

AGENDA ITEM #: \_\_\_\_\_

DATE: August 19, 2019

CAR #: 2019-6733



## CITY COUNCIL ACTION REPORT

**SUBJECT: Pebble Creek Marketplace Use Permit**

**CASE NUMBER:** 19-300-00005

**STAFF PRESENTER:** Jon Froke, Planner III

**APPLICANT:** Andy Gibson, Bootz & Duke Sign Company

**Summary:** A Use Permit for a freeway pylon sign on I-10 for the Pebble Creek Marketplace shopping center.

**Recommendation:**

Approve a Use Permit for a freeway pylon sign for the Pebble Creek Marketplace Use Permit to be located at the northwest corner of Interstate 10 and Pebblecreek Parkway, subject to the following stipulations:

1. Development shall be in substantial conformance with the Project Narrative and Conceptual Site Plan.
2. Except as provided herein, the sign shall be developed consistent with the sign elevation and design reflected in the Pebblecreek Marketplace Sign Type: 2 – Freeway Pylon attached hereto.

**Fiscal Impact:** Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the City. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the City through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development.

## **Background and Previous Actions**

Pebble Creek Marketplace is a regional commercial development generally located at the northwest corner of I-10 and Pebblecreek Parkway. Retail and service uses are permitted within the Pebble Creek Marketplace PAD which consists of approximately 25 acres.

On March 26, 2007, the City Council approved the final PAD for Pebble Creek Village Marketplace with the adoption of Ordinance No. 2007-1061. A Use Permit for a freeway pylon sign on the subject property was approved by the City Council on that same date, but because the sign was not constructed within one year of approval, the Use Permit has expired and was nullified.

On November 17, 2014, the City Council approved the Pebble Creek Marketplace PAD (former name of PebbleCreek Village Marketplace) with the adoption of Ordinance No. 14-1314, which included a comprehensive sign package. The applicant has submitted an application requesting to modify the Pebblecreek Marketplace Comprehensive Sign Package applicable to the freeway pylon sign on I-10 and the freestanding multi-tenant pylon signs on McDowell Road and Pebblecreek Parkway, which is being presented by separate action with this request for a use permit.

The Planning and Zoning Commission considered this item at a public hearing held on August 7, 2019. The Commission unanimously voted (7-0) to forward a recommendation of approval to the City Council. There was no opposition to the item voiced at the hearing.

## **Staff Analysis**

### **Current Policy:**

A proposal for a new freeway pylon sign would require approval of a Use Permit in accordance with Zoning Ordinance provisions adopted in 2006.

The Comprehensive Sign Package included within the Pebble Creek Marketplace PAD that was approved in 2014 contemplated one freeway pylon sign within the Pebble Creek Marketplace subject to a Use Permit. Approval of a use permit for a freeway pylon sign must satisfy requirements of 1-3-2 and 4-2-9 and be consistent with the provisions of Article 7. Article 7-8(D)

### **Details of the Request:**

The applicant is requesting Use Permit approval for a freeway pylon sign consistent with sign elevation and design reflected in the Pebblecreek Marketplace Sign Type: 2 – Freeway Pylon attached hereto. The narrative states that the city of Goodyear logo will be included in the design of the sign per the design standards for pylon signs in the Zoning Ordinance, which highly encourage including “Goodyear” in the pylon sign. Although previous pylon signs have included the city logo, there have been changes in policy as to how and when the city logo is used, it will be determined during design review when and how the city logo is used in the sign. The Planning

and Zoning Commission had approved the use permit with a stipulation that a city logo be included, staff recommends the use permit be approved without the stipulation. The stipulation has not been included in the recommendation. The overall height of the sign will be 58'-0" and the design of the proposed freeway pylon sign will be compatible with the building design found in the shopping center. The shopping center is currently under construction.

**Evaluation Criteria:**

1. *The Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and,*

Approval of the Use Permit will not be materially detrimental for the following reasons:

- a. The Use Permit and signs contained in the Comprehensive Sign Package are well designed and will complement the shopping center. The freeway pylon sign is situated on I-10 as existing signs at other locations.
- b. The signs will be located outside of public rights-of-way.
- c. A substantial setback of almost a quarter mile is provided between the freeway pylon sign and the nearest residential development. The shopping center will provide walls and landscaping that will complement the area.

2. *The proposed use is reasonably compatible with uses permitted in the surrounding area. This section further states that should a Use Permit not be established within two years, then that Use Permit approval shall become null and void.*

Approval of the Use Permit will be reasonably compatible with uses permitted in the surrounding area for the following reasons:

- a. The McDowell Road Business and Entertainment District encourages development in this corridor that will benefit residents and visitors to the area.
- b. A substantial separation is provided between the proposed freeway pylon sign and the nearest residential neighborhoods.
- c. Screen walls and landscaping in the shopping center will be similar to adjacent development and will complement the surrounding development.

**Citizen Review Process:**

In accordance with the City's Citizen Review Process, an alternative notification process was used for this request. A formal citizen review meeting was not involved, but notice providing information on the request was mailed to surrounding property owners within 500 feet of the subject property. To date, staff has not received any public inquiries as a result of this notice.

Notice for the public hearings before the Planning and Zoning Commission and City Council included a postcard mailed to the owners of property located within 500 feet of the subject property; a legal notice published in the Arizona Republic Southwest Edition on July 19, 2019; and a notice of public hearing sign posted on the property. To date, staff has not received any public inquiries as a result of this notice.

At their regular meeting on August 7, 2019, the Planning and Zoning Commission held a public hearing regarding the request. After the staff presentation, the applicant addressed the

Commission. There were no members of the public who spoke regarding the request. The Planning and Zoning Commission recommended approval of the use permit by unanimous vote (7-0).

**Recommendation:**

The nearest residential development to the freeway pylon sign is located approximately 1,235 feet to the north. Given this separation, the freeway pylon sign will not have an adverse impact on the neighborhood. The proposal should not adversely affect businesses or residents in the surrounding area given the stipulation of approval associated with the Use Permit.

The requested Use Permit is similar to existing signs in the I-10 corridor and will not be detrimental to the neighborhood.

Staff recommends approval with stipulations of the Use Permit and amendment to the Pebble Creek Marketplace Comprehensive Sign Package. The proposal is consistent with Section 4-2-9 of the Zoning Ordinance which requires Use Permit approval for a freeway pylon sign. The proposal is also consistent with Article 9-3 pertaining to the McDowell Road Business and Entertainment District. Finally, the proposal is similar to existing signs located in the McDowell Road corridor.

**Attachments**

1. Aerial Photo
2. Sign Elevation
3. Conceptual Site Plan
4. Project Narrative