

Staff Report
OLATHE BOARD OF ZONING APPEALS



Case Number: BZA20-0001

Hearing Date: July 27, 2020

Request: A variance from *Unified Development Ordinance Section 18.50.190.E.8* to permit a sixty-five (65) square foot directional sign in lieu of the four (4) square foot maximum permitted.

Location: 395 N. K-7 Highway

Zoning: CP-2 Planned General Business District

Owner: Wal-Mart Real Estate Business Trust

Applicant: Duong Bach, LK Architecture

Staff Contact: Kim Hollingsworth, AICP, Senior Planner

1. Introduction

The following item is a request for a variance to permit a sixty-five (65) square foot directional sign for the Walmart located at 395 N. K-7 Highway. The subject property is located northwest of the intersection of Santa Fe Street and K-7 Highway. The property is zoned CP-2 (Planned General Business District) and is surrounded by other commercial properties within the West Village shopping center. Additional commercially zoned properties are located to the north, east and south of the West Village shopping center, along with R-1 (Residential Single-Family) Districts located to the west.

In March 2020, Walmart received approval for an approximately 1,300 square foot building expansion and parking lot improvements for the Walmart Grocery Pickup location. This improvement provides a total of 15 designated Grocery Pickup spaces for customers to have products delivered directly to their vehicle after ordering them online. The applicant is requesting a directional sign as a component of the improvements to guide customers safely to the new Grocery Pickup spaces.

The Grocery Pickup area is located along the northern portion of the building which creates diminished visibility of the pickup site from the front of the building as shown on the site plan (Exhibit B). Additionally, there are no primary roadways or other entrances in the vicinity of the Grocery Pickup that

customers would already be traveling on or familiar with. Walmart has installed four (4) ground-mounted wayfinding signs at the major entrances to the property to direct customers towards the Grocery Pickup area as part of a wayfinding package, but there are no signs on the building identifying the location of the pickup area. The purpose of adequately sized wayfinding signage is to decrease site circulation and congestion issues.

The applicant is requesting one directional sign, measuring 64.53 square feet (see Exhibit C), to be placed on the eastern front building façade because the scale of the façade and distance from the primary site entrance makes a four (4) square foot building-mounted directional sign indiscernible to Walmart customers.

The intent of directional signage is to mark entrances and exits, parking and loading areas and guide circulation throughout a property. Directional signs are permitted in all zoning districts if they conform to the provisions of the Unified Development Ordinance (UDO). The applicant is requesting a variance from the following section of the UDO:

UDO Section 18.50.190.E.8 – Directional Signs

Such signs must not exceed four (4) square feet per face with two (2) faces permitted. The sign must not exceed four (4) feet in height if freestanding.

Per the UDO, Walmart is entitled to a directional sign on the building in the location proposed. The Board of Zoning Appeals is only being asked to determine if the directional sign can be larger than four (4) square feet.

Staff is recommending approval of the variance request for the reasons identified in this report.

2. Consideration of Variances

Pursuant to UDO Section 18.40.230 the Board of Zoning Appeals (the Board) may grant a variance from the UDO to allow for certain exceptions which will not be contrary to the public interest and where, due to special conditions for a specific case, a literal enforcement of the provisions would result in an unnecessary hardship. When considering a variance request, the Board should consider whether the spirit of the regulations is observed, public safety and welfare secured, and substantial justice done.

An application for a variance may only be granted upon a finding by the Board that all the following conditions have been met:

- A. *That the variance requested arises from such conditions which are unique to the property in question, are not ordinarily found in the*

same zone or district and are not created by an action or actions of the property owner or the applicant.

- B. That granting the variance will not adversely affect the rights of adjacent property owners or residents.*
- C. That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*
- D. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*
- E. That granting the variance will not be opposed to the general spirit and intent of the zoning regulations.*

3. Analysis of Variance Standards

The applicant provided a justification for the variance request in the submitted application (Exhibit A). Staff reviewed the request and provides the following analysis:

- A. Does the variance requested arise from a condition which is unique to the subject property, and said conditions are not ordinarily found in the same district, and was not created by an action of the property owner or applicant?*

The location of the Grocery Pickup along the north façade of the building is not readily visible to customers as it is primarily positioned towards the rear of the building and behind the pharmacy drive-thru canopy. Due to these constraints, a directional sign is needed on the front façade of the building that is larger than four (4) square feet for adequate visibility and consistency with the scale of the façade.

- B. Will granting the variance adversely affect the rights of adjacent property owners or residents?*

Staff does not anticipate an adverse or negative impact to adjacent property owners as the adjacent properties on the north side of the building are zoned for commercial use and the eastern facade is set back more than 700' from K-7 Highway. No safety concerns, infringement of existing entitlements or impairment to existing activity on adjacent properties would be created if this variance were granted. Public notification was provided to surrounding property owners and staff has not received any correspondence regarding the request.

- C. *Would the strict application of this ordinance constitute an unnecessary hardship upon the property owner?*

The applicant presented information that a strict application of the size restrictions for directional signage substantially inhibits the visibility of the sign to Walmart customers. The eastern façade of the building is more than 700 feet from K-7 Highway which is the main roadway fronting the building. From K-7 Highway, customers must navigate a series of turns through the parking lot to reach the pickup location, which is located primarily behind the pharmacy drive-thru. If a customer were to enter the parking lot from the southern end rather than from the Spruce Street entrance, they would have challenges locating the pickup location due to low visibility from the southern end of the building. The applicant indicated that this location is anticipated to have one of the highest online orders-per-day of all Walmart stores in the United States (see Exhibit A) and adequate signage is needed to successfully facilitate this program.

- D. *Will granting of this variance impact the public health, safety, morals, order, convenience, prosperity or general welfare of the public?*

Staff does not anticipate any adverse impacts to the public from a sixty-five (65) square foot sign on the eastern building façade. The sign is complimentary to the size of other signage already existing on the building and appropriately scaled with the expansive size of the façade. The sign will be required to meet illumination levels to prevent negative impacts on the safe movement of vehicular traffic within the surrounding vicinity. Signs are also evaluated for the proper attachment mechanisms to the building to reduce safety concerns for pedestrians and other property located near the sign.

- E. *Will granting the variance be opposed to the general spirit and intent of this ordinance?*

Staff does not find that the signage opposes the general spirit and intent of the ordinance. The purpose of this provision of the UDO is to limit the size of directional signage, which is more frequently seen in the form of ground-mounted signage, to prevent unsightly or cluttered developments. Current UDO provisions, however, do not capture the directional sign needs of a big-box retail store, in which expansive facades and deep parking lots prevent a four-square foot sign from being visible to vehicular traffic. Also, the rapidly growing surge of pick-up accommodations due to the COVID-19 pandemic is creating a need for flexibility and creativity in safely directing the flow of vehicular traffic for businesses.

4. Staff Analysis

For the reasons identified in Section 3 of this report, Staff recommends approval of a variance from UDO Section 18.50.190.E to permit a sixty-five (65) square foot directional sign for the Walmart located at 395 N. K-7 Highway, in lieu of the four (4) square foot maximum permitted. Staff finds that this request meets all five conditions required for approval by the Board of Zoning Appeals and will not adversely affect the public or surrounding properties. If the Board approves the variance, then Staff also recommends that the applicant submit a sign permit for Staff review in the same manner that all other sign permits are reviewed. Directional signs do not typically require a sign permit due to their smaller size; however, larger signs are reviewed prior to installation. Staff informed the applicant of this requirement, and the applicant is amenable to this stipulation.

5. Staff Recommendation

Staff recommends approval of BZA20-0001 to permit a sixty-five (65) square foot directional sign with the following stipulation:

1. The applicant must submit a sign permit for review by the Olathe Fire Department prior to installation.

6. Attachments

Exhibit A: Board of Zoning Appeals Application
Exhibit B: Site Plan
Exhibit C: Building Elevations