

1. Planning And Zoning - Agenda

Documents:

[2020\\_02\\_04\\_PZ\\_RG\\_AG.PDF](#)

2. Planning And Zoning - Agenda Packet

Documents:

[2020\\_02\\_04\\_PZ\\_RG\\_AG\\_PK.PDF](#)



## **Town of Chino Valley**

### **MEETING NOTICE PLANNING AND ZONING COMMISSION**

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**REGULAR MEETING  
TUESDAY, MARCH 3, 2020  
6:00 P.M.**

**Council Chambers  
202 N. State Route 89  
Chino Valley, Arizona**

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### **AGENDA**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES**
  - a. Consideration and possible action to approve the January 7, 2020, regular meeting minutes.
  - b. Consideration and possible action to approve the February 4, 2020, regular meeting minutes.
- 5. STAFF REPORTS**
- 6. PUBLIC HEARING**
- 7. NON-PUBLIC HEARING ACTION ITEMS**
  - a. Consideration and possible recommendation to Town Council for approval of a Conditional Use Permit to allow the construction and placement of a freestanding electronic message sign for Burger King.(Will Dingee, Assistant Planner)
- 8. DISCUSSION ITEMS**

**9. PUBLIC COMMENTS**

*Call to the Public is an opportunity for the public to address the Commission on any issue within the jurisdiction of the Commission that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Commission action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.*

**10. ADJOURN**

Dated this 27th day of February, 2020.

By: *Will Dingee, Assistant Planner*

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona. Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427.

The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice) or use 711 (Telecommunications Arizona Relay Service ) to request an accommodation to participate in this meeting.



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**Planning and Zoning Commission Regular**

**7. a.**

**Meeting Date:** 03/03/2020

Conditional Use Permit for Burger King

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**CASE DESCRIPTION:**

Consideration and possible recommendation to Town Council for approval of a Conditional Use Permit to allow the construction and placement of a freestanding electronic message sign for Burger King. (Will Dingee, Assistant Planner)

**LOCATION:**

Located approximately 330 feet north of the northwest corner of Road 2 North and State Route 89, directly north of Walgreens with a physical address of 1090 North State Route 89.

**FACTS:**

1. Applicant:..... Vince Acosta - Royal Sign Company
2. Owner:..... Barnett Jacobs Real Estate LLC
3. Parcel Number..... 306-20-029C
4. Site Area..... 2.89 Acres (Approximately 125,888 square feet)
5. Existing zoning:..... Commercial Heavy (CH)
6. Intended Use..... Advertisement for the under construction Burger King restaurant

**ANALYSIS:**

See attached Staff Report

**TECHNICAL REVIEW:**

See attached Staff Report

**SITE PLAN**

See attached Site Plan

**RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of approval for a Conditional Use Permit for the proposed fourteen (14) foot tall electronic message center sign with an electronic sign area of 23.1 square feet for Burger King, subject to the following conditions:

1. The electronic sign shall not contain any form of animation and must remain static for at least eight seconds with a transition time of no greater than two seconds. If the Town and/or Arizona Department of Transportation ("ADOT") develop more stringent requirements for static and transition time code for electronic signs, the sign that is subject to this Use Permit shall be modified to comply.
2. If the Town receives complaints from community residents of excessive brightness or glare at night, the applicant shall submit sign modification plans to the Development Services Department for review and approval that ensure brightness and glare are reduced to satisfactory levels.
3. Information displayed on the electronic sign shall be exclusive to activities and events that occur only on

the premises, in compliance with ADOT regulations (A.R.S. §§ 28-2901 through 28-2915 and A.A.C. §§ R17-3-701 and R17-3-701.01) and the Town's prohibition of off-site commercial signs.

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**Attachments**

Site Plan and Sign Elevation Plan  
Staff Report - Burger King CUP

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2631 N. 31st Ave.  
Phoenix, AZ 85009  
602-278-6286  
royalsign.net

08 OCT'19 RKP

|   |     |
|---|-----|
| 4 | n/a |
| 5 | n/a |

|   |     |
|---|-----|
| 8 | n/a |
| 9 | n/a |

Vince Acosta  
E-Mail:

Client

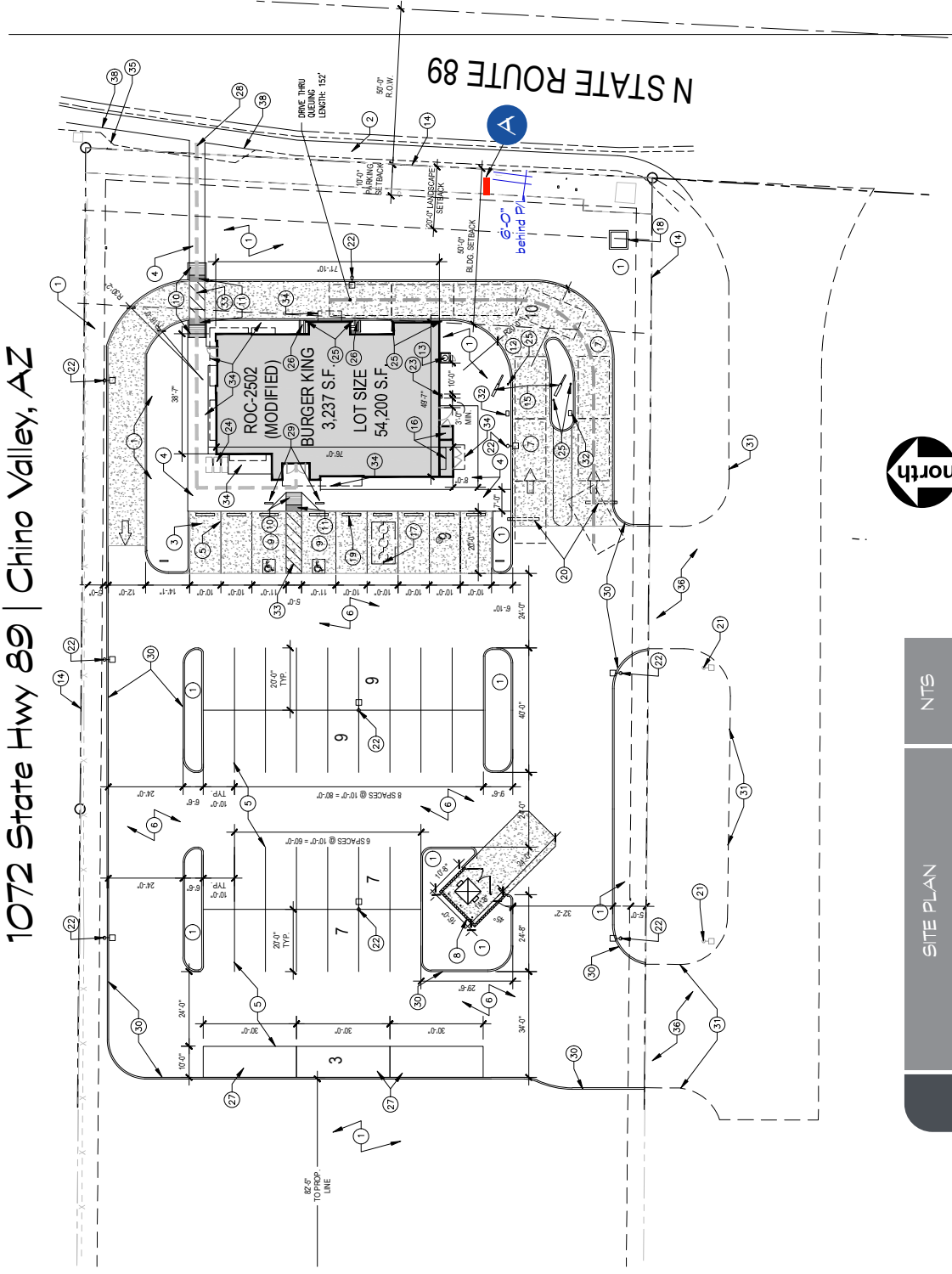
Customer is responsible for providing a dedicated electrical circuit within six feet of each

This original unpublished drawing is submitted solely for the project being planned. It is not to be copied or shown to persons outside of your organization.

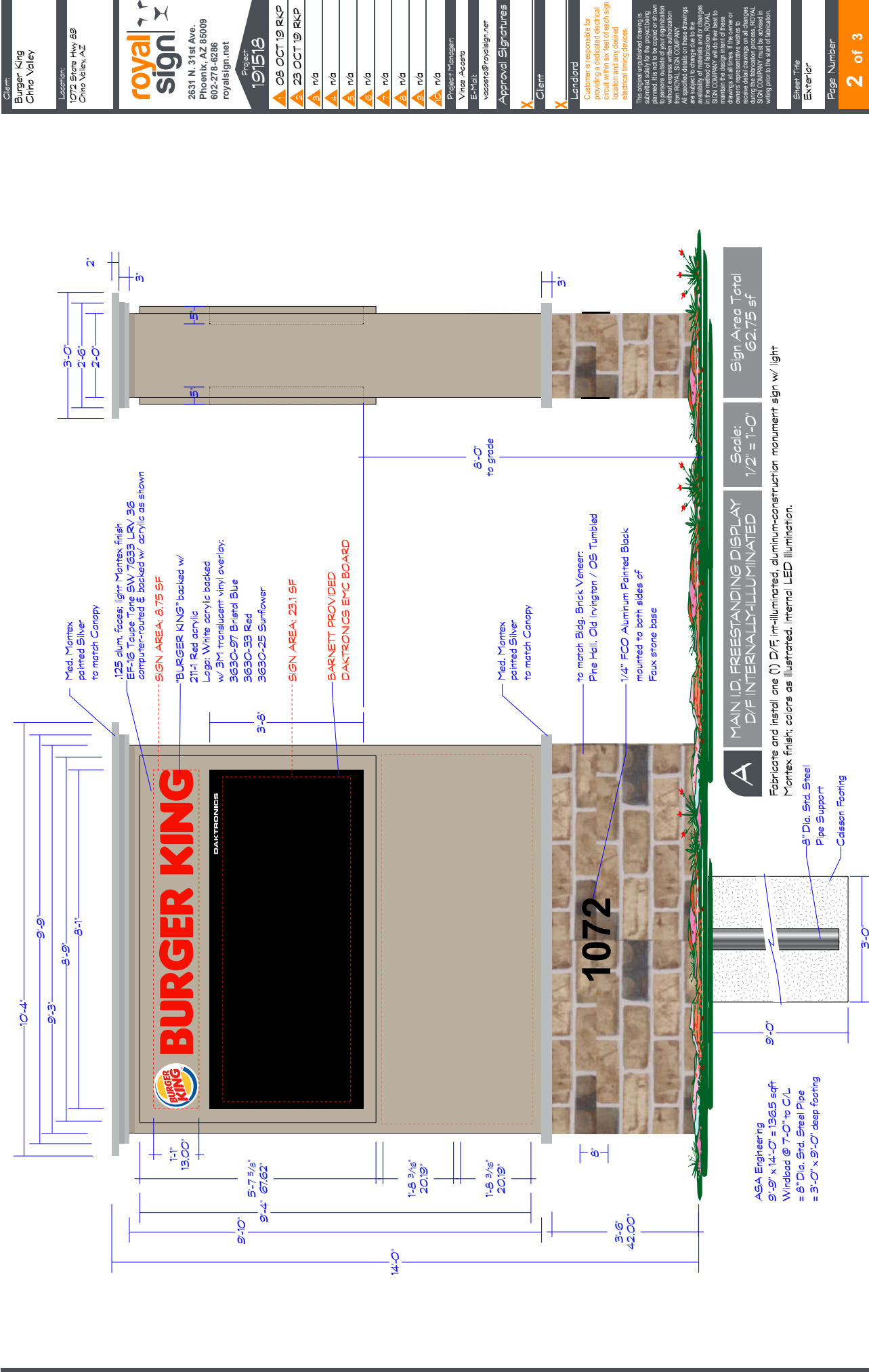
availability of materials and changes in the method of fabrication. ROYAL SIGN COMPANY will do their best to maintain the design intent of these drawings and specifications. If the customer

writing prior to the start of fabrication.

Page Number



## SITE PLAN







## PLANNING AND ZONING COMMISSION STAFF REPORT BURGER KING – CONDITIONAL USE PERMIT

### APPLICATION SUMMARY

**File Number:** C20-000001

**Assessor's Parcel Number:** 306-20-029C

**Site Location:** Located approximately 330 feet north of the northwest corner of Road 2 North and State Route 89, directly north of Walgreens with a physical address of 1090 North State Route 89.

**Property Owner:** Barnett Jacobs Real Estate LLC

**Applicant:** Royal Sign Company – Vince Acosta

**Request:** Request for a conditional use permit to allow the construction and placement of a freestanding electronic message center sign for Burger King

### SITE DATA

|                                          |                                                |
|------------------------------------------|------------------------------------------------|
| <b>Existing Zoning</b>                   | CH (Commercial Heavy)                          |
| <b>Lot Size</b>                          | 2.89 acres (approximately 125,888 square feet) |
| <b>Subdivision</b>                       | N/A                                            |
| <b>General Plan Land Use Designation</b> | Potential Community Core                       |
| <b>Existing Land Use</b>                 | Restaurant (Burger King under construction)    |

### BACKGROUND

#### SITE DESCRIPTION

The subject property is approximately 330 feet north of the northwest corner of Road 2 North and State Route 89 intersection at 1090 North State Route 89. The property is accessed via North State Route 89 and Road 2 North. The site has CH (Commercial Heavy) zoning under the Town of Chino Valley's (Unified Development Ordinance). The subject parcel falls within the Community Core area as indicated on the General Plan Future Land Use Map. Construction is underway on site for the approved 3,237 square foot Burger King building.

## PROJECT DESCRIPTION

Due to the developments proximity to State Route 89, Burger King would like to construct a freestanding monument sign with an electronic message center (EMC). The double-sided EMC portion of the freestanding sign will encompass an area of 29.78 square feet (8'-1" X 3'-8") but the actual display will only be 23.1 square feet per side. The new freestanding sign will be a total of fourteen (14) feet tall and will be located at least six (6) feet inside the property line. The sign will conform to all sign development standards set forth under the Commercial Heavy zoning district.

## APPLICABLE TOWN CODES

Staff has reviewed the application based on the requirements found within Section 4.21.3 General Sign Regulations and has found that it satisfies all requirements for setbacks and visual appearance. Further, the proposed lighting is in conformance with Section 4.24 Outdoor Lighting requirements.

The Town's UDO section 4.21.5 Sign Standards indicates that the applicant is required to obtain a conditional use permit for the electronic sign. The maximum height, area and standards for an electronic sign is stipulated by the use permit. Staff is recommending that the reader panel and institutional facility use stipulations be followed for the proposed electronic sign. The applicant is requesting approximately 23.1 square feet of electronic signage, fourteen (14) feet in sign height and an eight (8) foot minimum height from bottom of sign panel to grade.

## SURROUNDING PROPERTIES ZONING AND LAND USES

The subject area is predominantly made up of commercial zoned properties with high density residential to the west.

| AREA  | ZONING | GENERAL PLAN LAND USE DESIGNATION          | EXISTING LAND USE                                                   |
|-------|--------|--------------------------------------------|---------------------------------------------------------------------|
| North | CL     | Potential Community Core                   | Single-Family Residence (Constructed in 1939)                       |
| West  | CL     | Potential Community Core                   | KFC/Taco Bell, Safeway and Commercial Center                        |
| South | CL     | Potential Community Core                   | Walgreens and Vacant Commercial Heavy Property (Owned by Applicant) |
| East  | CL     | Multi-Family and Single-Family Residential | Vacant/Agricultural                                                 |

## PUBLIC REVIEW PARTICIPATION

The Town Staff did not notify the surrounding property owners by letter. Notifications were physically posted on the subject property and published in the Daily Courier (Sunday, February 16, 2020). To date, no public response has been received.

## **STAFF ANALYSIS AND RECOMMENDATION**

### **GENERAL PLAN CONFORMANCE**

The current zoning of CH (Commercial Heavy) is in conformance with the 2014 Chino Valley General Plan's Future Land Use Map, which places the subject property within a Potential Community Core Land Use. The property's land use of a restaurant adheres to the definition of a Community Core.

### **CONSISTANCY WITH THE ZONING ORDINANCE**

The parcels current zoning district is CH (Commercial Heavy). Historically the land use of the property has been vacant with the intent to develop a small commercial subdivision. At this point in time, the subject property's current use abides by the development standards set forth by the Commercial Heavy zoning district. Within this zoning district, electronic message board signs are allowed through an approved CUP.

### **TRAFFIC HAZARD OR CONGESTION:**

The lighting of the sign will make the sign more visible to traffic. A concern with electronic/digital display is the fact that the message changes every few seconds and has the potential to distract motorists. The Town's sign regulations do not dictate requirements regarding a time frame between the changing of messages in an effort to minimize the potential for distraction. Staff recommends that Arizona Revised Statutes be used as guidelines.

Arizona Revised Statutes §§ 28-7901, 28-7902, and 28-7903 relate to the regulation and control of electronic outdoor advertising located along Arizona highways. Section 28-9702E1 states that electrical outdoor advertising signs must not contain any form of animation and must remain static for at least eight seconds with a transition time of no greater than two seconds. Since this sign will be located on SR-89, staff has proposed matching these criteria in the conditions of approval for the CUP.

### **ON-PREMISE VS OFF-PREMISE SIGNS:**

Signs abutting ADOT right of way are categorized in two ways, On-Premise or Off-Premise signs. ADOT defines an On-Premise as a "sign that is located on the premises of the activity that the sign advertises. The premises is defined as "that land that is actually used and integral to the activity. If the sign advertises only the activity on the premises, it is exempt from the State's requirements for size, location, and spacing and does not need an Arizona Outdoor Advertising Permit."

Furthermore, ADOT defines an Off-Premise Sign as "signs that are located on premises other than where the activity, service or production that the sign advertises is located. The State's regulations control the size, location, spacing, and lighting of billboards that are along the regulated highways. An Arizona Outdoor Advertising Permit is required before erecting or maintaining a billboard along a regulated highway. This is in addition to any permit that is required by the local governing jurisdiction."

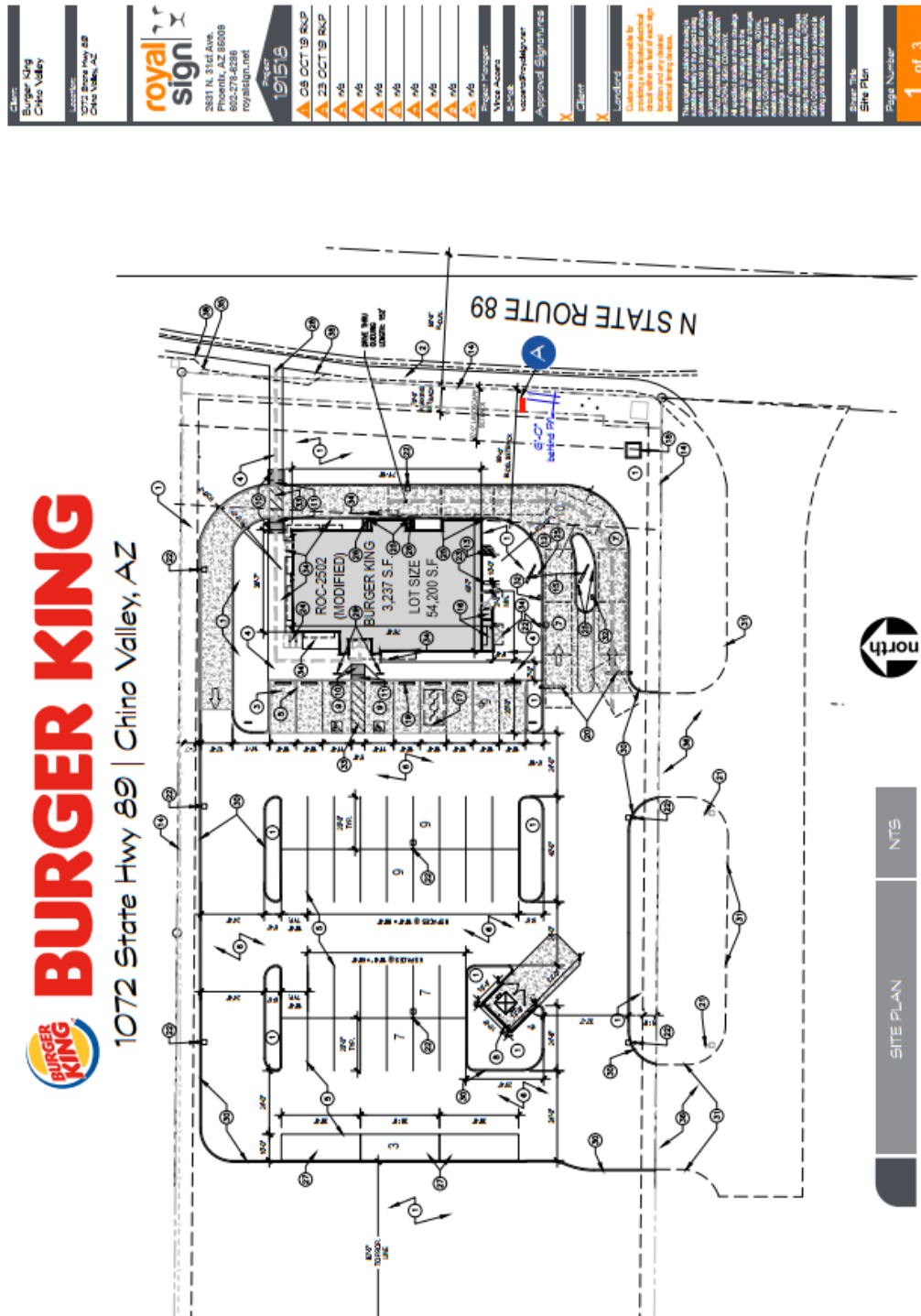
The information displayed on the proposed Burger King sign will need to stay exclusive to the property and its activities to be considered an On-Premise sign. The applicant has indicated that advertisements displayed on the EMC sign will be primarily consist of current specials being offered at Burger King.

#### **STAFF RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of approval for a Conditional Use Permit for the proposed fourteen (14) foot tall electronic message center sign with an electronic sign area of 23.1 square feet for Burger King, subject to the following conditions:

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## Site Plan



[illegible]

## Simulated Night View

Client:  
Burger King  
Chico Valley

Location:  
1072 Stone Hill Rd  
Chico Valley, AZ

royal  
sign

2821 N. 31st Ave.  
Phoenix, AZ 85008  
602.278.4288  
royalsign.net

19156

04 OCT '19 RCP  
23 OCT '19 RCP  
A6  
A6  
A6  
A6  
A6  
A6  
A6  
A6  
A6

Project Manager:  
Mike Moore  
mike@royalsign.net

Account Manager:  
Victoria Rodriguez

Approved Signatures:  
X Client  
X Landlord

The signed declaration of compliance is a statement made by the property owner or landlord, certifying that the proposed sign meets the requirements of the applicable zoning ordinance and that the sign is not a nuisance. The sign must be installed in accordance with the requirements of the applicable zoning ordinance. The sign must be installed in accordance with the requirements of the applicable zoning ordinance. The sign must be installed in accordance with the requirements of the applicable zoning ordinance.

1072

BURGER KING

2 FOR 6  
THUR-SAT 11AM-6PM

WHOPPER

NIGHT VIEW

Drawn By:  
Night View

Page Number:  
3 of 3



2631 N. 31 ST AVE. PHOENIX, AZ 85009

(602) 278-6286

December 23, 2019

Town of Chino Valley  
Planning and Development  
202 N State Route 89  
Chino Valley, AZ 86323

Re: Burger King conditional use permit application for electronic message center

To Whom It May Concern:

Attached you will find an application for a conditional use permit for the new Burger King under construction on State Route 89. Included supplementation is as follows:

- Letter of Agency
- Copy of deed showing proof of legal ownership
- Copy of ALTA survey
- Yavapai County parcel information
- Town of Chino Valley Agreement to Waive Claims for Diminution in Value
- Landscape Plan
- Outdoor Lighting Plan
- Building Elevations
- Site map showing zoning
- Photos of neighborhood businesses

We are seeking approval of an electronic message center located on the proposed monument sign located 6 feet from the property line adjacent to State Route 89. There will be no flashing or blinking images displayed on the EMC (electronic message center).

Parcels located on State Route 89 near the busy intersection of State Route 89 and East Road 2 North are all zoned Commercial Heavy or Commercial Light. Some of these neighboring parcels have already been granted the use of electronic message centers, including next-door-neighbor Walgreen's, as well as Safeway Fuel Center, Chino Rentals, and even Chino Valley High School.

Designers, manufacturers, and installers of commercial signage.  
CONTRACTOR LIC. #025674

## Project Narrative Letter Page 2

We do not feel the presence of this proposed sign with electronic message center will be of any detriment to the community of Chino Valley, rather we feel it will attract travelers to stop, enjoy a delicious meal at Burger King, fuel up across the street, stock up on groceries at Safeway, and pick up sundries at Walgreen's. This new Burger King, expected to open around April of 2020, will be an enhancement to the neighborhood. It will be architecturally attractive with beautiful landscaping. It will be a place for families and travelers to enjoy meals and it will provide employment opportunities for the community.

We ask that you please take this application under consideration. Please do not hesitate to contact me should you have any questions or need additional information. Thank you for your attention to this matter.

Sincerely,

  
Vince Acosta (Dec 23, 2019)

Vince Acosta  
Project Manager  
vacosta@royalsign.net

Designers, manufacturers, and installers of commercial signage.  
CONTRACTOR LIC. #025674