

**NOTICE OF SPECIAL MEETING
CITY OF COOLIDGE - BOARD OF ADJUSTMENTS
MONDAY, JULY 11, 2011 – 7:00 P.M.
COUNCIL CHAMBERS - 911 S. ARIZONA BOULEVARD
PINAL COUNTY, COOLIDGE, ARIZONA**

CALL TO ORDER

1. Roll Call

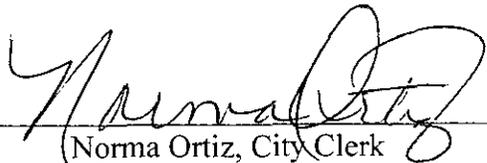
NEW BUSINESS

2. Variance request submitted by Southwest General Development for the proposed Dollar General to reduce the required setbacks to a residential zone boundary from 45 feet to 30 feet at the northeast corner of Taylor and Arizona Boulevard. **Public Hearing. Discussion and action.**

ADJOURNMENT

THIS NOTICE IS POSTED IN ACCORDANCE WITH THE CITY CODE 2-4-1 OF THE CITY OF COOLIDGE AND A.R.S. §38-431, ET SEQ. ALL MEMBERS OF THE PUBLIC ARE INVITED TO ATTEND THIS MEETING.

DATED this 6th day of July, 2011



Norma Ortiz, City Clerk

PERSONS WITH DISABILITIES NEEDING REASONABLE ACCOMMODATIONS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETERS, SHOULD CONTACT THE ADA COORDINATOR AT (520) 723-5361 OR TDD LINE (520) 723-4653 NO LATER THAN 10:00 A.M. JULY 11, 2011.

NOTICE TO PARENTS: Parents and legal guardians have the right to consent before the City of Coolidge makes a video or voice recording of a minor child. A.R.S. §1-602.A.9. Coolidge Council Meetings are recorded and may be viewed on Channel 11 and the Coolidge website. If you permit your child to participate in the Council Meeting, a recording will be made. If your child is seated in the audience your child may be recorded, but you may request that your child be seated in a designated area to avoid recording. Please submit your request to the City Clerk at (520)723-5361, Ext. #6009.

The Agenda and all supporting documents and materials pertaining to this Agenda together with Staff and Department Reports are available for viewing in City Hall and the Library during normal business hours.

POST: 7-10-11

TIME: 5:00 p.m.

CITY OF COOLIDGE
CITY COUNCIL ACTION FORM

SUBJECT: Request from Southwest General Development for a variance on the property at the northeast corner of Taylor and Arizona Blvd to reduce the required setback to a residential zone boundary from 45 feet to 30 feet for the proposed Dollar General Project.

STAFF PRESENTER: C. Alton Bruce

RECOMMENDATION:

Staff recommends approval of this item.

DISCUSSION:

In order to accommodate the proposed site plan and to allow customer parking in the front of the store as is customary in a retail use, this variance is necessary. Property owners within 300 feet of this project have been notified about this proposal and no comments have been received in the Growth Management offices. In fact, the property most directly affected by this action is owned by O. C. Giddens, who sold a lot to Dollar General and has actively supported the other zoning actions to allow this project. See the attached graphics and report for additional details.

FISCAL IMPACT:

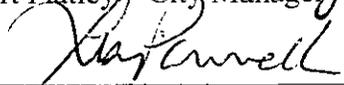
If this project succeeds, there is the potential for additional sales tax revenue for the City.

Attachments

Report on proposed variance.
Preliminary Site Plan for Dollar General.
Map showing proposed setback reduction.

REVIEWED BY:



Robert Flatley - City Manager


Lisa Pannella - Finance Director

PREPARED BY:



C. Alton Bruce - Growth Mgmt. Director

MEMORANDUM

TO: BOARD OF ADJUSTMENTS

FROM: C. ALTON BRUCE – GROWTH MANAGEMENT DIRECTOR

DATE: 30 JUNE 2011

RE: REQUEST FOR VARIANCE AT THE NORTHEAST CORNER OF ARIZONA BLVD. AND TAYLOR AVE.

Site: The site is located in a C-2 General Business zone, on the northeast corner of Arizona Boulevard and Taylor Ave. It is presently vacant

History: This site has been the subject of a number of recent Planning and Zoning Commission and Council actions including rezoning to C-2 from C-3 and R-3, a lot split and an alley abandonment.

Proposal: The applicant wishes to build a 9,000 commercial building with a retail use (namely a Dollar General Store) and is seeking a variance to reduce the minimum rear setback from a residential zone from 45 feet to 30 feet on the east side of the site. Such a reduction will allow parking in front of the building as is customary in a retail use.

Discussion: The City's Zoning Code states that:

“ ... The Board of Adjustment may allow a departure from the terms of these zoning regulations pertaining to height or width of structures or the size of yard and open spaces where such departure will not be contrary to be public interest and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of this Code would deprive the owner of the reasonable use of the land and/or building involved ... ”

There are four standards, defined by Arizona statutory and case laws that must all be met before a variance can be legally granted.

1. A variance may be granted only where there are special circumstances applicable to the property in question;
2. Any hardship which is a basis for a variance must relate to the use of the land as opposed to the owner. A personal hardship does not justify a variance;
3. Need for an “adequate financial return” is not a legitimate basis for a variance;
4. A hardship which has been willfully and intentionally created by the landowner does not justify the granting of a variance.

Taking each of the above criteria in turn:

1. *A variance may be granted only where there are special circumstances applicable to the property in question;* The orientation of the lot even with the lot split, does not provide sufficient depth to accommodate both required parking and the required rear yard setback.
2. *Any hardship which is a basis for a variance must relate to the use of the land as opposed to the owner. A personal hardship does not justify a variance;* The applicant has not claimed personal hardship as the basis for this request;
3. *Need for an "adequate financial return" is not a legitimate basis for a variance;* The applicant has not stated a need for an "adequate financial return" as a basis for this request.
4. *A hardship which has been willfully and intentionally created by the landowner does not justify the granting of a variance.* The applicant wishes to improve the appearance of the site, provide a viable use for it, contribute to the redevelopment of south Arizona Blvd and provide revenue to the City through sales tax receipts.

The setbacks for a building in a C-2 General Business Zone are:

Front:	20'
Interior Side:	15'
Corner Side:	20'
Rear:	15'
Residential Zone Boundary:	45'

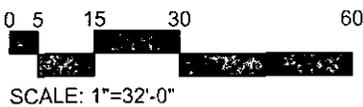
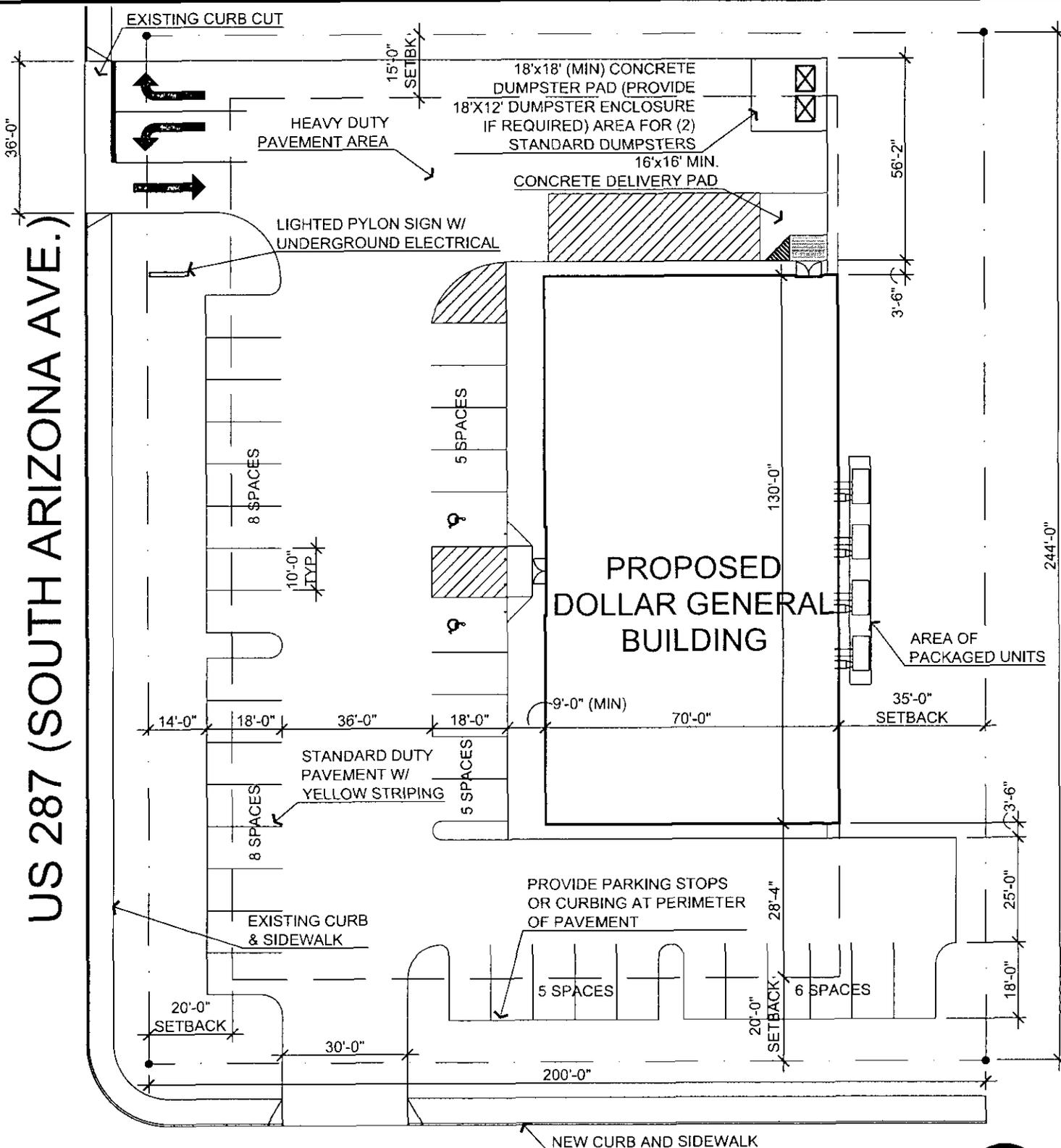
The setbacks of the proposed building are:

Front:	86'
Interior Side:	56'- 2'''
Corner Side:	28'- 4''
Rear:	30'
Residential Zone Boundary:	30'

Council members will be aware that this site has been vacant and for some time. What is proposed on this site will significantly contribute to an improved appearance and vitality in this portion of the City. Therefore, the development of this site will be to the benefit of the public interest and the City as a whole.

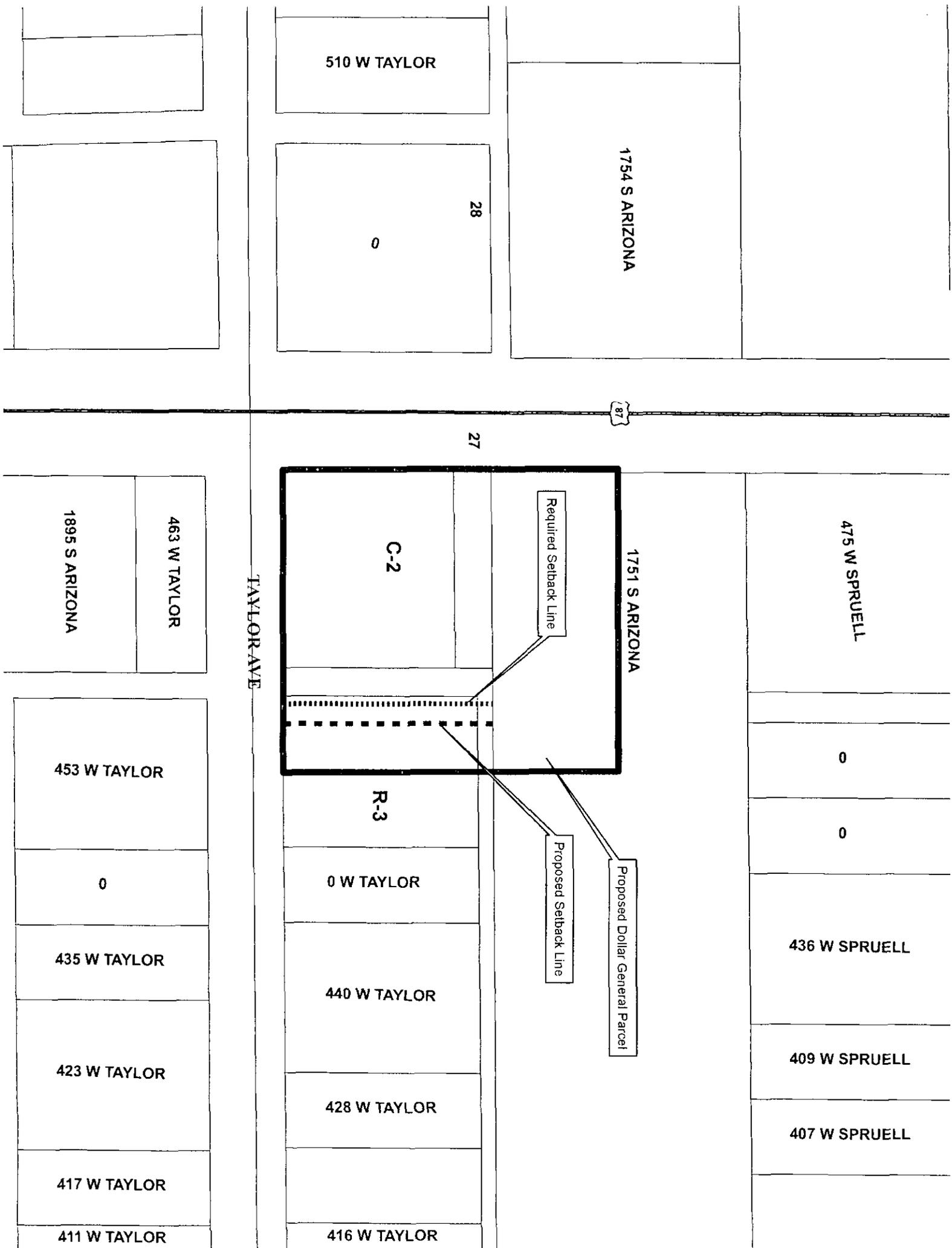
Recommendation: Approval, on the grounds that the proposal complies with the four standards identified in the Statutes and that it would not be contrary to the public interest. This variance should be conditioned on the applicant combining the various parcels that into a single parcel prior to submitting for a building permit.

PRELIMINARY SITE PLAN		CITY, STATE - STREET COOLIDGE, ARIZONA - S. ARIZONA AVE. & W. TAYLOR AVE.	
PROTOTYPE: C	DEVELOPER	DESIGNER	DATE
BLDG/SALES SF: 9,100/7,301	COMPANY: SWGD	COMPANY: BRISSETTE ARCHITECTS INC.	12/16/10
ACREAGE: 1.12	NAME: BEAU WOODRING	NAME: RON BRISSETTE	
PARKING SPACES: 37	PHONE: (646) 734-2654	PHONE: (646) 734-2654	



WEST TAYLOR AVE.





510 W TAYLOR

1754 S ARIZONA

28

0

87

27

TAYLOR AVE

C-2

1751 S ARIZONA

475 W SPRUELL

0

0

436 W SPRUELL

409 W SPRUELL

407 W SPRUELL

Required Setback Line

Proposed Setback Line

Proposed Dollar General Parcel

1895 S ARIZONA

463 W TAYLOR

453 W TAYLOR

0

435 W TAYLOR

423 W TAYLOR

417 W TAYLOR

411 W TAYLOR

R-3

40 W TAYLOR

440 W TAYLOR

428 W TAYLOR

416 W TAYLOR