

CITY OF PULLMAN

Public Works and Planning Departments

325 S.E. Paradise Street, Pullman, WA 99163
(509) 338-3220 or (509) 338-3213 Fax (509) 338-3282
www.pullman-wa.gov

MEMORANDUM

TO: Pullman Board of Adjustment

FROM: Pete Dickinson, Planning Director
Jason Radtke, Assistant Planner

FOR: Meeting of April 19, 2010

SUBJECT: Zoning Code Variance No. V-10-1
Walmart Sign Variance

DATE: April 14, 2010

Staff Report No. 10-5

BACKGROUND DATA

Applicant: BRR Architects on behalf of Walmart Stores, Inc..

Property Location: 1690 SE Harvest Drive (See Attachment A, Location and Zoning Map).

Applicant's Request: Obtain a variance to construct a wall-mounted sign with a sign surface area of 222.6 square feet on the northern façade of the new Walmart Supercenter (See Attachment B, Application V-10-1; and Attachment C, Site Plan Drawings [3 Sheets]).

Property Zoning: C3 General Commercial.

Applicable Zoning Code Regulations: Subsection 17.50.050(4) states that in the C3 General Commercial District, no sign shall have more than 200 square feet of sign surface area.

Property Features: Current Land Use: Walmart Supercenter under construction
Lot Area: 27.52 acres.
Utilities: The property is served by city water and sanitary

sewer lines.

Topography: The property is characterized by rolling hills and a graded project site; the portion of the property that fronts on Bishop Boulevard slopes downhill to the north at a 25 percent grade.

Vegetation: The site is currently naturally vegetated; it will be landscaped upon completion of construction.

Adjacent Zoning and
Land Use:

North: C3 district; Bishop Boulevard and commercial establishments.

South: C3 district; City Cemetery.

East: C3 district; commercial establishments and Pullman Regional Hospital.

West: C3 district; undeveloped property and commercial establishments.

Access:

Harvest and Fairmount Drives, proposed to be local access streets in the Pullman Comprehensive Plan Arterial Street Plan Map, via Bishop Boulevard, designated as a secondary arterial on said map.

Comments of Affected
Agencies:

Department of Public Works: Stated that it did not object to the variance request.

Protective Inspections Division: *No response.*

Department of Public Services: Stated that the variance was acceptable.

Fire Department: Requested that the proposed sign also have the Walmart street address in 6-inch numbers visible from both east and west approaches.

Police Department: *No response.*

Pullman School District: *No response.*

Hearing Notification:

Notice of Public Hearing mailed 4/7/10 and 4/8/10; Notice of Public Hearing published 4/8/10; Notice of Public Hearing posted at subject property 4/7/10.

PERTINENT PLANNING PROVISIONS

There are a number of provisions contained within the Comprehensive Plan and zoning code that relate to this variance request. These provisions, which are available for review at the city's web site (www.pullman-wa.gov), are referenced below.

Comprehensive Plan Goal LU5 and its respective policies.
Zoning Code Sections 17.01.050, 17.50.040, 17.50.050, and 17.130.020

ZONING CODE VARIANCE REVIEW CRITERIA

According to Zoning Code Section 17.130.020, a variance may be approved when all of the following findings required by this section can be made.

- (1) Special Circumstances. That because of special circumstances relating to the property, the strict enforcement of the Zoning Code would deprive the owner of development rights and privileges permitted to other properties in the vicinity with the same zoning.
 - (a) Special circumstances include the size, shape, topography, location of the property and surrounding property, and environmental factors such as vegetation, streams, ponds, and wildlife habitats.
 - (b) Special circumstances should not be predicated upon any factor personal to the owner/applicant such as age or disability, extra expense which may be necessary to comply with the Zoning Code, the ability to secure a scenic view, the ability to make more profitable use of the property, or any factor resulting from the action of the owner/applicant.
- (2) Special Privilege. That approval of the variance is not a grant of a special privilege to the property in comparison with the limitations upon other properties in the vicinity with the same zoning.
- (3) Comprehensive Plan. That approval of the variance is consistent with the Comprehensive Plan.
- (4) Zoning Ordinance. That approval of the variance is consistent with the purposes of the zoning code and the zone district in which the property is located.
- (5) Not Detrimental. That the variance as approved or conditionally approved will not be significantly detrimental to the public health, safety, and welfare, or injurious to the property or improvements in the vicinity and same zone.
- (6) Minimum Variance. That the approved variance is the minimum necessary to allow the owner the rights enjoyed by other properties in the vicinity with the same zoning.

STAFF ANALYSIS AND RECOMMENDATION

Planning staff is in favor of granting the proposed variance. The applicant wishes to install a 222.6-square-foot wall-mounted sign on the northern front façade of the Walmart Supercenter, currently under construction. Zoning code prohibits signs greater than 200 square feet in the C3 district. The building faces Bishop Boulevard, a secondary arterial; however, access to the site will be gained through Harvest and Fairmount Drives once these rights-of-way are improved; both will be local access streets.

Zoning Code Subsection 17.130.020(1) states that a variance may be granted based on special circumstances pertaining to the parcel under consideration. This subsection indicates that special circumstances may include "topography" and "shape." In staff's view, the shape and topography of the lot dictates that the structure be placed approximately 680 feet from Bishop Boulevard. The steep slope on the north side of the property greatly reduces the ability of the owner to locate the building within close proximity of Bishop Boulevard. Therefore, an oversized sign is justified for the building, since it needs to be set further back from the street than would be the case on a more level parcel, impacting its ability to capture potential consumer traffic. Staff believes that the topography and shape of the parcel constitute special circumstances that help justify the proposed variance. Given that these special circumstances exist, the request for a 222.6-square-foot sign would not be considered a grant of special privilege compared to other properties in the vicinity. Also, the suggested variance appears to be the minimum necessary to facilitate the applicant's construction plans.

From staff's perspective, the proposed variance would not be detrimental to the public health, safety, and welfare, nor would it be injurious to surrounding properties. The visibility of a wall-mounted sign is reduced due to the distance to adjacent rights-of-way. Also, the width of the front wall upon which the sign would be placed is extensive, measuring approximately 465 feet. Thus, the larger sign would seem well suited to its setting. The proposed sign meets all other zoning code provisions.

Staff believes that the applicant's proposal would advance the objectives of Comprehensive Plan Goal LU5 to "strengthen and enlarge the economic base of the community by providing commercial areas that offer a variety of goods and services" and Zoning Code Subsection 17.01.050(1) to "promote the public health, safety, order, convenience, and general welfare." Based on the preceding information, planning staff recommends approval of the requested variance without conditions.

FINDINGS OF FACT AND CONCLUSIONS

The applicant has provided proposed findings of fact for this case (See Attachment D). Planning staff has also prepared findings of fact and conclusions for consideration at the

public hearing. Staff's findings and conclusions are incorporated in draft Resolution No. BA-2010-2 (See Attachment E).

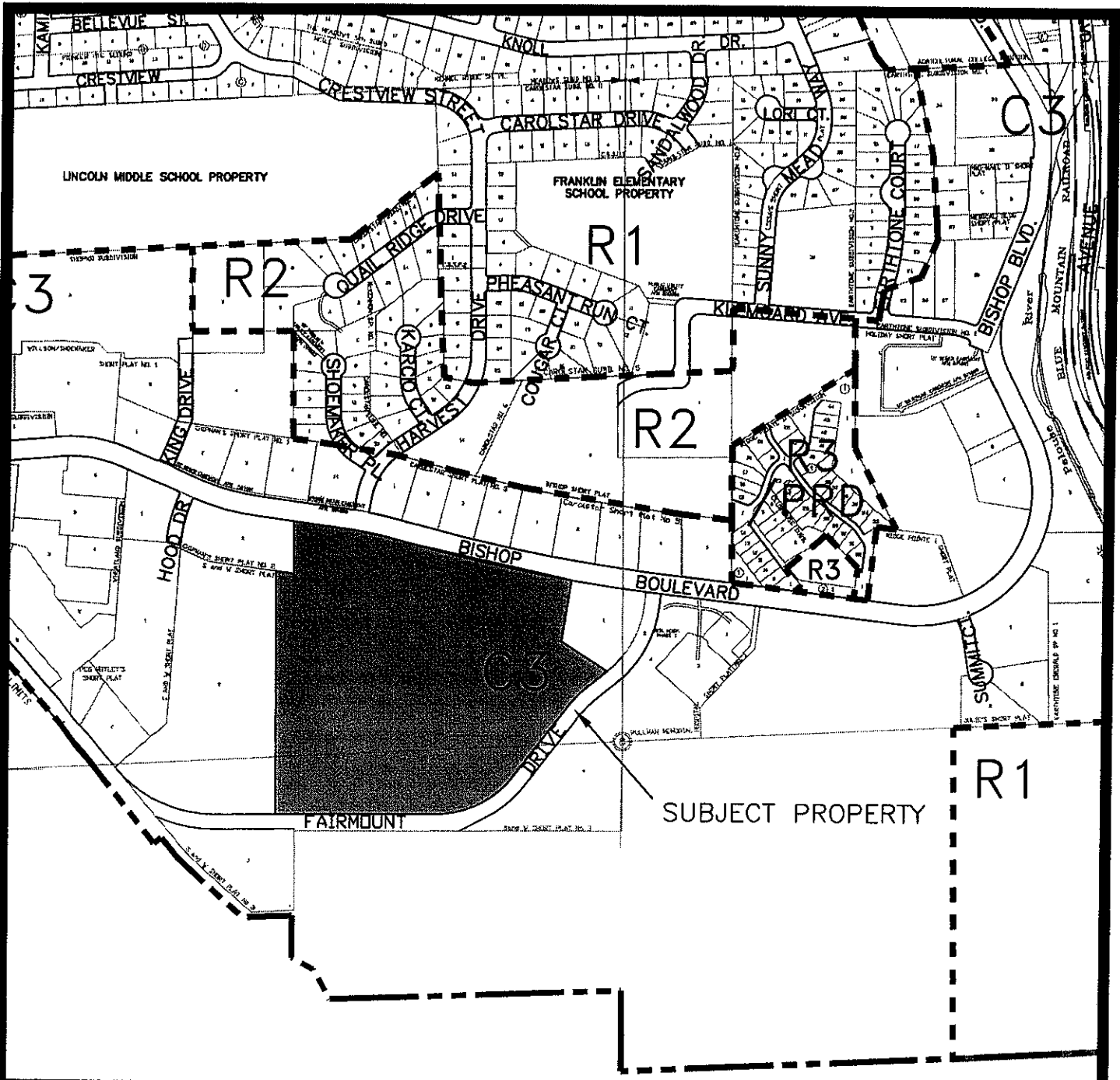
Prior to making a decision to approve or deny a zoning code variance, the Board must adopt findings of fact and conclusions which specify the basis for its decision. The Board may abstract findings and conclusions from the applicant, staff, public, or Board of Adjustment members.

ACTION REQUESTED

- A. Establish rules of procedure and ask Appearance of Fairness questions.
- B. Accept staff report.
- C. Take testimony on the request for a zoning code variance.
- D. Adopt, by motion, Findings of Fact.
- E. Adopt, by motion, Conclusions.
- F. Move to approve or deny the granting of the zoning code variance. If the motion is to approve, the same motion should include any conditions the Board wishes to apply.

ATTACHMENTS

- "A" Location and Zoning Map
- "B" Variance Application
- "C" Site Plan Drawings (3 Sheets)
- "D" Applicant's Proposed Findings of Fact
- "E" Draft Resolution No. BA-2010-2



SUBJECT PROPERTY



CITY LIMITS



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LOCATION AND ZONING MAP

CASE NUMBER
V-10-1

ATTACHMENT "A"

RECEIPT NO.: 41507
DATE APPLICATION RECEIVED: 2-22-2010
DATE APPLICATION ACCEPTED AS COMPLETE: _____

CITY OF PULLMAN
ZONING CODE VARIANCE APPLICATION
Pullman City Code 17.130

APPLICANT:

NAME: BRR Architecture

ADDRESS: 2400 E Arizona Biltmore Circle, Ste 1360, Phoenix, Arizona 85016

TELEPHONE: 602-955-9095

STATUS (property owner, lessee, agent, purchaser, etc.): Owner's Agent- Architecture

PROPERTY OWNER (if different than applicant):

NAME: Walmart Stores, Inc (Steve Dyer)

ADDRESS: Sam Walton Complex- 2001 SE 10th S, Bentonville, AR 72712-0550

TELEPHONE: 479-273-4567

PROPERTY LOCATION (general or common address):

1690 SE Harvest Drive at the SEC of Bishop Boulevard and Harvest Drive.

VARIANCE REQUESTED:

State Pullman City Code section(s) involved, and give description of and reason for request.

The intent is to present our request for a variance from Chapter 17.50 (Signs) of the City of Pullman pertaining to the proposed Wal-Mart Supercenter store located at 1690 SE Harvest Drive. The amount of proposed signage needed to effectively communicate the store brand and services offered exceeds the permitted maximum area as established in the Sign Code due to the distance the building is setback from the street frontage. (See attached letter)

All information provided in this application is said to be true under penalty of perjury by the laws of the State of Washington.

Rosie Chang
Applicant's Signature

2/19/2010

Date



Findings of Facts

February 19, 2010

Attention: Pete Dickinson
City of Pullman
Planning Department
325 SE Paradise St.
Pullman, WA 99163

RE: Variance Request for Signage
Wal-Mart Supercenter Store #1870-05,
1690 SE Harvest Drive

Mr. Dickinson,

The intent of this letter is to present our request for a variance from Chapter 17.50 (Signs) of the City of Pullman Municipal Code pertaining to the proposed Wal-Mart Supercenter store located at 1690 SE Harvest Drive.

Per Section 17.50.040, a flush-mounted sign shall not be more than two (2) square feet of sign surface area for each one (1) foot of length of the wall on which it is mounted, provided, however, a flush-mounted sign shall not exceed two hundred (200) square feet of sign surface area.

The amount of proposed signage needed to effectively communicate the store brand and services offered exceeds the permitted maximum area as established in the Sign Code due to the distance the building is setback from the street frontage and the sign height needed to effectively communicate to the general public at that distance. The International Sign Association states the following, "The further away the sign will be read, and the further it is from the road, the taller the sign must be to be visible from a car". The mounted sign is 680 feet away from Bishop Road and based on the International Sign Association, for a car to effectively see the sign at 35mph, the sign should be 550 sq feet away. In order for Walmart to effectively communicate their brand to the public the signage will need to exceed the maximum area established in the sign ordinance.

Per Section 17.130.020 of the Zoning Code, variances may be approved where special circumstances relating to the property and the strict enforcement of the Zoning Code would deprive the owner of development rights and privileges permitted to other properties in the vicinity with the same zoning.

Walmart uses a parking ratio of 4.88 spaces for 1000 sq ft building floor area to accommodate large parking demands during the holiday seasons. Based on the 147,785 sq ft building designed to serve the region, this equates to 721 parking spaces. Walmart locates these 721 parking spaces in front of the store for the safety and convenience of the general public. Due to the needed number of parking spaces, and the size and configuration of the property and the building, special circumstances exist that justify the request for variance from the signage standards.

To conclude, the project design team believes that the sign package as proposed meets the general intent of Chapter 17.30 of the City of Pullman, Development Code, which is to benefit the health, property, and welfare of the citizens of Pullman and provides a quality visual environment.

www.brrarch.com

6700 Antioch Plaza, Suite 300, Merriam, KS 66204 MAIN 913-262-9095 FAX 913-262-9044
kansas city | bentonville | phoenix | san francisco | tampa | miami

We respectfully request approval of a variance from the square footage limitation in the sign code to permit up to **222.60** square feet **for the main "Walmart" "Spark"**. Please see the attached building rendering and sheets A2 and A2.2 for sign details.

Thank you for your consideration of this request. If you have any questions, please contact me.

Sincerely,



Rosie Chavez

BRR Architecture, Inc.

2400 E Arizona Biltmore Circle, Suite 1360

Phoenix, AZ 85016

direct: 602-386-4832

main: 602-955-9095

**BEFORE THE BOARD OF ADJUSTMENT
FOR THE CITY OF PULLMAN**

In the Matter of
Zoning Code Variance
Application No. V-10-1

) Resolution No. BA-2010-2
)
) A Resolution Adopting Findings of Fact and
) Conclusions Representing the Official
) Determination of the city of Pullman
) Board of Adjustment

WHEREAS, a zoning code variance application was duly filed by BRR Architecture, on behalf of Walmart Stores, Inc., for a variance to install a 222.6-square-foot sign on the northern façade of the Walmart Supercenter, currently under construction, at the property described in Exhibit "A," attached hereto and by this reference made a part hereof as though set forth in full herein; and,

WHEREAS, a notice of the Board of Adjustment public hearing on this matter was mailed to the applicant and property owners within 300 feet of the subject property on April 7 and 8, 2010, said notice was posted at the subject property on April 7, 2010, and said notice was published in the Daily News on April 8, 2010; and,

WHEREAS, a public hearing was held before the Board of Adjustment on April 19, 2010, in the Council Chambers at City Hall, 325 SE Paradise Street, Pullman, Washington, at which time public comment from persons favoring and opposing this zoning code variance application was solicited, and after hearing public comment thereon, Board members deliberated over the matter in open session; and,

WHEREAS, this Board now considering it appropriate to enter its formal written decision, makes and enters the following

Findings of Fact

1. On February 22, 2010, BRR Architects, on behalf of Walmart Stores, Inc., filed a zoning code variance application with the planning department to install a 222.6-square-foot sign at 1690 SE Harvest Drive as opposed to the 200-square-foot maximum size prescribed in the zoning code; said application was labeled by planning staff as No. V-10-1.
2. The subject property is located within a C3 General Commercial zoning district.
3. Subsection 17.50.050(4) states that no sign in the C3 district shall have more than 200 square feet of sign surface area.
4. The subject property is approximately 27.52 acres in size and is occupied by the Walmart Supercenter under construction.

5. The topography of the subject property is characterized by rolling hills and a graded project site; the portion of the property that fronts on Bishop Boulevard slopes downhill to the north at a 25 percent grade.
6. The subject property is served by city water and sanitary sewer lines.
7. The area surrounding the subject property is zoned C3 and is occupied by commercial establishments, Pullman Regional Hospital, City Cemetery, and vacant land.
8. Access to the subject property will be gained by way of Fairmount and Harvest Drives, proposed to be local access streets in the Pullman Comprehensive Plan Arterial Street Plan Map, via Bishop Boulevard, designated as a secondary arterial on said map.
9. Staff Report No. 10-5, dated April 14, 2010, includes the following description of responses from agencies to which a notice of the subject application was transmitted:

Department of Public Works: Stated that it did not object to the variance request.

Protective Inspections Division: *No response.*

Department of Public Services: Stated that the variance was acceptable.

Fire Department: Requested that the proposed sign also have the Walmart street address in 6-inch numbers visible from both east and west approaches.

Police Department: *No response.*

Pullman School District: *No response.*

10. Staff Report No. 10-5 states that the following Pullman Comprehensive Plan and zoning code provisions pertain to the subject application:

Comprehensive Plan Goal LU5 and its respective policies.

Zoning Code Sections 17.01.050, 17.50.040, 17.50.050, and 17.130.020

11. According to Zoning Code Section 17.130.020, a variance may be approved when all of the following findings required can be made:

(1) Special Circumstances. That because of special circumstances relating to the property, the strict enforcement of the Zoning Code would deprive the owner of development rights and privileges permitted to other properties in the vicinity with the same zoning.

- (a) Special circumstances include the size, shape, topography, location of the property and surrounding property, and environmental factors such as vegetation, streams, ponds, and wildlife habitats.
- (b) Special circumstances should not be predicated upon any factor personal to the owner/applicant such as age or disability, extra expense which may be necessary to comply with the Zoning Code, the ability to secure a scenic

view, the ability to make more profitable use of the property, or any factor resulting from the action of the owner/applicant.

- (2) Special Privilege. That approval of the variance is not a grant of a special privilege to the property in comparison with the limitations upon other properties in the vicinity with the same zoning.
- (3) Comprehensive Plan. That approval of the variance is consistent with the Comprehensive Plan.
- (4) Zoning Ordinance. That approval of the variance is consistent with the purposes of the zoning code and the zone district in which the property is located.
- (5) Not Detrimental. That the variance as approved or conditionally approved will not be significantly detrimental to the public health, safety, and welfare, or injurious to the property or improvements in the vicinity and same zone.
- (6) Minimum Variance. That the approved variance is the minimum necessary to allow the owner the rights enjoyed by other properties in the vicinity with the same zoning.

12. Staff Report No. 10-5 states the following:

Planning staff is in favor of granting the proposed variance. The applicant wishes to install a 222.6-square-foot wall-mounted sign on the northern front façade of the Walmart Supercenter, currently under construction. Zoning code prohibits signs greater than 200 square feet in the C3 district. The building faces Bishop Boulevard, a secondary arterial; however, access to the site will be gained through Harvest and Fairmount Drives once these rights-of-way are improved; both will be local access streets.

13. Staff Report No. 10-5 includes the following paragraph:

Zoning Code Subsection 17.130.020(1) states that a variance may be granted based on special circumstances pertaining to the parcel under consideration. This subsection indicates that special circumstances may include “topography” and “shape.” In staff’s view, the shape and topography of the lot dictates that the structure be placed approximately 680 feet from Bishop Boulevard. The steep slope on the north side of the property greatly reduces the ability of the owner to locate the building within close proximity of Bishop Boulevard. Therefore, an oversized sign is justified for the building, since it needs to be set further back from the street than would be the case on a more level parcel, impacting its ability to capture potential consumer traffic. Staff believes that the topography and shape of the parcel constitute special circumstances that help justify the proposed variance. Given that these special circumstances exist, the request for a 222.6-square-foot sign would not be considered a grant of special privilege compared to other properties in the vicinity. Also, the suggested variance appears to be the minimum necessary to facilitate the applicant’s construction plans.

14. Staff Report No. 10-5 states the following:

From staff's perspective, the proposed variance would not be detrimental to the public health, safety, and welfare, nor would it be injurious to surrounding properties. The visibility of a wall-mounted sign is reduced due to the distance to adjacent rights-of-way. Also, the width of the front wall upon which the sign would be placed is extensive, measuring approximately 465 feet. Thus, the larger sign would seem well suited to its setting. The proposed sign meets all other zoning code provisions.

15. Staff Report No. 10-5 reads, in part, as follows:

Staff believes that the applicant's proposal would advance the objectives of Comprehensive Plan Goal LU5 to "strengthen and enlarge the economic base of the community by providing commercial areas that offer a variety of goods and services" and Zoning Code Subsection 17.01.050(1) to "promote the public health, safety, order, convenience, and general welfare." Based on the preceding information, planning staff recommends approval of the requested variance without conditions.

From the foregoing Findings of Fact, this Board now makes the following

Conclusions

1. The strict enforcement of the zoning code in this instance would deprive the applicant of development rights and privileges permitted to other property owners because there appear to be special circumstances associated with this proposal; those special circumstances relate to the topography and shape of the property.
2. Approval of this variance request would not be a grant of a special privilege to the property in comparison with the limitations upon other properties in the vicinity with the same zoning.
3. The proposed variance appears to be consistent with the applicable goals and policies of the Comprehensive Plan.
4. The proposed variance appears to be consistent with the general purposes of the zoning code and the purposes of the zone district in which the property is located.
5. The granting of this variance would not be detrimental to the public health, safety, and welfare, or injurious to the property or improvements in the vicinity and same zone.
6. The approval of this variance is the minimum necessary to allow the owner the rights enjoyed by other properties in the vicinity with the same zoning.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Adjustment for the city of Pullman that, based upon the foregoing Findings of Fact and Conclusions, this Board now makes and enters its formal

Decision

Zoning Code Variance Application No. V-10-1 is hereby approved without conditions.

DATED this _____ day of _____, 2010.

Chairperson
Pullman Board of Adjustment

ATTEST:

Planning Director

Legal Description


Wal-Mart Site Parcel

A parcel of land situate in the west half of Section 8, T14N, R45E, W.M., located within city of Pullman, county of Whitman, Washington, said parcel being further described as follows:

All of Lot 1 of S and W Short Plat No. 3, according to the plat thereof filed under Auditor's File Number 670473, records of said county,

And containing therein 27.52 acres, more or less.

Approved for Form:

 4-02-10

Engineering Technician

Date