



**FIRCREST PLANNING/BUILDING DEPARTMENT
STAFF REPORT**

CASE NUMBER 20-08

***2020 Comprehensive Plan and Title 22 Land Development Code Amendments,
including adoption of a Form-Based Code***

October 6, 2020 Planning Commission Meeting

PROPOSAL:

The City of Fircrest proposes to amend the City's Comprehensive Plan and Title 22 Land Development, including adoption of a form-based code for the commercial mixed-use area.

AMENDMENT PROCESS:

The Planning Commission's action on a comprehensive plan amendment and a development code amendment takes the form of a recommendation to the City Council, which makes the final decision. Upon completion of a public hearing on this matter, the Commission should forward its recommendations to Council, which will conduct its own public hearing before making a final decision.

On January 31, 2020, the City of Fircrest advertised for amendment requests as required by FMC Chapter 23.06 and RCW 36.70A.130. No private applications were received.

ENVIRONMENTAL DETERMINATION:

The City prepared an Environmental Checklist and issued a *Determination of Nonsignificance/Adoption of Existing Environmental Documents for the 2020 Amendments to the Fircrest Comprehensive Plan and Development Code* on September 11, 2020. The environmental determination was issued with a 14-day comment/appeal period ending on September 28, 2020. No comments were received.

DEPARTMENT OF COMMERCE NOTIFICATION:

The City submitted a 60-day *Notice of Intent to Adopt a Plan Amendment* to the Washington State Department of Commerce on July 16, 2020. The state agency comment period ended September 14, 2020. No comments were received.

BACKGROUND:

On January 29, 2019, the City Council/Planning Commission held a joint meeting and discussed the commercial mixed-use zone, changes that were occurring in adjacent jurisdictions, and were introduced to form-based code as an alternative regulation tool than conventional zoning.

On August 19, 2019, the City Council directed staff to move forward with developing a proposal to increase the development potential of the 19th and Mildred (Commercial Mixed-Use area) and consider incorporating a form-based code for this area.

On January 21-23, 2020, the City hosted three charette workshops led by urban planning consultant, Kaizer Rangwala. Notices were sent to property owners within 500', business owners, apartment residents, and local agencies and jurisdictions. It was also advertised on the website and on Facebook. The meetings were well attended by residents, stakeholders, and public officials. Comments and discussions were incorporated into the first draft document.

On February 4, 2020, the City Council and Planning Commission held a joint meeting to recap the community workshops.

On June 2, 2020 the Planning Commission held a study session that covered not only the draft form-based code document, but also the proposed amendments to the Comprehensive Plan and Land Development Code. The amendments included both changes related to the form-based code, but also other changes proposed by staff.

On September 1, 2020, the City held a virtual community meeting in order for Mr. Rangwala to present the form-based code draft, answer questions and receive comments.

The draft documents were also reviewed by Land Use Attorney, Susan Drummond.

SUMMARY:

Here are some of the recent changes and/or clarifications since the last study session:

- Minimum Height: MUU - 3 stories; MUN - 2 stories
- Minimum ceiling height only applies to 1st floor
- No changes to step-down requirement between zones
- Added fitness center to allowed uses
- Drive-throughs: Staff recommends leaving as prohibited. If a unique design was presented it could use the amendment or variance process.
- Revision Design Review section (FMC 22.66.06) to provide some flexibility
- Replace "minor amendment" with "minor departure" from the regulating plan (FMC 22.57.007)

REVIEW:

The City is required to periodically review and update its Comprehensive Plan and development code, as needed, to ensure consistency with the Growth Management Act, Puget Sound Regional Council VISION 2040 Growth Strategy, and the Pierce County Countywide Planning Policies

The proposal consists of comprehensive plan text and map amendments, as well as Title 22 land development code text amendments and area-wide map amendments, both of which are Type V application proposals. The review and approval criteria are provided below:

FMC 23.06.070 Review and approval criteria.

The City Council may adopt any comprehensive plan amendment if it (1) is in the public interest and complies with the Growth Management Act, and (2) is in the public interest and not contrary to the public health, safety and welfare. In making this determination, the Council shall weigh the following factors:

- Consistency with the adopted Fircrest comprehensive plan;

- Consistency with pertinent plans for adjacent jurisdictions and countywide planning policies;
- Eliminates conflicts with existing elements or policies;
- Establishes a logical, compatible extension of existing land use designations;
- Clarifies or amplifies existing policy or accommodates new policy directives of the city council;
- A change of conditions has occurred within the neighborhood or community since adoption of the comprehensive plan, this title, and amendments thereto, to warrant a determination that the proposed amendment is in the public interest.

FMC 22.78.004 Criteria for amendment approval.

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:

- The proposed amendment is consistent with the goals, objectives and policies of the comprehensive plan.
- The proposed amendment will promote, rather than detract from, the public health, safety, morals and general welfare.
- The proposed zoning is compatible with the uses and zoning of surrounding property (required only for zoning map amendments).
- The property is suited for the uses allowed in the proposed zoning classification (required only for zoning map amendments).
- A change of conditions has occurred within the neighborhood or community since adoption of the comprehensive plan, this title, and amendments thereto, to warrant a determination that the proposed amendment is in the public interest (required only for zoning map amendments and amendments to this title which require a comprehensive plan amendment to ensure consistency under subsection (a) of this section).
- Except for the extension of existing district boundaries, no change in any use district, classification or official zoning map shall be considered if it contains fewer than one acre, excluding public streets or alley rights-of-way.

CONCLUSIONS:

The proposed amendments outlined in Exhibits 3, 4, and 4 meet the criteria required (and listed above) for approval.

Staff has provided findings in the draft resolutions provided as Exhibits 1 and 2.

RECOMMENDATION:

Staff recommends the Planning Commission consider public comment at the October 6, 2020 public hearing and the findings and conclusions provided. If the Planning Commission feels comfortable taking action at the meeting, Staff has prepared two resolutions (one for the Comprehensive Plan amendments and one for the zoning code amendments) for consideration:

- *I move to adopt Resolution No. 20-01, a resolution of the Planning Commission of the City of Fircrest, Washington, recommending adoption of amendments to the city of Fircrest comprehensive plan.*

- *I love to adopt Resolution No. 20-02, a resolution of the Planning Commission of the City of Fircrest, Washington, recommending adoption of amendments to the Fircrest Municipal Code, Title 22 Land Development, including adoption of a form-based code.*

Angelie Stahlnecker

Planning and Building Administrator

October 1, 2020

Date

Exhibits:

1. Preliminary Resolution No. 20-01, Comprehensive Plan Amendments
2. Preliminary Resolution No. 20-02, Title 22 Land Development Amendments
3. Draft Comprehensive Plan Amendments,
4. Draft Land Development Code Amendments
5. Draft Fircrest Form-Based Code
6. SEPA DNS and Environmental Checklist