitions states; electronic message signs are not allowed.

The electronic signs are best described as static, single color displays which do not move or flash. The sole purpose is to display gas prices. The electronic price display is used to provide a reliable solution to the challenges associated with frequent price changes, replacing the time consuming and potentially unsafe manual price cards.

The freestanding sign in question was designed with materials and colors that are consistent with the branding style of Giant Stores. The design of the freestanding signs will be a nice added feature to help identify the use of this property.

The overall square footage and height of the freestanding sign meets the sign code requirements and will be used to identify the Giant store and the current unleaded fuel price

Granting this variance is not a special privilege to this property. If any other property owner faces similar circumstances it would be appropriate to grant them a similar type of request. Granting this variance is the minimum needed to grant relief.

Sincerely,

Kimberly Dannettel
Palo Verde Signs Inc.
3302 S. Palo Verde Rd
Tucson Arizona 85713

Able Applied Technologies
Columbus, Ohio
December, 2014

TO WHOM IT MAY CONCERN

Dear Sir/Madam:

Our electronic signs are best described as static, single color [monochrome] displays, which do not move or flash. Its sole purpose is to display gas prices. This product is used to provide a reliable solution to the challenges associated with frequent price changes, replacing the time consuming and potentially unsafe manual placards. It is required by law that fuel prices are displayed and electronic display provide a safe alternative to using poles, heavy placards and ladders.

With regards to the brightness of our LED displays, this is measured in mcd [Millicandelas] but the measurement of NITS is deemed hypothetical as it will depend on a number of factors. Ambient light, distance measurement is taken, thickness of front window and viewing angle. All our LED displays automatically dim down using a photocell that can vary anything from 5% to 95% - again typically we run our red LEDs at 95% at 'full' brightness and then at night we further reduce brightness to 5-20% of maximum output.

With that assumption the following theory can be used:

Each LED typically has 2000 mcd's of output at full power. We drive the LEDs at much reduce power to prolong the life. We estimate the output on our signs to be 1000 mcd's per LED at full bright. That equates to 1 candelas (cd) of output per LED. A Nit is the same as a candela per square meter. At night we further reduce power by 85% resulting in 150 mcd's output. We typically use 1000 LEDs per square meter providing a theoretical output of 150 nits at night.

The maximum brightness is hardware set and cannot be adjusted to exceed 1000-1500 nits. Only adjustments are for night time mode where it can be adjusted between 5% - 20% of the maximum. This is done using the in store controller and require a password to enter the factory setting. If in the unlikely event the photocell is disconnected or failed open the sign will remain in night mode.

We also used a light meter and made the following measurements:

At 10 feet with the light meter pointing directly at the sign we received a reading of 5 fc [foot candles] converts to approximately 18 nits.

At 1 foot with the light meter pointing directly at the sign we received a reading of 100 fc or 340 nits.

As you can see there a number of ways to describe light output but feel confident that there is no issue with our LED display.

Please note that the content of this letter is only a guide and Able Applied Technologies disclaim responsibility for any action taken in reliance upon information given.

AAT USA LLC