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**THE CITY OF FIRCREST**

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

**Major Variance**

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**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 Variance to exceed the maximum off-street parking limit for a proposed 4,706 sf restaurant

**LOCATION:** 6518, 6520 and 6602 19<sup>th</sup> 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-thru service. Vehicular access to the site would be from 19<sup>th</sup> 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 19<sup>th</sup> 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 plan set including site plan and

landscaping plan is provided in Exhibit 3. The updated traffic impact analysis can be found in the Site Plan Review (SPR) staff report, Exhibit 6.

**MAJOR VARIANCE PROCESS:** FMC 22.74.002 establishes two types of variances -- a minor, or administrative variance, and a major, or Planning Commission variance. A major variance is one that is greater than 10 percent of the relevant standard and is subject to review by the Planning Commission. The variance requested by the applicant constitutes a Type III-A major variance. Decisions on major variance applications are made in accordance with FMC 22.05 and FMC 22.06.

**CRITERIA FOR VARIANCE APPROVAL:** The Planning Commission shall grant a variance when it has determined that the criteria listed in FMC 22.74.003(a) and provided below have been met by the proposal. When granting a variance, the Commission may attach specific conditions to the variance to ensure that the variance will conform to these criteria and all other applicable codes, design guidelines, and comprehensive plan goals and policies.

(1) There are special circumstances applicable to the subject property or to the intended use such as size, shape, topography, location, or surroundings that do not apply to other property or classes of use in the same vicinity and zoning classification.

(2) The variance is necessary for the preservation and enjoyment of a substantial property right or use which is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.

(3) The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.

(4) Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.

(5) The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title.

(6) The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, or comprehensive plan goals and policies

**BACKGROUND AND INTENT OF MAXIMUM PARKING SPACE PROVISIONS:** Many municipalities have relied on minimum parking standards to ensure that new development will have adequate parking to serve specific uses. A common result for the past 75 years has been that a large share of suburban development devotes more land to parking than it does to buildings. This has led to an extraordinary level of sprawl where buildings are often surrounded by a sea of parking, and one must drive from one business to another because of the distance separating uses. Parking has little value from a tax base standpoint so

communities that are heavily developed with surface parking lots and isolated buildings may be fiscally stressed due to an inadequate property tax base.

In recent years jurisdictions have begun to eliminate some or all of their minimum parking standards and rely on the market to a greater extent to determine what an adequate supply of parking is for a given use or development. Other cities have reduced their minimum parking requirements *and* instituted maximum space requirements to allow for some market determination but also cap numbers to ensure that future development is oriented more toward higher-value structures and rather than low-value parking lots.

There are other rationales for limiting parking, such as encouraging more compact, pedestrian-oriented development, or supporting a more multimodal transportation system that is less reliant on private automobiles for most trips to reduce congestion. However, for many smaller communities and suburban neighborhoods lacking transit and other alternative modes of transportation, it is a challenging fiscal reality that is driving them to consider parking maximums.

The argument from some developers is that they need to ensure there will be sufficient parking for the highest parking demand days – even if this means that much of the parking they provide sits unused much of the time. In some cases, it is lending institutions that are driving high parking space counts to meet “standard” requirements. Recent Black Friday surveys have shown, however, that even on high demand days, the parking supply is overbuilt for many individual businesses, commercial centers, and communities. This has led increasing numbers of cities to impose parking maximums, such as Fircrest did when it adopted a new land development code in 2000.

Many regions of the country, including the central Puget Sound, are undergoing a transformation in terms of parking demand – due in part to intolerable congestion that leads people to choose transit or other alternative means of travel, and partly because of the increased popularity of ride sharing. Autonomous vehicles may prove to be a game changer in the future in terms of reducing parking demand. And, in the case of Fircrest, light rail may extend down 19<sup>th</sup> Street West to TCC by 2035 *if* everything works out as currently planned by Sound Transit. Future development is unlikely to require as much parking as has been the case in recent decades.

**CODE SUMMARY:** In Fircrest in 2018, there is still a need for prospective businesses to provide sufficient parking to meet their needs. For this application, 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. FMC 22.60.006 is provided below.

### **22.60.006 Maximum parking space provisions.**

For multifamily residential, commercial and industrial uses, the number of off-street parking spaces provided shall not exceed 120 percent of the minimum required number of spaces specified in FMC 22.60.003. A property owner may submit a request as part of a site plan, conditional use permit, or preliminary development plan application to provide parking spaces in excess of the maximum allowable number. The planning commission may approve an increase of up to 50 percent of the minimum required number of spaces if:

(a) A parking demand study prepared by a professional traffic engineer supports the need for increased parking and demonstrates that:

(1) Shared and combined parking opportunities in FMC 22.60.005 have been fully explored and will be utilized to the extent practicable;

(2) On-site park and ride facilities have been fully explored and will be provided to the extent practicable;

(3) Commute trip reduction measures will be implemented, if required by state law, to the extent practicable.

(b) The project has been designed to include the following design elements, facilities and programs to the satisfaction of the planning commission. In those instances where site constraints impede compliance with the design requirements, written findings of fact shall be made identifying site and project constraints and included in the final notice of decision. In its findings, the planning commission shall determine if a good faith effort has been made in building and site design in order to accommodate the following design elements, facilities and programs.

(1) The excess parking spaces shall be located within an enclosed parking structure or constructed of a permeable surface such as interlocking paving blocks (cement or plastic) or other porous pavement which minimizes impervious surface and achieves a superior appearance when compared with a large expanse of asphalt or concrete paving.

(2) Alternative parking lot designs shall be utilized in order to reduce impervious surface, e.g., one-way instead of two-way access aisles.

(3) The amount of required landscaping within the area of additional parking shall be doubled. This additional landscape area may be dispersed throughout the parking lot.

(4) A minimum of 75 percent of the parking spaces shall be located behind the building, and the remainder shall not be located within the minimum and maximum yard setback areas adjoining a street. Parking lots located along flanking streets shall have added landscape and a superior design to strengthen pedestrian qualities; e.g., low walls, street furniture, seating areas, public art, etc.

(5) Preferential parking shall be located near primary building entrances for employees who rideshare and for high occupancy vehicles, if applicable.

(6) The developer shall create a transit/rideshare information center and place it in a conspicuous location on the premises.

(7) For sites located adjacent to or within 600 feet of a Pierce Transit bus or van route, the developer shall fund the purchase and installation of a transit shelter package, including seating, trash receptacle and related facilities for each side of the street which has a transit route, consistent with Pierce Transit operational needs in accordance with FMC 22.60.014.

**ANALYSIS:** An analysis of the requested variance is provided below. Included in this analysis are the approval criteria that must be met for the variance to be approved and the applicant's statements provided as justification for granting the variance, taken from the Major Variance application form (Exhibit 2).

**Criterion (1): There are special circumstances applicable to the subject property or to the intended use such as size, shape, topography, location or surroundings that do not apply to other property or class of this use in the same vicinity and zoning classification.**

**Applicant's Statement:** Special circumstances required additional parking based on other Chick-fil-A restaurants located nearby. The intended use creates a demand for parking that do not apply to other property or classes in the same vicinity.

**Staff Assessment:** It is difficult to assess what actual parking demand will be and how this might compare to the number of space proposed to be constructed at the Fircrest site. The applicant has provided an analysis (Exhibit 4) that summarizes the amount of parking provided for Chick-fil-A restaurants recently constructed in several western Washington locations. The number of spaces to be provided at the Fircrest store are roughly comparable to the numbers provided elsewhere. However, local conditions such as population density, availability of transit and other modes of travel, neighborhood character and numerous other considerations are highly variable and make store-to-store comparisons difficult. There is nothing unique about the property in terms of size, shape, topography, location or surroundings that would justify an increase in parking. Therefore, an affirmative finding for this criterion may require the Commission to make a determination that a Chick-fil-A restaurant requires a higher level of parking than other similar food-serving establishments may require at this location.

**Criterion (2): The variance is necessary for the preservation and enjoyment of a substantial property right or use which is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.**

**Applicant's Statement:** *Based on the special circumstances noted above [for criteria 1], the code restricts the use of the site to appropriately accommodate customer capacity in the parking lot. This has been justified by the Traffic Impact Analysis.*

**Staff Assessment:** The applicant's Traffic Impact Analysis primarily provides an analysis and summary of other western Washington locations rather than one based on local market and neighborhood characteristics. Therefore, an affirmative finding for this criterion may require the Commission to make a determination that based on the experience of Chick-fil-A restaurants located elsewhere in the general region, a higher level of parking supply is required than allowed by code.

**Criterion (3): The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.**

**Applicant's Statement:** *Granting of the variance will not be materially detrimental to the public because the site will adequately provide parking to customers. Increased parking will limit traffic congestion on 19th St and create a safer environment.*

**Staff Assessment:** Providing a large number of off-street parking spaces at this site may minimize the amount of vehicle "cruising" where drivers are unable to find a space the first time they enter the parking lot and then are required to circle around, either within the lot or onto the street and back into the lot. Provision of additional off-street parking should not have a direct negative impact on public welfare or property or improvements in the vicinity.

**Criterion (4): Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.**

**Applicant's Statement:** *Strict enforcement of the provision of this title would limit the property owner's ability to design and/or develop the safest and most efficient parking layout and would negatively impact the adjacent property owners.*

**Staff Assessment:** Limiting off-street parking to the number allowed by code may create a less efficient vehicular parking and circulation pattern that could have spillover effects on nearby property owners. Limiting parking is viewed by the applicant as an impediment to business success for a Chick-fil-A at this location. This may be considered a difficulty or unnecessary hardship that is unwarranted.

**Criterion (5): The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title.**

**Applicant's Statement:** *The difficulty and unnecessary hardship is caused by the text in the code as it limits necessary parking required for this use.*

**Staff Assessment:** The applicant is purchasing the properties on which the restaurant and off-street parking will be located. Most of the existing site improvements will be removed to accommodate the new facilities. Therefore, the practical difficulty or unnecessary hardship (insufficient parking) has not been created by the owner or by a predecessor in title.

**Criterion (6): The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, or comprehensive plan goals and policies**

**Applicant's Statement:** *Parking code establishes adequate parking criteria for the proposed businesses. The parking variance for this location conforms to the intent of the code as the number of stalls requested aligns with the proposed use. The Traffic Impact Analysis supports this variance request. Inadequate parking would be detrimental to the community and City of Fircrest.*

**Staff Assessment:** Granting of the variance would be consistent with the purpose and intent of the CMU zoning classification and the CMU comprehensive plan land use

designation of the subject property, and would be supported by the following Comprehensive Plan policies:

**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 LU6.11**

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.

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**RECOMMENDATION:** Staff recommends the Planning Commission grant approval of the Major Variance 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 Variance Application
2. Major Variance Application
3. Applicant's Site Plan and Landscape Planting Plan
4. Applicant's Responses to Fircrest Comments, April 3, 2018