



Staff Report

Agenda Item No. D-1

To: City of Imperial Planning Commission and Traffic Commission

From: Lisa Tylenda, Planner

Date: September 21, 2017

Subject: Variance #V1702
Advertisement signs & flags size, location, amount, and placement.

Summary:

Applicant: Jim and Tory Lessley

Project Location: Various proposed locations-Please see attached location map.

Zoning: All location sites are either near and R-1 Residential Single Family Zone or are an R-1 zone in City-right-of way.

Recommendation: Approve Variance with Conditions of Approval

Background

The applicant is requesting a Variance Permit to allow for deviation from the City of Imperials' "Sign Ordinance" code standards regarding "Subdivisions" in the following subjects: placement/locations of proposed signs & flags, number of proposed signs & flags, size of proposed signs & flags, and types of proposed signs & flags.

Section 24.19.400 et seq. of the Imperial Zoning Ordinance allows for variances from development standards "only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification."

(Please see attached applicant summary to the commission, location map and proposed sign designs.)

Recommendation

Staff recommends that proposed sign# 2's size be reduced to 48x24 and the posts to be 55'. The current proposed size of the sign has the potential to create a visual obstruction and safety hazard for drivers.

Staff recommends that proposed sign#3 only be located at the North West Corner of Aten Rd. and Puerto Vallarta Ave.

Staff recommends that proposed sign#5 not be approved because the proposed location will be visually obstructive to drivers, thus creating a potential safety hazard.

Staff recommends that proposed sign#8 not be approved due to the proposed size and location. There are various existing subdivision signs in that area currently and adding another sign of this size and at the proposed location will add to the current visual obstructions already found within this area.

Staff recommends that the Planning Commission conduct a public hearing as required by Section 24.19.425 of the Imperial Zoning Ordinance. Staff recommends that the Planning Commission make the following findings:

- A. That granting the Variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.**
- B. The granting of this Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.**
- C. The granting of this Variance does not allow a use or activity which not otherwise expressly authorized by the zoning regulation governing the parcel of property.**
- D. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.**

RESOLUTION PC2017-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A VARIANCE FOR MULTIPLE SUBDIVISION ADVERTISING SIGNS AND FLAGS FOR VICTORIA PARK AT VARIOUS LOCATIONS THROUGHOUT THE CITY OF IMPERIAL, CA 92251

WHEREAS, Jim and Tory Lessley submitted a request for a Variance for multiple subdivision advertisement signs and flags of various sizes throughout the City; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during an adjourned meeting on September 27, 2017 and;

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a Variance.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) Installation and alteration of signs are ministerial and therefore exempt from CEQA.
- D) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Variance #**VAR17-02** for Jim and Tory Lessley for advertising signs and flags based on the following findings:
 - 1. That granting the Variance of its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.
 - 2. The granting of this Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

3. The granting of this Variance does not allow a use or activity which not otherwise expressly authorized by the zoning regulation governing the parcel of property.
4. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this September 27, 2017.

Planning Commission Chairman

ATTEST:

Planning Secretary

**EXHIBIT A
RESOLUTION PC2017-13
CONDITIONS OF APPROVAL**

For

**Variance Permit #VAR 17-02
Jim and Tory Lessley
Victoria Park Subdivisions Imperial
Imperial, CA 92251**

1. An encroachment permit from the City of Imperials' Community Development Department must be obtained before any advertising signs or flags may be placed.
2. Applicant shall not hold the City of Imperial or any of its employees responsible for any incidents regarding this Variance Permit. Applicant is full responsible for advertising signs and flags and any happenings that may transpire while they are in use.
3. The provisions of this Conditional Use Permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project. The Variance Permit is only valid for 2 years from date of resolution approval.
4. The proprietor/owner shall be responsible for the removal of all graffiti from the advertising signs and flags within 72 hours of its appearance on the property.
5. The proprietor/owner shall be responsible for maintaining the locations where the advertising signs and flags are placed and adjacent areas free of litter at all times.
6. Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
7. The conditional approval of the Variance Permit shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
8. Applicant must maintain advertising signs and flags clean and neat while signs are in usage.
9. The Applicant shall pay all impact and capacity fees as required by the city.
10. All applicable Conditions of Approval shall be completed prior to advertisement signs or flags being placed.
11. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the Variance, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the CUP, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.

12. As between the City and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
13. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.

LAS VICTORIAS, INC.

September 11, 2017

To: The City Of Imperial

Re: Variance for signage and flags for Victoria Park Imperial

Victoria Park Imperial at Las Victorias consists of 52 entry level, single story homes located inside two existing and established subdivisions making it difficult to locate without the proper signage and flags.

Victoria Homes believes that it is in the City Of Imperial's best interest to have ample signage and flags locating Victoria Park Imperial, as it will increase revenue for the City with impact fees, building permits, CFD's, homeowner property taxes and school fees.

Our current projects, Tuscany and Cambria have generated over 2.3 million dollars to the City of Imperial with impact fees and building permits alone. Cambria is sold out of 103 homes in 1 ½ years. Victoria Park Imperial is half the size and we are expecting it to sell out quickly with this variance for signage and flags. In addition every new residential project in the City has ample signage.

Victoria Homes looks forward to working with the City of Imperial and helping the City grow and prosper.

Sincerely,

Michelle Hollinger
VP Sales & Marketing
Victoria Homes
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