

**CITY OF FIRCREST PLANNING COMMISSION
REGULAR MEETING MINUTES**

October 6, 2015
6:00 PM

Fircrest City Hall
115 Ramsdell Street

CALL TO ORDER

Chair Karen Patjens called the regular meeting of the Fircrest Planning Commission to order at 6:00 p.m.

ROLL CALL

Commissioners Kathy L. McVay, Jerry Foss, Karen Patjens, Kenneth Halgren, and Arne Michaelsen were present. Absent: None. Excused: None. Staff present: Principal Planner Jeff Boers and Permit Coordinator/Code Compliance Officer Angelie Stahlnecker.

APPROVAL OF MINUTES

The minutes of the regular meeting of September 1, 2015 were presented for approval.

Moved by Foss and seconded McVay by to approve the minutes as amended. Ayes: Kathy L. McVay, Jerry Foss, Karen Patjens, Kenneth Halgren, and Arne Michaelsen. Noes: None. Absent: None. Excused: None. Motion carried.

The minutes for the special meeting of September 15, 2015 were presented for approval.

Moved by Foss and seconded McVay by to approve the minutes. Ayes: Kathy L. McVay, Jerry Foss, Karen Patjens, Kenneth Halgren, and Arne Michaelsen. Noes: None. Absent: None. Excused: None. Motion carried.

NEW BUSINESS

Public Hearing – Case 15-08

Karen Patjens opened the public hearing for Case 15-08, Amendments to Title 22 Land Development pertaining to establishments serving liquor for on premises consumption at 6:02 p.m.

Principal Planner Jeff Boers presented the staff report for the proposal, including the following:

- Proposed regulations were first looked at in the summer of 2014 at the direction of the City Council due to the anticipation of changes to the current prohibition in parts of Fircrest of the sale of liquor by the drink.
- The draft document was reviewed at a September 15, 2015 study session.
- The current proposal would allow beer and/or wine and spirits, beer, & wine as defined by

the Liquor Cannabis Board (LCB); it would prohibit taverns, nightclubs, and sports entertainment facilities; and establish performance standards for establishments that serve liquor by the drink.

- The current proposal would only affect the Neighborhood Commercial District.
- Information from the LCB clarified the definition of lounges and verified local jurisdictions can be more restrictive in their regulations.
- The presentation of staff alternative 2 which included prohibiting the sale, service and consumption of alcohol after 11 p.m. under the performance standards and prohibited lounges.

Patjens invited public comment.

Scott Brannon, 1029 Princeton Street, stated concerns with impact on Princeton Street residents and would like the City to hold off adoption for a year to study the issue more.

Darrin Shedd, 412 Bowes Street, stated concerns that serving alcohol will increase the intensity of the uses around his business which will cause an increase in parking needs.

Roberta Reesman, 604 Regents Blvd., stated concerns that increased parking needs would affect their private parking lot.

Ken Porter, 1033 Princeton Street, stated concerns over traffic, parking, and noise.

Phaedra Miller, 1225 Del Monte Avenue, stated as the area is commercial the hope is to have businesses in that area, but believes creative solutions could address neighbors' concerns.

Patjens closed the public hearing at 6:33 p.m.

Boers addressed questions asked during the public comment period:

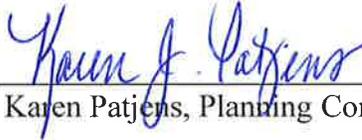
- The change from ten performance standards in the study session draft to two performance standards in the current draft reflects the removal of outdoor sale, service, and consumption of alcohol. The standards removed directly related to outdoor service.
- The original working draft proposed an administrative use permit which would have required a staff level review, but it was related to outdoor seating. If all business activity is inside the building and the performance standards associated with outdoor seating are no longer necessary, there is no need for an administrative review.
- In reference to parking, public parking is allowed along the street and staff does not believe establishments serving liquor by the drink will generate a large enough increase in parking demand to re-examine the parking standards. In addition, most of the increase would be anticipated to be in the evening hours when other businesses are closed. As to private parking lots, the City has no authority to enforce those.
- The performance standards related to bottle noise would only apply to businesses serving liquor by the drink.
- A lounge is defined by the LCB is an area that is set aside for ages 21 or older. It can be an entire restaurant or a portion thereof.

Discussion included the following:

- Option of limiting the square footage of establishments serving liquor by the drink.
- The areas currently serving liquor by the drink in the annexed areas are not affected by these proposed regulations.
- Suggestion to change performance standard #3 to prohibiting the sale, service, and consumption of alcohol after 10:00 p.m.

Moved by Foss and seconded by McVay to adopt resolution 15-08 recommending adoption of amendments to FMC Title 22, Land Development, pertaining to establishments serving liquor for on premises consumption including integrating staff alternative #2 and change the closing hours of operation to 10:00 p.m. Ayes: Kathy L. McVay, Jerry Foss, Karen Patjens, Kenneth Halgren and Arne Michaelsen. Noes: None. Absent: None. Excused: None. Motion carried.

Moved by Foss and seconded by Michaelsen to adjourn the meeting at 7:08 p.m. Ayes: Kathy L. McVay, Jerry Foss, Karen Patjens, Kenneth Halgren, and Arne Michaelsen. Noes: None. Absent: None. Excused: None. Motion carried.



Karen Patjens, Planning Commission Chair



Jeff Boers, Principal Planner

**CITY OF FIRCREST PLANNING COMMISSION
RESOLUTION NO. 15-06
Case No. 15-08**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF FIRCREST, WASHINGTON, RECOMMENDING ADOPTION OF
AMENDMENTS TO TITLE 22 LAND DEVELOPMENT PERTAINING
TO ESTABLISHMENTS SERVING LIQUOR FOR ON PREMISES
CONSUMPTION**

WHEREAS, Proposition 1 has qualified for a Special Election on November 3, 2015; and

WHEREAS, a vote in favor of Proposition 1 would allow the sale of liquor for on premises consumption in licensed restaurants, private clubs, nightclubs, and sport entertainment facilities in areas of the City of Fircrest that currently prohibit the sale of liquor for on-site consumption; and

WHEREAS, if Proposition 1 passes, it will be in the public interest for the City to adopt amendments to the zoning code to govern uses permitted by the vote; and

WHEREAS, a public hearing was conducted by the Planning Commission on October 6, 2015 to consider public testimony and comment on proposed amended regulations that would govern uses permitted by Proposition 1; and

WHEREAS, after consideration of public testimony, the Planning Commission voted to recommend approval of amendments that would modify the types of uses permitted and prohibited in the NC District and that would establish performance standards for establishments serving liquor for on premises consumption; and

WHEREAS, the Planning Commission has adopted the following findings in support of approval of the proposed development regulation amendments in consideration of the factors listed in Section 22.78.004 FMC, prior to final action:

1. The proposed code amendments will be consistent with the goals, objectives and policies of the comprehensive plan in that they will support economic development by expanding opportunities for restaurants that may serve beer and wine, or spirits, beer and wine, for on premises consumption in a manner that protects residential properties from unacceptable impacts associated with such businesses.
2. The proposed amendments will promote, rather than detract from, the public health, safety, morals and general welfare. As amended, the proposed code amendments will support expanded commercial and mixed use development opportunities that may include restaurants that serve beer and wine, or spirits, beer and wine, for on premises consumption. Proposed limitations on the types of establishments that would be allowed to serve liquor in this manner in the NC zone will minimize potential impacts on nearby residential properties and their residents. Likewise, proposed performance standards applicable to these uses will help promote the public health, safety, morals and general welfare.

THEREFORE BE IT RESOLVED that the Planning Commission of the City of Fircrest hereby recommends to the City Council that it:

1 1. Amend FMC 22.46.002 Neighborhood Commercial to read as follows:

2 **22.46.002 Permitted uses.**

3 Uses permitted subject to site plan approval in accordance with Chapter 22.72 FMC
4 and administrative design review approval in accordance with Chapter 22.66 FMC:

5 (a) Retail sales store including, but not limited to: the sale or rental of the following
6 items: antiques, appliances (small), art and art supplies, bicycles, books, clothing,
7 fabrics, flowers, gifts, groceries, hardware, hobby and craft supplies, home
8 furnishings, lawn and garden equipment and supplies, paint and wallpaper, music,
9 pets, pharmaceuticals, photography supplies and processing, sporting goods,
10 stationary, and videos.

11 (b) Commercial service including, but not limited to: beauty and hair care, consulting,
12 copying, fitness/health studios, laundry and cleaning (self-service), locksmithing,
13 office equipment repair, optical, paging, pet grooming, post office or postal substation,
14 studio photography, real estate sales, shoe repair, tailoring, telecommunication sales,
15 and travel agency service.

16 (c) Food-serving establishment including, but not limited to: bakery, cafeteria, coffee
17 shop, confectionery, delicatessen, espresso stand, ice cream or yogurt shop,
18 restaurant and other sit-down, self-service or take-out establishments. See FMC
19 22.58.026 for standards regulating restaurants licensed by the Washington State
20 Liquor and Cannabis Board to sell beer and wine, or spirits, beer and wine, for on
21 premises consumption.

22 (d) Commercial office serving primarily a local clientele including, but not limited to:
23 medical, dental, optometric, business and professional office.

24 (e) Culturally-enriching use including, but not limited to: art gallery, dance studio,
25 library, museum, live theater venue and senior center.

26 (f) Residential dwelling units, including family group homes and adult family homes,
27 located above the ground floor of a commercial establishment, not to exceed a
28 maximum density of six units per gross acre of site area.

29 (g) Necessary public or quasi-public utility building, structure or equipment, unstaffed
30 and less than or equal to 500 square feet in gross floor area (subject to compliance
31 with landscape standards in Chapter 22.62 FMC). Excludes substation.

32 2. Amend FMC 22.46.007 to read as follows:

33 **22.46.007 Prohibited uses.**

34 The following uses are prohibited:

- 35 (a) Drive-up or drive-through facility.
- 36 (b) Off-street parking facility which provides greater than 120 percent of the minimum
37 required number of parking stalls specified in FMC 22.60.003.
- 38 (c) Tavern, night club, sports entertainment facility or lounge as defined by the
39 Washington State Liquor and Cannabis Board.
- 40 (d) Adult entertainment establishment.
- 41 (e) Second-hand store, other than antique store.
- 42 (f) Delivery service, unless the place of business is located abutting a street classified
43 as a principal arterial in the Fircrest comprehensive plan.

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3. Amend FMC 22.58 by adding a new section to read as follows:

FMC 22.58.026 Establishments serving liquor for on premises consumption

(a) Establishments licensed by the State of Washington Liquor and Cannabis Board to serve beer and wine, or spirits, beer and wine, for on premises consumption are permitted only in specified zoning districts.

(b) The following performance standards, at a minimum, shall apply to establishments serving beer and wine, or spirits. beer and wine, for on premises consumption, within the NC Zone:

1. Bottles and other refuse and recyclable materials shall not be deposited in any exterior refuse or recycling totes, dumpsters or other receptacles during the hours of 9:00 pm to 7:00 am.
2. The outdoor sale, service and consumption of alcohol is prohibited.
3. The sale, service, and consumption of alcohol is prohibited after 10:00 pm.

MOVED AND ADOPTED by the Planning Commission of the City of Fircrest on the 6th day of October 2015, by the following vote:

YES: (5) McVay, Foss, Patjens, Halgren, Michaelsen

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

APPROVED:

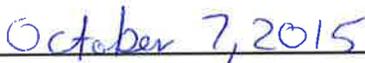


 Karen Patjens
 Chair, Fircrest Planning Commission

ATTEST:



 Jeff Boers, Principal Planner



 Date