

CITY OF FIRCREST PLANNING COMMISSION
Notice of Decision / Resolution No. 18-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FIRCREST, WASHINGTON, APPROVING A MAJOR VARIANCE TO EXCEED THE MAXIMUM OFF-STREET PARKING LIMIT FOR A PROPOSED 4,706 SF RESTAURANT AT 6518, 6520 AND 6602 19TH STREET WEST

WHEREAS, an application was made by Chick-fil-A on March 3, 2018 for a major preliminary site plan to demolish three existing buildings located at 6518, 6520 and 6602 19th Street West, Fircrest and construct a 4,706 square foot restaurant with drive-through facility; and

WHEREAS, the application was assigned Case Number 18-06 and deemed complete on April 6, 2018; and

WHEREAS, a Notice of Application was issued on April 17, 2018 with a comment period of at least 14 days ending May 1, 2018; and

WHEREAS, a 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, and the project site was posted July 10, 2018; and

WHEREAS, the subject property is designated *Commercial Mixed Use* in the City's Comprehensive Plan; and

WHEREAS, the subject property is zoned *Commercial Mixed Use*, which permits food-serving establishments including restaurants and other sit-down, self-service or take-out establishments, subject to site plan approval and administrative design review approval; and

WHEREAS, the applicant proposes to provide 48 off-street parking spaces for a Chick-fil-A, which represents a 100% increase over the minimum 24-space requirement for this use and can only be approved through the granting of a major variance by the Planning Commission; and

WHEREAS, the Commission has held a public hearing on this application on July 19, 2018, considered public comment, and has examined pertinent maps, drawings, and documents; and

WHEREAS, the Commission has made the following Findings of Fact and Conclusions of Law:

- (1) There are special circumstances applicable to the intended use that do not apply to other classes of use in the same vicinity and zoning classification, namely that a Chick-fil-A restaurant requires a higher level of parking than other similar food-serving establishments may require at the proposed location.
- (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, namely the unique nature of a Chick-fil-A restaurant, which typically requires a higher level of parking than allowed by the Fircrest Municipal Code.
- (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, in that by providing a larger number of off-street parking spaces than allowed by code at this site, the business operation may minimize the amount of potentially unsafe 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.
- (4) Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner, in that 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 would be an impediment to business success for a Chick-fil-A at this location, which would be a difficulty or unnecessary hardship that is unwarranted.
- (5) The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title, in that 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.
- (6) 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.

THEREFORE BE IT RESOLVED that the Planning Commission of the City of Fircrest hereby approves the major variance for Case 18-06 with the following condition:

1. The proposal shall comply with all conditions imposed under the Preliminary Major Site Plan Approval Resolution No. 18-07.

PASSED AND ADOPTED by the Planning Commission of the City of Fircrest on the 19th day of July 2018 by the following vote:

AYES: ()

NOES: ()

ABSENT: ()

Karen Patjens, Planning Commission Chair

ATTEST: _____
Angelie Stahlnecker, Planning Administrator

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Assessor's Notice per HB 2567: Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.
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Information Regarding Appeals

Appeals of this decision shall be governed by the provisions contained within Fircrest Municipal Code Chapter 22.10. Only parties of record have standing to appeal the Planning Commission's decision. An appeal of this decision must be filed within fourteen (14) calendar days of the date of this Notice of Decision, which is July xx, 2018. Therefore, the appeal deadline for this decision is August xx, 2018 at 5:00 PM. Appeals shall be in writing, accompanied by an appeal fee, and containing the information requested in FMC 22.10.004(A)(4). For more information, contact Angelie Stahlnecker, 115 Ramsdell Street, Fircrest WA 98466, 253-238-4125 or planning@cityoffircrest.net.