

# Staff Summary Report



Hearing Officer Hearing Date: December 16, 2008

Agenda Item Number: 6

**SUBJECT:** This is a public hearing for a request by the **AIRPORT BUSINESS CENTER (PL080429)** located at 627 South 48<sup>th</sup> Street for one (1) variance.

**DOCUMENT NAME:** 20081216dssl01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **AIRPORT BUSINESS CENTER (PL080429)** (John Guzman/Victoria Properties Management LLC, applicant; G. W. Williams Company, property owner) located at 627 South 48<sup>th</sup> Street in the GID, General Industrial District for:

**VAR08023** Variance to increase the height of the flagpole from thirty-five (35) feet to forty (40) feet.

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

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

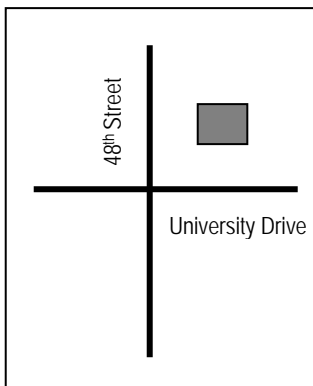
A handwritten signature in black ink, appearing to read 'SEA'.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff –Approval, subject to Conditions

**ADDITIONAL INFO:** The applicant is requesting approval of a variance to increase the height of a flag pole from thirty-five (35) feet to forty (40) feet. The new flag pole will be installed at the main entrance of the Airport Business Center. The increased height of the flag pole will provide greater visibility of the U.S. Flag from the Hohokam (RT 143) freeway and University Drive; additionally the increased height will accommodate a larger U.S. Flag. Staff recommends approval of this request for variance. To date, no public input has been received regarding this request.



**PAGES:**

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

**ATTACHMENTS:**

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

## COMMENTS:

Victoria Properties Management, LLC and G.W. Williams Co (property owner) are requesting a variance to increase the allowable height for a flag pole from 35' to 40'. The flag pole will enhance the entrance to the Airport Business Park and will be visible from the 143 Freeway and University Drive. The taller flag pole will accommodate a larger U.S. Flag.

## Variance

The Zoning and Development Code allows flag poles to be installed at a height of thirty-five (35) feet; any proposal that exceeds thirty five feet is subject to a variance. The ZDC regulations limit the height of flag poles to 35' based on two origins of intent; the first is the 35' height limit is allowed in the Uniform Building Code (UBC) without special engineering calculations. Secondly, flag poles may display a US Flag, an Arizona State Flag and a corporate flag; the 35 foot height limit reduces or minimizes the potential for the flag pole to be used as additional signage for a site.

This request is similar in nature and impact to applications frequently received for cell towers in which the height and locations of the structures are subject to use permit(s). The increased flag pole on this site will not be detrimental to the surrounding area or create a nuisance. Staff should consider drafting an ordinance amendment to allow flag pole structures to exceed thirty-five feet subject to a use permit rather than a variance. The test for approval of the increased height is more a compatibility issue best addressed through the use permit process.

## Conclusion

Staff recommends approval of this request.

## REASON(S) FOR APPROVAL:

1. Special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) will not be materially detrimental to persons residing or working within the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

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

## CONDITION(S) OF APPROVAL:

1. Obtain all necessary clearances from the Building Safety Division for the increased height and lighting of the flag pole structure.
2. The flag display on the forty (40) foot flag pole limited to a US Flag or Arizona State Flag; no corporate flag will be allowed at height to exceed thirty five (35) feet.

**HISTORY & FACTS:** None pertinent to this case.

**DESCRIPTION:**

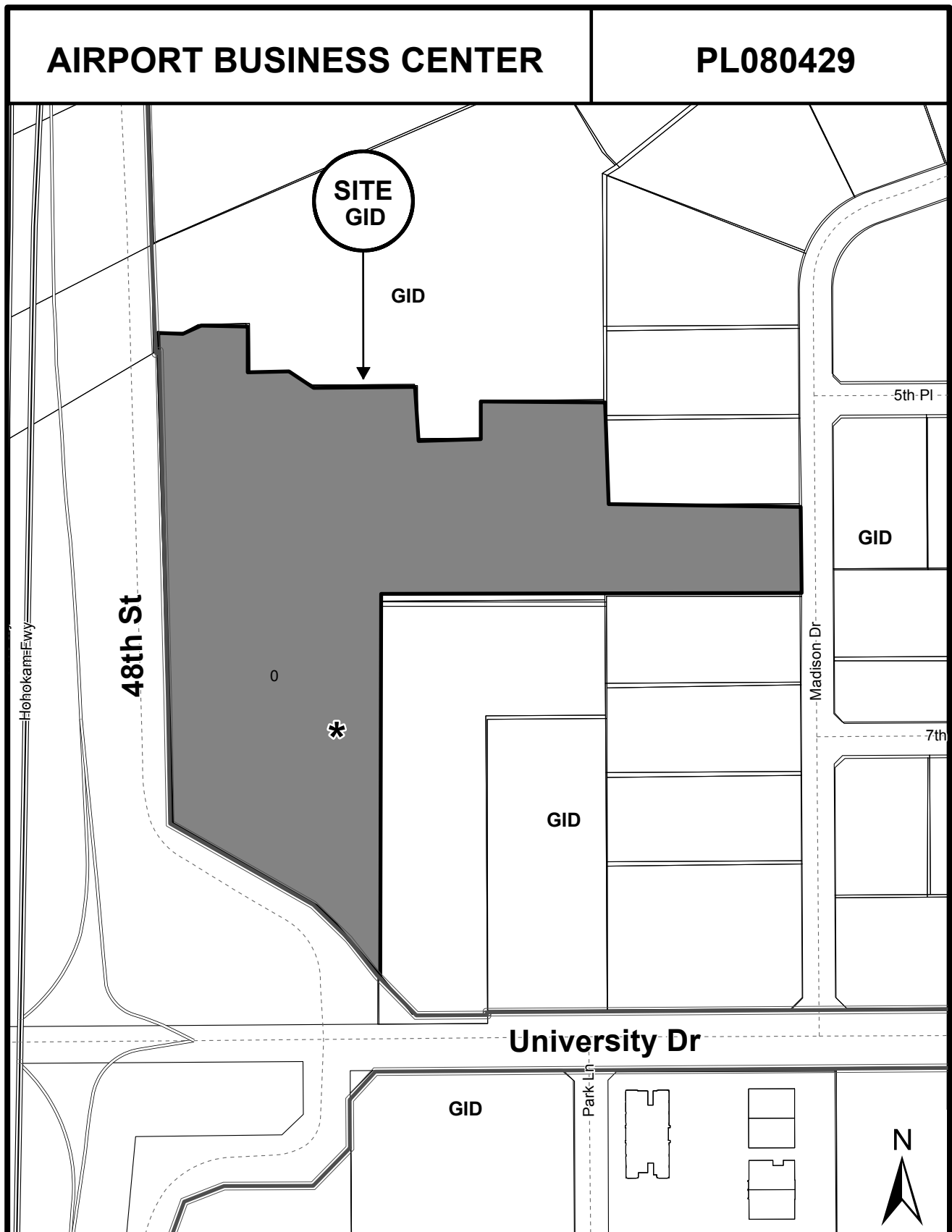
Owner – G. W. Williams Company  
Applicant – John Guzman/Victoria Properties Management LLC  
Existing Zoning – GID, General Industrial District

**ZONING AND  
DEVELOPMENT**

**CODE REFERENCE:**

**Citations of Code Requiring Use Permit(s) & Variance(s):**

Zoning & Development Code:  
Part 4, Chapter 9, Section 4-900.  
Part 6, Chapter 3, Section 6-309



**Location Map**



**AIRPORT BUSINESS CENTER (PL080429)**



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VICTORIA PROPERTIES MANAGEMENT, LLC

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November 14, 2008

City of Tempe  
Planning and Development Department  
31 East Fifth Street  
Tempe, AZ 85280-5 002

Re: Variance Request

To Whom It May Concern:

Victoria Properties Management, LLC agent for G.W. Williams Co., the owner of Airport Business Center located at 627 S. 48<sup>th</sup> Street, Suite 110, Tempe, AZ 85281 requested the following.

Airport Business Center is a 200,000 sq ft multi tenant Office and Industrial complex located on the N/E of the 143 and University. The ownership is planning to enhance the main entrance by installing an illuminated flag pole bearing the American Flag as a focal point of the redesigned entrance. We are requesting a variance to allow the flag pole in height not to exceed 40 feet.

It is our intention for the flag to be visible from University Dr and the 143 Freeway. The distance from flag pole to each thoroughfare is in excess of 250 feet from the property; a 40 foot flag pole will be needed to accomplish the American Flag being visible from the street. Also, a 40 foot flag pole would be able to accommodate a larger flag.

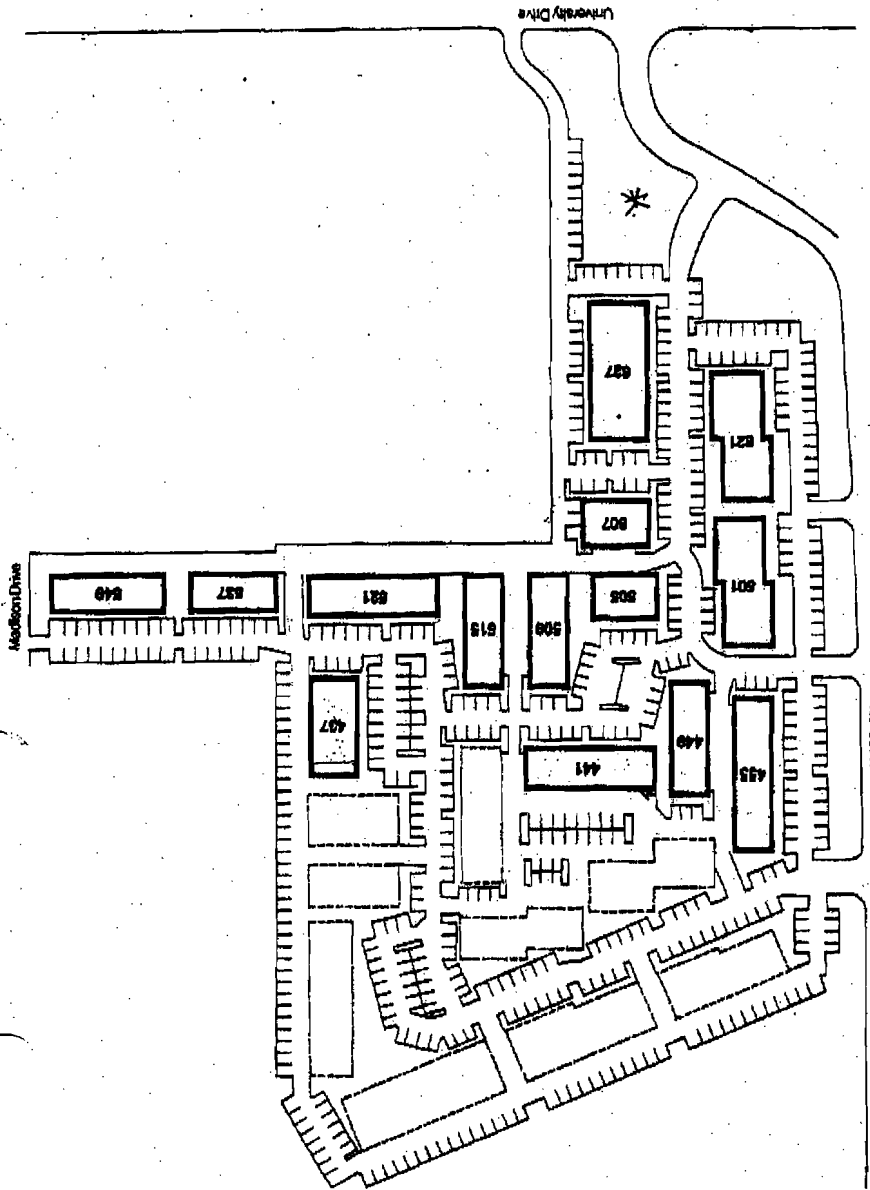
It is our hopes that this new flag pole will have a positive impact on the entrance to Airport Business Center and that you will allow us to express our patriotism. Your attention is greatly appreciated and we thank you for your consideration in this matter.

Sincerely,

VICTORIA PROPERTIES MANAGEMENT, LLC



John Guzman  
Property Manager

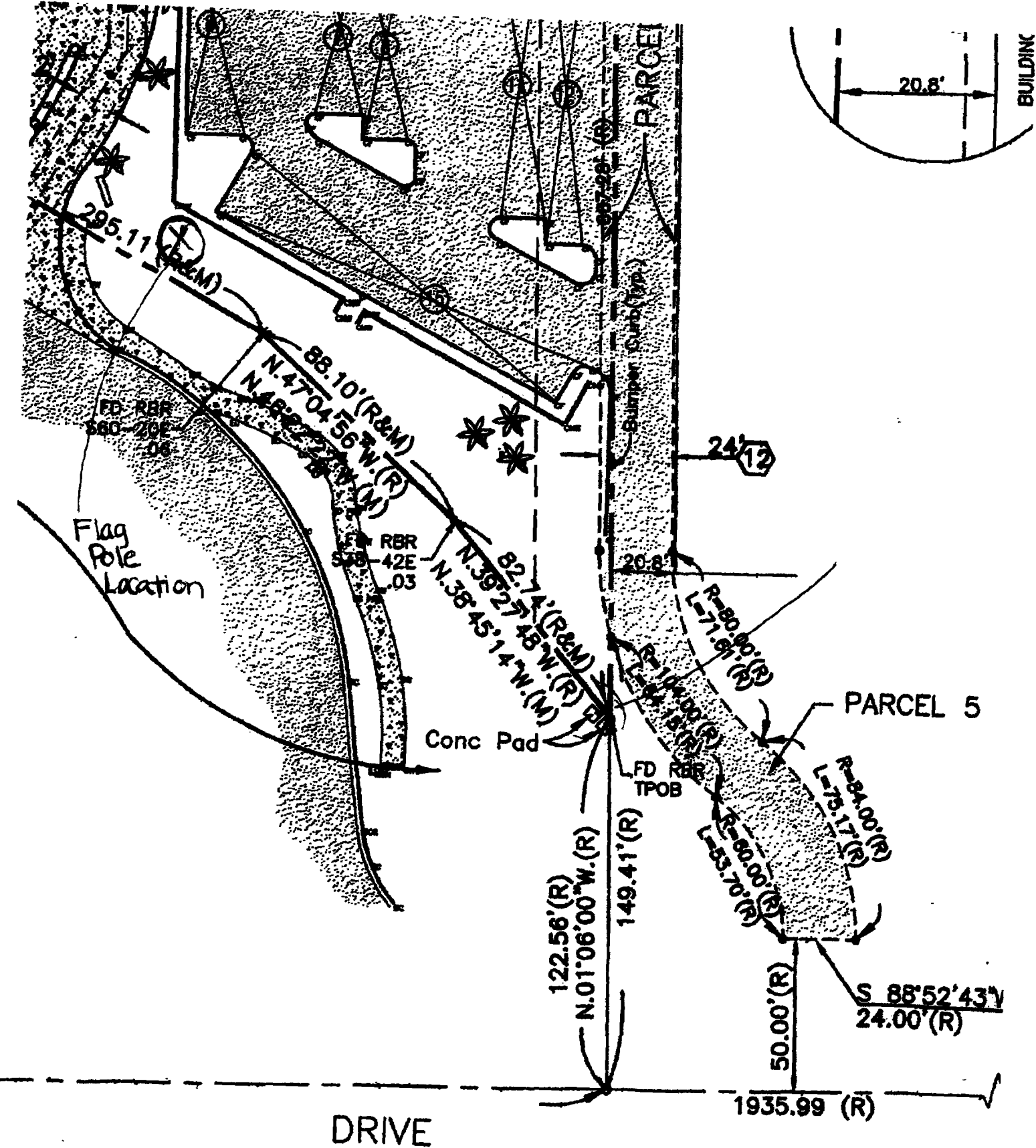


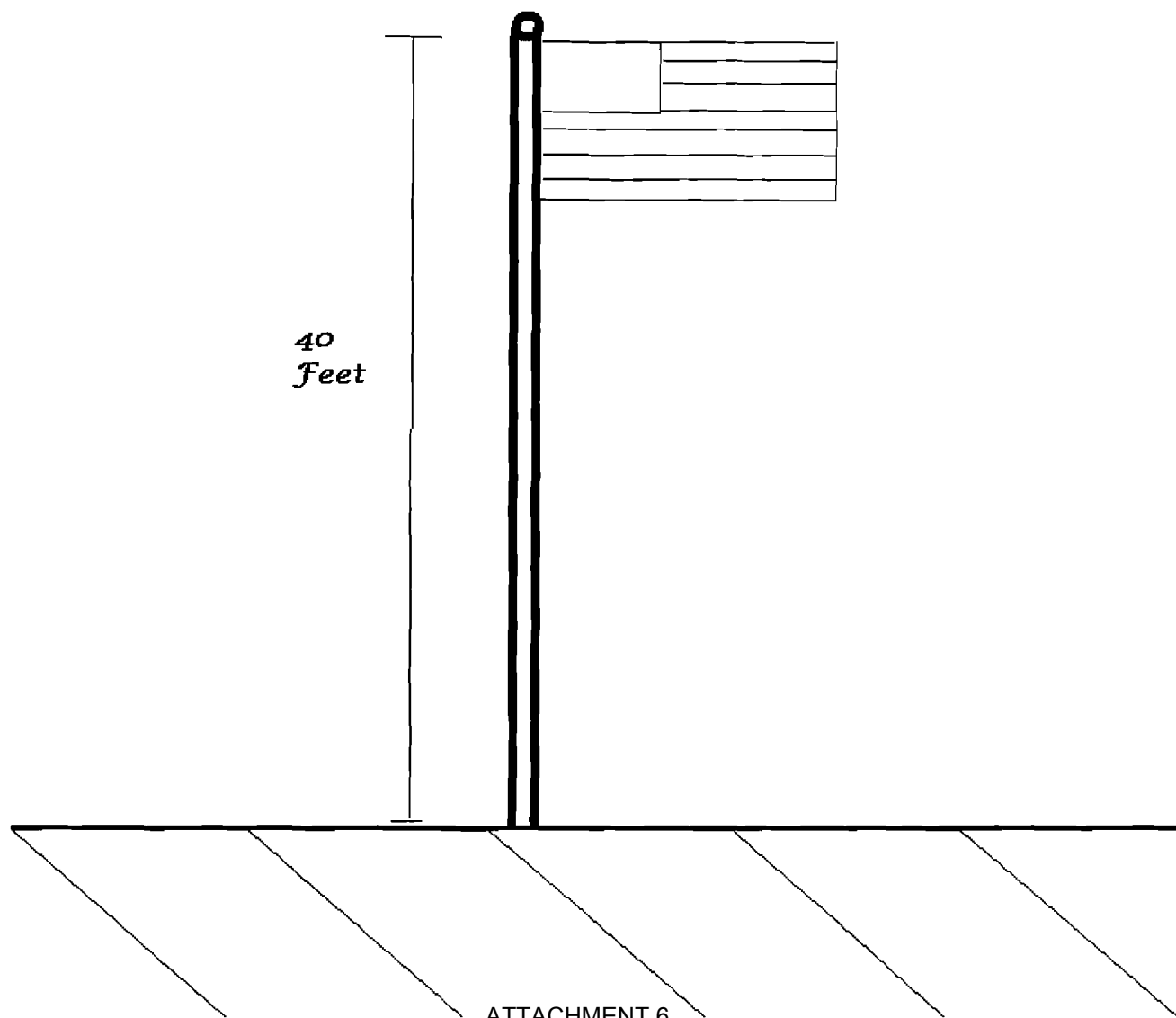
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 437-627 848 257



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# **AIRPORT BUSINESS CENTER**

**627 SOUTH 48<sup>TH</sup> STREET**

**PL080429**

**LOCATION OF FLAGPOLE, VIEW TO  
NORTHEAST**

