



THE CITY OF FIRCREST

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**FIRCREST PLANNING/BUILDING DEPARTMENT
STAFF REPORT
CASE # 18-06**

Administrative Use Permit

APPLICANT: Chick-fil-A, Steve Schwartz, Development Manager

APPLICANT's AGENT: 4G Development and Consulting, Carlos Arias, Project Engineer

OWNERS: Conrad Esser, Cannongate Development, LLC (former Charley's Pub and Restaurant site); and Chick-fil-A, c/o Troutman Sanders (former law offices)

PROPOSAL: Administrative Use Permit for a drive-through facility in conjunction with new 4,706 sf restaurant

LOCATION: 6518, 6520 and 6602 19th Street West

PARCEL ID: Assessor Parcel Numbers 0220116007, 0220116008 & 0220112063

SITE AREA: 1.23 acres (3 parcels combined)

ZONING CLASSIFICATION: Commercial Mixed Use (CMU)

PLAN DESIGNATION: Commercial Mixed Use (CMU)

ADJACENT ZONING: North: Community Commercial Mixed Use (CCX) (City of Tacoma)
East, South and West: Commercial Mixed Use (CMU)

PROPOSAL SUMMARY: The applicant proposes to demolish an existing 6,545 sf restaurant building, 1,200 sf office building, and an existing 4,824 sf office building and construct a new 4,706 sf Chick-fil-A Restaurant with drive-through service. Vehicular access to the drive-through facility and parking lot would be from 19th Street West via two driveways. A two-lane, 28-stall drive-through stacking lane would be provided along the south and west edges of the site behind the proposed restaurant building. A site plan and landscaping plan are provided in Exhibit 3. *Full plans including elevations are included in the Site Plan Review (SPR) staff report, Exhibit 4.*

ADMINISTRATIVE USE PERMIT PROCESS: Typically, decisions on Type II-A administrative use permits are made at the staff level rather than by the Planning Commission. For this application, however, where the Commission is the decision-maker for the site plan review and variance applications, the Commission is authorized to make a decision on the AUP so that all discretionary land use actions are made at the same level. AUP applications are processed in accordance with FMC 22.05 and FMC 22.06.

PUBLIC NOTICE: Public hearing notice was mailed to owners of property located within 500 feet of the subject property on July 9, 2018. A legal notice for the hearing was published on July 10, 2018 in the Tacoma Daily Index. The project site was posted July 10, 2018.

CRITERIA FOR ADMINISTRATIVE USE PERMIT APPROVAL: FMC 22.70.003 provides the following approval criteria that must be met by the proposal in order for the Commission to grant approval:

- a) The proposed use and site design will not be detrimental to the public health, safety, and welfare; injurious to property or improvements in the vicinity; or adversely affect the established character of the surrounding vicinity.
- b) The proposed use and site design will meet or exceed all applicable development, design and performance standards and guidelines required for the specific use, location, or zoning classification.
- c) The proposed use and site design will be consistent and compatible with the goals, objectives and policies of the comprehensive plan.
- d) All conditions necessary to lessen any impacts of the proposed use are measurable and can be monitored and enforced.

ENVIRONMENTAL DETERMINATION: A Preliminary Mitigated Determination of Non-Significance (MDNS) was issued June 20, 2018 with a 14-day comment period ending July 3, 2018. The MDNS includes three proposed mitigation measures that are discussed in the staff report for the major preliminary site plan application.

ANALYSIS: The four approval criteria listed above are reiterated below and followed by an analysis of the extent to which the proposal meets each criterion.

Criterion a): The proposed use will not be detrimental to the public health, safety, and welfare; injurious to property or improvements in the vicinity; or adversely affect the established character of the surrounding vicinity.

Staff Analysis: *As conditioned, the proposed drive-through facility will be designed to minimize impacts on nearby properties and the abutting public street (19th Street West) in terms of noise, turning movement conflicts, and vehicular encroachment onto the street ROW or pedestrian circulation areas. The design and location of the facility behind the proposed restaurant building will minimize its visual impact on the established character of the surrounding area, which includes a mix of food-serving establishments, service and*

office uses, and recreation enterprises. The drive-through facility will not be visible from the direction of Tacoma Community College (TCC) because of the intervening restaurant building. The distance separating the drive-through from TCC Campus will ensure the facility will not have a detrimental impact on the school.

Criterion b): The proposed use will meet or exceed all applicable development, design and performance standards and guidelines required for the specific use, location, or zoning classification.

Staff Analysis: FMC 22.60.012 provides the standards for stacking spaces for drive-through facilities in terms of their dimensions, location and number. For each measurement, the proposal meets or exceeds the code requirement. In addition, this section states that generally, drive-through facilities should not take access from principal arterial streets in order to reduce congestion and turning lane conflict. Access should be via secondary streets unless a traffic and circulation study demonstrates that the proposed use will not result in vehicles encroaching onto the public ROW, or interfering with any pedestrian circulation, traffic maneuvering or other parking space areas.

The proposed Chick-fil-A restaurant has public street frontage only on 19th Street West, a principal arterial. It does not have the option of using secondary street access and therefore proposes to rely on two full-access driveways on 19th Street for access to and from the drive-through facility and parking lot.

The City of Tacoma (SPR, Exhibit 7) raises concerns that these driveways would be located in close proximity to existing turn barriers located in the center of 19th Street. Tacoma raises additional questions regarding the information contained in (or absent from) the applicant's March 1, 2018 Updated Traffic Impact Analysis (TIA). Transportation Engineering Northwest (TENW) has responded on behalf of the applicant in a May 16, 2018 memorandum (SPR, Exhibit 8).

Subsequent to receiving this response, Tacoma and Fircrest staff met to discuss driveway access issues and consider alternative designs that might address turning movement concerns. SEPA Mitigation Measure 1, which reflects the agency consensus at the Tacoma-Fircrest meeting, requires the westerly driveway to be restricted to right-in/right-out only. It further requires the applicant to construct a landscaped median island in the center turn lane in front of the westerly driveway and along a portion of the site to prevent left-in and left-out movements at this driveway. The two cities intend to coordinate on the median design and develop an interlocal agreement that specifies facility improvement designs and maintenance responsibility. SEPA Mitigation Measure 1 is restated below:

The on-site and off-site circulation plan shall be revised to limit ingress/egress for the proposed westerly driveway on 19th Street West to right in/right out only. The applicant shall install a median landscape island within the center turn lane located opposite the proposed westerly driveway. This island shall be designed to preclude left turn in/left turn out turning movements at the westerly driveway. At the mutual discretion of the City of Tacoma and City of Fircrest, this island may be extended in length to the west, and to the east, of the existing barrier located opposite the proposed westerly driveway to discourage U-turn movements by vehicles entering

or exiting the nearby TCC driveway on the north side of 19th Street West. The final design shall ensure that the proposed easterly driveway will provide full access to and from the proposed restaurant parking lot and drive-through facility. The cities of Fircrest and Tacoma will cooperatively determine the landscape design, the applicant shall fund the installation of the island and its landscaping, and the cities of Fircrest Tacoma will cooperatively pursue a maintenance agreement to ensure municipal maintenance of the median island landscaping.

Construction of the median landscape island improvements and imposition of the right-turn-in and right-turn-out limitations for the westerly driveway is intended to ensure that the proposed use will not result in patrons' vehicles interfering with any traffic maneuvering on 19th Street West. The project design should ensure that vehicles will not encroach onto the public ROW, or pedestrian circulation areas, consistent with the intent of FMC 22.60.012.

Compliance with Design Guidelines. The City has adopted design guidelines in FMC 22.64.043 that apply to drive-through facilities. A staff analysis follows each guideline, below.

22.64.043 Drive-through facilities.

Intent – Assess, promote and achieve appropriate development of drive-through facilities.

- (a) Objectives. (1) To promote compatible development that fits well with, and improves, its existing or planned context;
- (2) To protect and enhance the character and quality of the neighborhoods where drive-through facilities are located;
- (3) To enhance public streets and contribute to a high quality public space;
- (4) To create efficient stacking movements on site;
- (5) To create a safe and comfortable pedestrian environment on site; and
- (6) To minimize impacts on adjacent land uses that could be caused by on-site activities.

Staff Analysis: *Numerous design alternatives have been considered by the applicant and reviewed by the City. The site design as a whole, and the location and design of the drive-through facilities, meet objectives 1-3. The drive-through facilities also meet objectives 4-6 in that the proposal maximizes stacking efficiency and pedestrian safety, and minimizes impacts on adjacent land uses, all of which are commercial.*

(c) Context and Challenges. Drive-through facilities have proven to be successful as they target the mobile and car-oriented market. They may operate 24 hours a day, provide convenience for the traveling public and offer a sense of security for users at night. Drive-through service has been adopted by fast food businesses, financial institutions, dry cleaners, pharmacies and other businesses. Meanwhile, walk-in service is still an important component for many businesses with drive-through facilities for customers who arrive on foot, bicycles and by vehicles but do not use the drive-through services.

While successful and popular, drive-through facilities present many urban design challenges, including respecting the urban context while designing prototypical drive-through facility sites and buildings; supporting a pedestrian-friendly environment along public streets; using landscape areas effectively to improve the overall environmental and visual quality of the area; and designing efficient stacking movements on site.

Note: The codified version of this code labels this section “c” whereas it should actually read “b”.

Staff Analysis: *The proposed design respects the urban context to the extent practicable by supporting a pedestrian-friendly environment along the public street, using landscaping to improve environmental and visual quality, and designing efficient stacking movements on site.*

Design Guidelines

(1) Locate vehicular access points to the site as far as possible from street intersections. Locate vehicle access points to corner sites on the secondary street (Figure 1).

Staff Analysis: *Vehicular access points are located far from nearby intersections.*

(2) Locate surface parking areas and stacking lanes at the side or rear of buildings. (Figures 1 and 2).

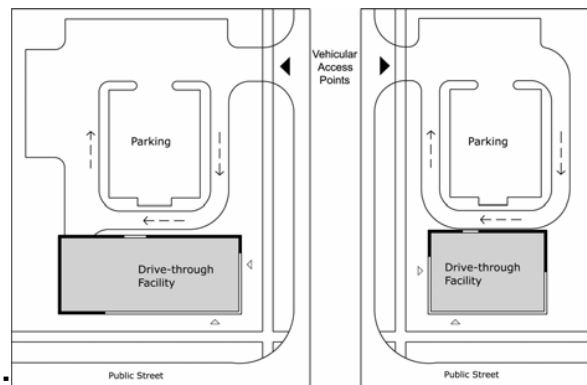


Figure 1:

Locating vehicular access points far from the intersection helps reduce potential impacts on the traffic at the intersection.

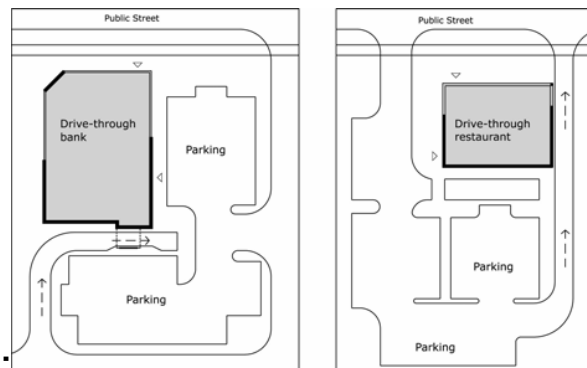


Figure 2:

Locating parking and driveway areas at the rear of the site provides opportunities to frame the street edge with built structures.

Staff analysis: *Surface parking and stacking lanes are located to side and rear of the building.*

(3) Minimize the number and width of driveways from the public street (Figure 3). However, avoid placing entrance or exit lanes between the building and street or sidewalk as shown in the example on the right in Figure 3.

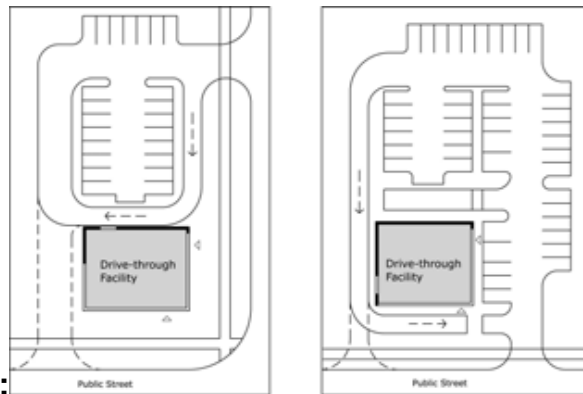


Figure 3:

Minimizing the number and width of driveways helps reduce interruptions to the public sidewalk.

Staff Analysis: *The applicant has determined that two access driveways are the minimum required for on-site circulation to function efficiently. Driveway widths are minimized.*

(4) Locate the start point to the stacking lane at the rear of the site so that queued vehicles do not block traffic along the public streets or the movement of other vehicles on site (Figure 4).

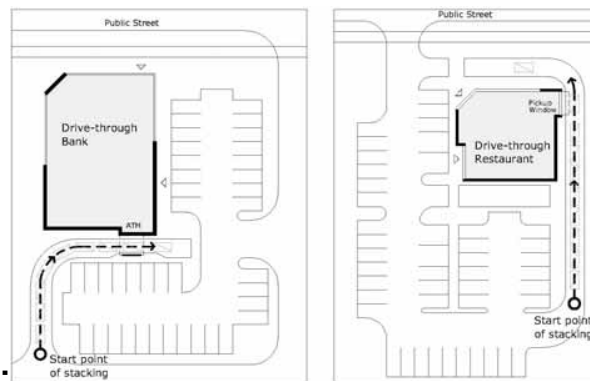


Figure 4:

In these two drive-through sites, start points are located at the rear of the site to minimize the potential impacts on other traffic that could be caused by stacking cars. However, avoid placing entrance or exit lanes between the building and street or sidewalk as shown on the right.

Staff Analysis: *The starting point for stacking lanes is located at the rear of the property.*

(5) Locate stacking lanes away from adjacent sensitive uses, such as residential and outdoor amenity areas, to reduce the impacts of noise and pollution that could be caused by stacking cars on such uses. Use landscaping and fencing to help buffer potential impacts.

Staff Analysis: *Stacking lanes are located next to commercially-developed properties and are not located next to sensitive uses. Landscaping and fencing will be used to help buffer potential impacts.*

(6) Avoid locating the stacking lane, and entrance or exit lane, between the building and the public street, as noted in the examples in Figures 3 and 4.

Staff Analysis: *The stacking lane, and entrance and exit lanes, are not located between the building and the public street.*

(7) Provide escape lanes and the appropriate number of queuing spaces as required in FMC 22.60.012 to create efficient stacking lanes and to minimize on-site conflicts (Figure 5).

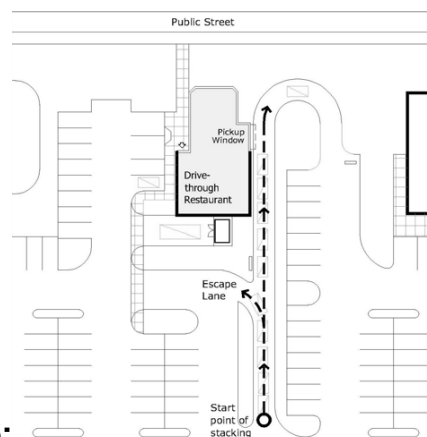


Figure 5:

In this drive-through site, sufficient queuing spaces are provided. The escape lane allows cars to exit from the stacking lane without having to drive by the pickup window.

Staff Analysis: *Escape lanes are not feasible within the site configuration. The number of queuing spaces proposed (28) greatly exceeds the number required in FMC 22.60.012 (seven).*

(8) Separate stacking lanes from parking areas and driveways using landscaped islands, decorative pavement, pervious islands and painted lines.

Staff Analysis: *Stacking lanes will be separated from parking areas and driveways using landscaped islands.*

(9) Design the on-site circulation to minimize conflicts between pedestrians and vehicles.

Staff Analysis: *On-site circulation is designed to minimize conflicts between pedestrians and vehicles.*

(10) Provide separate stacking lanes when two drive-through uses exist on the same site.

Staff Analysis: *Not applicable.*

(11) Locate noise-generating areas, including ordering board speakers, outdoor loading areas and garbage/recyclables storage, away from sensitive uses such as residential areas, day care facilities and schools.

Staff Analysis: *Sound-generating areas, including ordering board speakers, outdoor loading areas and garbage/recyclables storage, are located away from sensitive uses such as residential areas, day care facilities and schools – which are not located in close proximity to the site.*

(12) Buffer potential noise impacts on properties where noise may be detrimental to occupants with solid attenuations such as building structures, landscaped berms or attenuation fencing (minimum six feet in height) complemented with landscaping.

Staff Analysis: *Landscaping provided along outer perimeters of the site may provide some limited sound attenuation. However, sound attenuation is not a critical requirement for the abutting properties, which are developed with parking lots and a fast-food restaurant.*

(13) Limit sound emanating from ordering board speakers or other speaker systems to a level that is not audible from residentially used properties or detrimental to occupants of other nearby properties. At no time should any speaker system be audible above ambient noise levels beyond the property lines of the site.

Staff Analysis: *The applicant has provided a white paper produced by HME (Exhibit 4) that addresses common questions related to sound from communication systems used for drive-through facilities. A proposed condition of approval would limit sound emanating from ordering board speakers or other speaker systems to a level that is not audible from residentially used properties or detrimental to occupants of other nearby properties. The proposed placement and location of the speakers will direct sound into the interior of the site.*

(14) Provide a minimum eight-foot-wide landscape area, which may include a solid wall or fence in addition to planting, at the edges of sites between property lines and nearby entrance lanes, exit lanes, stacking lanes and other drive-through facilities, in order to provide screening and enhance site environmental benefits.

Staff Analysis: *A minimum eight-foot to 10-foot wide landscape buffer will be provided at the edges of site between property lines and nearby stacking lanes and other drive-through facilities, in order to provide screening and enhance site environmental benefits. Staff concludes that the proposed design, as conditioned, will comply with the design guidelines applicable to this project.*

Criterion c): The proposed use will be consistent and compatible with the goals, objectives and policies of the comprehensive plan.

Staff Analysis: Staff believes that the proposed drive-through facility will be consistent and compatible with the goals, objectives and policies of the Comprehensive Plan, in particular **Policy LU6.6**, which states the following:

Automobile-oriented businesses such as restaurants with drive-up windows may be permitted in commercial mixed use areas subject to compliance with screening and other site development standards intended to minimize impacts on neighboring properties. Site design for such businesses should ensure safe and convenient pedestrian access separate from drive-up access and that does not require the pedestrian to cross drive-up facilities to reach the pedestrian entry. Site design shall consider the safety of motorists, bicyclists, and pedestrians on the streets, shoulders, and sidewalks adjacent to the business driveways.

The proposal does not appear to conflict with other goals, objectives and policies of the Comprehensive Plan.

Criterion d): All conditions necessary to lessen any impacts of the proposed use are measurable and can be monitored and enforced

Staff analysis: The proposed conditions address sound levels, turning movement conflicts and project design. Landscape, building and site designs will be finalized through the staff-level final design review process to ensure code compliance. Subsequent on-site inspections of the constructed improvements will further ensure compliance. Traffic circulation issues including, but not limited to, turning movement conflicts will be addressed through mitigation measure requirements, namely restrictions to be imposed on the westerly driveway and construction of a landscape median island. Sound level impacts on nearby properties may be analyzed and potential code violations enforced on a complaint-received basis.

RECOMMENDATION: Staff recommends the Planning Commission grant approval of the administrative use permit for the drive-through facility based on the findings and subject to the conditions listed in the preliminary resolution provided as Exhibit 1.

Jeff Boers
Jeff Boers, Principal Planner

July 12, 2018
Date

EXHIBITS:

1. Preliminary Resolution for Administrative Use Permit
2. Administrative Use Permit Application
3. Site Plan and Landscape Planting Plan
4. HME White Paper on Drive-Through Sound Levels, dated May 24, 2010