

RESOLUTION #2013-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE APPROVING VARIANCE #2013-01 FROM SHIRDHI INCORPORATED (SIGN DEVELOPMENT INC.) 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 A NON-CONFORMING POLE SIGN AT 110 WEST "D" STREET

At a Special Meeting of the Planning Commission of the City of Lemoore duly called and held on May 6, 2013, at 7:00 p.m. on said day, it was moved by Commission member _____, seconded by Commission member _____ and carried that the following Resolution be adopted:

WHEREAS, Sal Pablo of Sign Development Inc., representing Shirdhi Incorporated, has submitted an application for a Variance to allow a non-conforming pole sign to remain and be modified at a site located at 110 West "D" Street; and

WHEREAS, the proposed site is described as Assessor Parcel #020-042-017 and is 18,750+/-square feet in size; and

WHEREAS, the zoning on the parcel is DMX-2 (Downtown Mixed Use, Auto Oriented) and the General Plan designation is Mixed Use; and

WHEREAS, the subject pole sign has been deemed a non-conforming use because it does not meet the current sign design standards in the DMX-2 zone and because the gas station use on the site has been abandoned for a period of more than one year; and

WHEREAS, an environmental assessment was conducted and it was determined that the proposed project meets the categorical exemption criteria under CEQA Article 19 Categorical Exemptions Section 15311, and the variance is generally categorically exempt from the California Environmental Quality Act as per Section 15311 of the State Guidelines.

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at their May 6, 2013, meeting.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore that the following findings with respect to the Variance:

Finding #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 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.

Finding #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. Several businesses in Lemoore have grandfathered pole signs.

Finding #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.

Finding #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 freestanding pole sign would best “harmonize” with landscaping/irrigation planted as per section of the code.

BE FURTHER IT RESOLVED that the Planning Commission of the City of Lemoore approves this Resolution making a finding that the project is categorically exempt under CEQA under Section 15311 and approves Zone Variance #2013-01 allow a non-conforming pole sign to remain and be modified at a site located at 110 West “D” Street so long as building permits are issued by May 6, 2015 (2 years) with the following conditions of approval:

1. The submitted site plan project shall be developed as per attached approved plans and any substantial deviation from the approved plans will require a re-submittal, payment of appropriate fees, and a new approval by the Planning Department, unless otherwise covered in the conditions below.
2. The size or height of the sign may not be increased beyond the current condition.
3. External light sources shall be directed and shielded to limit direct illumination of an object other than the sign.
4. 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.
5. 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.
6. Colored lights shall not be used at a location or in a manner so as to be confused or constructed as traffic control devices.
7. Light sources shall utilize energy-efficient fixtures to the greatest extent possible and shall comply with Title 24 of the California Code of Regulations
8. . The applicant must meet all building standards applicable to this sign.
9. The sign must be removed if the building on the site is demolished and any new signs on the site shall meet the current sign standards of the City.

This variance approval shall become effective upon the expiration of ten (10) days following the date on which they are granted unless an appeal has been taken to the City Council. Within ten (10) days following the date of a decision, the decision may be appealed to the City Council by the applicant or any other interested party. Appeals are filed with the City Clerk, and the appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record.

Passed and adopted at a Special Meeting of the Planning Commission of the City of Lemoore held on May 6, 2013, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Ronald E. Meade, Chairperson

ATTEST:

Planning Commission Secretary