

*These minutes are subject to approval and/or correction at their next meeting.*

Minutes of the special meeting and public hearing of the Winslow Board of Adjustment held on Wednesday, July 26, 2023 at 6:30 P.M. in the City Hall Conference Room, 21 Williamson Avenue, Winslow, Arizona.

**MEMBERS PRESENT**

Chairperson Pennington  
Board Member Evans  
Board Member Harrison  
Board Member Leary  
Board Member Pruett

**MEMBERS ABSENT**

**STAFF**

David Coolidge, City Manager  
Trish Stuhan, City Attorney (Via Zoom)  
Suzy Wetzel, City Clerk  
Marshall Larsen, City Inspector  
Larrilynn Oso, Recording Secretary

Chairperson Pennington called the meeting to order at 6:37 p.m. The Pledge of Allegiance was recited and the invocation was given by Board Member Evans. Roll was called all members were present.

**CALL TO THE PUBLIC**

Anthony Beavers, Real Estate Project Manager for Loves, introduced himself and stated that the proposed Winslow project is one that he is currently overseeing. Mr. Beavers also provided a brief history of Loves, which was founded in 1964.

**DISCUSSION AND/OR ACTION TO APPROVE MINUTES OF THE DECEMBER 8, 2022 SPECIAL MEETING & PUBLIC HEARING**

Motion: Moved by Board Member Evans, seconded by Board Member Pruett, to approve the meeting minutes of December 8, 2022 as presented. Motion passed unanimously with Chairperson Pennington and Board Members Evans, Harrison, Leary and Pruett voting yes.

**COMMISSION CONSIDERATION AND ACTION**

- A. Public Hearing and Discussion and/or Action regarding Request for a Variance from Sign Code Requirements Pursuant to Section 17.80.010 – Signs Permitted in Each Zoning District of the Winslow Municipal Code, for Real Property Identified as Parcel Nos. 103-31-007C, 103-31-007D and 103-31-007E located at the northeast corner of Interstate 40 & Transcon Lane, Winslow, Arizona, for increase in square footage and sign height. The effect of the variance would be to allow a freestanding freeway sign for the Love’s Travel Stop with commercial directional signs and an increase to the number of business signs on building sides**

Chairperson Pennington referred to the information included in the staff report outlining various code provisions related to signs and stated that the applicant’s request is also included under each section of the code referenced in the report.

Board Member Pruett stated that Section 17.80.010 B (7) allows for each business to have a maximum of one wall sign on each side of the building and asked Mr. Beavers how many wall signs they are proposing. Mr. Beavers referred to the drawing submittals and stated that the west elevation wall will include a Love’s sign with a heart logo, an echo heart logo, a Dunkin’ sign and an Arby’s sign with the east elevation wall including a Love’s sign with a heart logo and an echo heart logo. At the request of Chairperson Pennington, the City Inspector clarified the code provision for wall signs. The City Inspector stated that both the west and east elevation walls include two Love’s logos. Mr. Beavers provided

additional information regarding the reason they are proposing the echo heart logos on the two walls.

In response to a question from Board Member Evans, the City Inspector stated that the Love's sign with the heart logo on top constitutes one sign. The City Attorney asked the City Inspector if the heart logos are considered to be signs to which he stated they are since the code does not provide a definition comparable to the echo heart logo. Mr. Beavers stated that the only signs that will be lit are the Love's sign with the logos, the Dunkin' sign and the Arby's sign.

There was additional discussion regarding the definition of a sign and why a variance is required. The City Manager referred to the variance criteria provided by the applicant and stated that there will be multiple businesses at the location and the request includes an allotment for one of the businesses that is not utilizing signs.

At the request of Chairperson Pennington, the City Inspector provided information regarding the directional signs by stating that a variance is required since the applicant is proposing two directional signs, each having thirty-two square feet in area and a height of eight feet, and the code only allows a maximum of six square feet in area and a maximum height of three feet. Mr. Beavers explained why the proposed size of these signs is important including safety factors and the fact that they must be tall enough for the semi-trucks to see. Mr. Beavers stated that the directional signs will assist drivers who will be parking their trucks overnight and backing into parking spaces. Mr. Beavers also responded to questions from the Board regarding sizes of directional signs at their other locations.

Board Member Evans asked Mr. Beavers if their LED illumination are dark sky friendly to which he replied that they would use the dark sky in their lighting. The City Attorney stated that technical requirements, including lighting, would be addressed by staff during the permitting process. Mr. Beavers discussed their Mayer location on Interstate 17 that is completely a dark sky site.

Discussion then took place regarding the variance request for a 1167.88 square feet freestanding freeway sign that included clarification from the City Inspector that the code allows for one freestanding freeway sign at a maximum square footage of 225 square feet. The City Inspector further clarified that the proposed sign is an additional 953.63 square feet, or five times, the amount allowed per the code. The discussion included the site location which consists of three parcels that will be combined into one. The City Attorney commented on the code provision that allows for one sign but does not allow for three signs to be combined into one larger sign. Mr. Beavers provided information regarding the freeway sign and the need for it to be visible from a distance. Mr. Beaver also stated that their proposed sign is no larger than the freeway sign for the Flying J Truck Stop.

Chairperson Pennington referred to the variance criteria that special conditions and circumstances exist which are peculiar to the land or building involved and which are not self-imposed by the owner and cited the applicant's justification that the freestanding freeway sign area needs are unique and extensive to cover all four intended uses plus the gas pricing. Chairperson Pennington also read the three additional criterias related to variances and the justifications that were provided by the applicant for each one.

At the request of Chairperson Pennington, Mr. Beavers provided information regarding which business will not be using their sign allotment. Mr. Beavers also responded to

additional questions including how Love's would proceed if one or more of the variances were not granted.

Mr. Beavers inquired about the proposed street sign and the City Inspector stated that the Zoning Hearing Officer determined that a variance was not needed. Mr. Beavers also provided additional information regarding the location of the street sign.

Chairperson Pennington referred again to the following variance criteria and opened the discussion for questions from the Board:

1. That special conditions and circumstances exist which are peculiar to the land or building involved, which are not self-imposed by the owner;
2. That literal interpretation of the provisions of this Ordinance would deprive the property of rights enjoyed by other properties in the same zoning district;
3. The variance is the minimum necessary to alleviate the hardship; and
4. Granting the variance will not grant special privileges to this property that are not enjoyed by other properties in this district.

Mr. Beavers responded to additional questions and comments including what sign modifications would be made if the variance is not approved. The City Inspector also responded to questions from Chairperson Pennington regarding sizes of the proposed directional signs. In response to a question from Chairperson Pennington, the City Attorney confirmed that the Board can grant parts of the variance request.

Mr. Beavers referred to the freeway sign and stated that the lighting can be controlled. After Mr. Beavers stated that Love's is committed to complying with dark sky standards, the following motion was made:

Motion: Moved by Board Member Pruett, seconded by Board Member Leary, to approve the variance that includes all signage as submitted by Love's. Motion passed by roll call vote with Board Members Evans, Harrison, Leary and Pruett voting yes and Chairperson Pennington voting no.

Prior to voting on the motion, Board Member Evans requested that Love's seriously consider the dark skies. The City Attorney asked Board Member Evans if he is asking that dark skies be considered or if he is placing a condition on the variance. After the City Manager stated that the city does not have a dark sky ordinance, the City Attorney stated that lighting would be considered during the permit process wherein staff would recommend that it not be a condition of the variance. Board Member Evans confirmed that he would like for Love's to work with the city to make sure the signage is as dark sky as possible wherein it is not his intent for it to be a condition of the variance. There was a brief discussion regarding the code requirements related to lighting illumination.

## **ADJOURNMENT**

Motion: Moved by Board Member Evans, seconded by Board Member Harrison, to adjourn at 7:45 p.m. Motion passed unanimously with Chairperson Pennington and Board Members Evans, Harrison, Leary and Pruett voting yes.

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Chairperson Pennington

ATTEST:

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Suzy Wetzel  
City Clerk