



THE CITY OF FIRCREST

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

Preliminary Major Site Plan

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: Major Preliminary Site Plan for construction of a 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 4,824 sf office building and construct a new 4,706 sf Chick-fil-A Restaurant with drive-through service. Vehicular access to the site would be from 19th Street West via two driveways. A total of 48 off-street parking stalls would be provided, including 24 compact stalls and 24 standard stalls, two of which would be handicap accessible. Outdoor seating areas would be provided between the restaurant building and the public sidewalk on 19th Street, and between the building and parking lot to the east. A two-lane, 28-stall drive-through stacking lane would be provided along the south and west edges of the site behind the building. A refuse/recycling enclosure would be located between the drive-through lane and parking lot, south of the restaurant.

A plan set including site plan, grading and drainage plan, utility plan, tree retention plan, landscaping plan, irrigation plan, floor plans, roof plan, exterior elevations, and elevations with exterior materials/color palette is provided in Exhibit 4.

MAJOR PRELIMINARY SITE PLAN PROCESS: Decisions on Type III-A major preliminary site plan applications are made by the Planning Commission in accordance with FMC 22.05 and FMC 22.06.

CRITERIA FOR SITE PLAN APPROVAL: FMC 22.72.006 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. The first measure requires the installation of a median landscape island on 19th Street West opposite the proposed westerly driveway to limit ingress and egress to right turn in/right turn out only for this driveway. A second measure relates to remediating soil contamination found on the site resulting from fallout from the ASARCO smelter plume. A third mitigation measure addresses precautions that should be taken to manage dust, soil erosion and water pollution during grading and site construction. Comments received from the Department of Ecology are discussed below under Agency Comments.

ANALYSIS:

Agency Comments.

- Department of Ecology (Exhibit 11) provides general comments relating to asbestos/air quality, solid waste management, grading and filling, water quality, erosion and sedimentation control measures, and contamination remediation.
- City of Tacoma (Exhibit 7) raises concerns with respect to the applicant's proposal to use two full-access driveways in close proximity to existing turn barriers located in the center of 19th Street. The letter raises additional questions regarding the

information contained in (or absent from) the applicant's Traffic Impact Assessment (TIA). Transportation Engineering Northwest (TENW) has responded on behalf of the applicant in 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 this 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 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 and Tacoma will cooperatively pursue a maintenance agreement to ensure municipal maintenance of the median island landscaping.

- Tacoma Water has confirmed that the subject site is located within the Tacoma Water service area. Tacoma Water currently supplies the subject parcel with commercial general services with a 1-inch meter. Plumbing plans will need to be submitted if there are any changes in plumbing in order to determine if the existing water service and meter are adequate to meet the demand of the project.
- Tacoma Sewer has confirmed that sanitary sewer is available to the parcels in question and that sewer service is already provided to these parcels. It appears that the parcels in question are already included in the interlocal agreement (between Fircrest and Tacoma) and that would not change throughout redevelopment. City of Tacoma sewer connection review, storm connection review, and source control review will still be required as part of the project. Other right of way review may be required in relation to the project as well.

Citizen Comments. Emails and a letter in support of the proposal have been received from Everett Anderson, Owen Anderson, Brian Baker, Leana Delgado, Whitney Frederick, Danni Robinson and Peter Sorenson. An email objecting to the proposal has been received from Kathryn Nixon. Emails received in support of the proposal from Bruce Bodine and a letter received in support from Philip Hauge raise questions about an existing retaining wall, utilities, trees and other items. The applicant has responded that they have been in contact with Mr. Bodine representatives concerning utility questions and are coordinating on developing a relocation plan for any wet utilities that could be impacted by the project design. The applicant has also indicated that the retaining wall and trees referenced in Mr. Bodine's email are sufficient distance from the applicant's site work that they should not be impacted. Mr. Bodine requests a condition be imposed requiring the applicant to hire licensed and bonded contractors to verify the location of waterlines serving his property at Sunrise Center and crossing the Chick-fil-A site and make every effort to maintain their integrity if any site development work or building construction comes anywhere near these waterlines. A proposed condition of approval drafted by the applicant in response to Mr. Bodine's request is provided as Condition 22 of the Preliminary Resolution (Exhibit 1). Copies of all citizen comments are provided in Exhibit 12.

Compliance with Preliminary Site Plan Approval Criteria. Each of the approval criteria in FMC 22.72.006, listed above, and the extent to which the proposal meets them, is discussed below.

Criterion (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.*

Staff Analysis: *As conditioned, 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.*

The Terracon LSI report provided as Exhibit 13 identifies that soil contamination associated with ASARCO Smelter emissions is present at 6602 19th Street West. One soil sample contained arsenic at a concentration of 180 mg/kg, which exceeds both the MTCA Method A cleanup level of 20 mg/kg and the elevated arsenic concentration level of 40 mg/kg listed in Ecology's Tacoma Smelter Plume Model Remedies Guidance. Since the arsenic concentration for the sample exceeded 40 mg/kg, the arsenic level for the location of the property is considered "elevated" and will require additional assessment and possibly cleanup measures.

Based on the findings of the Terracon investigation, and in accordance with the Tacoma Smelter Plume Model Remedies Guidance, Terracon recommends that the area documented with an elevated arsenic concentration be excavated, properly disposed, and confirmation samples be collected in order to document the removal of the arsenic contaminated soil. In addition, when the structure is removed, sampling within its footprint is recommended in order to further characterize the shallow soils not currently accessible. Submittal of the final report and review by Ecology will be required to work towards receiving a No Further Action (NFA) determination for the site.

Sidewalk modifications to the project's 19th Street frontage, the installation of a landscape median island in front of the site, and access controls for the westerly driveway, will enhance pedestrian safety and minimize vehicular turning movement conflicts. The project design, which places the drive-through facility to the rear of the restaurant building and emphasizes the establishment of pedestrian facilities and an outdoor eating plaza between the building and the public street and sidewalk, will not adversely affect the established character of the surrounding vicinity.

Criterion (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.*

Staff Analysis: *Based on review at a conceptual level, staff believes the proposed use and project design will meet or exceed all applicable development, design and performance standards and guidelines required for the specific use, location, or zoning classification, as outlined below, provided the Commission grants a requested parking space variance. The*

applicant will need to provide more information concerning final architectural design, landscape design, and other design elements for final staff design review and approval.

Commercial Mixed Use District Permitted Use Requirements. FMC 22.50.002(c) permits food-serving establishments including restaurants and other sit-down, self-service or take-out establishments, subject to site plan approval in accordance with FMC 22.72 and administrative (staff-level) design review approval per FMC 22.66.

Commercial Mixed Use District Administrative Use Requirements. FMC 22.50.006(c) permits a drive-through facility, subject to administrative review. This review is intended to ensure the project design complies with the stacking space standards in FMC 22.60.012 and the drive-through facility design guidelines in FMC 22.64.043. Administrative review is typically conducted by staff. However, in the case where a proposal includes both a Type II-A application (administrative use permit) and Type III-A applications (preliminary site plan and major variance) the Commission is authorized to conduct a hearing and make decisions on all projects applications in lieu of two decision-makers (Planning Commission and staff) each issuing decisions on the same proposal. A complete analysis of the proposed drive-through facility is provided in a separate staff report prepared for the administrative use permit application. The staff analysis concludes that the proposed facility complies with all applicable design guidelines and stacking space standards.

FMC 22.50.008 Development Standards. New construction located in the CMU district must comply with the bulk regulations and other standards contained in this section. The proposed design complies with all applicable standards, including building height, building setback, lot coverage, impervious surface coverage, exterior wall modulation, minimum floor to ceiling height, and minimum storefront window area requirements.

FMC 22.58 Performance Standards. FMC 22.58.008(k) Stormwater Management requires stormwater facilities to be designed to meet or exceed the standards outlined in the Ecology Stormwater Management Manual for Western Washington. Consistent with NPDES Western Washington Phase II Municipal Stormwater Permit requirements, Low Impact Development (LID) designs and LID BMPs shall be required in areas where soils and geology support it. Larger projects triggering the manual's requirements for water quality treatment and/or flow control shall incorporate LID components to the extent practicable consistent with The Low Impact Development Technical Guidance Manual for Puget Sound.

Terracon Consultants, Inc. has submitted a geotechnical report (Exhibit 15) and a letter (Exhibit 16) on behalf of the applicant regarding the feasibility of stormwater infiltration. The letter states that native soils at the site consist of very dense, silty sand with gravel (i.e., glacial till). Given the very low permeability of glacial till, on-site infiltration of stormwater at this site is considered to be infeasible. Therefore, the City will not require LID stormwater components for this project.

FMC 22.60 Parking and Circulation. FMC 22.50.003 requires a minimum of one off-street parking space per 150 sf of dining and lounge area. The proposed dining area within the building totals 2,509 sf and the outdoor patio seating area totals 964 sf. The combined area of 3,473 sf requires a minimum of 24 spaces, whereas the applicant proposes to provide

48 spaces. FMC 22.60.006 limits off-street parking to no more than 120% of the minimum, although the Planning Commission may authorize up to a 50% increase in off-street parking (up to 36 spaces for this project) if a parking demand study prepared by a professional traffic engineer supports the need for increased parking and the project has been designed to include a number of design elements, facilities and programs.

The applicant's 48-space proposal represents a 100% increase over the minimum 24-space requirement and can only be approved through the granting of a major variance by the Commission. If the Commission grants the requested parking variance then it may determine that the proposal meets the parking requirements in FMC 22.60. For a detailed discussion and analysis of the parking variance request, please see the separate staff report prepared for the major variance.

FMC 22.62 Landscaping Regulations. The applicant has submitted a conceptual landscape plan (Exhibit 4) that generally meets the city's landscaping requirements with respect to parking lot and street frontage landscaping. Final detailed landscape plans, subject to staff-level design review approval, will need to be submitted to demonstrate code compliance in terms of final plant selection and location, and other landscape elements.

Tree Retention. FMC 22.62.009 requires 35% of significant trees to be retained. The applicant's tree retention plan (Exhibit 4) identifies the removal of five deciduous trees, none of which meets the definition of "significant". All nine existing evergreen trees are proposed to be retained. However, some of these trees, due to size or condition, may not be considered "significant" and therefore their removal would not be regulated. The applicant's plan demonstrates the tree retention standards are met.

Public Right-of-Way Improvements. As noted in the Environmental Determination section of this report, a SEPA mitigation measure requires the installation of a landscaped median island in front of the project site to restrict left-turn in and left-turn out movements for the westerly driveway. In addition, staff recommends modifications to the existing sidewalk located within the 19th Street ROW to improve pedestrian safety. The existing sidewalk has a 5-foot width, whereas FMC 22.64.030 states that walkways *should* be a minimum of 8 feet along street frontages in office areas and 12 feet within major pedestrian-oriented commercial districts and developments. The current characteristics of the 19th Street corridor suggest the 8-foot standard should apply. However, the plan set indicates there is typically only 7 feet within the ROW between curb and property line. Staff recommends the public sidewalk be widened to 7-foot minimum along the property frontage within the ROW to meet the purpose and intent of this design guideline.

FMC 22.64 Design Guidelines. For the Planning Commission to approve a preliminary site plan, it must make a finding that the proposed use and site design will meet or exceed all applicable design guidelines. In addition, the proposed development is subject to administrative (staff level) design review per FMC 22.66.008 to ensure project compliance with all applicable development regulations, the design guidelines contained in Chapter 22.64 FMC, and the goals, policies, and objectives of the comprehensive plan.

Administrative design review for this project consists of a two-step process that begins with a review of conceptual plans conducted concurrently with the Commission's review of the

preliminary site plan application. If the Commission grants site plan approval for a preliminary, or conceptual, design, the applicant will need to submit detailed plans for final design review by staff. This second review is intended to ensure that all design issues identified during the review of the conceptual plans are fully addressed prior to issuance of a building permit or other construction permit.

Staff has reviewed the conceptual plans for consistency with the design guidelines contained in Chapter 22.64 FMC and believes that the proposal is generally consistent with all applicable guidelines. In particular, staff believes that the following guidelines can or will be met by the proposal. Guidelines not listed below are largely inapplicable to this project.

- 22.64.003 Grading and storm drainage
- 22.64.006 Parking lots and areas
- 22.64.008 Building heights
- 22.64.009 Modulation and articulation – Walls and roofs
- 22.64.010 Building scale.
- 22.64.011 Building entries
- 22.64.012 Building materials
- 22.64.014 Service equipment and activities
- 22.64.016 Ground floor activities
- 22.64.017 Building frontages
- 22.64.020 Display windows
- 22.64.029 Commercial walkways
- 22.64.030 Commercial walkway corridors
- 22.64.031 Outdoor activity spaces
- 22.64.032 Streetscape furnishings
- 22.64.034 Lighting
- 22.64.035 Roadway corridors and street frontages
- 22.64.036 Urban buffers
- 22.64.037 Sidewalks and walkways
- 22.64.039 Screening
- 22.64.040 Landscape materials
- 22.64.043 Drive-through facilities

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

Staff Analysis: *The proposed redevelopment of the subject properties, the project design, and public street ROW improvements will be largely consistent and compatible with the following Land Use and Transportation policies:*

Policy LU2.3

The City should promote compatibility between land uses and minimize land use conflicts when there is potential for adverse impacts on lower-intensity or more sensitive uses by:

- Ensuring that uses or structures meet performance standards that limit adverse impacts, such as noise, vibration, smoke and fumes; and
- Creating an effective transition between land uses through building and site design, use of buffers and landscaping, or other techniques.

Policy LU6.2

Fircrest should encourage development of new businesses and expansion of existing businesses to help meet the retail and service needs of Fircrest's residents. New businesses should be recruited to the City to expand and diversify the City's employment base.

Policy LU6.6

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.

Policy LU6.7

The visual appearance of commercial areas should be improved through public and private measures for beautification, implementation of design strategies, maintenance, and streetscape improvements. Commercial and mixed use buildings should conform to design guidelines to ensure architectural compatibility with surrounding neighborhoods. Where commercial rehabilitation, development, or redevelopment occurs in an area with historic significance, it should be sensitive to the historic fabric of the area. New commercial and mixed use development should incorporate landscaping, seating, and other pedestrian-supportive amenities to provide pleasant and comfortable resting, socializing, and picnicking areas for employees and shoppers.

Policy LU6.8

Commercial and mixed use development should include high quality, safe, and contiguous facilities for pedestrians, bicyclists, disabled persons, and users of the public transit services. Fircrest should work with public transit providers to improve transit service to commercial mixed use and neighborhood commercial areas. Commercial and mixed use development should be designed to take into consideration the connections, both vehicular and pedestrian, to adjoining sites to reduce personal automobile trips. Sidewalks and internal pathways should be incorporated to enhance pedestrian circulation.

Policy LU6.9

Maximum automobile parking standards should be implemented for various types of commercial development. Shared parking facilities should be encouraged. Parking areas shall include plantings of vegetation that reduce its visual impact through effective screening and the establishment of a substantial tree canopy. Design standards that strongly encourage the placement of parking to the side or rear of buildings should be implemented. Parking facilities should conform to the parking-related policies of the Transportation Element.

Policy LU6.11

A mix of retail, office, service, and residential uses should be encouraged in commercial mixed use and neighborhood commercial areas.

Policy LU6.12

Redevelopment of vacant and underutilized sites should be encouraged.

Policy T3.6

Use traffic circles, landscaped medians, pedestrian bump-outs and other traffic calming measures to reduce speeds and increase safety. Where appropriate, design these facilities to provide pedestrian refuge areas that reduce pedestrian crossing distances, reduce conflict points and enhance streetscape landscaping. Use other traffic calming measures that offer pedestrian protection such as on-street parking or increase driver awareness of pedestrians through the use of textured pavement and signage.

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 of approval listed in the preliminary resolution (Exhibit 1) will ensure that all potential impacts resulting from the project are mitigated to a satisfactory level in conformance with applicable code requirements. All proposed conditions can be monitored and enforced through the administrative design review, site development permit, and building permit approval processes and subsequent site inspection process.*

RECOMMENDATION: Staff recommends the Planning Commission grant approval of the preliminary major site plan 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 Major Preliminary Site Plan Application
2. Land Use Application
3. Major Preliminary Site Plan Application
4. Applicant’s Site Plan, Grading and Drainage Plan, Utilities Plan, Landscape Planting Plan, and Details, Irrigation Plan and details, Photometric Plan, Exterior Elevation Plans, and Color Elevations

5. Applicant's Responses to Fircrest Comments, April 3, 2018
6. Updated Traffic Impact Analysis, March 1, 2018
7. City of Tacoma Comment Letter, May 1, 2018
8. TENW Response to City of Tacoma Comments, May 16, 2018
9. SEPA Mitigated Determination of Nonsignificance
10. Applicant's Environmental Checklist
11. Comments from Department of Ecology, July 3, 2018
12. Citizen Comments
13. Limited Site Investigation Report (6518/20 19th St W), Terracon, April 26, 2017
14. Limited Site Investigation Report (6602 19th St W), Terracon, February 16, 2018
15. Geotechnical Report, Terracon, February 27, 2017
16. Geotechnical Addendum, Terracon, March 26, 2018