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**Planning
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STAFF REPORT

Item # 6

To: Lemoore Planning Commission
From: Gloria A. Hobbs, Assistant Planner / Holly Smyth, Planning Director
Review Date: January 14, 2013
Subject: Application by David Rose for Variance #2012-03 from Sign Regulations to allow flexibility from Sections 9-5F-5-B1 and B2

A. General Information:

1. Applicant/Owner: David Rose of Elite Acid
689 Monterey Lane
Lemoore, California 93245
(559)925-0717
eliteacide@hotmail.com
2. Location: 317 S. Lemoore Avenue
3. Property Description: Assessor Parcel No: 023-130-020
4. Site Area: 0.89 Acres (total site)
5. Zone Districts: NC (Neighborhood Commercial)
6. General Plan Designation: Neighborhood Commercial
7. Existing Use: Elite Acid business (also Diamond Cut Glass and Beto's Mexican Drive-In)

B. Project Location & Description:

David Rose of Elite Acid has submitted an application requesting a variance from sign height limitations for wall signage listed in Table 9-5F-5-B1 of the Lemoore Zoning Code. The subject site is located at 317 S. Lemoore Avenue on the west side of South Lemoore Avenue approximately 200 feet south of Larish Street and directly west of the parking area at Lemoore High School. The applicant is requesting to allow a 4' tall x 8' wide wall sign on the front portion of his business which is 16' in height. Currently, there is one other business in this small complex which has three (3) signs in the front area for one business.

The applicant submitted a sign application to allow the 4' x 8' sign but the sign regulations would only allow for a single 2' x 8' wall sign at the proposed location. The sign submittal for a 4' x 8' wall sign was not allowed per Table 9-5F-5-B1 due to it not complying with the current Zoning Ordinance which states that building attached signs are required to be in scale with the overall building height and generally not take up more than 10% of the height of the building. Given the 16' building height, this would equate to a sign of 1.6' or "generally 2'". Therefore, the applicant decided to apply for a sign

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variance to allow the 4' x 8' sign (which was already purchased and installed prior to getting approvals) as shown in Exhibit A. The applicant is requesting to be allowed the wall sign, so that they may have the same benefits as the signs located for the window installation business on the building to the north and the restaurant building to the north of Larish Street which has a roof sign facing Lemoore Avenue (shown on Exhibits B and C). According to our research the three (3) additional 4'x 8' wall signs shown on the building for the window replacement business were placed prior to the 2012 sign ordinance being adopted and are were probably placed more than 10 years ago when the regulations may have been different. To the north of this site is the Burger Stop business stand with a 4' x8' roof sign facing Lemoore Avenue and a 37.5" x 115" wall sign facing Larish Street (shown on Exhibit C). The car wash and Beto's to the south of this site have signs facing Lemoore Avenue that were approved long before the 2012 Zoning Ordinance and are much smaller in proportion to the building height.

The applicant has submitted a Sign Variance application under Section 9-2B-16 which states that variances provide relief from the strict application of development standards and provisions if specified findings can be made. This code section allows the applicant to request to waive or modify a procedural requirement based on the above section based on the particular circumstances of that project alone. As part of this application procedure, a public hearing notice was published in the Hanford Sentinel and property owners within 300' of the proposed site were notified of the request being made by mail with the time, date, and location of the public hearing included as required by the City's Zoning Ordinance.

The applicant is requesting a variance from the following provisions of the 2012 Zoning Code:

Table 9-5F-5-B1	<p>At the bottom of the table it states that "Building attached signs are required to be in scale with the overall building height and <u>generally</u> not take up more than 10% of the height of the building".</p> <p><i>The applicant proposes the height to be 4' which would be 25% of the building height of 16' existing building as shown in Exhibit A.</i></p>
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C. Variance Review:

In accordance with Sections 9-2B-16D, the Planning Commission may approve and/or modify any variance application in whole or in part, with or without conditions, only if the applicant can demonstrate that the circumstances of their particular case can justify making all of the following findings:

Criteria #1 – There are special circumstances applicable to the property (e.g. location, shape, size, surrounding, topography, or other conditions) so that the strict application of this zoning code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district:

This site is zoned the same as the businesses to the adjacent north and south. Some of these businesses have signs facing Lemoore Avenue taller than what is allowed in today's code but fall under the grandfathering/non-conforming sign structure provisions as they were installed under different City zone regulations. The applicant believes they should get to enjoy the same benefits with a larger type sign for their business, and the adjacent signs are roughly the same size as he is proposing.

Criteria #2 - Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought:

The applicant states that they are requesting to have the same sign benefits as the business surrounding their location within the same zone district. The window business portion of the same site has approximately 20' building height with 4' tall signs, therefore taking up about 20% of the building height. The Hamburger Stop building is approximately 16' with 4' tall sign, therefore taking up about 25% of the building height. If Elite Acid were to keep the 4' tall sign on the 16' tall portion of the building they would also utilize 25% of the building height similar to the Hamburger Stop proportionality.

Criteria #3 – Granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question:

To the north and south of this site is NC (Neighborhood Commercial), to the east is Public Services and Facilities (Lemoore High School), and to the west of this site is residential single family. The front face of the building faces Lemoore Avenue where the sign is proposed. No illumination is proposed with this sign and so there shall be no interference with the residential area to the west, or back of the building. Nearby uses have similar legal non-conforming signage proportions as being requested by the applicant.

Criteria #4 – The variance is consistent with the general plan, any applicable specific plan or development agreement, and the intent of this title:

The only sign policy direction in the General Plan comes from policy CD-I-18, "Update the standards in the Sign Ordinance to regulate all commercial signs, logos, banners, and other forms of commercial signage in Lemoore,...." and then further states that "the sign ordinance should encourage creative and well-designed signs that contribute in a positive way to the City's visual environment, express local character, and help develop a distinctive image for the City...". In order to understand the intent of the sign ordinance, one must look to "Section 9-5F-1 Purpose" in the Zoning Code. The main one that applies specifically to this variance request is "2. Promote signs and graphics that are attractive, pleasing, and harmonized with the physical character of the building and environment surrounding properties." Based on the existing on-site signage style, size, and location, the proposed 4x8 sign would best "harmonize" by being placed to the south of their entrance awning in line with the other signs as shown in Exhibit B.

Based on these criteria and previous discussed policies, regulations, intent and the type of signage the applicant is requesting, staff believes that the proposed sign should be allowed with the location being to the left of the awning (in the same horizontal alignment as the other building signs on the same site) with and the old faded signage area painted over to blend with the building. Additionally, the property owner(s) should not change or allow additional signage to this site, without first going through proper channels prior to the installation of any signage for this location.

D. Environmental Impact:

The variance is generally categorically exempt from the California Environmental Quality Act as per Section 15311 of the State Guidelines.

E. Recommendation:

The Planning Commission should review the above application, open the scheduled public hearing to take comments and consider approving the attached Resolution #2012-19 with the conditions of approval contained therein to allow the 4'x8' wall sign on the front portion of the Elite Acid business to the south of the entrance awning in the same horizontal alignment as the other building signs on the same site located at 317 S. Lemoore Avenue shown in Exhibit B.



- Sign @ 317 S Lemoore Ave



EXHIBIT 'B'



Google earth



EXHIBIT 'C'



Google earth



“In God We Trust”