



Staff Report

Agenda Item No. D-1

To: City of Imperial Planning Commission
From: Othon Mora, Community Development Director
Date: October 30, 2023
Item: Variance 23-03
Deviation of the Commercial Sign Ordinance to allow for additional signs

Applicant:	Sign Factory for Quick Quack Car Wash Owner Chris Peto
Project Location:	830 N Imperial Avenue
Zoning:	C-2: Commercial General
Recommendation:	Staff recommends Planning Commission approval of Variance 23-03

Background

The Sign Factory submitted an application on behalf of Quick Quack Car Wash's owner, Chris Peto. The City of Imperial's Commercial Sign Ordinance allows a maximum of three (3) signs per business and one monument sign per street frontage. The purpose and intent of the sign regulations is to control signs in a manner which maintain a high quality of development throughout the City, encourage the effective use of signs as a means of communication and provide fair and consistent enforcement of these sign restrictions. The application's site plans include a total of six (6) signs for the project - four (4) on the building and two (2) monument signs. Two (2) of the proposed signs on the building included in the site plan are the lighted numbers "830" for the business' address identification. One monument sign is fronting Highway 86 and the other is fronting Imperial Avenue. The applicant is requesting a variance to allow the inclusion of the proposed six signs to advertise his business to potential customers traveling along Highway 86.

Project Location



Required Findings:

In order to approve Variance 23-03, the Planning Commission is required to review six findings per Section 24.19.400 of the City of Imperial's Zoning Ordinance. The findings are listed below, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

- 1. Special circumstances apply to the property. These can be its size, shape, topography, location, or surrounding structures. You must explain how these circumstances deprive your property of the privileges enjoyed by other property in the neighborhood which is zoned the same, and;**

The parcel's location is adjacent to Highway 86 and in a very visible thoroughway. Because of the oddly shaped triangular parcel, the location and size of the signs have to be strategically placed to be visible to southbound and northbound faster paced highway traffic. Including two additional signs than what is allowed will allow Quick Quack's advertising via signage with more opportunity to be visible to potential patrons.

- 2. The Variance will meet the intent of the zoning on the parcel, and will not be detrimental to public health, safety, and welfare, and not be detrimental to other property in the neighborhood; and,**

The project site is located with the C-2 Commercial General Zone. This zone is intended as an area for the location of highway-oriented retail service and wholesale commercial activities. Approval of the Variance meets the intent of the zoning as it will

promote a highway-oriented retail service and does not pose to be detrimental to public health, safety and welfare or other properties in the surrounding area.

- 3. The granting of the Variance or its modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the Variance is sought; and**

The City of Imperial's Sign Ordinance, Section 24.16.080 for Permitted Signs allows for a maximum of three (3) business signs and one monument sign per street frontage per business. The other businesses in the same vicinity (McDonald's and Starbucks) and within the same zone did not install additional signage. Additional signage will benefit the businesses by attracting southbound and northbound customers traveling along Highway 86.

- 4. The granting of the Variance or its modifications will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and**

Granting the two additional signs will constitute a special privilege as the two commercial businesses in the vicinity do not have additional signage. However, businesses typically do not include lighted address signs on their buildings.

- 5. The granting of this Variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.**

Granting of Variance 23-03 has no effect on the use or activity not expressly authorized within the Commercial Zone.

- 6. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.**

The City of Imperial's General Plan's Land Use Element addresses the City's regional factors, specifically the Highway 86 Corridor. It describes Highway 86 as the main arterial roadway for the City and a primary path for regional travelers with high daily traffic counts. The benefits of a Commercial Zone along the highway are listed as an opportunity to capitalize on the potential sales tax revenue of businesses along the corridor. The goals detailed within the General Plan's Goals, Policies and Actions include:

Goal #1 - Growth & Development

To implement the successful transformation of the city from a small town into a medium, full service City while maintaining its rural character via planned and orderly development.

Goal #4 - Economic Prosperity

Achieve a balanced and varied economic base which provides a broad range of goods, services, and employment to the City's residents and the region in a manner that is aesthetically pleasing and consistent with the character areas.

The Planning Commission's approval of Variance 23-03 is compatible with the General Plan's Land Use Element's goals. The approval will encourage growth and development as it will provide the business with more visibility and attract more patrons that will support Quick Quack Car Wash's and the City's economic prosperity.

Environmental:

This item is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3)-Common Sense Exemption, which applies to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Recommendation

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, staff recommends that the Planning Commission **approve** Variance 23-03 to allow the six commercial business signs for Quick Quack Car Wash.

Attachments

- Attachment A – DRAFT Resolution PC2023-11 with Conditions of Approval
- Attachment B - Site Plan

ATTACHMENT A
DRAFT RESOLUTION NO. PC2023-11

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING VARIANCE 23-03 FOR CHRIS PETO TO ALLOW THE DEVIATION OF
SECTION 24.16 OF THE MUNICIPAL CODE PERTAINING TO SIGN
REGULATIONS FOR COMMERCIAL ZONES
AT 830 NORTH IMPERIAL AVENUE (APN 063-040-035)**

WHEREAS, property owner, Chris Peto, submitted a variance request for the deviation of the Municipal Code pertaining to Sign Regulations for Commercial Zones; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during a meeting on November 8, 2023; 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 Variance 23-03.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial grants 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 the property and deviation from the Municipal Code Pertaining to Sign Regulations for Commercial Zones are ministerial and therefore categorically exempt from the California Environmental Quality Act per Section 15061 [b][3].
- 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 determines that the project is Categorically Exempt under Section 15061[b][3] of the California Environmental Quality Act; and
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Variance 23-03** for Chris Peto to allow for the deviation of the Municipal Code Pertaining to Sign Regulations for Commercial Zones, subject to the Conditions of Approval outlined in Exhibit A and based on the following findings:

- 1. Special circumstances apply to the property. These can be its size, shape topography, location, or surrounding structures. You must explain how these circumstances deprive your property of the privileges enjoyed by other property in the neighborhood which is zoned the same, and;**

The parcel's location is adjacent to Highway 86 and in a very visible throughway. Because of the oddly shaped triangular parcel, the location and size of the signs have to be strategically placed to be visible to southbound and northbound faster paced highway traffic. Including two additional signs than what is allowed will allow Quick Quack's advertising via signage with more opportunity to be visible to potential patrons.

- 2. The Variance will meet the intent of the zoning on the parcel, and will not be detrimental to public health, safety, and welfare, and not be detrimental to other property in the neighborhood; and,**

The project site is located with the C-2 Commercial General Zone. This zone is intended as an area for the location of highway-oriented retail service and wholesale commercial activities. Approval of the Variance meets the intent of the zoning as it will promote a highway-oriented retail service and does not pose to be detrimental to public health, safety and welfare or other properties in the surrounding area.

- 3. The granting of the Variance or its modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the Variance is sought; and**

The City of Imperial's Sign Ordinance, Section 24.16.080 for Permitted Signs allows for a maximum of three (3) business signs and one monument sign per street frontage per business. The other businesses in the same vicinity (McDonald's and Starbucks) and within the same zone did not install additional signage. Additional signage will benefit the businesses by attracting southbound and northbound customers traveling along Highway 86.

- 4. The granting of the Variance or its modifications will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and**

Granting the two additional signs will constitute a special privilege as the two commercial businesses in the vicinity do not have additional signage. However, businesses typically do not include lighted address signs on their buildings.

- 5. The granting of this Variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.**

Granting of Variance 23-03 has no effect on the use or activity not expressly authorized within the Commercial Zone.

6. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

The City of Imperial's General Plan's Land Use Element addresses the City's regional factors, specifically the Highway 86 Corridor. It describes Highway 86 as the main arterial roadway for the City and a primary path for regional travelers with high daily traffic counts. The benefits of a Commercial Zone along the highway are listed as an opportunity to capitalize on the potential sales tax revenue of businesses along the corridor. The goals detailed within the General Plan's Goals, Policies and Actions include:

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Achieve a balanced and varied economic base which provides a broad range of goods, services, and employment to the City's residents and the region in a manner that is aesthetically pleasing and consistent with the character areas.

The Planning Commission's approval of Variance 23-03 is compatible with the General Plan's Land Use Element's goals. The approval will encourage growth and development as it will provide the business with more visibility and attract more patrons that will support Quick Quack Car Wash's and the City's economic prosperity.

- G) The City Attorney is authorized to make minor typographical changes to this Resolution that does not change the substance of this Resolution;

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 8th day of November, 2023.

Planning Commission Chairperson

ATTEST:

City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

Variance 23-03

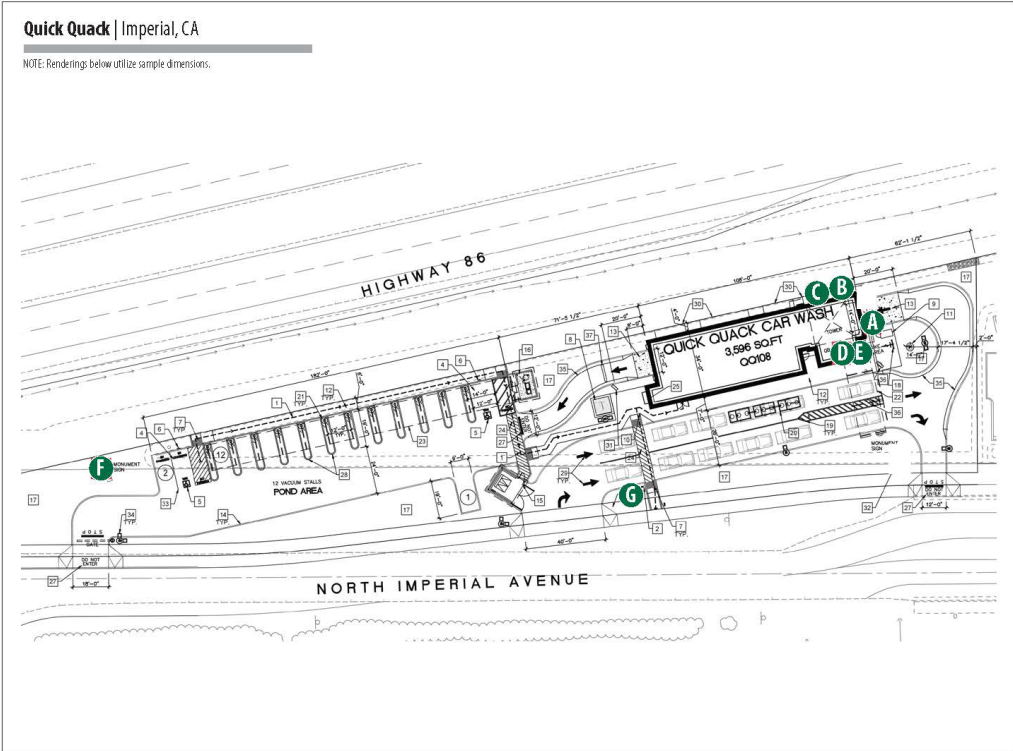
Quick Quack Car Wash

830 N. Imperial Avenue

APN 063-040-035

1. Owner shall not hold the City of Imperial or any of its employees responsible for any incidents regarding Variance 23-03.
2. The provisions of Variance 23-03 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.
3. The owner shall be responsible for the removal of all graffiti from the property within seventy-two (72) hours of its appearance on the property.
4. The owner shall be responsible for maintaining the property free of litter at all times.
5. The owner 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.
6. The approval of Variance 23-03 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.
7. The owner shall pay all applicable fees as required by the city.
8. If the Community Development Department finds and determines that the owner or successor-in-interest has not complied or cannot comply with the terms and conditions of Variance 23-03, or the Planning/Building Division determines that the permitted activities constitute a nuisance, the City shall provide the owner with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) the owner fails to comply, and/or (2) the owner cannot comply with the conditions set forth in the Variance, then the matter shall be referred to the Planning Commission, or to the appropriate enforcement authority, for modification, suspension, or termination.
9. As between the City and the owner, any violation of Variance 23-03 approval may be a "nuisance per se". The City may enforce the terms and conditions of Variance 23-03 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.
10. The owner 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.
11. The owner must maintain all signs clean and in working order.

ATTACHMENT B Site Plan



FAIRMONT SIGN COMPANY

3750 East Outer Drive
Beaumont, WA 98204
t: 313.308.4000 f: 313.368.9335
www.fairmontsigns.com

Client:

Quick Quack Car Wash #43-041
830 N Imperial Ave
Imperial, CA

Date: 6/13/23

File: Accounts/Max/Quick Quack/Bea/43-041 Imperial, CA

Designer: ENB

Scale: NA

Job: 00000 **Sheet:** 2of8

Revision #: 1 **Date:** 6-15-23

Revision Description:

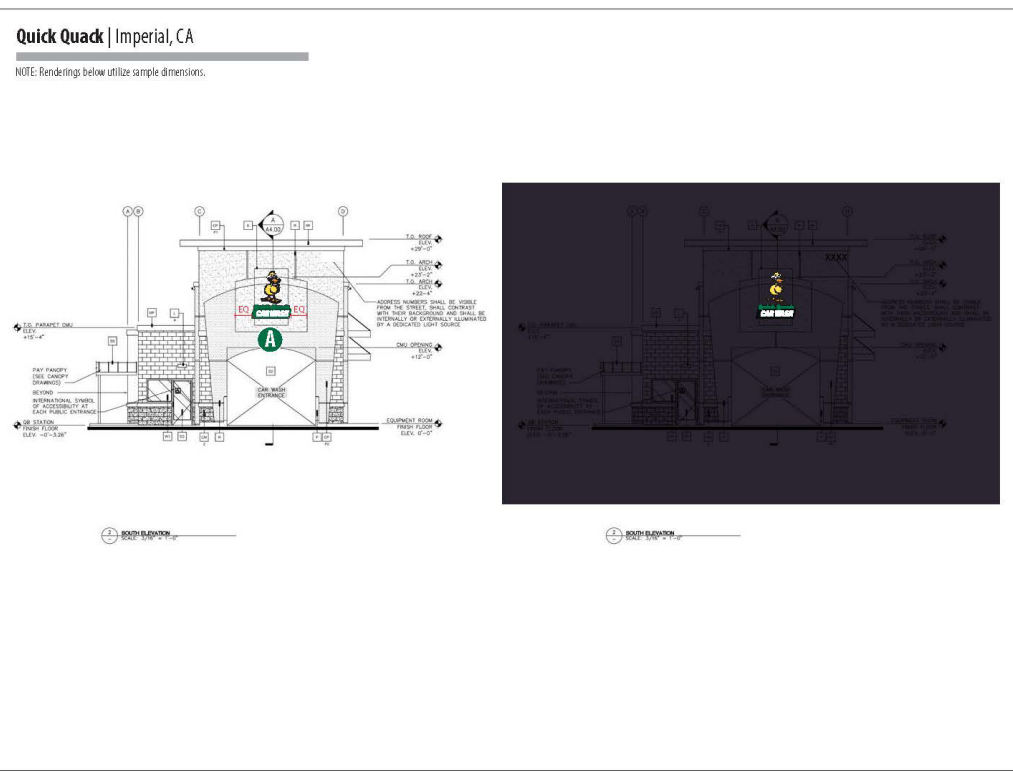
Customer: *Greg Furr*

Approved:

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ALL DIMENSIONS TO BE FIELD VERIFIED PRIOR TO INSTALLATION



FAIRMONT SIGN COMPANY

3750 East Outer Drive
Beaumont, WA 98204
t: 313.308.4000 f: 313.368.9335
www.fairmontsigns.com

Client:

Quick Quack Car Wash #43-041
830 N Imperial Ave
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Date: 6/13/23

File: Accounts/Max/Quick Quack/Bea/43-041 Imperial, CA

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Scale: NA

Job: 00000 **Sheet:** 2of8

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Revision Description:

Customer: *Greg Furr*

Approved:

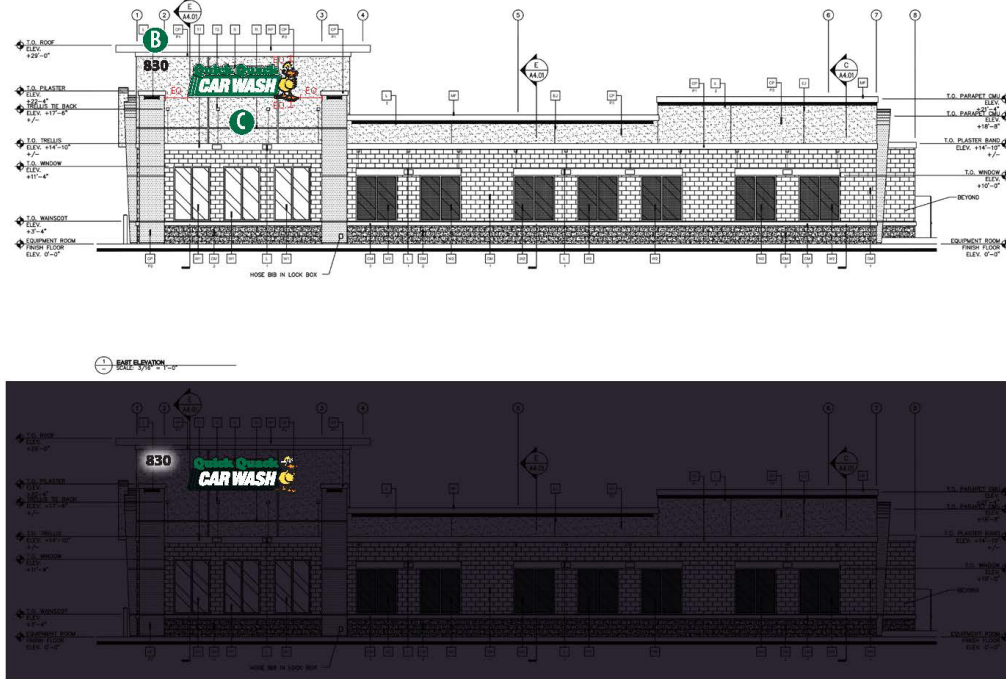
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Quick Quack | Imperial, CA

NOTE: Renderings below utilize sample dimensions.



FAIRMONT
SIGN COMPANY
3758 East Outer Drive
Detroit, MI 48234
t: 313.308.4000 f: 313.308.9335
www.fairmontsign.com

Client:
Quick Quack
CAR WASH

Quick Quack Car Wash #43-041
830 N Imperial Ave
Imperial, CA

Date: 6/13/23

File: Accounts/Mex/Quick Quack/43-041 Imperial, CA

Designer: RNB

Scale: N/A

Job: 00000 Sheet: 3 of 8

Revision # Date: 1 6-15-23

Revision Description:

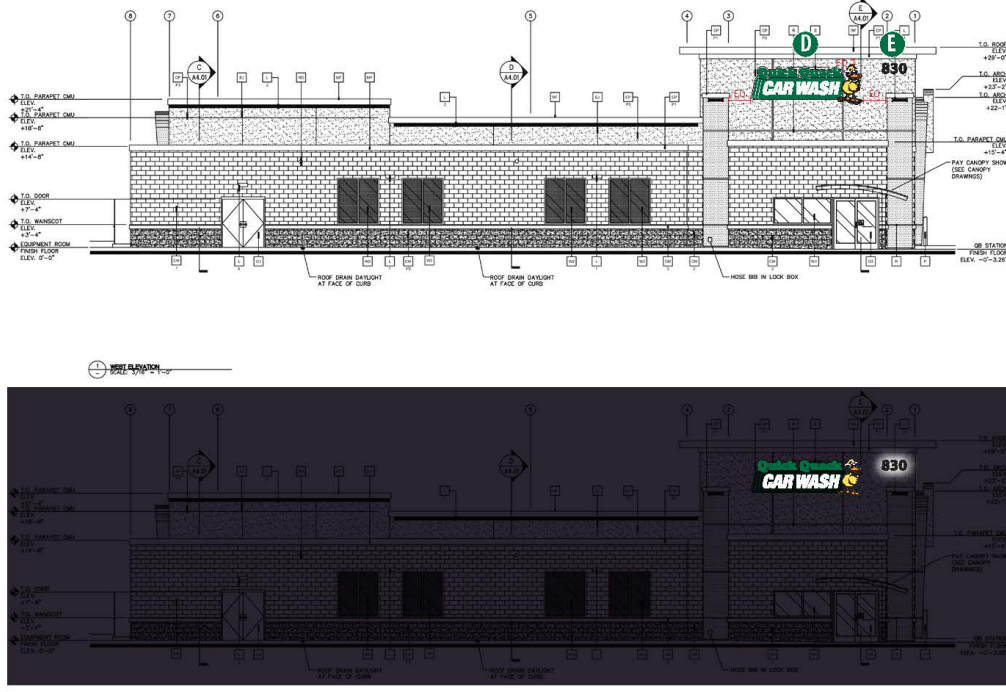
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ALL DIMENSIONS TO BE FIELD VERIFIED PRIOR TO INSTALLATION

Quick Quack | Imperial, CA

NOTE: Renderings below utilize sample dimensions.



FAIRMONT
SIGN COMPANY
3758 East Outer Drive
Detroit, MI 48234
t: 313.308.4000 f: 313.308.9335
www.fairmontsign.com

Client:
Quick Quack
CAR WASH

Quick Quack Car Wash #43-041
830 N Imperial Ave
Imperial, CA

Date: 6/13/23

File: Accounts/Mex/Quick Quack/43-041 Imperial, CA

Designer: RNB

Scale: N/A

Job: 00000 Sheet: 4 of 8

Revision # Date: 1 6-15-23

Revision Description:

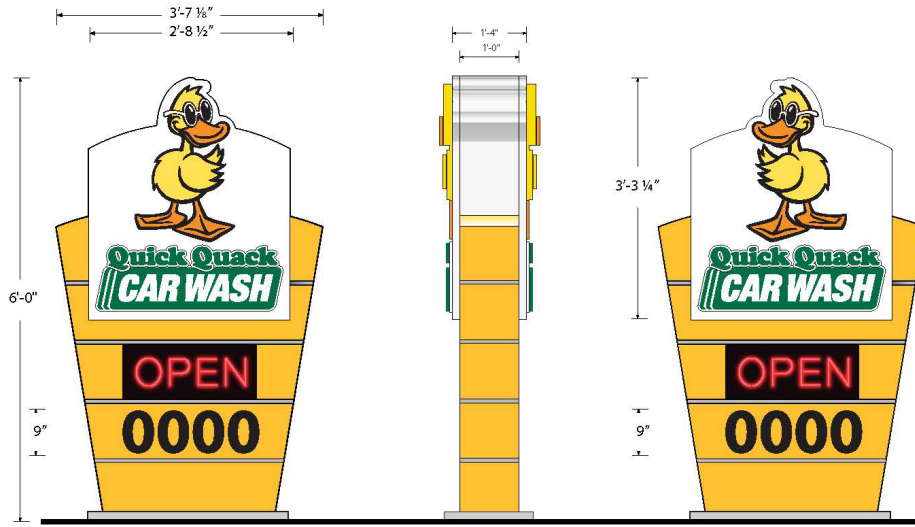
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Quick Quack | Imperial, CA





NOTE: Penderings below utilize sample dimensions.



F G QTY 2: LED Illuminated Monument Signs with 1/8" Thick FCO Address Numerals

Material Schedule

Fabricated aluminum, doud-shaped channel construction. Face to be white acrylic with 3M vinyl film overlays (see color schedule). Returns and trimmap to be painted Black. Cabinet to be internally illuminated with White LEDs.

Vinyl Film Color Schedule			
A	B	C	D
			
3M 3492-22 Black	3M 3610-26 Green	3M 3630-015 Yellow	3M 3630-74 Kunsquat Orange

FAIRMONT SIGN COMPANY
 3750 East Outer Drive
 Detroit, MI 48234
 t: 313.368.4000 f: 313.368.9335
 www.fairmontsign.com

Client:

Quick Quack CAR WASH

Quick Quack Car Wash #43-041
 830 N Imperial Ave
 Imperial, CA

Date:
 6/13/23

File:
 Accounts/Misc/Quick Quack/Elev/
 43-041/Imperial, CA

Designer:
 RNB

Scale:
 NR

Job # Sheet #
 00000 2 of 3

Revision # Date:
 1 6-15-23

Revision Description:

Customer
 Approval:

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