

Staff Summary Report



Hearing Officer Hearing Date: January 5, 2010

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by **VERIZON WIRELESS (PL090471)** located at 3207 South Wilson Street for one (1) variance.

DOCUMENT NAME: 20100105dssl02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **VERIZON WIRELESS (PL090471)** Kellie Sweat/Willmeng Construction Inc., applicant; East Group Properties, property owner) located at 3207 South Wilson Street in the GID, General Industrial District for:

VAR09015 Variance to waive mechanical equipment screening on **three (3) four (4)** sides of the building. **CORRECTED BY DEVELOPMENT SERVICES**

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

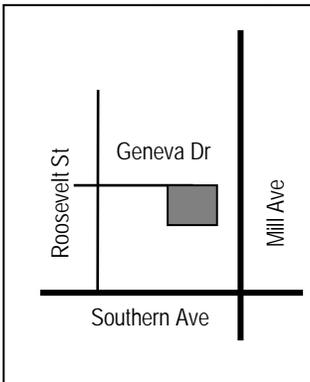
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Denial

ADDITIONAL INFO:



The applicant has installed new HVAC units as part of a tenant improvement for Verizon Wireless located at 3207 South Wilson in the GID, General Industrial District. The applicant is requesting a variance to waive the required screening of roof top equipment for three sides of the building, north, east and south. The Inspection Department has determined the west elevation meets the concealment intent of the Zoning and Development Code. Staff does not support the variance request. We believe there is a viable architectural solution for the screening the roof mounted units. The request does not meet the tests for approval of a variance to warrant support. To date, staff has received no public input regarding this request.

PAGES:

1. List of Attachments
2. Comments; Reasons for Approval; Conditions of Approval;
3. History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Staff Photograph(s)

COMMENTS:

The applicant has installed new HVAC units as part of a tenant improvement for Verizon Wireless located at 3207 South Wilson in the GID, General Industrial District. The applicant is requesting a variance to waive the required screening of roof top equipment for three sides of the building, north, east and south. The Inspection Department has determined the west elevation meets the concealment intent of the Zoning and Development Code. In the building permit process the applicant provided a secondary screen on construction drawings for all four sides but is now requesting a variance to waive the screen with the contention that the equipment is not visible from the elevations based on line of sight and existing landscaping. To date, staff has received no public input regarding this request.

Variance

The Zoning and Development Code, section 4-405 requires all roof top mechanical equipment shall be concealed on all sides by elements that are an integral part of the building design and are equal to or greater in height than the mechanical equipment. Staff considers a secondary screen designed to complement the building elevations as meeting the intent of "integral". Landscape material and "line of sight" views are not considered as substitutions for screening. If a screen solution is not provided; the only relief from the ordinance requirement is through the variance process. Per the ZDC variances may only be granted based on the following tests:

1. That special circumstances are applicable to the property, including its size, shape, topography, location, or surroundings; and
2. The strict application of this Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
3. The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
4. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.

Conclusion

Staff does not support the variance request. We believe there is a viable architectural solutions for the screening the roof mounted units. The request does not meet the tests for approval of a variance to warrant support.

REASON(S) FOR DENIAL:

1. No special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is not necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) will may be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.
4. The adjustment authorized may constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S) OF APPROVAL:

1. Modify the approved building permit to reflect the elimination of the mechanical screening.
2. Paint the mechanical units to complement the building color.

HISTORY & FACTS:

October 8, 2009. Building Permit issued for tenant improvement, site work and gates for Verizon Wireless, 3207 South Wilson Street.

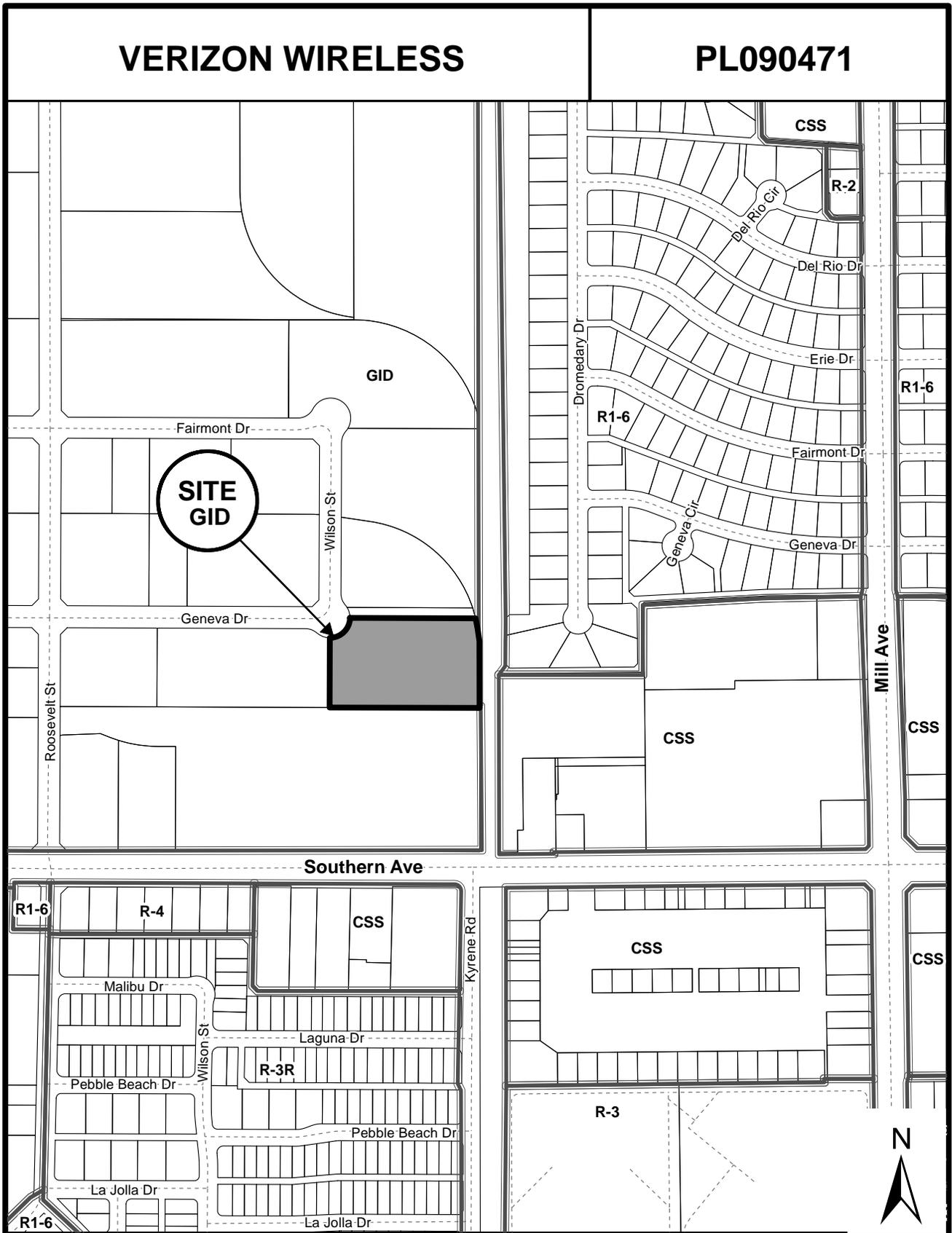
October 16, 2009. Courtesy Inspection performed by planning inspector for review of roof top equipment and screening. Screening only required on north, south, and east side. West side can be omitted. Existing roof HVAC on west portion of roof

DESCRIPTION: Owner – East Group Properties
Applicant – Kellie Sweat/Willmeng Construction Inc.
Existing Zoning – GID, General Industrial District

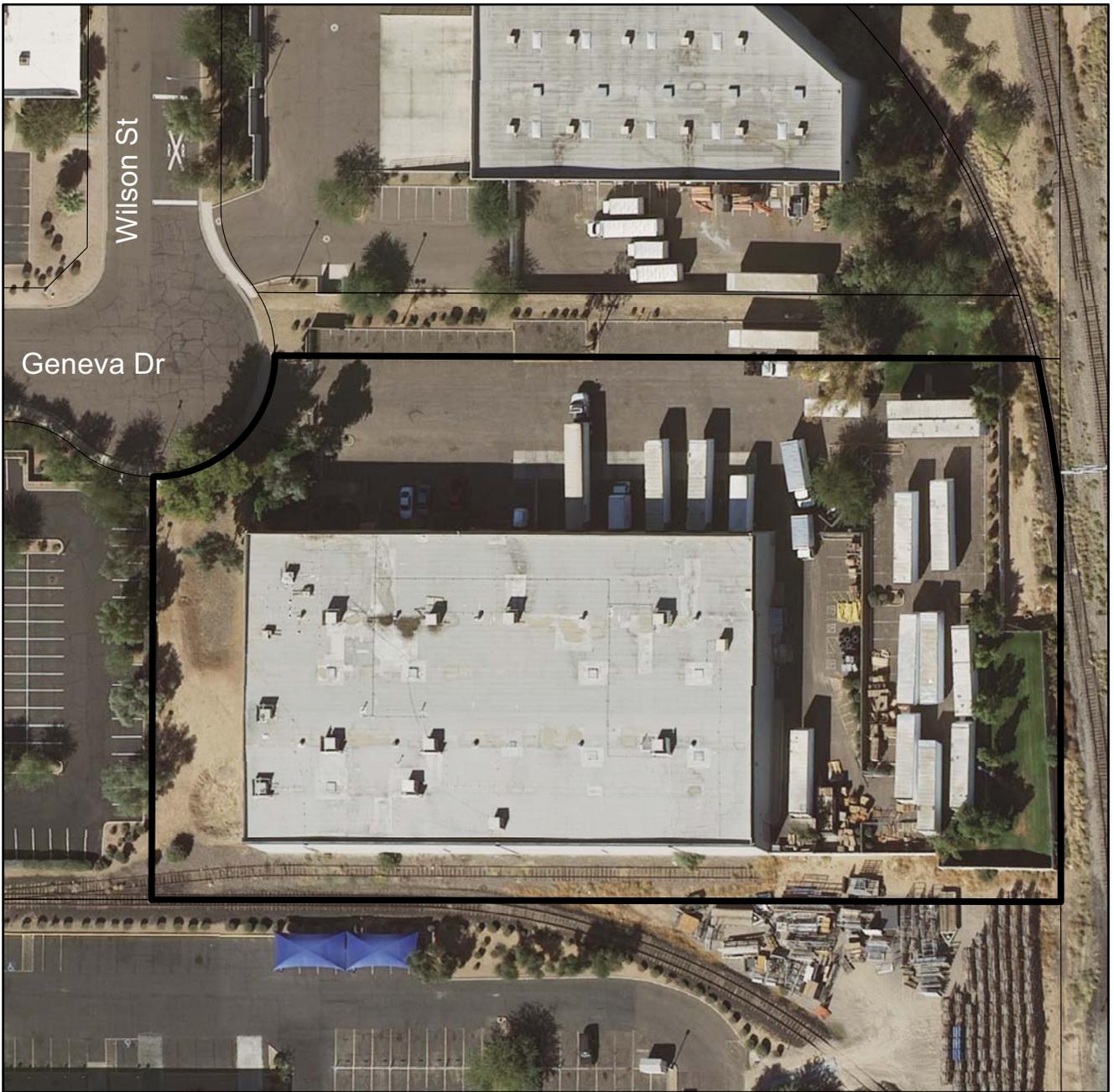
ZONING AND DEVELOPMENT CODE REFERENCE: Part 4, Chapter 4, Section 4-405.
Part 6, Chapter 3, Section 6-309

VERIZON WIRELESS

PL090471



Location Map



VERIZON WIRELESS (PL090471)



December 8, 2009

City of Tempe
Development Services
31 E. 5th St.
Tempe, Arizona 85281

RE: Request for Variance – 3207 South Wilson Street, Tempe, Arizona

To Whom It May Concern:

EastGroup Properties, hereinafter referred to as (“Owner”), is hereby requesting a variance on the screening of new mechanical units placed on the roof at the above mentioned address where Verizon Wireless has recently moved in as a tenant. Based on line of site, no mechanical units are visible on the east and north ends of the building. Owner acknowledges and respectfully agrees that the new units are visible from the south side of the building and should be screened and will do so according to our permitted project. The current permitted plans (BP 090971) include a screen wall on north, east and south ends of the building. Field inspectors have advised west end is not necessary, as the units on the west end of the building are not new.

If approved Owner would screen the south end mechanical units and would not install the screen wall on east, north, or west ends of the building. Please feel free to contact me if there are any questions. We sincerely appreciate your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael P. Sacco, III".

Michael P. Sacco, III
Vice President



4. NORTH ELEVATION
*WALLS ARE NOT VISIBLE**



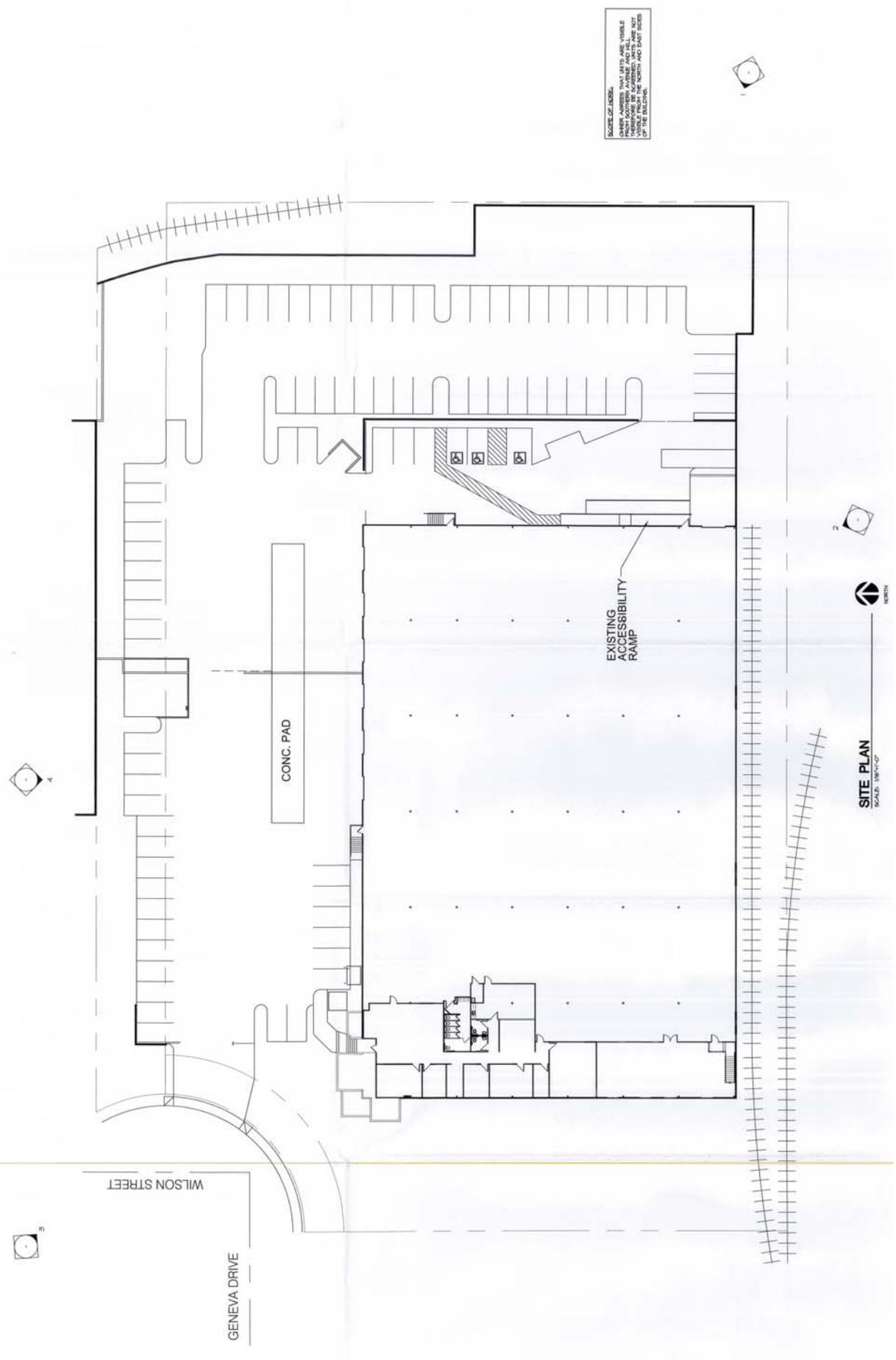
3. NORTH ELEVATION
*WALLS ARE NOT VISIBLE**



2. SOUTH ELEVATION
*WALLS ARE VISIBLE AND OTHER ELEMENTS TO SCREEN UNITS AT THIS ELEVATION**



1. EAST ELEVATION
*WALLS ARE NOT VISIBLE**



SCALE OF MODEL:
WALLS ARE VISIBLE AND OTHER ELEMENTS TO SCREEN UNITS AT THIS ELEVATION**
FRONT, SOUTH, AVENUE AND REAR WALLS ARE VISIBLE FROM THE NORTH AND EAST SIDES OF THE BUILDING.



VERIZON WIRELESS

3207 SOUTH WILSON STREET

PL090471

REAR OF BUSINESS – VIEW TO NORTH

