

ORDINANCE NO. 701

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE AMENDING UPMC TITLE 19 ZONING – CHAPTER 19.70.130 AND CHAPTER 19.52 TO ALLOW RELIEF FROM THE REQUIREMENTS THAT PROHIBIT DRIVE-THROUGHS BETWEEN BUILDINGS AND ADJACENT STREETS, AND FROM THE DESIGN STANDARDS THAT REQUIRE THAT NEW OR REDEVELOPED BUILDINGS BE ORIENTED AND BUILT TO THE SIDEWALK

WHEREAS, in enacting the Growth Management Act (Chapter 36.70A RCW, hereafter GMA) the Legislature found that "uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state"; and

WHEREAS, the GMA requires that local governments meeting certain criteria, including the City of University Place, adopt development regulations to guide development subject to state regulations, multi-county and countywide planning policies, and comprehensive plan goals and policies; and

WHEREAS, the City Council established and appointed the Planning Commission to advise the City Council on the following topics: growth management; general land use and transportation planning; long range capital improvement plans; and other matters as directed by the City Council; and

WHEREAS, the Planning Commission is charged with holding hearings on and developing a comprehensive plan for the City and making recommendations to the City Council on amendments to the comprehensive plan, the zoning code and map, and other development regulations of the City; and

WHEREAS, on August 21, 2017 the City Council adopted Resolution 848 requesting that the Planning Commission provide recommendations regarding amending UPMC Section 19.70.130 Drive Through and Drive Up standards and UPMC Chapter 19.52 UPMC Community Commercial Zone Design Standards to allow relief from the requirements that prohibit drive-through between buildings adjacent streets, and from the design standards that require that new or redeveloped buildings be oriented and built to the sidewalk in circumstances where significant grade differences make those standards financially infeasible and commercially unreasonable; and

WHEREAS, the Planning Commission held public meetings on February 7 and February 21, 2018 to study proposed amendments; and

WHEREAS, the City published a Notice of Hearing in the Tacoma News Tribune on February 23, 2018 for a public hearing by the City Planning Commission on March 7, 2018 regarding the proposed amendments; and

WHEREAS, the City Planning Commission conducted the public hearing on March 7, 2018 to consider written and oral public comments on the proposed development regulation amendments; and

WHEREAS, on March 7, 2018 the Planning Commission adopted Resolution 2018-0001 recommending the proposed amendments to the City Council; and

WHEREAS, the City issued a *SEPA Determination of Non-significance* pertaining to proposed development regulation amendments on March 2, 2018 with a 14-day comment period; and

WHEREAS, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce on March 2, 2018, which was issued to state agencies for a 14-day comment period as required pursuant to RCW 36A.70 RCW, and had not received any formal comments in response to the *Notice* prior to the close of the public hearing on this matter; and

WHEREAS, on April 16, 2018 the City Council held a study session to review the recommended amendments; and

WHEREAS, the City Council has considered the approval criteria listed in UPMC 19.90.030 and adopted the following findings in support of the proposed amendments:

1. The proposed amendments will ensure consistency with University Place Comprehensive Plan goals, objectives and policies by promoting economic development in the Regional Growth Center, providing flexibility in development regulations to promote efficient use of land, encouraging the expansion of existing business, and providing design standards that require pedestrian connections to promote walkability in the Town Center District; and
2. The proposed amendments are in the best interest of the citizens and property owners of the City. The proposed amendments allow flexibility in design when there is a significant grade difference between buildings and adjacent streets, to allow alternative means of pedestrian access and circulation; and
3. The proposed amendments enhance the public health, safety, comfort, convenience or general welfare by providing a safer route of pedestrian traffic and circulation through parking areas and vehicular traffic associated with drive-through and drive up uses when grade separations do not allow reasonable direct pedestrian access;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

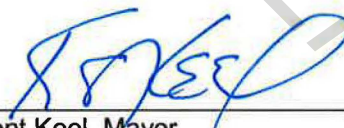
Section 1. University Place Municipal Code Chapter 19.70.130 Drive Through and Drive Up Facilities Amended. The City of University Place Municipal Code Chapter 19.70.130 Drive Through and Drive Up facilities is hereby amended as set forth in Exhibit "A" attached.

Section 2. University Place Municipal Code Chapter 19.52. Community Commercial Design Standards and Guidelines Amended. The City of University Place Municipal Code Chapter 19.52 Community Commercial Design Standards and Guidelines are hereby amended as set forth in Exhibit "B" attached.

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4. Effective Date. Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

PASSED BY THE CITY COUNCIL ON MAY 7, 2018.


Kent Keel, Mayor

ATTEST:


Emelita Genetia, City Clerk

APPROVED AS TO FORM:


Matthew S. Kaser, City Attorney

Date of Publication: 05/09/18

Effective Date: 05/14/18

UNOFFICIAL DOCUMENT

ORDINANCE 701 - EXHIBIT A
DRIVE THROUGH AND DRIVE UP FACILITIES
PROPOSED AMENDMENTS

UPMC 19.70.130

D. Standards. ~~Where permitted, New drive-through and drive-up facilities, and major improvements to or major redevelopment of shall comply with the following standards; except that where drive-through and drive-up facilities, shall comply with the following uses are nonconforming, these standards shall apply to all major improvements or major redevelopments~~

d. ~~Except as provided in 19.70.130(D)(2)(d)(1) below~~ drive-through lanes and drive-up spaces shall be located in the rear or side yards and shall not be placed between a street and the building. **See Diagram 1.**

(1) In cases where there is a grade difference of more than 6 feet and a slope greater than 150% between the adjacent street and the property in question precluding direct pedestrian entrance from a street, drive-through lanes may be located between the street and the building provided the drive-through use is:

Located in a Level II Commercial Center, and

Below grade of the adjacent street, and

Pedestrian amenities are provided in accordance with UPMC 19.70.130(D)

ORDINANCE NO. 701 - EXHIBIT B

COMMUNITY COMMERCIAL DESIGN STANDARDS AND GUIDELINES

PROPOSED AMENDMENTS

UPMC 19.52

CC9 Setbacks.

Building to the back of the sidewalk, a courtyard or plaza facilitates easy pedestrian access. Varying building setback and projection provides horizontal articulation and architectural interest.

A. Standards.

1. All site plan layouts shall give first consideration to pedestrians.
2. All buildings shall be oriented and built at the edge of the sidewalk except:
 - a. Where a plaza or courtyard lies between the building and sidewalk, in which case the building shall be built to the edge of the plaza or courtyard.
 - b. At significant corners a minimum setback of 20 feet is required between the building and sidewalk, to accommodate a plaza or courtyard.
 - c. When a minimum of 60 percent of a lot's street frontage is occupied by buildings, additional buildings may be built in the interior of the project site.
 - d. As provided in CC9(B) below.
3. No side setbacks are required; however, if a building is set back, then a minimum of 10 feet is required, to provide access between buildings.
4. At least 40 percent of the street facade of a building shall be set back a maximum of 10 feet from the wall plane established at the sidewalk, to provide horizontal articulation of the building facade.
5. A minimum 30-foot setback is required from R1 and R2 zones.

B. Drive-Through and Drive Up Facilities in Commercial Center exception

1. Where drive-through or drive-up facilities are proposed to be located within existing commercial centers, and where drive-through lanes are permitted between a building and a street in accordance with UPMC 19.70.130(D)(2)(d)(1) a minimum of two of the following requirements shall be met:

- a. An additional pedestrian connection between the public street and the principal building within the commercial center.
- b. An additional pedestrian connection to a second public street for commercial centers with two or more street frontages.
- c. Provide two additional pedestrian connections between parking areas located within the center and buildings within the center.
- d. Provide an additional 750 square feet of plaza area within the commercial center. The plaza area shall be improved in accordance with Chapter 19.52 UPMC.
- a-e. Provide a pedestrian connection from the principal building to a neighboring property.
- b.f. Provide enhanced walkways that exceed the design standards through landscaping and design.
- c.g. Provide enhancement to an existing pedestrian connection within the commercial center, or upgrade the existing connection to current pedestrian connection standards as described in subsection (D)(1)(b) of this section.
- h. Provide amenities that achieve the goal of the CC Zone that meet or exceed the options listed above and are approved by the Director.

2 Pedestrian connections shall be a minimum of five feet wide. Raised walkways are preferred. The City may consider alternative designs where major design challenges exist. The walkways shall be differentiated from the parking area by use of alternate materials or finishes. Paint striped walkways would not be allowed to meet this requirement. Alternate materials can include but are not limited to: concrete, pavers, stamped and painted asphalt, or others subject to City approval.

CC27 Doors and entryways.

Doors and entryways provide a welcoming sense of arrival and attract people to enter.

A. Standards.

1. Primary building and store entrances shall be oriented toward the principal street except in Level II Commercial Centers where a grade difference of more than 6 feet and a slope greater than 150% between the adjacent street and the property in question precluding direct pedestrian entrance from a street a minimum of two of the following requirements shall be met:

- a. An additional pedestrian connection between the public street and the principal building within the commercial center.

- b. An additional pedestrian connection to a second public street for commercial centers with two or more street frontages.
- c. Provide two additional pedestrian connections between parking areas located within the center and buildings within the center.
- d. Provide an additional 750 square feet of plaza area within the shopping center. The plaza area shall be improved in accordance with Chapter 19.52 UPMC.
- c. Provide a pedestrian connection from the principal building to a neighboring property.
- d. Provide enhanced walkways that exceed the design standards through landscaping and design.
- e. Provide enhancement to an existing pedestrian connection within the commercial center, or upgrade the existing connection to current pedestrian connection standards as described in subsection (D)(1)(b) of this section.
- f. Provide amenities that achieve the goal of the Community Commercial zone that meet or exceed the options listed above and are approved by the Director.

2. Pedestrian connections shall be a minimum of five feet wide. Raised walkways are preferred. The City may consider alternative designs where major design challenges exist. The walkways shall be differentiated from the parking area by use of alternate materials or finishes. Paint striped walkways would not be allowed to meet this requirement. Alternate materials can include but are not limited to: concrete, pavers, stamped and painted asphalt, or others subject to City approval.

23. Recessed or projecting entrances shall be designed so that they do not exceed 50 percent of the width of the storefront, nor 10 feet in depth/projection.

3.4 Except as provided above Placement and design of doors shall provide a direct connection to the sidewalks and streets,

4.5 Provide a diversity of entrance types including recessed, projecting and traditional entrances.

B. Guidelines.

1. Tenants should create a unique and identifiable entryway that distinguishes their brand identity.
2. Additional entrances may be on a walkway, plaza or courtyard.
3. Restaurants are encouraged to provide a clear throughway and a visual connection to exterior seating areas.

CC59 Temporary signs.

A temporary sign is any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other similar materials, with or without a frame, intended to be displayed for a limited time only. Holiday decorations and other special events are considered temporary.

A. Standards.

1. One real estate sign is permitted per building street frontage.
2. Real estate signs shall be located on the ground floor near the entrance.
3. Real estate signs are not permitted in the window of a residential unit.
4. Except political temporary non-commercial yard signs, temporary signs shall not be freestanding.
5. One new residential development wall sign is permitted per street frontage.
6. Inflatable dirigibles are not permitted.
7. A-board signs are prohibited.