

AGENDA ITEM _____
DATE _____

Regular Meeting
January 12, 2016

**MINUTES OF A REGULAR MEETING OF THE CASA GRANDE BOARD
OF ADJUSTMENT HELD ON TUESDAY, JANUARY 12, 2016 AT 6:00
P.M. IN THE COUNCIL CHAMBERS LOCATED AT CITY HALL, 510 E.
FLORENCE BOULEVARD, CASA GRANDE, ARIZONA**

I. Call to Order and Pledge:

Chairman Garcia called the meeting to order at 6:00 p.m.

II. Roll Call:

Members Present:

Member Charlene Southern
Member Debra Shaw-Rhodes
Member Gordon Beck
Vice-Chairman Charles Wright
Chairman Rueben Garcia

Members Absent:

Member Mark Zeibak
Member Clarence Martin

City Staff Present:

Paul Tice, Planning and Development Director
James Gagliardi, City Planner
Linda Harris, Administrative Assistant
Mark Murphy, Fire Inspector

III. Approval of Minutes:

September 15, 2015

Member Shaw-Rhodes made a motion to approve the minutes dated September 15, 2015. Member Southern seconded the motion. A voice call vote was called, all were in favor.

IV. Changes to the Agenda:

There were no changes to the agenda.

Director Tice introduced Mark Murphy, Fire Inspector to the members. He stated that periodically Mr. Murphy will be attending meetings to be available for questions if needed.

V. New Business:

Request by Brian Lumbatis of Complete Signs LLC for the following land use request located at 2469 E Florence Blvd:

- 1. DSA-15-00129: Comprehensive Sign Plan Amendment** to revise the approved Mission Plaza Parcels 6 & 7 Comprehensive Sign Plan to accommodate the existing 139.5 sq. ft. mural on the Raising Cane building's east elevation (Planner: James Gagliardi).

James Gagliardi, Planner came forward and presented a brief overview of the case as stated in the Staff Report. Mr. Gagliardi stated that the request is to amend the approved comprehensive sign plan that is in place for Mission Plaza Parcels 6 and 7. He explained that as part of the Mission Royale PAD, signage on the retail portion is subject to an approved comprehensive sign plan which is considered by the Board of Adjustment. Mr. Gagliardi stated that the currently approved sign plan allows each elevation (except for the rear) to have a sign area of 1.5 sq. ft. of sign area per linear foot of each elevation except for the rear elevation for both of the new buildings. This new request is specifically for the wall sign allocation for Raising Cane's to allow the existing 139.5 sq. ft. (9 ft. X 15.5 ft.) mural on the east elevation of the building in the drive thru, in addition to the existing signage. The applicant has indicated that this mural is customary to all of the Raising Cane's as part of its corporate branding. The intent of the mural is not for it to be an advertising piece for offsite business but for people that are waiting in the drive thru lane on site. Mr. Gagliardi stated that the applicant is proposing to revise the Comprehensive Sign Plan to allow 197 sq. ft. of signage maximum on the east elevation. Currently, the approved Comprehensive Sign Plan allows 136 ½ sq. ft. of sign area on the east elevation. Staff is comfortable with request if the Comprehensive Sign Plan was also modified to restrict the west elevation to 34 sq. ft. maximum signage. This would require 102 ½ sq. ft. of less signage on the west elevation. This amendment would lock into place how much sign is currently on the east and west elevations. The front and rear elevations would remain the same. Mr. Gagliardi explained that when looking at exceptions to the sign code provisions, they may be granted if the sign areas and densities shown on the plan are in conformity with the intent of the code and if such exceptions result in an improved relationship between the various parts of the plan.

Mr. Gagliardi stated that staff recommends the Board approve DSA-15-00129; the comprehensive sign plan amendment for Mission Plaza Phase 1 Parcels 6 & 7, subject to the conditions stated in the staff report.

Member Beck commented that in reading the minutes from March 2015, the board approved 136.5 sq. ft. mural on the east elevation and as a condition of approval staff recommended applicant revise sign plan and exhibits including mural, banner etc. He stated that the board already had taken the mural into consideration in the 136.5 sq. ft. on east elevation and 47 sq. ft. on west elevation. Member Beck questioned what has changed since then.

Mr. Gagliardi replied that Evergreen Development Corp. was the previous applicant. Evergreen Development Corp. was representing Raising Cane and had proposed the building with the mural. Staff was not supportive of inclusion of the mural at the time as they felt that it was better to keep the 1.5 sq. ft. of sign area for all elevations except for the rear. When Raising Cane's changed ownership, the building was constructed and the mural was painted and they are now requesting to amend the plans to put the mural back into the sign plan.

Member Beck commented that in March staff recommended approval of the sign plan with the condition that the signage is limited to a maximum of 1.5 sq. ft. per foot of building elevation and that the mural would not be allowed.

Mr. Gagliardi replied that as a condition of approval, staff was requiring that the sign plan be revised to reflect the 1.5 sq. ft. of sign for each elevation. Mr. Gagliardi confirmed that the previously approved Comprehensive Sign Plan did not include the mural on the east elevation that the applicant had requested.

Member Beck stated that according to the minutes from March, the approval included the mural, banner and window sign.

Mr. Gagliardi replied that was not correct as although the applicant had requested approval of all of those signs what was approved and adopted as sign plan was a 1.5 sq. ft. per elevation.

Director Tice explained that the applicant was proposing at the time more than the 1.5 sq. ft. per elevation and staff was not supportive of their request.

Mr. Gagliardi read from the minutes from March 10, 2015 in which the board approved the Comprehensive Sign Plan Amendment with the condition that they revise the sign plan to include the mural in the 1.5 sq. ft. allocation per linear foot per elevation except the rear.

Member Shaw-Rhodes commented that they would be giving up 42 sq. ft. of extra signage.

Mr. Gagliardi responded that it results in less signage because they would have the benefit from having the mural plus other signage already approved on that elevation.

Chairman Garcia made a call for the applicant to come forward.

Brent VanDeman, Bootz & Duke Sign Co., 4028 W. Whitton, Phoenix came to podium to address the board. He stated he is the representative for the applicant.

Chairman Garcia made a call to the public.

Member Beck expressed his concern that the board approved amendment in March and now they want to come back and change again. He questioned the need for it.

Director Tice replied that the mural is standard on all of the Raising Cane restaurants across the country and did not fit with the prior approval. Director Tice stated that staff is ok with transferring signage from the west elevation to the east elevation to allow mural to remain.

Member Beck commented that it was staff's recommendation in March that the mural should not be included in the approval and questioned if staff is now changing their minds.

Director Tice replied that in this case staff feels that the trade offs are appropriate.

Member Beck questioned if this will open up a flood of business that wants to change their signage.

Director Tice responded that the Comprehensive Sign Plan is unique to each property so it is not setting precedence. He stated that the board reviews Comprehensive Sign Plans as individual proposals for every project.

Member Shaw-Rhodes questioned if a stipulation could be put as a condition of approval that Raising Cane could not add any other signage to proposal as of this meeting such as making up the extra 42 sq. ft. of signage they are giving up

Member Beck replied that if the board approves the request it would be repetitive.

Mr. Gagliardi explained that on the front elevation they are allowed 75 sq. ft. of signage and they currently have 66 sq. ft. He stated that there is potential that if they wanted to change out wall signage with bigger sign or add additional window signage there is some potential to do that as they would have 9 extra sq. ft. If the request tonight were to be approved it would lock into place what they have on the east and west elevations. He stated that this request is what was previously proposed in March.

Director Tice commented that very little additional signage could be added and they would be maxed out on the east and west elevations.

Member Shaw-Rhodes commented that she has seen the mural and it is not offensive to her and that it is part of their trademark.

Vice-Chairman Wright made a motion to approve case DSA-15-00129 Comprehensive Sign Plan Amendment to revise the approved Mission Plaza Parcels 6 & 7 Comprehensive Sign Plan to accommodate the existing 139.5 sq. ft. mural on the Raising Cane Building's east elevation, with conditions as stated below:

1. Sign plan be modified for Raising Cane's attached signage per Exhibit C to allow:
 - a. 1.5 sq. ft. of signage on north (front elevation) per its linear foot of north (front) elevation.
 - b. 34 sq. ft. of sign area on west elevation
 - c. 197 sq. ft. of sign area on east elevation
 - d. 0 sq. ft. of sign area on south (rear) elevation

Member Shaw-Rhodes seconded the motion.

The following roll call vote was recorded:

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| Member Southern | Aye |
| Member Shaw-Rhodes | Aye |
| Member Beck | Aye |
| Vice-Chairman Wright | Aye |
| Chairman Garcia | Aye |

The motion passed 5 – 0.

VI. Call to the Public:

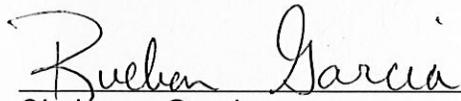
There were no comments received from the public

VII. Adjournment:

Chairman Garcia called for adjournment at 6:27 p.m.

Submitted this **26th day of January, 2016** by Linda Harris, Administrative Assistant to the Casa Grande Board of Adjustment, subject to the Board's approval.

Approved this 12th day of April, 2016 by the Casa Grande Board of Adjustment.



Chairman Garcia