MEMORANDUM

TO: Pullman Board of Adjustment

FROM: Pete Dickinson, Planning Director

Heidi Sowell, Assistant City Planner

FOR: Meeting of April 17, 2006

SUBJECT: Zoning Code Variance No. V-06-1

High Point Sign Variance

DATE: April 11, 2006

Staff Report No. 06-7

BACKGROUND DATA

Applicant: High Point Development, LLC.

<u>Property Location</u>: 545 South Grand Avenue (See Attachment A, Location and Zoning

Map).

Applicant's Request: Obtain a variance to establish a permanent 32-square-foot off-

premise real estate sign, rather than a temporary sign as required by the zoning code (<u>See</u> Attachment B, Application V-06-1; Attachment C, Site Plan; and Attachment D, Applicant's Proposed

Findings of Fact).

Property Zoning: C3 General Commercial.

<u>Applicable Zoning</u> Section 17.50.040 (Permitted Signs) allows for temporary off-

Code Regulations: premise real estate signs when an administrative variance is

obtained.

Property Features: Current Land Use: single-family dwelling unit.

Lot Area: 11,379 square feet.

Topography: the site has very steep slopes rising from the sidewalks on the south and east sides of the property; there is a fairly level plateau on the northwest portion on the lot.

Vegetation: the site is vegetated with deciduous and evergreen trees, shrubs and grass.

Adjacent Zoning and Land Use:

North: C3 zoning district and R2 Low Density Multi-Family

Residential zoning district; a hotel, single family homes and duplexes.

South: C3 zoning district; commercial with multi-family dwelling units located above.

East: C3 zoning district; commercial development and city fire station.

West: R2 zoning district; single-family dwelling units and duplexes.

Access:

Grand Avenue, designated as a major arterial in the Pullman Comprehensive Plan.

Comments of Affected Agencies:

Department of Public Works: Commented that the city should not allow permanent off-site signs for private facilities; stated that sign clutter is a problem and granting this will lead to other requests; and noted that there are overhead franchise utilities at the site and possibly underground utility lines.

Protective Inspections Division: *No response*.

Department of Public Services: No comments.

Fire Department: Stated that the fire department opposes this variance due to traffic safety issues and the additional distraction that would be created by the sign, making it more difficult for fire department vehicles to merge into traffic from the fire station.

Police Department: Commented that the signage should not obstruct motorists' views at the intersection area.

Pullman School District: No response.

Correspondence Received:

Letter from Jannan and Richard Slabaugh (<u>See</u> Attachment D) Letter from Duane and Linda Peppel, dated April 3, 2006 (<u>See</u> Attachment E)

Hearing Notification:

Notice of Public Hearing mailed 3/21/06; Notice of Public Hearing published 3/23/06; Notice of Public Hearing posted at subject property 3/22/06.

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 Goals LU1, LU3, LU5, and T1, and their respective policies. Zoning Code Sections 17.01.050, 17.50.010, 17.50.040, 17.70.030, 17.80.010, 17.80.040.

ZONING CODE VARIANCE REVIEW CRITERIA

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

- (1) <u>Special Circumstances.</u> 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) <u>Special Privilege.</u> 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) <u>Comprehensive Plan.</u> That approval of the variance is consistent with the Comprehensive Plan.
- (4) <u>Zoning Ordinance.</u> 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) <u>Not Detrimental.</u> That the variance as approved or conditionally approved will not be significantly detrimental to the public health, safety, and welfare, or injurious to the

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property or improvements in the vicinity and same zone.

(6) <u>Minimum Variance.</u> 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

As noted in the application for this variance, the proponents are seeking approval for an assisted living facility at the west end of Center Street. In conjunction with the request for this facility, the proponents are asking for a variance from zoning code standards to allow a permanent off-premise 32-square-foot sign at the northwest corner of Grand Avenue and Center Street. The sign would direct travelers to the location of the assisted living center. The zoning code allows "real estate" signs such as these for a temporary period (while the facility is engaged in its initial rental of living units); the variance in this case is requested to establish the subject sign on a permanent basis.

Planning staff believes that the applicant has provided sufficient justification to warrant approval of this variance request. The applicant has indicated that it needs a relatively flat site of about eight acres on which to develop its assisted living facility. After an eight-month search throughout the hilly terrain of Pullman, the applicant found a suitable parcel at the west end of Center Street. Although this parcel is ideal for establishment of an assisted living facility from the standpoint of topography, it is quite distant from a major thoroughfare in town. In planning staff's view, these special circumstances justify the applicant's need for a permanent sign at Grand Avenue directing interested parties to the proposed assisted living center. Also, the variance requested appears to be the minimum necessary to provide appropriate rights to the applicant because the isolated location of the proposed facility is expected to be a permanent condition.

As referenced earlier in this report, several comments have been offered thus far regarding the potential for the proposed sign to obstruct drivers' visibility or distract motorists. From planning staff's perspective, these concerns are ill-founded. Center Street intersects with Grand Avenue at the outside of a curve along Grand Avenue and the northwest corner of this intersection slopes steeply uphill from both roadways. Consequently, no sign located at that corner could possibly create a visibility issue for traffic in any direction. The proposed sign would be low level (approximately 4½ feet high), indirectly lit (lights at the base of the sign would shine onto the display), and designed in an inconspicuous fashion with a stucco sign surface attached to an applied stone wall. In planning staff's view, the proposed sign would not likely create a distraction, especially when compared to on-premise signs as large as 200 square feet that could be installed at this corner without a variance due to its location in a C3 zoning district. It should also be noted that a 32-square-foot temporary real estate sign advertising a subdivision on Center Street has already been posted at this corner and there have been no reports to planning staff that this sign has caused a distraction for motorists.

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The zoning code requires that permanent freestanding signs must be landscaped, with the area of the landscaping being a minimum of one-half the sign area. Given the legitimate concern of individuals who believe the proposed sign may disturb the appearance of the site, planning staff believes it would be appropriate in this case to apply a condition to double the required amount of landscaping at the base of the proposed sign. In addition, planning staff recommends that another condition be imposed to clarify that the sign must be located on private property as opposed to public street right-of-way.

With the application of the above-referenced conditions, planning staff believes the requested variance would not be significantly detrimental to the public health, safety, and welfare, or injurious to the property or improvements in the vicinity and same zone. Also, with the imposition of these conditions, planning staff finds that the proposed variance would be consistent with the applicable provisions of the Comprehensive Plan and zoning code—most notably, Comprehensive Plan policies LU1.10 and LU5.7, and Zoning Code Sections 17.01.050(1), 17.50.010, and 17.80.040(6).

In conclusion, planning staff recommends that the requested variance be approved, subject to the following conditions:

- 1. The base of the subject sign shall be landscaped, with the area of landscaping being a minimum of 32 square feet; the design of said landscaping shall be approved by the planning department prior to installation.
- 2. The subject sign shall be installed entirely on private property; no portion of the subject sign shall be located within public street right-of-way.

FINDINGS OF FACT AND CONCLUSIONS

The applicant has prepared findings of fact for consideration at the public hearing (Attachment F, Applicant's Proposed Findings of Fact). Planning staff has also prepared findings of fact and conclusions. Staff's findings and conclusions are incorporated in draft Resolution No. BA-2006-3 (See Attachment G).

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.

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- 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
- "D" Letter from Jannan and Richard Slabaugh
- "E" Letter from Duane and Linda Peppel, dated April 3, 2006
- "F" Applicant's Proposed Findings of Fact
- "G" Draft Resolution No. BA-2006-3