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City of

**LEMOORE**

CALIFORNIA

**Planning  
Department**

711 Cinnamon Drive  
Lemoore □ CA 93245  
Phone (559) 924-6740  
FAX (559) 924-6708

**STAFF REPORT**

**Item # 6**

**To:** Lemoore Planning Commission  
**From:** Gloria A. Hobbs, Assistant Planner / Holly Smyth, Planning Director  
**Review Date:** May 6, 2013  
**Subject:** Application for Variance #2013-01 from Sign Regulations to allow flexibility from Section 9-5F-3A-2, 9-5F-4 (design standards), Tables 9-5F-5-B1, 9-5F-5-B2, and Table 9-6-3-E1 – For the Non-conforming Pole Sign at 110 West “D” Street

**A. General Information:**

1. Owner: Shirdhi Incorporated  
2563 W. Lake Van Ness  
Fresno, California 93711
2. Applicant/Representative: Sign Development Inc.  
Sal Pablo  
1366 W. Ninth Street  
Upland, California 91886  
Phone: (909) 920-5535  
Fax: (909) 920-5540  
[spablo@sdi-signs.com](mailto:spablo@sdi-signs.com)
3. Location: 110 West “D” Street
4. Property Description: Assessor Parcel #020-042-017
5. Site Area: 125' x 150' (18,750 square feet total site)
6. Zone Districts: DMX-2 (Downtown Mixed Use, Auto Oriented)
7. General Plan Designation: Mixed Use
8. Existing Use: Valero Gas/Food Shop

**B. Project Location & Description:**

Sal Pablo of Sign Development, Inc., representing Shirdhi Incorporated (Valero) has submitted an application requesting a variance from Section 9-5F-3A-2, 9-5F-4 (design standards), Tables 9-5F-5-B1, 9-5F-5-B2, and Table 9-6-3-E1 of the sign regulations in the zoning code pertaining to sign type and sign height in the downtown DMX zone district. The subject site is located at 110 West “D” Street on the north-west corner of Armstrong and West “D” Street. The applicant is requesting to allow them to continue using the existing 26'-6" non-conforming freestanding pole with the existing 10'-6' tall x 4'-2" wide sign on the northwest corner front portion of the Valero business as shown in Exhibit A (formerly Chevron). The existing sign is internally

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Dave Brown, Bob Clement, Jim Marvin, Calvin Monreal, Bill Wynne

illuminated and the pricing will be changed manually. The site with sign is shown in the picture below. The name will be changed from Chevron to Valero with the Valero colors as shown in the attached Exhibit A.



The site is zoned DMX-2 (Downtown Mixed Use, Auto Oriented) district and Table 9-6-3-E1 “Allowed Permanent Signage Types” in downtown, does not allow freestanding pole signs but Section 9-6-3E-1 states that “the city’s general policies, standards, permit requirements, and development, maintenance, and removal standards, which are described in article 9-5F (signage) shall also apply.” According to Section 9-5F Monument and Pylon signs are the preferred sign type for freestanding signs. Currently the code allows for sites with less than 300 feet of street frontage to have a monument sign per entrance with a maximum 50 square feet and maximum 4’ height in the DMX2 zone district. For sites with three hundred feet or more of street frontage, a monument or pylon sign is permitted. This site meets the less than three (300) foot street frontage and so a monument sign would be allowed.

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 on the particular circumstances of that project alone. The applicant is requesting to allow flexibility under the above noted sections and allow Valero to continue to use the existing 26’-6” non-conforming freestanding pole with the existing 10’-6’ tall x 4’-2” wide sign, so they may enjoy the same property rights enjoyed by other businesses in downtown who have pole signs. This involves having an

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approved variance from Section 9-6-3-E-2b (Prohibited Signs in Downtown), requires freestanding signs to go through Site Plan and architectural review, Section 9-6-3-E-2d (Prohibited Signs in Downtown), does not allow internally illuminated can signs with translucent field and Section 9-5F-2-E-7(Prohibited Signs), does not allow pole signs (which are defined as unadorned pole signs).

Based on Section 9-2C-6 "Abandonment or Discontinuance Generally" "whenever a nonconforming use has become abandoned or discontinued for a continuous period of twelve months, the nonconforming use shall not be re-established and the use of the site of structure thereafter, shall be in conformity with the regulations for the district in which it is located; provided, however that a similar type nonconforming use may be established within the twelve month period." According to our research, the business license for the Chevron gas station expired in 12/2011 and utilities were closed in 1/2012. Shirdhi Inc., obtain a business license in April, 2013, therefore, the freestanding pole sign is non-conforming and based on the above section of the code would need to be in conformity with the current regulations for the DMX2 district.

The site area is currently zoned Downtown Mixed Use, Auto Oriented in the DMX2 district. The area to the north, east and adjacent west are also in the DMX2 zone district and the area to the south is zoned DMX1. The proposed non-conforming freestanding pole sign is in scale and harmony with the existing building and the surrounding area so long as it remains a gas station. The size of the sign continues to fit the location as most of the freestanding pole signs in the vicinity of downtown are located at the corner area of the businesses. DMX1 does not allow freestanding pole signs and several businesses in Lemoore have grandfathered/legal non-conforming pole signs. These businesses include the Shell station/market located on the southeast corner of Follett and West "D" Street, Lemoore Hardware located at the southwest corner of Follett and West "D" Street, Saigon Pho and Rolls Restaurant at the southwest corner of Fox and West "D" Street and the Farmers Furry sign at present is a non-conforming sign and located at the northeast corner of Fox and West "D" Street.

The request to allow the existing 26'-6" high existing freestanding pole sign, as described above and conceptual location shown in the attached Exhibit A allows for more visibility and economic opportunity for this business at this location and is in harmony with the architectural design of the building and surrounding area so long as it stays as a gas station/market. Currently, freestanding monument signs require landscaping around the bottom of the sign. Therefore, the applicant will need to submit landscaping/irrigation plans for approval to be placed around the bottom of the pole sign and seasonal plants will need to be continuously planted or some type of year round greenery with irrigation. According to the applicant the sign will continue to be internally illuminated and the pricing on the sign will be changed manually. Only the colors and name will change on the sign.

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.

Section 9-2B-17E Conditions of Approval states that the designated approving authority shall impose conditions to ensure that the variance does not grant special privileges inconsistent with the limitation on other properties in the vicinity and the zoning district in which the property is located and may impose reasonable conditions to ensure that the approval complies with the findings required.

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

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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 north, east and adjacent west. Two businesses to the southwest have freestanding signs facing West “D” Street allowed 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 the existing pole type sign for their business, even though the sign is slightly taller than those signs to the south.

*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 downtown area even though they are in a different downtown zone district which also does not allow freestanding pole signs. As mentioned above several businesses in Lemoore as shown in Exhibit B have grandfathered pole signs.

*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 Jones auto body shop, east is Badasci’s Tire and adjacent west is a hair salon which are also in the DMX2 district. To the south of this site on D Street is DMX1 zone districts. The front of this building faces West “D” Street where the sign is proposed. Illumination exists on the pole sign and there shall be no interference with the other businesses. Nearby uses have legal non-conforming signage and the proposed signage as requested by the applicant is non-conforming. The applicant will need to meet the general design standards for sign illumination found in section 9-5F-4. The artificial illumination of signs, either from an internal or external source, shall be designed so as not to cast stray light on surrounding right of way and properties. These shall apply a) External light sources shall be directed and shielded to limit direct illumination of an object other than the sign, b) the light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impacts on residential properties in direct line of sight to the sign; c) Unless otherwise permitted by another requirement, signs shall not have blinking, flashing, or fluttering lights, or other illumination devices that have a changing light intensity, brightness, or color, d) Colored lights shall not be used at a location or in a manner so as to be confused or constructed as traffic control devices; and e) light sources shall utilize energy-efficient fixtures to the greatest extent possible and shall comply with Title 24 of the California Code of Regulations. The applicant must meet all building standards applicable to this sign.

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

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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 freestanding pole sign would best "harmonize" with landscaping/irrigation planted as per section of the code.

Based on these criteria and previous discussed policies, regulations, intent and the type of signage the applicant is requesting, staff believes that the proposed existing freestanding pole sign should be allowed at this location so long as the business is maintained as a gas station/mini-market. Additionally, the property owner(s) should not change or allow additional signage on this freestanding sign located at this site, without first going through proper channels prior to installation. The applicant, under a separate sign application has submitted for review of signage for the canopies, gas pumps and store front. Any additional signage for the entire location would need to be submitted for review of the Planning Department.

**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 #2013-02 with the conditions of approval contained therein to allow the existing freestanding pole sign at the northwest corner of Armstrong and West "D" Street for the Valero business.

**Attachments:**

Exhibit "A" – Proposed sign modifications  
Draft Resolution