



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: August 10, 2010

SUBJECT: Variance No. 512-10

APPLICANT: Michael Pate
7608 Fairfield Road
Columbia, South Carolina 29203

PROPERTY OWNER: Old Dominion Freight Line, Inc.
500 Old Dominion Way
Thomasville, North Carolina 27360

REQUEST: To permit a variance from Carson Municipal Code (CMC) Section 9146.3 and exceed the maximum fence height allowed within the required front and side yard area on a site located in the MH (Manufacturing, Heavy) zoning district

PROPERTY INVOLVED: 21300 South Wilmington Avenue

COMMISSION ACTION

_____ Concurred with staff

_____ Did not concur with staff

_____ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Park			Saenz
		Brimmer			Schaefer
		Diaz			Verrett
		Gordon			

Item No. 11J

I. Introduction

The applicant, Michael Pate on behalf of Old Dominion Freight Line, Inc. is requesting approval of Variance (VAR) No. 512-10 to exceed the maximum fence height allowed within Carson Municipal Code (CMC) Section 9146.3 and permit the installation of a 10-foot high electric security fence within the front and side yard area of a site located at 21300 South Wilmington Avenue (Exhibit No. 2).

The site is currently operating as a truck terminal by Old Dominion Freight Line, Inc., previously owned by Roadway Express. The property site is approximately 7.8-acres and contains an existing 4,568-square-foot office building and 19,552-square-foot docking area for the truck terminal located in the center of the property.

The subject property is zoned MH (Manufacturing, Heavy) and has a General Plan land use designation of Heavy Industrial.

The subject property is bound by 213th Street to the north and Wilmington Avenue to the west. South and east of the site are industrial uses. Directly west of the property, across Wilmington Avenue are single-family residential uses.

The applicant contends that a strict application of the CMC would result in unnecessary difficulties and hardships on the property. In particular, placing the 10-foot electric security fence outside the front and side yard setback, where a 10-foot high fence is permitted, would result in an inefficient security system. Therefore the applicant is requesting a variance from the maximum height allowed within the required setback area. The applicant states that lowering the electric security fence to the maximum height allowed (8 feet) within the front and side yard area would negate the effectiveness of the security fence (Exhibit No. 3).

II. Background

The site has been operating as a truck terminal for approximately 20 years. The terminal can accommodate up to 98 trucks.

In 2004, the city established a moratorium for new truck yards and truck terminals. On December 21, 2004, the City Council adopted Ordinance No. 04-1308 for the regulation of truck terminals. The ordinance established CMC Section 9148.9 requiring a conditional use permit (CUP) for any new truck terminals, but exempted the project site and two other existing terminals within the city. The exemptions of the three (3) existing truck terminals were contingent upon the execution of an agreement for site improvements. The agreement from the property site included:

- Installation of a wrought iron fence along Wilmington Avenue and the western portion of 213th Street;
- Landscaping of at least 10 feet in width along portions of Wilmington Avenue and 213th Street west of the main entrance;
- Compliance with the city's setback and landscaping requirements for the existing fence along 213th Street east of the main entrance;
- Compliance with ADA requirements for handicap parking spaces.



On November 14, 2006, the Planning Commission approved Variance No. 470-05, allowing trucks to overhang into the front yard landscaping, removing the requirement for truck screening along the front yard, and allowing the existing chain-link fence to remain along the northern property line.

Per the agreement for the exemption status, a wrought iron fence and landscaping was provided along the western portion of 213th street and a half block wall and half wrought iron fence was constructed along Wilmington Avenue since this portion of the property is visible to the public and adjacent to residential uses. A 10-foot landscaping requirement along Wilmington Avenue was waived with the approval of Variance No. 470-05.

The applicant is now requesting a variance from CMC Section 9146.3, Fences, Walls and Hedges, which limits the maximum height of a fence within the front yard and side yard to 8 feet to construct a 10-foot high security electric fence along Wilmington Avenue and the eastern portion of 213th Street. The electric fence would be located approximately six (6) inches from the existing wrought iron and chain link fence. The existing fence is located along the property line on Wilmington Avenue and 213th Street.

III. Analysis

Variance

Section 9172.22 of the Carson Municipal Code states a variance "shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification." In making its decision, the Planning Commission shall adopt written findings with respect to this requirement.

There are four properties located on the 213th Street cul-de-sac, including the project site. The size, shape, and topography of the project site are similar in nature to the other surrounding heavy industrial sites. There are no unique features separating the project site from the surrounding area.

The project site is located and surrounded by other heavy industrial uses. However, west of the site, across Wilmington Avenue are single-family residential uses. The project site is unique in that it borders residential uses unlike its other neighboring industrial sites. Since the site is in close proximity to residential uses and directly adjacent to a major arterial road (Wilmington Avenue), aesthetic impacts are taken into more consideration compared to other sites within industrial zones. The surrounding area is sensitive to aesthetic impacts due to the neighboring residential area and the high travel that is conducted on Wilmington Avenue.

The strict application of the maximum height allowed, does not deprive the property of privileges enjoyed by other property in the vicinity. No other property within the sites surrounding area exceeds the maximum fence height allowed within the front

and side yard area. In addition, the applicant is able to construct the security fence outside the setback requirements and achieve the same security outcome.

The construction of a 10-foot high electrical fence within the front and side yard area would result in an aesthetic impact that is unnecessary and threatens the intended character of the surrounding neighborhood. The 10-foot high fence would be highly visible when driving north and south on Wilmington Avenue. In addition, the residents located west of Wilmington Avenue will forever be exposed to the aesthetic impacts of the 10-foot high electrical fence. Thus, staff recommends denial of the variance since no findings can be made in the affirmative to support the approval of the variance. The site is not unique in size, shape, topography, location or surroundings and there are no special circumstances that deprive the property of privileges enjoyed by other property in the vicinity.

IV. Environmental Review

Pursuant to Section 15303 – New Construction (Class 3) of the California Environmental Quality Act (CEQA), a variance request is exempt from the provisions of CEQA. Furthermore, pursuant to Section 15061(b)(4) of the CEQA Guidelines, a project is exempt if it is denied.

V. Recommendation

That the Planning Commission:

- **DENY** Variance No. 512-10; and
- WAIVE further reading and ADOPT Resolution No. 10-_____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON DENYING VARIANCE NO. 512-10 FOR THE PROPERTY LOCATED AT 21300 SOUTH WILMINGTON AVENUE."

VI. Exhibits

1. Draft Resolutions
2. Site Map
3. Variance Justification Letter
4. Site Plan (under separate cover)

Prepared by: _____

Sharon Song, Associate Planner

Reviewed by: _____

John F. Signo, AICP, Senior Planner

Approved by: _____

Sheri Repp, Planning Officer

Planning Commission Staff Report

August 10, 2010

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CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON DENYING VARIANCE NO. 512-10 FOR THE
PROPERTY LOCATED AT 21300 SOUTH WILMINGTON
AVENUE**

**THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,
HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:**

Section 1. An application was duly filed by the applicant, Michael Pate, with respect to real property located at 21300 S. Wilmington Avenue, and described in Exhibit "A" attached hereto, requesting the approval of Variance No. 512-10. The variance request is for Section 9146.3 (Fences, Walls and Hedges) of the Carson Municipal Code (CMC), which restricts the maximum height of a fence within a front and side yard at eight (8) feet. The variance is being requested in order to allow the construction of a 10-foot high electric security fence within the front and side yard area. The subject property is 7.8 acres in size and located in the MH (Manufacturing, Heavy) zone.

A Planning Commission meeting was duly held on August 10, 2010, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

a) Section 9146.3 (Fences, Walls and Hedges) of the CMC states that a wall or fence shall be a maximum of eight (8) feet in height within a required front yard area and side yard area.

b) The subject property contains no such special circumstance in regards to size, shape, topography, location or surroundings in that it is rectangular-shaped, fairly flat, and 7.8 acres in size. The subject property is larger than most of the industrial properties in the immediate area, including those along Wilmington Avenue.

c) Meeting the Municipal Code requirements stated in CMC Section 9146.3 is not an undue hardship for the applicant because of the property's size and ample space to provide other security measures or an electric fence outside the front and side yard area. The applicant contends that placing the fence behind the setback area will interfere with the effectiveness of the security fence. The applicant's contention that moving the electric fence outside the setback area would negate the effectiveness of the security fence is unsubstantiated.

d) A residential neighborhood is located to the west across Wilmington Avenue along 213th Street and the construction of a 10-foot high electric fence would have a negative aesthetic impact to the surrounding area.

e) The existing 8-foot high fence complies with the requirements in CMC Section 9146.3. The location of the electric fence can be modified to provide a 10-foot side yard setback along Wilmington Avenue, thereby allowing the height to be increased to the requested 10-foot height and minimize aesthetic impacts to the surrounding area.

Section 4. The variance request discussed above is exempt from the provisions of the California Environmental Quality Act as a Class 3 exemption, pursuant to Section 15303(e) of the CEQA Guidelines. Furthermore, pursuant to Section 15061(b)(4) of the CEQA Guidelines, a project is exempt from CEQA if it is disapproved by the City.

Section 5. Based on the aforementioned findings, the Commission hereby denies Variance No. 512-10 with respect to the property described in Section 1 hereof.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 10TH DAY OF August, 2010.

CHAIRMAN

ATTEST:

SECRETARY

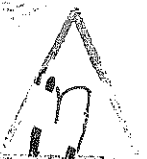


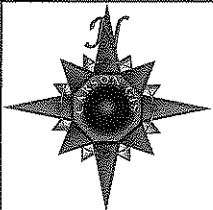
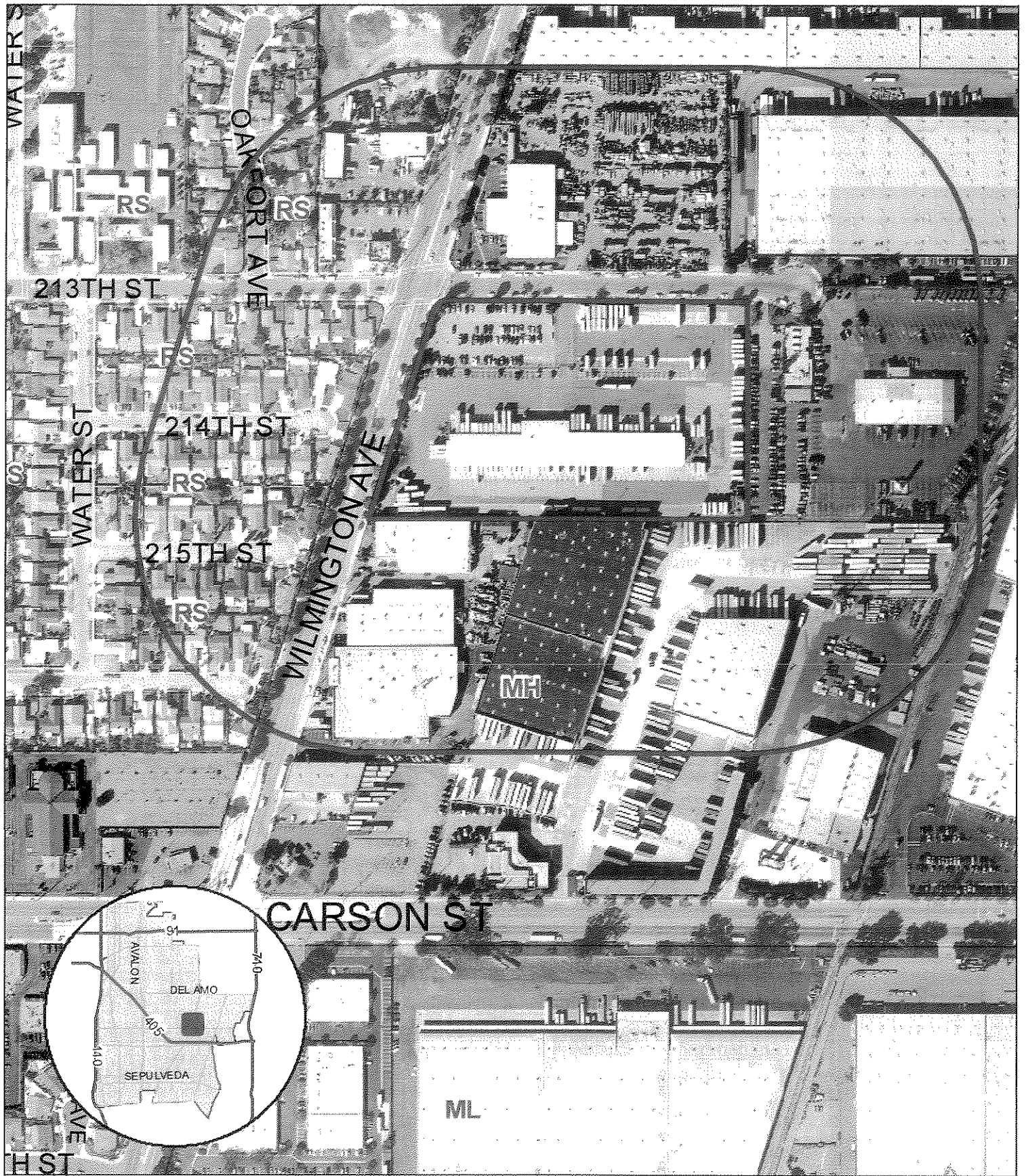
LEGAL DESCRIPTION

PARCEL 2, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON PARCEL MAP NO. 2984, RECORDED IN BOOK 42 PAGE 95 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OS SAID COUNTY.

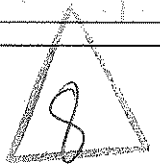
EXCEPT THEREFROM ALL MINERALS AND ALL MINERAL RIGHTS OF EVERY KIND AND CHARACTER NOW KNOWN TO EXIST OR HEREAFTER DISCOVERED INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING OIL, GAS AND RIGHTS THERETO, TOGETHER WITH THE SOLE, EXCLUSIVE AND PERPETUAL RIGHT TO EXPLORE FOR, REMOVE AND DISPOSE OF SAID MINERALS BY ANY MEANS OF METHODS SUITABLE, BUT WITHOUT ENTERING UPON OR USING THE SURFACE OF SAID LAND, OR ANY PORTION OF THE SUBSURFACE WITHIN 500 FEET OF THE SURFACE, AND IN SUCH MANNER AS NOT TO DAMAGE THE SURFACE, AS GRANTED TO DOMINGUEZ PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP, BY DEED RECORDED IN BOOK D-3845 PAGE 893, OFFICIAL RECORDS.

END OF LEGAL DESCRIPTION





City of Carson
500 Foot Radius Map
21300 S Wilmington Ave



0016/2010
K:\Addresses\Wilmington_Ave
C:\300_Roadway_Business
VAR\12-10 and 513-10
Public Hearing Notes
ZoningMap.MXD

VARIANCE JUSTIFICATION LETTER

Ms. Sharon Song,

Justification of the variance re: 512-10 is as follows:

The Old Dominion Freight Line site at 21300 S. Wilmington Av. is currently used as a freight depot and cross dock. Valuable freight and equipment is stored and used on this site 24/7/365. The nature of the business requires the employees to concentrate on the moving equipment and flow of freight to ensure a safe work environment. This safety aspect requires that they "not" be watching the fence line for breaches.

The high value products stored on this site need the extra protection provided by the **Electric Guard Dog**, security fence. **Electric Security Fences** are the only product on the security market that actually prevents crime, releasing the police department from wasting precious resources responding to calls on this particular site. In addition, **ESF's** reduce crime in the entire area, creating a safer and more productive environment.

The aesthetic value of **ESF's** cannot be overlooked. They are almost impossible to see if one is not looking for them and the only tell tale clue to their installation on a particular site are the mandatory warning signs. The State of California has permitted the use of **ESF's** since 1976, and in this time, there has not been one serious injury or death with the proper installation of an **ESF**. Barbed wire and razor wire are not only evident in their installation, but ugly, obvious, and dangerous. A variance, allowing the use of the **ESF**, is not only appropriate but necessary to insure the security of the property and people working at this business.

Regards,

Michael Pate
Director of Business Development
The Electric Guard Dog

