## County of Fresno

## DEPARTMENT OF PUBLIC WORKS AND PLANNING

 STEVEN E. WHITE, DIRECTOR
## Planning Commission Staff Report Agenda Item No. 3 August 12, 2021

| SUBJECT: | Variance Application No. 4106 |
| :--- | :--- |
|  | Allow a 75-foot-tall sign, 300 square feet in area, where a maximum <br> height of 35 feet and 150 square feet in area are allowed, on a 3.97- <br> acre parcel in the C-2 (Community Shopping Center) Zone District. |
| LOCATION: | The subject parcel is located on the East side of N. McCall Ave <br> between E. Kings Canyon Road and E. Tulare Avenue, northerly <br> adjacent to E. Kings Canyon Road (State Route 180), and <br> approximately two miles northeast of the City of Sanger <br> (APN 314-120-66) (10070 E. Kings Canyon Road, Sanger) (Sup. <br> Dist. 5) |
| OWNER: | Harpreet Singh |
| APPLICANT: | CVEAS, Inc. |
| STAFF CONTACT: | Jeremy Shaw, Planner <br> (559) 600-4207 |
|  | David Randall, Senior Planner <br> (559) 600-4052 |

## RECOMMENDATION:

- Deny Variance No. 4106; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.


## EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Zoning Map
4. Land Use Map
5. Site Plan
6. Elevations
7. Findings

## SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

| Criteria | Existing | Proposed |
| :--- | :--- | :--- |
| General Plan Designation | Agriculture | No change |
| Zoning | C-2 (Community Shopping <br> Center) Zone District | No change |
| Parcel Size | 3.97 -acres | No change |
| Project Site | See above | No change |
| Structural Improvements | Existing (under construction) <br> Commercial Center consisting of <br> a convenience market, and gas <br> station, within a 4,950 square <br> foot building, a proposed 3,000 <br> square-foot building and 4,500 <br> square foot building for tenant <br> space | Proposed 75-foot-tall <br> freestanding advertising sign <br> to be located in the <br> southeast corner of the <br> project site adjacent to the <br> convenience market |
| Nearest Residence | 525 feet south | No change |

## EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

## ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15305 (a) of the California Environmental Quality Act (CEQA) guidelines: Minor Alterations in Land Use Limitations, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

## PUBLIC NOTICE:

Notices were sent to 12 property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

## PROCEDURAL CONSIDERATIONS:

A Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877 are made by the Planning Commission.

The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

## BACKGROUND INFORMATION:

The Board of Supervisors approved Amendment Application No. 3799, and General Plan Amendment No. 537 on September 30, 2014, which rezoned a 5.22-acre portion of the formerly 13.06-acre subject parcel from Exclusive Agricultural to the C-2 (Community Shopping Center, Conditional) and changed the underlying land use designation from Agriculture to Community Commercial. The project site is occupied by an existing (under construction) gas station and convenience market comprised of three separate buildings and fuel pump island and canopy.

No other Variances pertaining to building height have been processed within a mile of the subject property.

## ANALYSIS/DISCUSSION:

## Finding 1:

There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.

|  | Current Standard: | Proposed Configuration (sign): | Is Standard Met ( $\mathrm{y} / \mathrm{n}$ ): |
| :---: | :---: | :---: | :---: |
| Setbacks | C-2 Zone District: <br> No requirements, except where a C-2 District abuts or is across the street from any residential district, the requirements of the C -1 District shall apply. | Front (west): 20.0 feet <br> Rear (east): 57.6 feet <br> Side (north): 525 feet (approximate) <br> Side (south): 24.5 feet | Yes |
| Parking | C-2 Zone District: <br> Minimum of three (3) square-feet of parking area for everyone (1) square-foot of gross floor area except that the number of spaces need not exceed six (6) parking spaces per one thousand $(1,000)$ square feet of gross floor area | Parking requirements not applicable to this Variance proposal | N/A |
| Lot Coverage | Thirty-three (33) percent | N/A | N/A |
| Separation Between Buildings | No requirements | N/A | N/A |
| Wall Requirements | No requirements | N/A | N/A |
| Septic Replacement Area | 100 percent | No change | N/A |

## Reviewing Agencies/Department Comments:

There were no relevant comments from reviewing agencies or County Departments regarding the project other than advisory statements about required regulations that have been noted under the Project Notes section of Exhibit 1.

## Analysis Finding 1:

In support of Finding 1, the Applicant's justification states that the subject property is unique in that it is the only one Zoned Community Shopping Center and as such, the Variance to allow for the maximum height for buildings and/ or structures to be raised from (35') thirty-five feet to allow for a 75 ' (seventy-five foot) sign allowing for a higher sign will grant visibility at an adequate distance to attract clients.

The Zoning Designation does not make it exceptional; it simply fulfills the specific purpose of the property's intended commercial use. Staff was unable to identify any unique physical attribute of the property that would warrant the increased sign height.

Recommended Conditions of Approval: None

## Conclusion Finding 1:

Due to the lack of an identifiable extraordinary or exceptional circumstance or condition applicable to the subject property, Finding 1 cannot be made for the allowance of the increased building (sign) height.

Finding 2: $\quad$ Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

## Reviewing Agencies/Department Comments:

None

## Analysis Finding 2:

In support of Finding 2, the Applicant's justification states the pole sign adjusted height will allow for better visibility, and subsequently display the services the applicant wishes to show. Staff identified only two other properties with a half-mile of the subject property with commercial zoning, not identical to the subject property but similar; one is zoned Agricultural Commercial located approximately 650 feet southwest, on the south side of State Route 180, and the other Zoned C-6 (General Commercial) located approximately one-half mile west. Those other commercial properties would be subject to the development standards of their respective zone districts, both of which in this case, have the same building height limitation of 35 feet, as the subject property does. Hence, the property is not at a disadvantage as there is no substantial property right which the business is denied that is being enjoyed by other properties.

## Recommended Conditions of Approval:

None

## Conclusion Finding 2:

Finding 2 cannot be made, as no deficit of a substantial property right enjoyed by others in the area with the same zoning was identified.

Finding 3: $\quad$ The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

| Surrounding Parcels |  |  |  |  |
| :--- | :---: | :--- | :--- | :---: |
|  | Size: |  | Use: | Zoning <br> $:$ |
| North | Nearest <br> Residence*: |  |  |  |

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| Surrounding Parcels |  |  |  |  |
| :--- | :--- | :--- | :--- | :--- |
|  |  |  |  |  |
| South | 1.77 acres | Single-Family Residential (south side <br> of SR 180) | AE-20 | Approximately <br> 525 feet |
| East | 22.30 acres | Field Crops/ Single-Family <br> Residential | AE-20 | Approximately |
| One-third mile |  |  |  |  |
| West | 31.17 acres | Field Crops | AE-20 | Approximately <br> one mile |

## Reviewing Agencies/Department Comments:

None

## Analysis Finding 3:

In support of Finding 3, the Applicant's Findings state that there are no features of the proposed sign that would negatively affect surrounding property nor obstruct views therefrom. The sign and base will be static and be lit at night via automatic timer.

The increase in the size and height while not consistent with the Zoning Ordinance would not be significantly materially detrimental or injurious to surrounding properties.

## Recommended Conditions of Approval:

None

## Conclusion Finding 3:

Finding 3 can be made, as the Variance, if approved, would not have any identifiable detrimental impacts to surrounding property.

Finding 4: $\quad$ The granting of such a variance will not be contrary to the objectives of the General Plan.

| Relevant Policies: | Consistency/Considerations: |
| :--- | :--- |
| No applicable General Plan Policies were identified. | N/A |
|  |  |
|  |  |

## Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated Agriculture in the County's General Plan. There are no General Plan issues, and the subject parcel is not subject to a Williamson Act Contract.

## Analysis Finding 4:

In support of Finding 4, the Applicant's findings assert that the granting of this Variance is not contrary to the objectives of the General Plan, in that the sign is consistent with the commercial use of the property. Staff has no concerns relative to General Plan Policies.

## Recommended Conditions of Approval:

None.

## Conclusion Finding 4:

Finding 4 can be made as there are no General Plan Policies or Objectives pertaining to building height.

## PUBLIC COMMENT:

None.

## SUMMARY ANALYSIS / CONCLUSION:

Based on the factors cited in the analysis above, Staff cannot make the four required Findings necessary for granting the Variance and recommends denial of Variance Application No. 4106.

## PLANNING COMMISSION MOTIONS:

## Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made, in accordance with Staff's recommendation and move to deny Variance No. 4106; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the findings) and move to approve Variance No. 4106, subject to the Conditions and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.


## Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1
Variance Application (VA) No. 4106

## Conditions of Approval and Project Notes

| Conditions of Approval |  |
| :--- | :--- |
| 1. | Variance No. 4106 shall become void if the construction of the sign authorized by said Variance is not commenced within one (1) <br> year after the granting of said Variance or is not pursued diligently to completion, or there is a cessation in the occupancy or use of <br> land or buildings authorized by such Variance for a period in excess of one (1) year. |
| Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation <br> established in Section 877-D.2, the Commission may grant an extension of time for a period not to exceed an additional one (1) year <br> period. Applications for such extension of time must set forth in writing the reasons for the extension and must be filed with the <br> Development Services Division, Department of Public Works and Planning. |  |

[^0]| Notes |  |  |
| :--- | :--- | :---: |
| 3. | Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation <br> established in Section 877-D.2 (one year), the Commission may grant an extension of time for a period not to exceed an additional <br> one (1) year period. Application for such extension of time must be set forth in writing the reasons for the extension and must be filed <br> with the Department of Public Works and Planning, Development Services and Capital Projects Division before the expiration of the <br> Variance. |  |
| 4. | An encroachment permit from the Fresno County Road Maintenance and Operations Division will be required for any work proposed <br> within the County road right-of-way. |  |
| 5. | As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project <br> area should be properly destroyed by an appropriately licensed contractor. |  |
| 6. | Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground <br> Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. |  |

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## EXHIBIT 2



EXHIBIT 3


EXHIBIT 5



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EXHIBIT 6


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Pre-application Review No: 21-002653
APN: 314-120-66
Project Address: 10070 E. Kings Canyon Road, Sanger, CA 93657
This property in specific is located next to the 180 freeway. Most of the clientele will be from people driving the 180 and the need of a $75^{\prime}$ 'foot pole sign is to give visibility at an adequate distance for clients to slow down and stop by.

Variance Findings:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.

This property in specific is zoned Community Shopping Center and it's the only one within the vicinity with such zoning designation. The property will be providing NEW services, different from the ones already found within the vicinity.
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

There are no other properties within the vicinity with the identical zoning classification. C2 zoning allows shopping centers to be built, thus the need of the sign to display the services provided.
3. The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

The granting of the variance will not affect its surroundings. The height of the pole sign will not block any view; it will be visible from about 1.5 miles away. It will be a static pole, with an automatic timer to light it up during night time. It will be made of mostly metal with some aluminum and flexy glass.
4. The granting of such variance will not be contrary to the objectives of the General Plan.

The sign will be in a commercial zone displaying the commercial services provided.


[^0]:    Conditions of Approval reference recommended Conditions for the project.

[^1]:    G:14360Devs\&PInIPROJSECIPROJDOCSIVA\4100-4199\4106ISRIVA 4106 Conditions \& PN (Ex 1).docx

