



THE CITY OF FIRCREST

115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

FIRCREST PLANNING/BUILDING DEPARTMENT STAFF REPORT

CASE NUMBER 17-10

2017 Land Development Code Amendments

October 3, 2017 Planning Commission Meeting

PROPOSAL:

The City of Fircrest proposes to amend zoning and subdivision regulations contained in various chapters of Title 22 Land Development. The proposed amendments are intended to:

- Clarify and improve code administration, and improve internal code consistency;
- Establish procedures for considering binding site plans and administrative interpretations;
- Refine existing development standards to better achieve their original intent;
- Allow additional land uses, including microbeverage production facilities and assisted living facilities, in certain zoning districts;
- Prohibit several types of uses from being established in certain zoning districts in the future;
- Streamline the review process for specific uses by requiring administrative use permits instead of conditional use permits in some instances; and
- Establish design guidelines that would govern the design of drive through facilities.

AMENDMENT PROCESS:

Amendments to the City's development regulations are legislative actions governed by FMC 22.05 and 22.78. The Planning Commission is required to conduct a public hearing on this matter and forward its recommendations to Council, which will conduct its own public hearing before making a final decision.

ENVIRONMENTAL DETERMINATION:

The City prepared an Environmental Checklist and issued a *Determination of Nonsignificance* for the proposed amendments, on September 19, 2017. The environmental determination was issued with a 14-day comment/appeal period ending on October 2, 2017. As of the date this staff report was issued, the City had not received any comments or notice of appeal.

DEPARTMENT OF COMMERCE NOTIFICATION:

The City submitted a *Notice to Intent to Adopt Amendment* with a request for *Expedited Review* to the Washington State Department of Commerce on September 15, 2017. The state agency comment period will end on October 2, 2017 unless one or more state agencies requests additional time to review and comment on the proposal. As of the date this staff report was issued, the City had not received any comment. If comments are received prior to the comment deadline or the October 3rd hearing, they will be provided to the Commission, or Council, for consideration.

SUMMARY OF PROPOSED AMENDMENTS:

- Amend the project permit application framework in FMC 22.05.003 to include binding site plans as a Type II-B permit subject to staff approval.
- Amend FMC 22.07.005 by adding “administrative interpretation” to list of processes for which a Notice of Decision is required.
- Add a new section, FMC 22.08.004 Administrative Interpretations, thereby establishing a process and standards by which a staff-level interpretation of the code may be requested.
- Add a new Chapter 22.23 FMC establishing a binding site plan review process. This process can be used to subdivide commercially zoned and developed properties for the reasons explained in the purpose section of the chapter. It can be used to ensure that as sites are developed or divided and sold off, utilities, access and other critical project elements can continue to serve the affected properties – to the benefit of all parties.
- Amend the R4, R4C, R6, R8, R20 and R30 zones by revising the articulation language as it applies to building elevations less than 12 feet in height. The articulation standards were enacted in 2015 and have worked as intended for taller buildings, including two story dwellings. However, the articulation requirement has been difficult to meet when applied to buildings such as detached garages that often have lower side walls of 9 to 12 feet. The proposed revision would require three articulation elements *only* if an elevation exceeds 30 feet in length and 12 feet in height. Buildings with shorter walls (either length or height) would, at most, only need to incorporate two articulation elements instead of three.
- Amend the R-4-C zone by inserting “other uses” in place of “family group home and public or quasi-public building” in several of the development standards. The current language narrowly applies these standards to just two uses whereas the standards should be applied more broadly to multiple uses.
- Amend the R-4-C zone by increasing maximum height from 35 to 45 feet for uses other than cottage housing and small lot development. The new height limit could apply to assisted living facilities or similar uses where multi-story construction may be more economically feasible. By allowing a higher limit, building footprints could be reduced, thereby minimizing environmental impact by reducing impervious surface, maximizing tree retention, and achieving other goals consistent with the intent of the R-4-C zone.
- Amend the R8, R10-TCO and R20 zones by adding references to the city’s previously adopted multifamily design standards and guidelines. This would be consistent with language previously adopted for other zones that allow multi-family development.
- Amend the CMU zone by adding “microbeverage facilities” as a permitted uses. These facilities could include microbreweries, microwineries, and microdistilleries – each of which would be defined in Chapter 22.98 Definitions. Typically, these facilities would include small-scale production and tasting rooms, and they could be operated in conjunction with a food-serving establishment (restaurant). Limits on the amount of production would be established in the definitions for each use. The facilities would be licensed and regulated by the Washington State Liquor and Cannabis Board. This amendment is intended to support economic development goals by allowing a use that may generate additional, complementary, commercial activity within the CMU district.
- Amend the CMU zone by adding “assisted living facility” as a permitted use. This use is currently allowed as a conditional use in the City’s lower density residential zones and as a permitted use in the City’s higher density residential zones. There is high demand for assisted living facilities in the region, and there have been inquiries made in Fircrest from time to time as to where this use would be allowed. The amendment would create one more option for sellers and buyers of property in the CMU zone to consider in marketing and developing vacant and underutilized sites.

Amend the CMU zone by deleting “vehicle repair” from the list of conditional uses allowed. The vehicle repair category was originally placed in the code to recognize the existence of one such business and to allow its operation to continue without the stigma of being classified as a “nonconforming use”. This business ceased operation in 2009, and the city has received no indication of any similar businesses intending to set up shop in the CMU zone. Auto repair, by its very nature, may conflict with other uses the CMU Plan designation and zoning encourage for the area and may not be beneficial or appropriate.

- Amend the CMU zone by deleting “mini-storage” from the list of conditional uses allowed. With the redesignation and rezoning of properties located along the Mildred and 19th Street corridors to CMU in 2015 (properties formerly zoned Community Office, Community Commercial, or Light Industrial), the Comprehensive Plan and zoning intent have shifted to a mixed use model that envisions a vibrant, livable, higher-value neighborhood. Mini-storage can consume a lot of acreage, generate little employment, and produce little revenue in terms of sales tax and property tax. Development of vacant or underdeveloped land for mini-storage could make it much more challenging for the City to meet the demand for housing or enhance its commercial tax base. Therefore, new mini-storage uses would seem to be contrary to the long-term vision for the CMU district and the fiscal benefits that redevelopment of this area may bring the city.
- Amend the CMU zone by shifting “Drive-up or drive-through facility” and “light industrial uses” from the conditional uses category to administrative uses. If proposed design guidelines for drive-through facilities (recommended by staff and discussed later in this report) are adopted, the administrative use permit (AUP) process should be sufficient to ensure project compliance with city requirements for this use. Requiring a CUP to ensure code compliance may be an unnecessary layer of review. Likewise, with respect to light industrial uses, the AUP process should be sufficient to ensure project compliance with performance standards located elsewhere in the code.
- Amend the CMU zone by adding “establishments serving liquor for on-premises consumption in an outdoor customer seating area” as an administrative use. This use type was added to the NC zone in 2016 but did not get added to the CMU zone at the same time. As drafted, the standards in FMC 22.58.029 that currently apply to this use in the NC zone would apply to the CMU zone, except this section would undergo minor revision so there would be greater flexibility in the CMU zone -- only in terms of establishing hours of operation, outdoor seating hours, and bottle-handling hours.
- Amend nonconforming use provisions to refer to “vacated” properties rather than “abandoned” properties – consistent with recent case law.
- Amend the standards in FMC 22.58.029 that govern “establishments serving liquor for on-premises consumption in an outdoor customer seating area” to also apply to businesses located in the CMU zone. The amendments would provide greater flexibility in the CMU zone in terms of establishing hours of operation, outdoor seating hours, and bottle-handling hours.
- Amend the parking standards for drive-through facilities in FMC 22.60.012 to provide greater flexibility or opportunity for drive-throughs when located on property fronting an arterial street. An applicant would need to submit a technical study that demonstrates to the satisfaction of the City that vehicles would not back up onto the arterial or interfere with other circulation elements.
- Add a new section, FMC 22.64.043 Drive Through Facilities, establishing design guidelines governing these facilities. The guidelines would address facility design; location vis-a-vis streets, buildings, property lines and other improvements; landscaping; noise impacts, and other design elements.
- Add new definitions to Chapter 22.98 FMC for “microbeverage facilities”, “microbreweries”, “microwineries” and “microdistilleries”.

ANALYSIS:

Fircrest Municipal Code

The proposal consists of a development regulation text amendment, which is a Type V application proposal. The review and approval criteria are provided below:

22.78.004 Criteria for amendment approval.

Before the Planning Commission may recommend approval of an amendment request, and before the City Council may approve the amendment, each review authority shall adopt written findings showing that the following criteria are met by the proposal:

(a) The proposed amendment is consistent with the goals, objectives and policies of the comprehensive plan.

(b) The proposed amendment will promote, rather than detract from, the public health, safety, morals and general welfare.

Staff believes each criterion will be met by the proposal. Findings and conclusions in support of these criteria are provided in the preliminary resolution (Exhibit 2).

RECOMMENDATION:

Staff recommends the Planning Commission consider public comment at the October 3, 2017 public hearing, consider the findings and conclusions in the preliminary resolution (Exhibit 2), and adopt the following motion recommending approval of the proposal:

I move to adopt Resolution No. 17-09, a resolution of the Planning Commission of the City of Fircrest, Washington recommending adoption of amendments to the Land Development code contained in Title 22 of the Fircrest Municipal Code.

Jeff Boers

Jeff Boers, Planning and Building Department

September 27, 2017

Date

Exhibits:

1. Staff Report for October 3, 2017 Planning Commission Meeting
2. Preliminary Resolution No. 17-09
3. Draft Zoning Amendments
4. SEPA DNS and Environmental Checklist