

G-1



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Conduct Public Hearing to consider an appeal received from Key Advertising Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign, and a Variance to double the maximum allowable sign area from 480 square-feet to 960 square-feet to be located at 1251 South Beckman Road

MEETING DATE: April 21, 2004

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council uphold the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign, and a Variance to double the maximum allowable sign area from 480 square-feet to 960 square-feet to be located at 1251 South Beckman Road.

BACKGROUND INFORMATION: The appellant, "Key Advertising," is proposing to construct a two-sided 75-foot-tall freeway information sign near the north end of the Geweke Dodge and Kia Dealership at 1251 South Beckman Road. The area of signage will be 24-feet wide by 20-feet-tall on both sides, for a total of 960-square-feet of signage. Each side of the sign has a 21-foot 8-inch wide by 11-foot 3-inch tall, 245 square-foot electronic message center panel. The electronic message center is essentially a television and/or computer monitor. The remaining sign area is proposed to state "Geweke Auto Group." Given the size, height, and placement of the sign, it is primarily designed for viewing by northbound and southbound motorists on State Highway 99 (see exhibit 1 & 2).

The Planning Commission at its Public Hearing of February 11, 2004 reviewed and denied the requests for a Use Permit and a Variance. The Use Permit for the large electronic display was denied on the grounds that the sign's size, location, and appearance near the intersection of the City's two major highways were inconsistent with goals and policies of the City's General Plan; in particular those pertaining to the preservation of Lodi's small town and rural qualities, and the aesthetic qualities of our major streets and entrances. Staff also pointed out other issues like those regarding potential impacts on highway traffic, the City's inability to regulate the content of advertisements, the precedent that would be set, and the visual aspects of the sign.

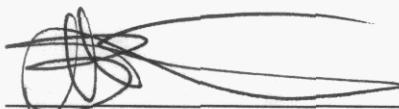
During the public hearing the applicant's representative suggested that the one large sign would serve the existing and future auto dealerships of the Geweke Auto Group along Beckman Road. This suggestion would eliminate the need for multiple 75-foot high freeway signs. The proposal; however, would not benefit other auto dealerships within the area, nor would it remove the State's law limiting advertising on the sign to products and services available on the premises. The applicant also provided a self-imposed list of conditions, and a donation of advertising time to the City should the City approve the request (see exhibit 3). Each of the requests was found to be generous but they had their own issues. Conditions 1(a-e), are essentially required by the State Outdoor Advertising Act. Condition 2, would not apply to other property owners of the City, which goes back to the precedent of approving the

APPROVED: 
H. Dixon Flynn, City Manager

electronic sign. Condition 3, is the variance request. Condition 4, would not be legal, given that the City or its interests are not exempt from the State law limiting advertising to products and services available on the premises.

As far as the Variance was concerned, the Planning Commission denied the request because there was no evidence to support it. The City's Zoning Ordinance, as well as California State Law, requires that the City make findings to justify the granting of a variance. The findings must include an explanation of how the property's size, shape, or location somehow keeps the owner from fully utilizing his land within the constraints of the law. This situation is typically termed a "hardship." The findings could also include an argument that others within the same zoning are allowed what the applicant is not. This would be termed an "injustice." The applicant did not provide any information to establish the required hardship or injustice, so neither staff nor the Planning Commission could justify the request.

FUNDING: None

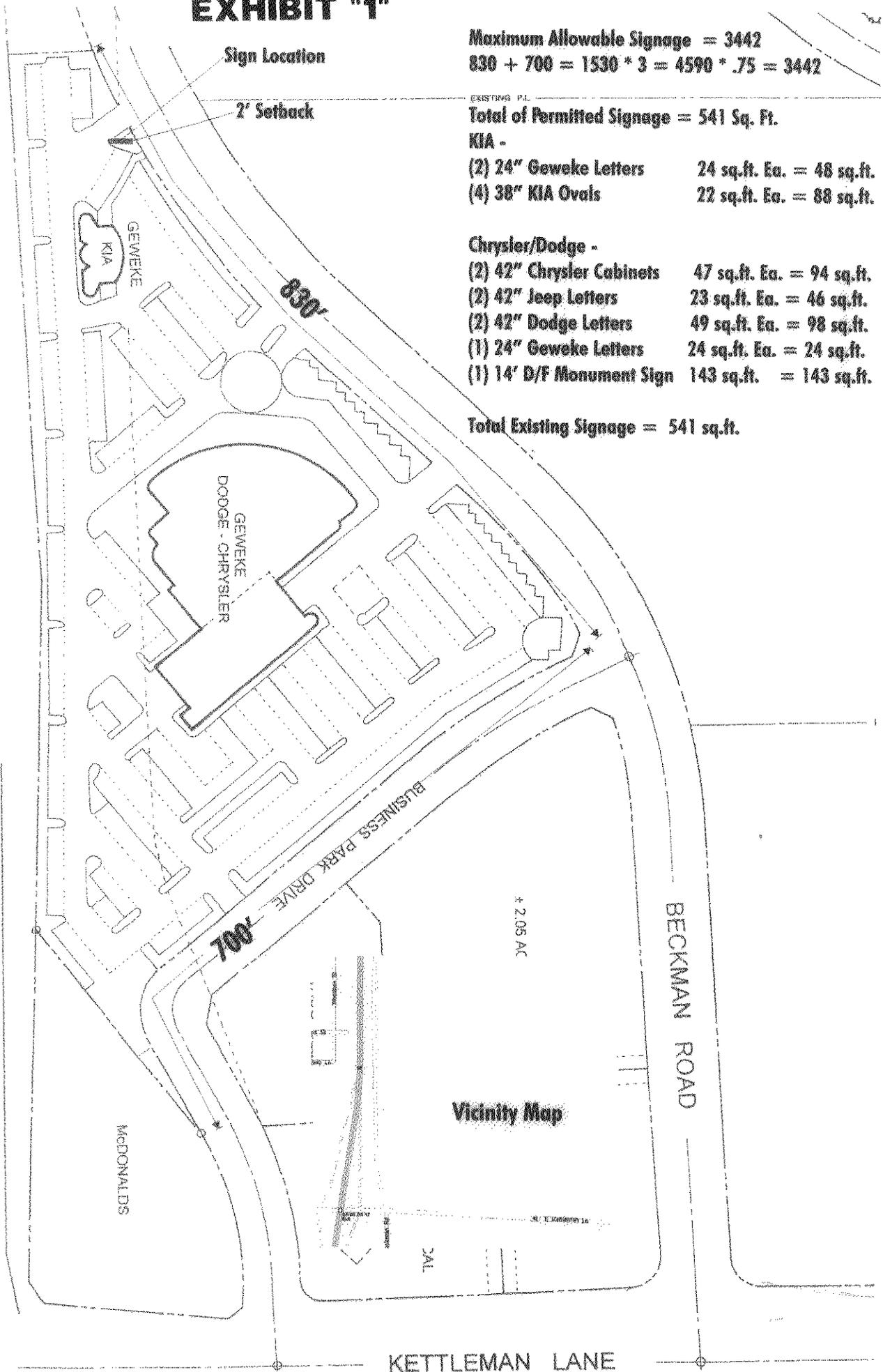
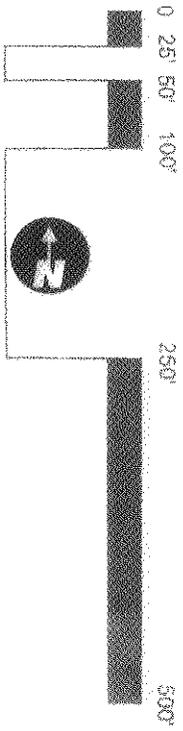


Konradt Bartlam
Community Development Director

KB/MM/lw

Attachments

EXHIBIT "1"



Maximum Allowable Signage = 3442

$$830 + 700 = 1530 * 3 = 4590 * .75 = 3442$$

EXISTING PL

Total of Permitted Signage = 541 Sq. Ft.

KIA -

- (2) 24" Geweke Letters 24 sq.ft. Ea. = 48 sq.ft.
- (4) 38" KIA Ovals 22 sq.ft. Ea. = 88 sq.ft.

Chrysler/Dodge -

- (2) 42" Chrysler Cabinets 47 sq.ft. Ea. = 94 sq.ft.
- (2) 42" Jeep Letters 23 sq.ft. Ea. = 46 sq.ft.
- (2) 42" Dodge Letters 49 sq.ft. Ea. = 98 sq.ft.
- (1) 24" Geweke Letters 24 sq.ft. Ea. = 24 sq.ft.
- (1) 14' D/F Monument Sign 143 sq.ft. = 143 sq.ft.

Total Existing Signage = 541 sq.ft.

NORTH/SOULAND HWY 99 ON RAMP

MCDONALDS

700'

BUSINESS PARK DRIVE

± 2.05 AC

BECKMAN ROAD

Vicinity Map

2AL

KETTLEMAN LANE

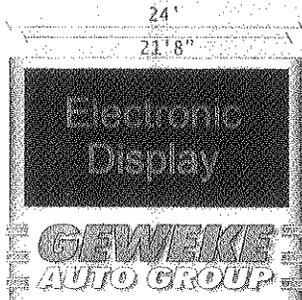
EXHIBIT "2"



BACK

6" Radius Curve

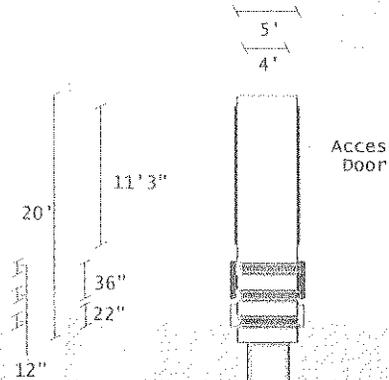
TOP



24"

21' 8"

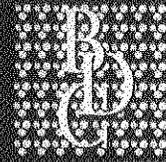
FRONT



Access Door

75' O.A.H

SIDE



Bumstead Display Consulting

Project: Geweke Auto Group Pylon

Date: 6-18-2003

Specifications:

Manufacture and install single faced pylon sign.

"GEWEKE" to be 36" tall internally illuminated channel letters with red L.E.D. illumination. L.E.D. spacing to be at or above manufacturer's specification to ensure even illumination.

"AUTO GROUP" to be 22" tall internally illuminated channel letters with white L.E.D. illumination. L.E.D. spacing to be at or above manufacturer's specification to ensure even illumination.

Neon Border Tubes to be mounted on flat cut out aluminum (.10 thickness) shaped to contour with radius of cabinet and pegged off of cabinet surface 2". Neon to be 15mil ruby red and powered with 30ma transformers to be located inside sign.

Sign Cabinet & Pole Cover to be all steel construction for framing and skinned with aluminum sheet (minimum .10 thickness). Cabinet shall have side entry door with lock to allow for internal servicing. Cabinet shall also include catwalks adequate for service of entire sign from inside.

Electronic Sign shall be L.E.D.

Bumstead Display Consulting
12806 SE 49th Pl
Bellevue, WA 98006
Phone - 425-643-4475
Fax - 425-865-8357
E-mail - design@bumstead.net

Scale: 1"=10'

EXHIBIT "3"

Project Description:

Install freestanding sign(s) as per attached drawings. A portion of the sign shall have an electronic display.

Applicant Proposal/Request for Use Permit:

1. Applicant would like to have portion of sign be electronic display to operate under the following conditional use:
 - a. Sign shall not portray any motion
 - b. Sign shall not change images more frequently than once each 5 seconds
 - c. Sign shall not display any backgrounds with more than 25% of the screen area in white.
 - d. Sign shall be dimmed below 500 nits during nighttime operation.
 - e. Sign shall not display companies, products or services that are not sold on the site for which the permit is issued.
2. Applicant will agree to abstain from installing any other electronic displays on any of its other properties within the city limits of Lodi, CA.
3. Applicant would like to have sign area calculated on only one face of the display as is done for off-premises signs in section 17.63.370(C) of the Lodi Municipal Code allowing applicant to install one double faced sign instead of two single faced signs.
4. Applicant would be willing to share 10% of time promoting downtown Lodi, Wine and Visitor Center events and community not for profit events such as Lodi Street Faire, Oooh Ahhh Festival and Chamber of Commerce Wine Stroll etc.
5. Applicant would be willing to offer up participation and cooperate with the National Amber Alert program.



**MEMORANDUM, City of Lodi, Community Development
Department**

To: Planning Commission
From: Community Development Department
Date: February 11, 2004
Subject: The request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign, and a variance to double the maximum allowable sign area from 480 square-feet to 960 square-feet, to be located at 1251 South Beckman Road.

RECOMMENDATION

Staff recommends that the Planning Commission deny the requests of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign, and Variance to double the maximum allowable sign area from 480 square-feet to 960 square-feet, to be located at 1251 South Beckman Road, relative to the findings listed in the attached resolutions.

SUMMARY

The applicant is proposing to construct a two-sided 75-foot-tall freeway information sign near the north end of the Geweke Dodge and Kia Dealership at 1251 South Beckman Road. The area of signage will be 24-feet wide by 20-feet-tall on both sides, for a total of 960-square-feet of signage. Each side of the sign has a 21-foot 8-inch wide by 11-foot 3-inch tall, 245 square-foot electronic message center panel. The electronic message center is essentially a television and/or computer monitor. The remaining sign area is proposed to state "Geweke Auto Group." Given the size, height, and placement of the sign, it is primarily designed for viewing by northbound and southbound motorists on State Highway 99. The sign requires Planning Commission approval of a Use Permit for the electronic message center panels and a Variance to double the maximum allowable size of the overall display area.

USE PERMIT ANALYSIS

The Planning Commission, at its public hearing meeting of October 22, 2003 unanimously determined that electronic message center displays require use permit approval. Given this decision, the applicant is now requesting a Use Permit for the electronic message center displays (see memo of 10/22/03).

The applicant has provided a list of self imposed conditions that staff would like to address first (see attached). We find that each of the items listed under number one are required by the State regulations in the Outdoor Advertising Act. Number two, is generous but does not restrict other property owners from applying, and if the sign is approved, a precedent will be set prompting more applications. Number 3, is addressed in the Variance Analysis section below. Numbers 4 and 5, are generous but unbinding offers of the applicant that benefit the public and citizens of Lodi.

Staff has found many different issues regarding the proposed sign including its impacts on traffic, the City's difficulty in regulating the content of

advertisements, the precedent that will be set, the aesthetic aspects of the sign, and first and foremost whether the sign is consistent with the City's General Plan.

Given that the project is adjacent to two highways, the traffic issues will be addressed by Cal Trans through their regulations and permitting process. The City's ability to control sign content is limited by the first amendment. The proposed sign is an on-premise sign restricting signage to goods and services available on this property only; however, conditions may be tested or challenged once the sign is in place. If the sign is approved, the appearance and construction of the sign will be reviewed by the Community Development Department during the building permit and plan check review process.

The following paragraphs include excerpts from California State Government Code and City of Lodi General Plan Policies.

The State of California, Planning and Zoning Law, Section 65103 (b), mandates that the City of Lodi shall: "Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances." Thus, the provisions of the zoning code must be consistent with the General Plan policies. Section 17.75.030 of the zoning ordinance requires that building permits must be consistent with the zoning code and thus the provisions of the General Plan.

Section 65301 further states: "The degree of specificity and level of detail of the discussion of each such element shall reflect local conditions and circumstances." In other words, it does not matter what other cities visions are in their local context. What is prevalent is what Lodi's expectations are for the community.

Section 65302 states that, "The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals". The provisions of the General Plan give staff day-to-day direction on interpretation. Our general plan does in fact specifically mention development standards along the 99 corridor.

Section 65303 states that, "The general plan may include any other elements or address any other subjects which, in the judgment of the legislative body, relate to the physical development of the county or city." The City has adopted an Urban Design and Cultural Resources Element of the General Plan.

Section 65400 (a) mandates that staff "investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for the orderly growth and development." Given this mandate, we find that it is staff's duty to make recommendations to the legislative body regarding the implementation of the General Plan.

The City's General Plan Land Use Element Goal "A", Policy 1, states that: "The City shall seek to preserve Lodi's small-town and rural qualities." Policy Question: Does a large electronic sign serve to preserve small-town and rural qualities?

Urban Design and Cultural Resources Element, Goal "B", "To establish identifiable, visually appealing, and memorable entrances to the City", Policy 1, "The City shall upgrade the principal roads entering the City at strategic entry points through landscaping, signage, light standards, and other physical elements that identify and enhance gateways to the community. Entry points should be identified and designated on SR 99". Policy question: Will an electronic sign create an identifiable, visually appealing and memorable entrance at the interchange of Highway's 99 and 12?

Urban Design and Cultural Resources Element, Goal "C", "To maintain and enhance the aesthetic quality of major streets and public/civic areas." Policy Question: Will an electronic sign maintain and enhance the aesthetic quality of the 99 corridor?

Given each of the adopted policies above and the historic position of the City to maintain Lodi's character and appeal, staff finds that the proposed electronic message center sign and its location near the intersection of our two major highways is in direct conflict with the stated policies of the General Plan. In addition, staff finds that the self-imposed conditions are generous but that a majority of them are required by the California Outdoor Advertising Act anyway, most particularly condition 1(e) limiting advertising to goods and services available on site. Cal Trans would not allow off-premise advertising on this site because the sign is adjacent to the northbound on-ramp of Highway 99.

We felt that it was important to note that the City has recently approved two electronic time and temperature signs; one of the signs is located on Cluff Avenue and Lockeford Street and the other is at the Bank of Stockton on the corner of Church and Walnut Streets. These signs were approved based on the fact that all they display are time and temperature which was found to be beneficial to the general public, did not include advertising, and are no larger than 6-square-feet per side. We also wanted to make it clear that the electronic message center sign at the Lodi Grape Festival Grounds is owned by San Joaquin County and is not under the jurisdiction of the City.

VARIANCE ANALYSIS

The Planning Commission may remember that the original proposal was for two separate sign poles to be located a short distance from one another. That proposal was an attempt to circumvent the intent of the Sign Ordinance, which limits individual signs to a maximum of 480-square-feet. Since they couldn't have one sign with 960 square-feet, they would build two with 480. Research by City Staff found; however, that the California Outdoor Advertising Act requires that electronic message center displays must be at least 1,000-feet from one another. This finding has prompted the additional request for a Variance to allow one sign with 480 square-feet of signage on each sign face.

The Zoning Ordinance states that "In specific cases where it is exceptionally difficult, if not impossible, to comply with the exact provisions of this title, the planning commission has the power to allow such adjustments from the provisions contained in this title as will prevent unnecessary hardships or injustice, and at the same time most nearly accomplish the general purpose and intent of this title." The Zoning Ordinance requires that "in granting any adjustment, the planning commission shall find that such adjustment will

relieve an unnecessary hardship or practical difficulty that would otherwise be caused by the application of the strict letter of this chapter and that such adjustment will not be contrary to the public welfare.”

Variance requests place a difficult burden of proof on the applicant, and in certain situations findings can be made to justify a request. In this case; however, the applicant has not provided an example of how their request constitutes a hardship or injustice. They have simply made a request in Number 3 of their list that they: “...would like to have sign area calculated on only one face of the display as is done for off-premises signs in section 17.63.370(C) of the Lodi Municipal Code allowing applicant to install one double faced sign instead of two single faced signs” (see attached). The statement is not a hardship or an injustice; it is a desire to use an inapplicable and inappropriate section of the municipal code merely because it allows more signage. The proposed sign is an on-premise sign that is restricted to advertising of goods and services available on this property only. The section they have quoted is limited to off premise signs only, which are limited to advertising good and services available at some other location or business; there is no in-between.

The Sign Ordinance specifically states in Article I, Generally, Section 17.63.110 Area Calculation, that: “In calculating the total area of signs, all readable surfaces shall be counted.” We find that there is no room for interpretation of this code. In Article V., General Commercial and Industrial Zones, Section 17.63.330 Size--Absolute maximum, states that: “The maximum size of any one sign shall be four hundred eighty square feet.” Once again, we find there is no room for interpretation of this code. Furthermore, staff is not aware of any approval of a Variance to increase the allowable signage for any business in Lodi. We find that the City’s Sign Ordinance is more than generous, and that in the majority of cases allowable signage goes unused.

In closing, had the applicant provided the City with a hardship or injustice, it would have been difficult for staff to support because the site is completely visible from the highway, is unmistakably a Dodge and Kia automotive dealership, and has been without need of a freestanding sign on its highway frontage since it was completed back in June of 2002.

ALTERNATIVE PLANNING COMMISSION ACTIONS

- Approve the requests with conditions
- Deny the requests
- Continue the requests

Respectfully Submitted,



Mark Meissner
Associate Planner

Reviewed and Concur,



Konradt Bartlam
Community Development Director

**-CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: February 11, 2004

APPLICATION NO: U-03-024 (Use Permit) &
A-03-025 (Variance)

REQUEST: The request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign, and a Variance to double the maximum allowable sign area from 480 square-feet to 960 square-feet to be located at 1251 South Beckman Road.

LOCATION: 1251 South Beckman Road; APN: 049-250-75

APPLICANT: Key Advertising, Inc.
c/o Kelly Higgs
1020 South Beckman Road
Lodi, CA 95240

PROPERTY OWNER: GFLIP III, LP
P.O. Box 1210
Lodi, CA 95241

Site Characteristics:

The project site is a triangular shaped property fronting on Business Park Drive on the south, Beckman Road on the east, and the Highway 99 northbound on-ramp on the west. The site is fully developed as the Geweke, Dodge and Kia automotive dealerships.

General Plan Designation: LI, Light Industrial.
Zoning Designation: M-1, Light Industrial.
Property Size: 6.78 acres.

Adjacent Zoning and Land Use:

Northeast: M-1, Light Industrial. Across Beckman Road to the northeast is approximately 42.5 acres of vacant land owned by the applicant. A little further to the northeast is the Geweke Toyota dealership.

Southeast: M-1, Light Industrial. To the southeast across Business Park Drive is a Taco Bell, and a vacant 2-acre parcel owned by the applicant.

West: Highway 99. Adjacent to the east or rear of the site is the northbound on-ramp to State Route Highway 99.

South: C-2, General Commercial. Directly south of the auto dealership is a McDonald's restaurant fronting Kettleman Lane and Business Park Drive.

Neighborhood Characteristics:

This area of the City is seeing an increase in attention in the development of auto dealerships and auto/transient oriented businesses. The majority of land surrounding the project site is owned and controlled by the applicant, whose desire is to develop this area as an auto mall with associated transient oriented services. Dennis Plummer, the owner of Plummer Cadillac and his towing and body shop services, will be moving his interests to the area to the east on Kettleman Lane.

ENVIRONMENTAL ASSESSMENTS:

Upon initial study, the project was found to be consistent with the provisions of Section 15305(a), "Minor Alterations in Land Use Limitations," of the California Environmental Quality Act Guidelines making the project Categorically Exempt.

PUBLIC HEARING NOTICE:

Legal Notice for the Variance was published on January 31, 2004. A total of 6 notices were sent to all property owners of record within a 300-foot radius of the subject property.

RECOMMENDATION:

Staff recommends that the Planning Commission deny the requests of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign, and Variance to double the maximum allowable sign area from 480 square-feet to 960 square-feet to be located at 1251 South Beckman Road, relative to the findings listed in the attached resolution.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

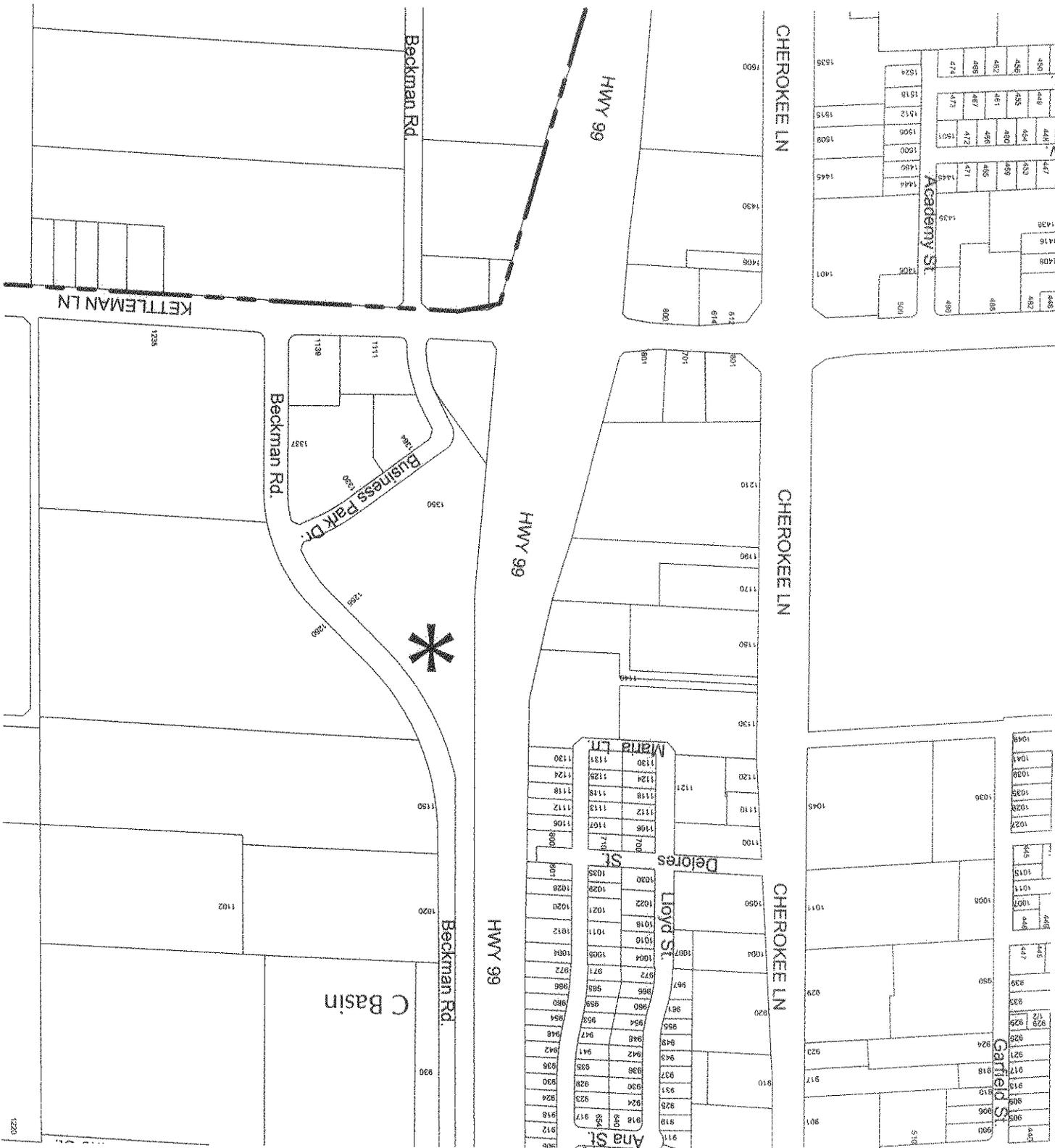
- Approve the request with alternate conditions
- Deny the request
- Continue the request

ATTACHMENTS:

1. Vicinity Map
2. Memo 10/22/03
3. Applicant's Conditions.
4. Site Plan
5. Elevations
6. Draft Resolutions

VICINITY MAP

Key Advertising, Inc.
 Use Permit/Variance
 Electronic Message Sign
 1251 South Beckman Road
 U-03-024





MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission
From: Community Development Director
Date: October 22, 2003
Subject: Appeal of the Community Development Director's interpretation of the Zoning Ordinance regarding flashing, moving or animated signs. Bumstead Display Consulting on behalf of Key Advertising, Inc. (Geweke)

The request before the Planning Commission is fairly straightforward. The appellant believes that my interpretation of the City's Zoning Ordinance is wrong, and has appealed my decision regarding their sign application.

The appellant is a sign consultant hired by Geweke Automotive Group to erect two electronic message display signs on the Dodge/Chrysler dealership property. At issue is Section 17.63.080 Flashing, moving or animated signs. Specifically, this Section reads:

“Flashing, moving or animated signs are subject to the issuance of a Use Permit, and no such permit shall be issued if the sign will tend to cause a traffic hazard.”

My interpretation of this Section follows my predecessor's view as well. Simply, an electronic message display flashes. Absent a specific definition in the Zoning Ordinance, staff would typically look to a common definition found in a dictionary of wide spread use. In my case, I have a Webster's Ninth New Collegiate Dictionary. Webster's defines flash as follows:

“to appear suddenly”
“to move with great speed”
“to break forth or out so as to make a sudden display”

All of these are consistent with my understanding of an electronic message display. In fact, a similar example may be found on the Grape Festival Grounds at the corner of Lockeford Street and Cherokee Lane.

The appellant has provided a detailed justification for his position. In response, I would offer the following observations:

Project Description: In fact, the appellant has submitted building permit applications for two, single-faced electronic display signs. One is proposed to face north and a second is proposed to face south.

Applicant position regarding Planning Department Requirement for Use Permit for above described sign: I believe I have described the rationale used in making my decision. I would further argue that my predecessor held the same interpretation. Moreover, this interpretation has been applied to recent time & temperature signs that also electronically flash.

California Outdoor Advertising Act and various Cities sign requirements: The fact that the state may define a sign in a certain way has no bearing on the City of Lodi. In terms of what other cities may allow, I would tend to disregard this as a basis for what the City of Lodi should allow; however, I would note that almost all of the cities shown only allow these types of signs following some other Planning Commission review. As an example:

- Manteca requires a Major Sign Permit (Planning Commission approval).
- Merced requires a Conditional Use Permit.
- Vacaville requires a Planning Commission approved Sign Plan.
- Modesto requires a Conditional Use Permit.
- Stockton requires a Use Permit.

Finally I would like to make clear that I have not opined that the sign proposed might cause a traffic hazard.

In summary, it is not staff's position that these signs are prohibited, but rather require a Planning Commission public hearing for a Use Permit. I would further note that this is the same circumstance that most of the example cities the appellant has cited use and it is the most conservative approach that can be taken. Making an argument that the public should not have an opportunity for input is not consistent with this City's past practice.

Respectfully Submitted,

Konradt Bartlam
Community Development Director

KB/lw

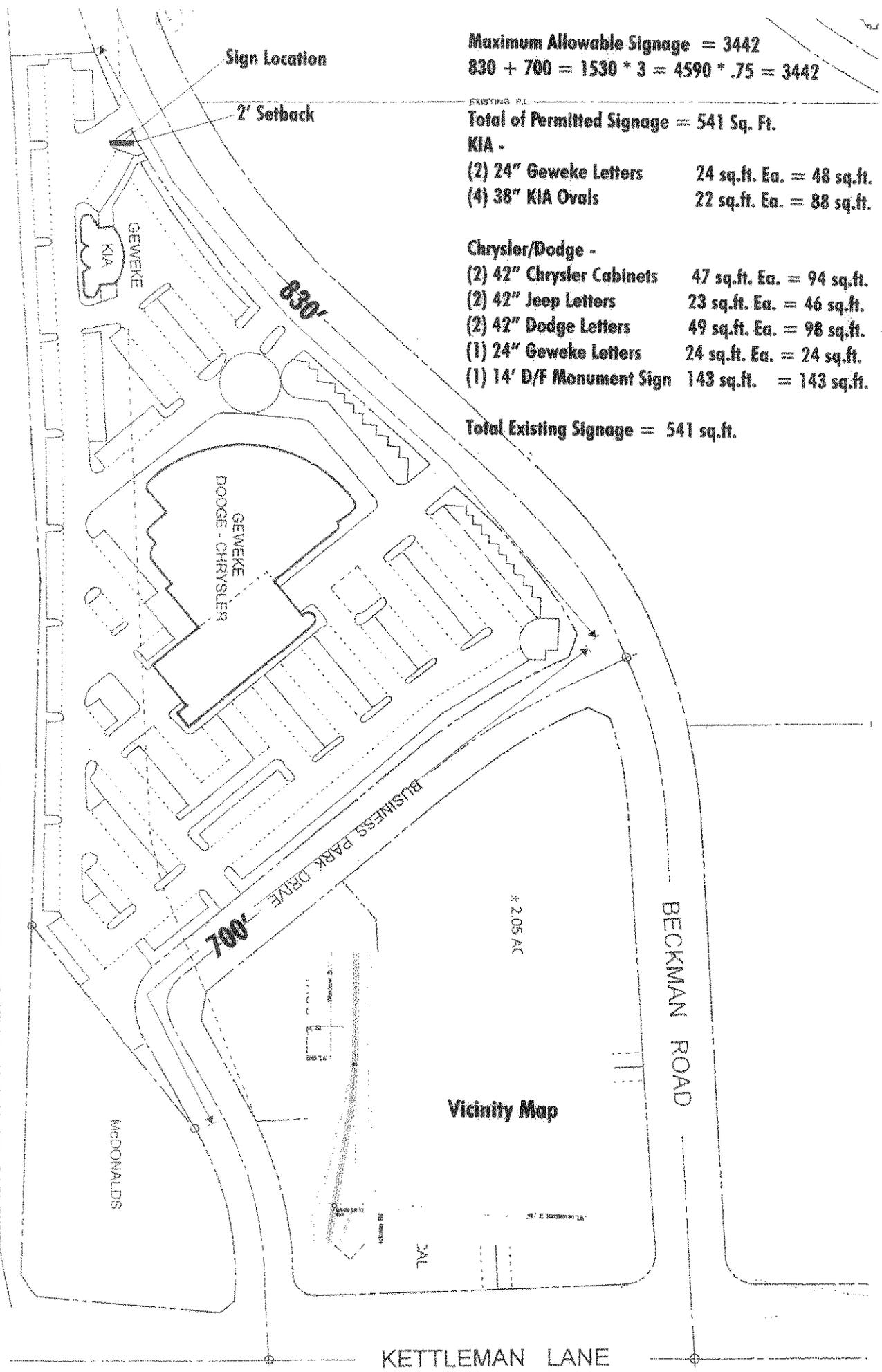
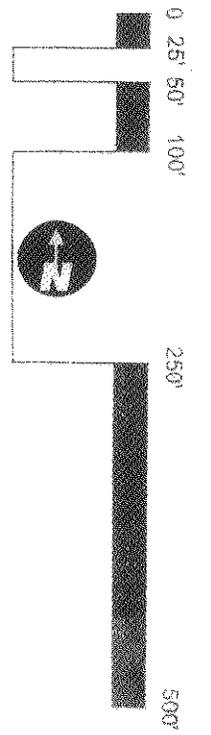
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Project Description:

Install freestanding sign(s) as per attached drawings. A portion of the sign shall have an electronic display.

Applicant Proposal/Request for Use Permit:

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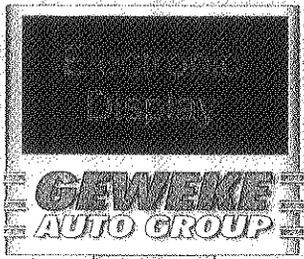
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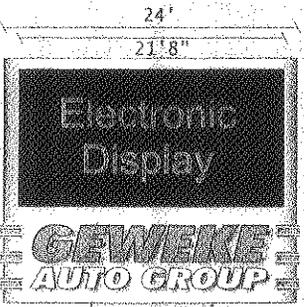
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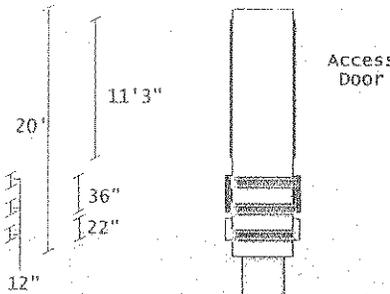
BACK

6" Radius Curve

TOP



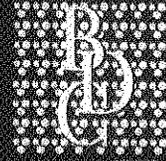
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Project: Geweke Auto Group Pylon

Date: 6-18-2003

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Neon Border Tubes to be mounted on flat cut out aluminum (.10 thickness) shaped to contour with radiused cabinet and pegged off of cabinet surface 2". Neon to be 15mil ruby red and powered with 30ma transformers to be located inside sign.

Sign Cabinet & Pole Cover to be all steel construction for framing and skinned with aluminum sheet (minimum .10 thickness). Cabinet shall have side entry door with lock to allow for internal servicing. Cabinet shall also include catwalks adequate for service of entire sign from inside.

Electronic Sign shall be L.E.D.

Bumstead Display Consulting
12806 SE 49th Pl
Bellevue, WA 98006
Phone - 425-643-4476
Fax - 425-855-8357
E-mail - design@bumstead.net

Scale: 1"=10'

PLANNING COMMISSION RESOLUTION NO. 04-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
DENYING THE REQUEST OF KEY ADVERTISING FOR A USE PERMIT TO
ALLOW A 75-FOOT HIGH ELECTRONIC DISPLAY SIGN TO BE LOCATED AT
1251 S. BECKMAN RD.

WHEREAS, the Planning commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, to consider the use permit request for a 75-foot high electronic display sign to be located at 1251 South Beckman Road;

WHEREAS, the project proponent is Key Advertising, Inc., 1020 South Beckman Road, Lodi, CA 95240;

WHEREAS, all legal prerequisites to the denial of this request have occurred;

WHEREAS, the property is zoned M-1, Light Industrial;

WHEREAS, the property is located at 1251 South Beckman Road;

WHEREAS, the property is visible and identifiable as the Geweke Dodge and Kia automotive dealership to both northbound and southbound motorists on State Hwy. 99;

WHEREAS, the sign is located in close proximity to the intersection of State Highway 99 and Highway 12.

WHEREAS, the requested electronic message center sign is 75-feet high.

WHEREAS, the requested electronic message center sign has 244 square-feet of viewable area on its north and south faces.

WHEREAS, the requested electronic message center sign is capable of displaying anything that a television or computer may display or create;

WHEREAS, the requested use permit is not consistent with the City's General Plan goals and polices established to preserve and protect Lodi's appearance and character.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. It is hereby found that the requested use permit is not consistent with the municipal codes of the City of Lodi regulating signs.
2. It is found that the requested use permit is not required for the applicant to identify itself.
3. It is further found that the height, size, and location of the electronic message center sign is not consistent with the General Plan as follows:
 - a. Land Use Element Goal "A", Policy 1: "The City shall seek to preserve Lodi's small-town and rural qualities."
 - b. Urban Design and Cultural Resources Element, Goal "B", "To establish identifiable, visually appealing, and memorable entrances to the City."

- c. Urban Design and Cultural Resources Element, Goal "C", "To maintain and enhance the aesthetic quality of major streets and public/civic areas."

Dated: February 11, 2004

I hereby certify that Planning Commission Resolution Number 04-____ was approved and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 11, 2004 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Secretary, Planning Commission

PLANNING COMMISSION RESOLUTION NO. 04-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI TO DENY THE REQUEST OF KEY ADVERTISING FOR A VARIANCE TO DOUBLE THE MAXIMUM ALLOWABLE SIGN AREA FROM 480 SQ. FT. TO 960 SQ. FT. FOR A SIGN TO BE LOCATED AT 1251 SOUTH BECKMAN ROAD.

WHEREAS, the Planning commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, to consider the variance request to double the maximum allowable sign area from 480 sq. ft. to 960 sq. ft. for a sign to be located at 1251 South Beckman Road;

WHEREAS, the project proponent is Key Advertising, Inc., 1020 South Beckman Road, Lodi, CA 95240;

WHEREAS, all legal prerequisites to the denial of this request have occurred;

WHEREAS, the property is zoned M-1, Light Industrial;

WHEREAS, the property is located at 1251 South Beckman Road;

WHEREAS, the property is visible and identifiable as the Geweke Dodge and Kia automotive dealership to both northbound and southbound motorists on State Highway 99;

WHEREAS, the requested variance has no basis for hardship or injustice that is necessary for the Planning Commission to make the required findings for approval.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. It is hereby found that the requested variance is not consistent with the following municipal codes of the City of Lodi regulating signs in general, and in the M-1, Light Industrial Zone:
 - a. Article I., Generally, Section 17.63.110 Area Calculation, states that: "In calculating the total area of signs, all readable surfaces shall be counted."
 - b. Article V., General Commercial and Industrial Zones, Section 17.63.330 Size--Absolute maximum, states that: "The maximum size of any one sign shall be four hundred eighty square feet."
 - c. Article V., General Commercial and Industrial Zones, Section 17.63.370(C) Off-premises signs, states that: "In determining the maximum size of two off-premises signs which are placed back to back on the same structure, only one readable surface shall be counted."
2. Furthermore, it is found that the requested variance is not required for the Geweke auto dealership to adequately identify itself.

3. It is further found that denial of the variance does not create or maintain an unnecessary hardship or injustice on the Geweke auto dealership.

Dated: February 11, 2004

I hereby certify that Planning Commission Resolution Number 04-____ was approved and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 11, 2004 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Secretary, Planning Commission

DRAFT

Planning Commission minutes 2-11-04

The request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign, and a Variance to double the maximum allowable sign area from 480 square-feet to 960 square-feet to be located at 1251 South Beckman Road. Associate Planner Meissner presented the item to the Commission. He stated that the request conflicted with the City's General Plan. Staff felt the sign would create impacts on traffic, be difficult in regulating content, set a precedent for future requests, and whether the sign was consistent with the City's General Plan. Staff could not find any hardships to justify the Variance request. They felt that the dealership was completely visible from the highway and that the Variance was unnecessary for the auto dealership to properly identify itself. Staff was recommending denial of both of the requests.

Hearing opened to Public

Dale Gillespie, 2475 Maggio Circle, Lodi. Mr. Gillespie was present on behalf of Key Advertising. As their property is developed for more auto uses, they would agree to a deed restriction on the remainder of their property to not construct any pylon signs, upon the property, if their request is approved for the subject sign. His business wants to sell more cars and they are convinced the sign will generate more revenue and jobs for the city. He noted that most vehicles are purchased from people coming from out of town and he wanted to do whatever they could do draw more people to the dealership. He further offered that 10% of the sign time could be used to promote Lodi events. He felt the community, as a whole, would benefit.

Commissioner Heinitz asked if sign was a "flashing" sign. Mr. Gillespie replied that it was digital.

Commissioner White asked if Mr. Gillespie would be willing to remove the existing Toyota sign on the dealership's property. Mr. Gillespie stated he would be willing to not put any other pylon signs on the property if he were granted the subject sign.

Commissioner Phillips questioned if there were similar signs in the area to the one being proposed. Mr. Gillespie replied that there were some at the Home Depot in Manteca and one at Roseville Auto Mall.

Commissioner Mattheis noted that he could not find any hardship for the request of additional square footage and the signs already on the buildings were visible enough.

Commissioner Heinitz stated that he found these types of signs to be intrusive.

Commissioner Haugan felt that having both sides of the sign would be a good advantage for the community to promote itself to the people that drive by. He did not have a problem with the sign.

Commissioner Moran stated she did not like digital signs and that the sign would take away the small town atmosphere felt in Lodi.

Commissioner White stated he would be in favor of the sign only if it changed every 10 minutes.

The Planning Commission on motion of Commissioner Heinitz, Moran second, voted to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign, and a Variance to double the maximum allowable sign area from 480 square-feet to 960 square-feet to be located at 1251 South Beckman Road by the following vote:

AYES:	Commissioners:	Aguirre, Heinitz, Moran, and Chairman Mattheis
NOES:	Commissioners:	Haugan and White
ABSENT:	Commissioners:	Phillips
ABSTAIN:	Commissioners:	

PLANNING COMMISSION RESOLUTION NO. 04-07

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
LODI TO DENY THE REQUEST OF KEY ADVERTISING FOR A VARIANCE
TO DOUBLE THE MAXIMUM ALLOWABLE SIGN AREA FROM 480 SQ.
FT. TO 960 SQ. FT. FOR A SIGN TO BE LOCATED AT 1251 SOUTH
BECKMAN ROAD.**

WHEREAS, the Planning commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, to consider the variance request to double the maximum allowable sign area from 480 sq. ft. to 960 sq. ft. for a sign to be located at 1251 South Beckman Road;

WHEREAS, the project proponent is Key Advertising, Inc., 1020 South Beckman Road, Lodi, CA 95240;

WHEREAS, all legal prerequisites to the denial of this request have occurred;

WHEREAS, the property is zoned M-1, Light Industrial;

WHEREAS, the property is located at 1251 South Beckman Road;

WHEREAS, the property is visible and identifiable as the Geweke Dodge and Kia automotive dealership to both northbound and southbound motorists on State Highway 99;

WHEREAS, the requested variance has no basis for hardship or injustice that is necessary for the Planning Commission to make the required findings for approval.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. It is hereby found that the requested variance is not consistent with the following municipal codes of the City of Lodi regulating signs in general, and in the M-1, Light Industrial Zone:
 - a. Article I., Generally, Section 17.63.110 Area Calculation, states that: "In calculating the total area of signs, all readable surfaces shall be counted."
 - b. Article V., General Commercial and Industrial Zones, Section 17.63.330 Size--Absolute maximum, states that: "The maximum size of any one sign shall be four hundred eighty square feet."
 - c. Article V., General Commercial and Industrial Zones, Section 17.63.370(C) Off-premises signs, states that: "In determining the maximum size of two off-premises signs which are placed back to back on the same structure, only one readable surface shall be counted."
2. Furthermore, it is found that the requested variance is not required for the Geweke auto dealership to adequately identify itself.

3. It is further found that denial of the variance does not create or maintain an unnecessary hardship or injustice on the Geweke auto dealership.

Dated: February 11, 2004

I hereby certify that Planning Commission Resolution Number 04-07 was approved and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 11, 2004 by the following vote:

AYES: Aguirre, Heinitz, Moran, and Mattheis

NOES: Haugan and White

ABSENT:

ABSTAIN: Phillips

ATTEST:


Secretary, Planning Commission

PLANNING COMMISSION RESOLUTION NO. 04-08

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
DENYING THE REQUEST OF KEY ADVERTISING FOR A USE PERMIT TO
ALLOW A 75-FOOT HIGH ELECTRONIC DISPLAY SIGN TO BE LOCATED AT
1251 S. BECKMAN RD.**

WHEREAS, the Planning commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, to consider the use permit request for a 75-foot high electronic display sign to be located at 1251 South Beckman Road;

WHEREAS, the project proponent is Key Advertising, Inc., 1020 South Beckman Road, Lodi, CA 95240;

WHEREAS, all legal prerequisites to the denial of this request have occurred;

WHEREAS, the property is zoned M-1, Light Industrial;

WHEREAS, the property is located at 1251 South Beckman Road;

WHEREAS, the property is visible and identifiable as the Geweke Dodge and Kia automotive dealership to both northbound and southbound motorists on State Hwy. 99;

WHEREAS, the sign is located in close proximity to the intersection of State Highway 99 and Highway 12.

WHEREAS, the requested electronic message center sign is 75-feet high.

WHEREAS, the requested electronic message center sign has 244 square-feet of viewable area on its north and south faces.

WHEREAS, the requested electronic message center sign is capable of displaying anything that a television or computer may display or create;

WHEREAS, the requested use permit is not consistent with the City's General Plan goals and polices established to preserve and protect Lodi's appearance and character.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. It is hereby found that the requested use permit is not consistent with the municipal codes of the City of Lodi regulating signs.
2. It is found that the requested use permit is not required for the applicant to identify itself.
3. It is further found that the height, size, and location of the electronic message center sign is not consistent with the General Plan as follows:
 - a. Land Use Element Goal "A", Policy 1: "The City shall seek to preserve Lodi's small-town and rural qualities."
 - b. Urban Design and Cultural Resources Element, Goal "B", "To establish identifiable, visually appealing, and memorable entrances to the City."

- c. Urban Design and Cultural Resources Element, Goal "C", "To maintain and enhance the aesthetic quality of major streets and public/civic areas."

Dated: February 11, 2004

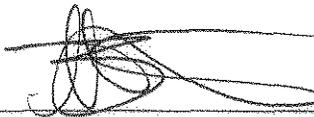
I hereby certify that Planning Commission Resolution Number 04-07 was approved and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 11, 2004 by the following vote:

AYES: Aguirre, Heinitz, Moran, and Mattheis

NOES: Haugan and White

ABSENT:

ABSTAIN: Phillips

ATTEST: 
Secretary, Planning Commission

CITY COUNCIL

LARRY D. HANSEN, Mayor
JOHN BECKMAN,
Mayor Pro Tempore
SUSAN HITCHCOCK
EMILY HOWARD
KEITH LAND

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
Interim City Attorney

April 8, 2004

Dale N. Gillespie
G-REM, Inc.
P.O. Box 1210
Lodi, CA 95241

RE: City Council Public Hearings to consider:

- (1) Appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road
- (2) Redesign concept for C-Basin (Pixley Park) and the exchange of properties with GREM, Inc., to allow the relocation of C-Basin

This is to notify you that on April 7, 2004 the City Council voted to continue the above public hearings (pursuant to your request) to **April 21, 2004 at 7:00 p.m.** or as soon thereafter as the matter can be heard, in the Council Chambers, at Carnegie Forum, 305 West Pine Street, Lodi.

NOTE: If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. *Written correspondence for the City Council may be mailed C/O The City Clerk's Office, 221 West Pine Street, Lodi, California, 95240.*

Should you have any questions, please contact me at 333-6702.



Susan J. Blackston
City Clerk

cc: Community Development Director
Public Works Director
Kelly Higgs, Key Advertising, Inc.

NOTICE OF CONTINUED PUBLIC HEARING

CITY COUNCIL

CITY OF LODI

NOTICE IS HEREBY GIVEN that the April 7, 2004 public hearing of the City Council of the City of Lodi to consider an appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road has been continued to **April 21, 2004 at the hour of 7:00 p.m.** in the Council Chamber, Carnegie Forum, 305 W. Pine Street, Lodi, California.

Posted April 8, 2004



SUSAN J. BLACKSTON
CITY CLERK
Of the City of Lodi

NOTICE OF RE-CONTINUED PUBLIC HEARING

CITY COUNCIL

CITY OF LODI

NOTICE IS HEREBY GIVEN that the April 7, 2004 public hearing of the City Council of the City of Lodi to consider an appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road was continued to April 21, 2004 and has been **re-continued to June 2, 2004 at the hour of 7:00 p.m.** in the Council Chamber, Carnegie Forum, 305 W. Pine Street, Lodi, California.

Posted April 22, 2004



SUSAN J. BLACKSTON
CITY CLERK
Of the City of Lodi



filed 4-21-04
G-1

April 21, 2004

Mayor Hansen & Lodi City Council,
Dixon Flynn & City Staff
City Hall
Lodi, California

Dear Council,

The Lodi Chamber of Commerce Board of Directors has considered the matter before you tonight. In regards to item "G-1", the Chamber Board is in support of this 75-foot electronic display sign, and asks you provide Key Advertising and Geweke Auto Group a variance for this sign.

While the Board recognizes the sign's two sides combined are in excess of the allowable square footage limitation, we believe the sign should be given a variance. Being a two-sided display, and only seen one side per viewing, each side is within the size limitation specification, therefore keeping the spirit of the 480-foot limit.

Also, the Auto Group is offering the community generous mitigation in the way of community service bulletins, joining the Amber Alert System and proposing this sign do the duty of several different dealerships, thus actually reducing the potential number of pylon signs.

The Chamber Board asks you to support this appeal and grant a variance for Key Advertising's request.

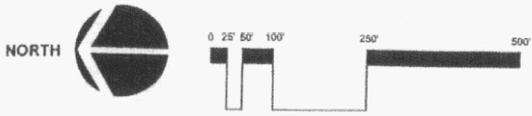
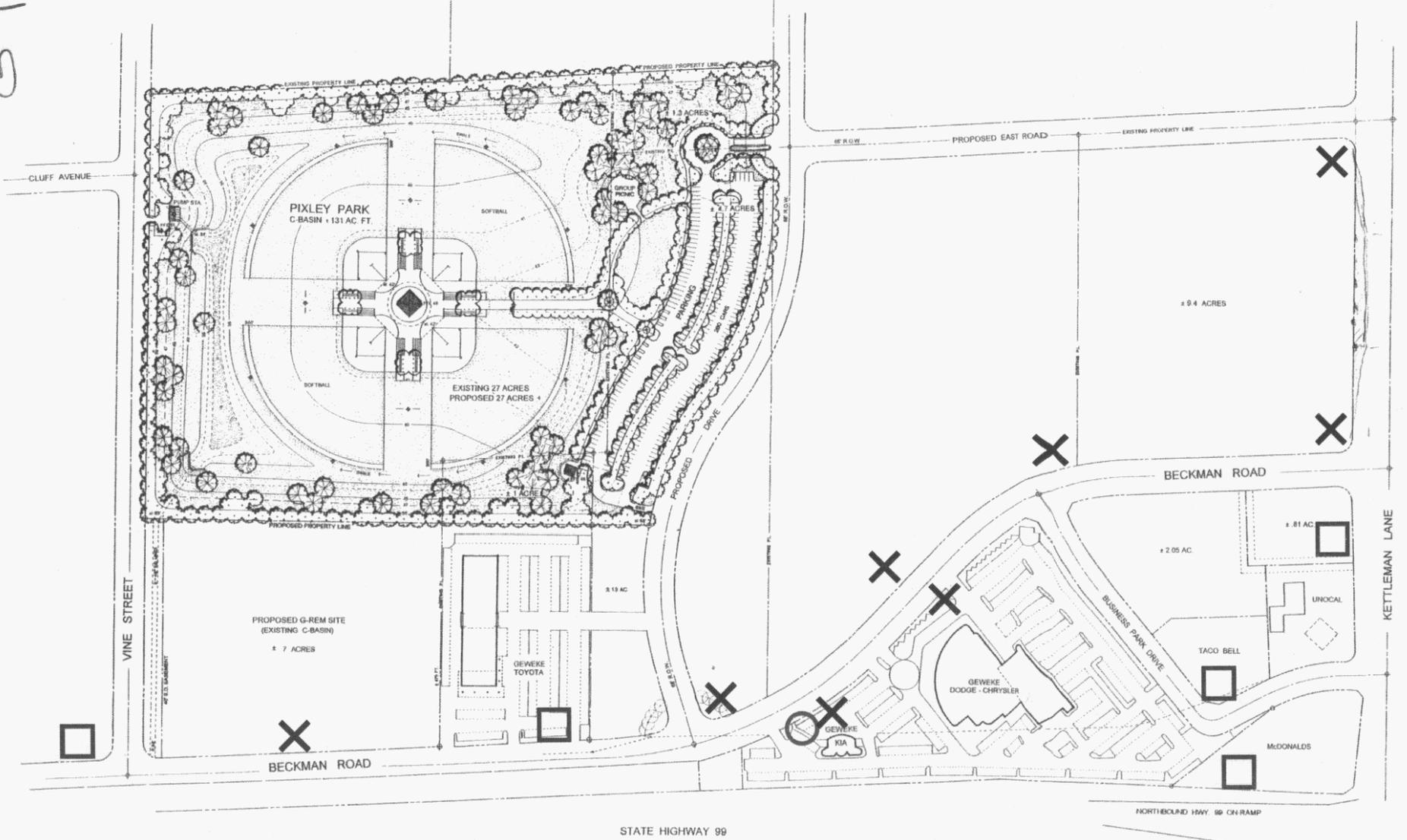
Cordially,

Pat Patrick,
President / CEO

filed 4-21-04
G-1

Exhibit A

- = Proposed Geweke Auto Group Sign
- ✕ = Possible Additional Pylon Signs (See exhibit "A-1")
- = Existing Pylon Signs Auto & Non-Auto



**CONCEPTUAL MASTER PLAN
Pixley Park - Geweke Auto Mall**

G-REM, INC. City of Lodi California July 2003
Lawrence A. Nordstrom, ASLA Landscape Architect



Exhibit B





LOW PRICES EVERYDAY!

LODI WINE
TASTING & VISITOR CENTER

Turner Road • West 2.5 Miles

GEWEKE
AUTO GROUP

VIACOM

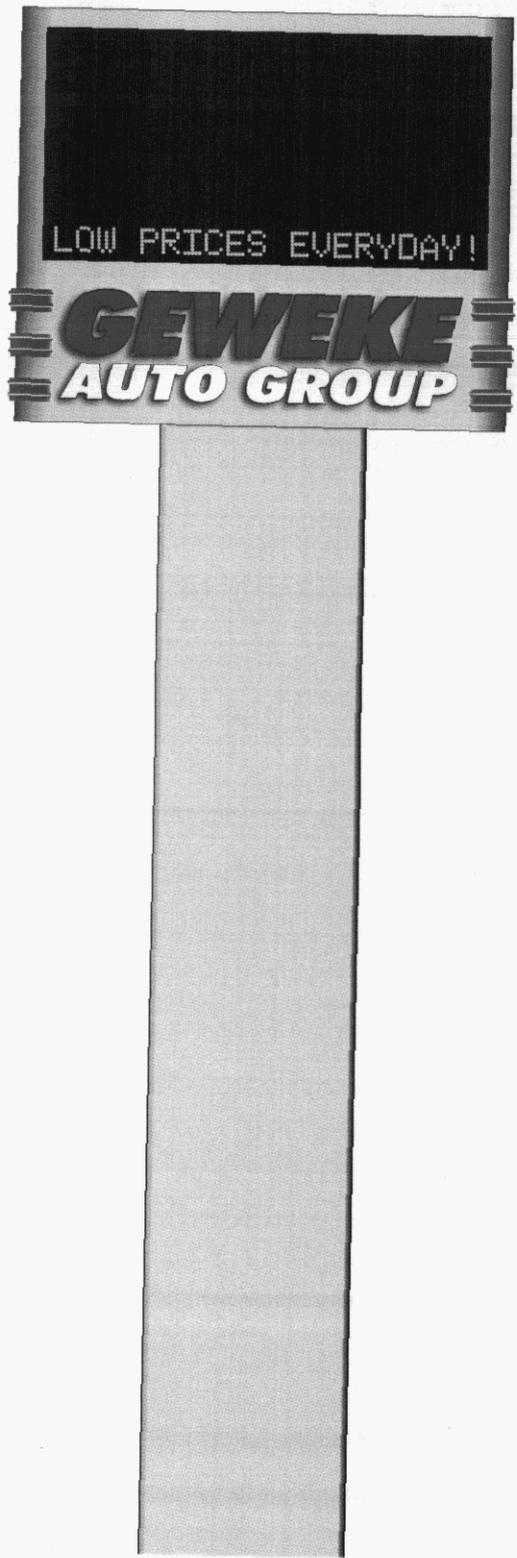


Exhibit D