



**Staff Report
Design Review and Variance
Peterson’s 76 Fueling Station
Prepared February 22, 2018**

FILE NUMBER: L17-0055 (Design Review), L18-0009 (Variance)

ASSOCIATED PERMITS: E17-0011 (SEPA)

PROJECT NUMBER: PL17-0048

APPLICANT: Duncan Wallace, PM Design Group

OWNER: Strander Family LLC

REQUEST: Type 4 Public Hearing Design Review approval for construction of a new 10,000+ sq. ft. two-story convenience store, fuel tanks, permanent drive-thru coffee kiosk, and six island fuel station with canopy.
Additional Zoning Variance approval to:

- 1) Consider the front yard setback from Interurban Ave S and second front yard setback from 48th Ave S as the proposed fueling station and existing truck fueling station are an integrated site with Seattle City Light parcel lying in between the subject site and Interurban Ave S;
- 2) Allow front yard landscaping to be installed on Seattle City Light property (parcel number 0003000032);
- 3) Allow the drive-through coffee kiosk in the front yard setback as long as it is minimum 25 feet away from the west property line of the SCL parcel (street edge of Interurban Ave), and set back 5’ away from the shared property line of SCL parcel 0003000032 and parcel 0003000113 to comply with International Building Code setback requirements.

LOCATION: 13310 Interurban Ave S

ZONING DISTRICT: Commercial Light Industrial

ENVIRONMENTAL REVIEW: Determination of Non-Significance issued for SEPA review (E17-0011) on February 9, 2018.

PUBLIC NOTICE: A combined notice of application for design review and SEPA was sent to neighboring residents and businesses and posted on site

on September 26, 2017. A combined notice of application and hearing for design review and variance was sent to neighboring residents and businesses and posted on site on February 9, 2018. The notice of public hearing was published in the Seattle Times on February 22, 2018.

PUBLIC COMMENT:

No comments received.

STAFF:

Max Baker, Assistant Planner

ATTACHMENTS:

- A. Site and Civil Plan Set
- B. Building Elevations and Renderings
- C. Materials/Colors Selection
- D. Project Description from Applicant
- E. Zoning Variance Criteria Response from Applicant
- F. Applicant Lease Agreement with Seattle City Light

FINDINGS

Project Description

The project seeks to demolish the existing fueling station's four fueling islands, the fueling canopy, the underground fuel tanks and the convenience store. A new fueling station with 6 fueling islands, new canopy, new underground fueling tanks and a 10,021 sf two-story convenience store is proposed.

Existing Development

The existing site contains four fueling islands covered by a canopy and an associated convenience store that was constructed in 1990. Along the southwestern lot line is a walk-up espresso stand. The site currently contains 25 parking spaces, 8 of which are located adjacent to the fueling islands.



Image 1: View of existing fueling station from 48th Ave S.



Image 2: View of existing parking lot from northeast corner of lot (E Marginal Way and S 128th St.)

Surrounding Land Use

The project site is bounded to the southwest by Interurban Ave S, to the northwest by 48th Ave S, and to the southeast by the Interstate 5 offramp. Days Inn Seattle South Tukwila, a hotel, is located to the northeast of the site. Across 48th Ave S from the site is a Shell fueling station and associated convenience store, and a truck dealership with an associated truck fueling station.



Image 3: Site Vicinity

Topography & Vegetation

The parcel is mostly level. The site is mostly composed of impervious surfaces and contains little landscaping.

Access

The site has two vehicular access points, both along 48th Ave S. A 5-foot wide sidewalk is located adjacent to 48th Ave S. at the back of the curb which connects with a sidewalk along Interurban Ave S. Pedestrian access into the site is through the paved parking area.

PUBLIC COMMENTS

No public comments were received.

REPORT ORGANIZATION

This staff report is divided into two sections. The first section covers the Variance Permit and the second section covers the Design Review decision. Staff’s conclusions and recommendations follow each section. The Board of Architectural Review is asked to make a decision on both applications. TMC 18.64 addresses conditional use criteria and TMC 18.60 address design review criteria.

SECTION ONE - ZONING VARIANCE PERMIT

DECISION CRITERIA – ZONING VARIANCE PERMIT

The proposed project must comply with criteria detailed in TMC 18.72.020, (1-6), concerning Zoning Variance Permits. Applicant's response to Zoning Variance criteria is attached to this staff report as Attachment E.

The variance request is to: 1) Consider the front yard setback from Interurban Ave S and second front yard setback from 48th Ave S as the proposed fueling station and existing truck fueling station are an integrated site with Seattle City Light parcel lying in between the subject site and Interurban Ave S; 2) allow front yard landscaping to be installed on Seattle City Light property (parcel number 0003000032); 3) allow the drive-through coffee kiosk in the front yard setback as long as it is minimum 25 feet away from the west property line of the SCL parcel (street edge of Interurban Ave). Staff makes the following findings under the city's Variance criteria (TMC 18.72.020):



Image 4: Site Parcels

- 1. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located.***

The subject site comprises of parcel 0003000113 (owned by Strander Family LLC and where the proposed vehicle fueling station, convenience store and coffee kiosk are to be located); and adjacent parcel 0003000045 (owned by Strander Family LLC and leased to the applicant, it contains the recently developed Peterson's 76 truck fueling area). Parcel 0003000032 (which is owned by Seattle City Light and leased to the applicant, see Attachment F) lies between the subject site and Interurban Ave South. Perimeter landscaping and a portion of the access drive is proposed on the SCL parcel. All three parcels are located within the Commercial/Light

Industrial (CLI) district. The proposed use, “Automotive services, gas (outside pumps allowed)” is a permitted use within the CLI district. The vehicle fueling station is proposed on parcel number 0003000113 and SCL parcel lies between the parcel and Interurban Avenue South. Additionally, SCL has entered into an agreement to allow the applicant to install landscaping on SCL property and SCL parcel has limited development potential due to overhead power lines. Additionally, the intent of the front yard and front yard landscaping requirements is to provide appropriate streetscape along the street’s edge. Granting this variance does not constitute a grant of special privilege. Properties that have a similar situation also have a right to apply for a variance.

2. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.

Tukwila Municipal Code 18.06.525 defines lot frontage as “that front portion of a lot nearest the street, except on a corner lot in which case the front yard shall be considered the narrowest part of the lot that abuts a street.” If Interurban Ave S were to not be considered the Front yard but instead 48th Ave S were, the 25’ required setback along the longer frontage here would have significant impacts upon the layout of the site and the applicant’s ability to utilize the property; a 25’ Front yard setback along 48th Ave S and a 5’ Side yard setback along the I5 offramp would reduce the developable depth of the lot along the storefront façade from 118.5’ to 106’, significantly reducing the ability to accommodate drive-aisles and parking on the site.

By considering the Seattle City Light parcel (APN 0003000032) as part of the project site, the front yard would be oriented to Interurban Ave S, a minor arterial street. A 25’ Front yard setback would be applied to Interurban Ave S, while a 12.5’ Second Front yard setback would be applied to 48th Ave S. The Peterson’s 76 site layout is unique in the area as it is surrounded on three sides by public right-of-way, with site access only available along 48th Ave S. No other sites in the area have such access/layout limitations. Allowing the front yard landscaping to be installed on SCL parcel and allowing the coffee kiosk setback to be measured from the west property line of SCL parcel is necessary due to the location of SCL parcel in between Interurban Ave S and the subject site. In addition to the 25’ setback from SCL property line along Interurban Ave, the coffee kiosk will need to be set back 5’ away from the shared property line of SCL parcel 0003000032 and parcel 0003000113 to comply with International Building Code setback requirements.

Additionally, neighboring parcels to the north along 48th Ave S contain structures with setbacks from the street varying between 5’ and 15’; identifying 48th Ave S for the 12.5’ Second Front setback at the Peterson’s 76 site would be consistent with the existing built environment here.

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the zone in which the subject property is situated.

No harm, injury, or interference with uses of adjacent and neighboring properties would result from the variance. Traffic, light, and noise will not be affected by the granting of the variance.

Granting of the variance will provide a larger landscaped buffer along Interurban Ave S., providing an improved public realm along the arterial right-of-way.

4. *The authorization of such variance will not adversely affect the implementation of the Comprehensive Land Use Policy Plan.*

The granting of the variance will not adversely affect the implementation of the Comprehensive Land Use Policy Plan; the project will still need to meet the requirements of the Design Review and Landscaping portions of the Tukwila Municipal Code, effectively keeping the project in line with the “Community Image” intent of the Comprehensive Plan.

5. *The granting of such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity.*

The intent of TMC 18.06.525 is for lot frontage to be “that front portion of a lot nearest the street, except on a corner lot in which case the front yard shall be considered the narrowest part of the lot that abuts a street.” Peterson’s 76 leases land across three adjacent parcels including the Seattle City Light parcel at the corner of Interurban Ave S. and 48th Ave S. Thus, the variance proposal should work to meet the intent of TMC 18.06.525 by designating Interurban Ave S. as the Front yard for the project.

6. *The need for the variance is not the result of deliberate actions of the applicant or property owner.*

Peterson’s 76 has leased the subject properties from Strander Family LLC and Seattle City Light for a number of years. The need for the variance is not the result of any deliberate actions taken by the applicant or the property owners.

CONCLUSIONS - ZONING VARIANCE PERMIT

- The proposed variance will not constitute a grant of special privilege. The coffee kiosk will need to be set back 25’ the from SCL property line along Interurban Ave, and set back 5’ away from the shared property line of SCL parcel 0003000032 and parcel 0003000113 to comply with International Building Code setback requirements.
- The layout and site configuration for Peterson’s 76 is unique. Interurban Ave S is a more heavily trafficked arterial street than 48th Ave S, making it an appropriate street to be considered for lot frontage.
- The variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or in the Commercial/Light Industrial district.
- The variance does not conflict with goals and policies of the Comprehensive Plan.
- The proposed use is necessary for the preservation of a substantial property right.
- The need for the variance is not the result of any deliberate actions.

RECOMMENDATIONS - ZONING VARIANCE PERMIT

Staff recommends approval of the Zoning Variance permit requests:

- 1) Consider the front yard setback from Interurban Ave S and second front yard setback from 48th Ave S as the proposed fueling station and existing truck fueling station are an integrated site with Seattle City Light parcel lying in between the subject site and Interurban Ave S;
- 2) Allow front yard landscaping to be installed on Seattle City Light property (parcel number 0003000032);
- 3) Allow the drive-through coffee kiosk in the front yard setback as long as it is minimum 25 feet away from the west property line of the SCL parcel (street edge of Interurban Ave), and set back 5' away from the shared property line of SCL parcel 0003000032 and parcel 0003000113 to comply with International Building Code setback requirements.

With the following condition:

- If the agreement between Seattle City Light and Peterson's 76 expires and is not renewed, landscaping on SCL property and the drive-through coffee kiosk will need to be relocated to meet the landscape and setback requirements of the Tukwila Municipal Code at the time of expiration.

SECTION TWO - DESIGN REVIEW

This project is subject to Board of Architectural (BAR) design approval under Tukwila Municipal Code (TMC) Section 18.60.030. In the following discussion the Board of Architectural Review criterion is shown below in bold and italics, followed by staff's comments. For the applicant's response to the criteria, see Attachment D.

Design Review Criteria TMC 18.60.050.B Commercial and Light Industrial

The following criteria shall be considered in all cases, except that multi-family and hotel or motel developments shall use the multi-family, hotel and motel design review criteria:

1. RELATIONSHIP OF STRUCTURE TO SITE.

a. The site should be planned to accomplish a desirable transition with streetscape and to provide for adequate landscaping and pedestrian movement.

The proposed project will significantly improve pedestrian movement adjacent to and within the site, with designated walkways providing access to the convenience store from the public right-of-way on 48th Ave S. Landscaping along Interurban Ave S and 48th Ave S will provide an improved transition from the right-of-way as well as improved screening of parking and fueling areas within the site.

b. Parking and service areas should be located, designed and screened to moderate the visual impact of large paved areas.

Parking is located along the front of the convenience store and is screened by the landscaping along 48th Ave and Interurban Ave S. Fueling islands area also screened by landscaping along 48th Ave. A loading stall will be located at the rear of the building near the delivery door and is generally screened from Interurban Ave S by the store itself.

c. The height and scale of each building should be considered in relation to the site.

The Commercial/Light Industrial district allows a maximum height of 45'-0". The height of the coffee kiosk is approximately 15'. The height of the fueling canopy is 18'-10" with a 16'-0" clearance under the canopy, which is an appropriate size to allow for customer protection while fueling vehicles. The highest part of the convenience store is 40'-4½". This progression of heights from Interurban Ave S reduces the visual impact of the structures on the public realm by locating the tallest structures further away from the arterial street.

1. RELATIONSHIP OF STRUCTURE AND SITE TO ADJOINING AREA.

a. Harmony of texture, lines and masses is encouraged.

The proposed building is approximately 10,021 square feet. The mass and scale of the building is consistent with the surrounding commercial/industrial areas. The proposed siding is somewhat industrial in character, with a combination of wood, metal, and concrete/brick that work to complement one another. Large floor-to-ceiling windows and sunlights provide significant transparency for the convenience store. The texture and lines of the proposed materials are harmonious.

b. Appropriate landscape transition to adjoining properties should be provided.

25' of landscaping is proposed along Interurban Ave S., and 12.5' of landscaping is proposed along 48th Ave S. Street trees will help to screen the fueling area while providing an enhanced public realm. Additional infill landscaping along the perimeter and next to the convenience store is proposed to meet the TMC 18.52 requirements.

c. Public buildings and structures should be consistent with the established neighborhood character.

The proposed buildings will be used to provide services for fueling station customers as well as passing drivers and pedestrians. The convenience store and coffee kiosk have been designed to match one another and to blend in within the surrounding commercial/industrial neighborhood. The two-story convenience store is an appropriate massing in the context of the surrounding Commercial/Light Industrial district, where many structures are one to two stories.

d. Compatibility of vehicular pedestrian circulation patterns and loading facilities in terms of safety, efficiency and convenience should be encouraged.

The convenience store and its parking are facing the fueling area to allow for customer parking in front of the store or they can easily and safely walk from their cars at the fueling islands into the convenience store. There will also be a rear customer entrance to accommodate the customers from the commercial truck fueling islands. A pedestrian walkway will be provided with a bike rack in front of the convenience store to the offsite sidewalk along 48th Ave. Design includes a coffee kiosk that will be oriented to allow drive up customers to purchase coffee then exit the site.

e. Compatibility of on-site vehicular circulation with street circulation should be encouraged.

A paved pedestrian pathway from 48th Ave S to the convenience store entrance has been provided. One-way entrance and exit ramps for the vehicle fueling station are offset with driveways across 48th Ave S to reduce potential traffic conflicts.

3. LANDSCAPING AND SITE TREATMENT

a. Where existing topographic patterns contribute to beauty and utility of a development, they should be recognized, preserved and enhanced.

No changes to site topography are proposed.

b. Grades of walks, parking spaces, terraces and other paved areas should promote safety, and provide an inviting and stable appearance.

Grades of paved areas are minimal.

c. Landscape treatment should enhance architectural features, strengthen vistas and important axis, and provide shade.

The project meets the design criteria. To accommodate the types of uses found in the Commercial/Light Industrial district, landscaping may be clustered to permit truck movements or to accommodate other uses commonly found in the district if the criteria in TMC Section 18.52.100.D are met:

D. Clustering or perimeter averaging of landscaping may be considered if:

1. It does not diminish the quality of the site landscape as a whole; and

- The proposal does not diminish the quality of the site landscaping.

2. It does not create a nuisance to adjacent properties; and

- It does not create a nuisance to adjacent properties; the project will increase the amount of landscaping onsite and provided increased screening through the use of street trees.

3. If adjacent to residential development, the impacts from clustering are minimized; and

- Project is not located adjacent to residential development.

4. One or more of the following criteria are met:

a. Clustering or perimeter averaging of plant material allows more effective use of the industrial property; or

b. Clustering or perimeter averaging of landscaping enables significant trees to be retained; or

c. Clustering or perimeter averaging is used to reduce the number of driveways and curb cuts and/or allow joint use of parking facilities between neighboring businesses; or

d. Clustering or perimeter averaging avoids future conflicts with signage.

- Clustering of plant material allows for more efficient use of the site relating to activities that are usually accessory to vehicle fueling stations (fuel tank refueling, traffic movement, parking, etc.).

d. In locations where plants will be susceptible to injury by pedestrian or motor traffic, mitigating steps should be taken.

The proposed landscaping will be verified to ensure the plantings are done according to City standards, including the species used. Curbs will help to ensure that landscaped areas are not encroached upon.

e. Where building sites limit planting, the placement of trees or shrubs in paved areas is encouraged.

Per TMC 18.70.090 (B), design review triggers compliance with the City's adopted landscaping requirements. Additionally, the Board of Architectural Review may modify the standards when in their

judgement strict compliance with the landscaping standards of the code would create substantial practical difficulties. The current proposal meets the landscape requirements of TMC 18.52.

f. Screening of service yards and other places that tend to be unsightly should be accomplished by use of walls, fencing, planting or combination.

Landscaping along the perimeter is proposed; street trees will provide screening of fueling areas from public rights-of-way. An existing trash enclosure on parcel 0003000045 will screen refuse containers for the site from view.

g. In areas where general planting will not prosper, other materials such as fences, walls and pavings of wood, brick, stone or gravel may be used.

No such features are proposed.

h. Exterior lighting, when used, should enhance the building design and the adjoining landscape. Lighting standards and fixtures should be of a design and size compatible with the building and adjacent area. Lighting should be shielded, and restrained in design. Excessive brightness and brilliant colors should be avoided.

Lighting will be configured to provide safe vehicular and pedestrian travel through the site. 28 LED lights, ranging in strength from 3,806 lumens to 18,056 lumens, will provide adequate lighting through the parking lot and around pedestrian areas leading into the building. Lights will be shielded down to reduce impact to surrounding properties, and building mounted lights facing northeast toward the Days Inn hotel will be lower strength to reduce offsite impacts.

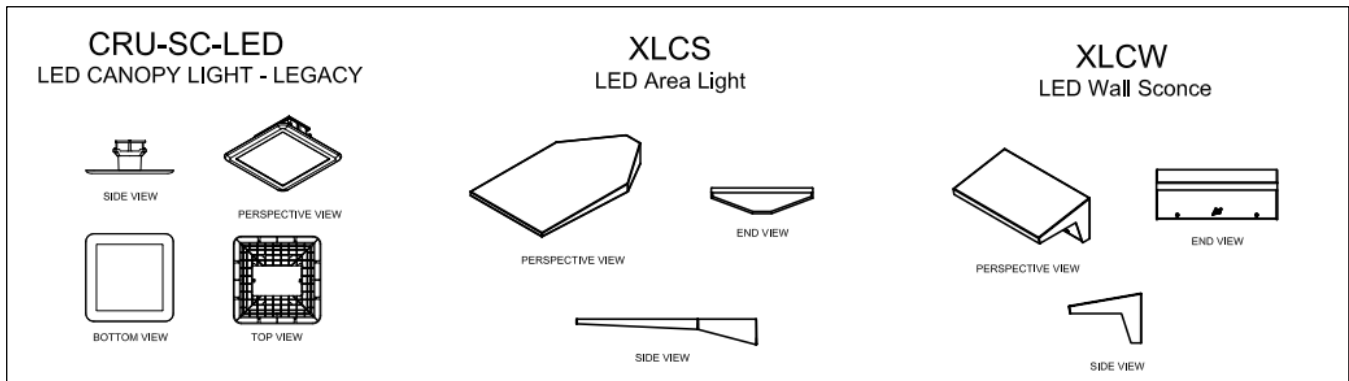


Image 5: Proposed Lighting Styles

1. BUILDING DESIGN.

a. Architectural style is not restricted; evaluation of a project should be based on quality of its design and relationship to its surroundings.

While freedom was given to the applicant to design a building that would meet the functional needs of the proposed fueling station, convenience store, and coffee kiosk, City staff also worked to ensure that the project's design would be appropriate for the surrounding retail/light industrial built environment.

b. Buildings should be to appropriate scale and in harmony with permanent neighboring developments.

This progression of heights from Interurban Ave S reduces the visual impact of the structures on the public realm by locating the tallest structures further away from the arterial street.

c. Building components such as windows, doors, eaves, and parapets should have good proportions and relationship to one another. Building components and ancillary parts shall be consistent with anticipated life of the structure.

Windows will utilize same materials throughout. Doors, railings, trim, and gutters will be of similar materials and colors.

d. Colors should be harmonious, with bright or brilliant colors used only for accent.

The proposed color scheme was selected by the owner and is appropriate for the design of the building.

e. Mechanical equipment or other utility hardware on roof, ground or buildings should be screened from view.

Trash and mechanical units will be enclosed.

f. Exterior lighting should be part of the architectural concept. Fixtures, standards, and all exposed accessories should be harmonious with building design.

Site lighting will consist of light poles and new exterior lighting attached to building. Exterior lighting will be LED lights with minimalist, trapezoidal shape that will be in harmony with the overall building design. Lights will be shielded downwards to reduce impact to surrounding properties.

g. Monotony of design in single or multiple building projects should be avoided. Variety of detail, form and siting should be used to provide visual interest.

Materials are varied between roof, trim, and siding, adding visual interest. The slanted roofs of the convenience store and coffee kiosk provide a modern look to the site's main structures.



Image 6: Proposed Convenience Store Structure Rendering

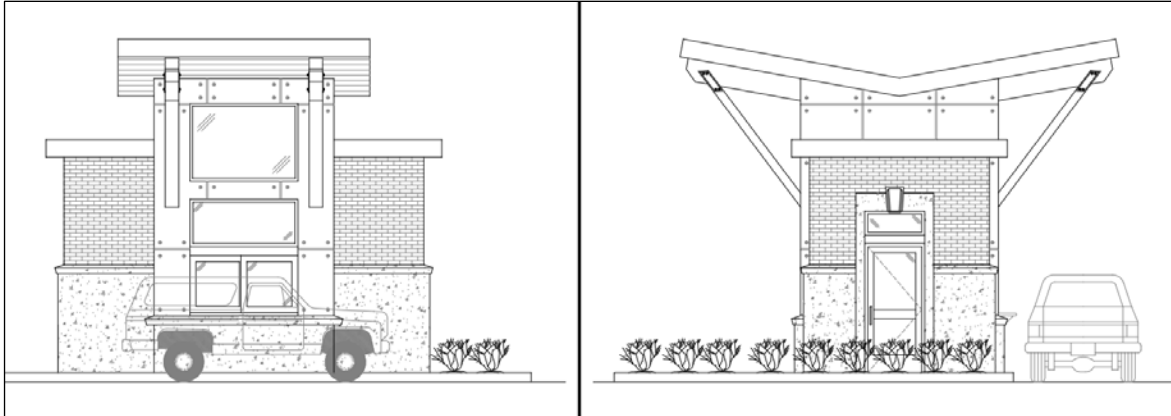


Image 7: Proposed Coffee Kiosk

5. MISCELLANEOUS STRUCTURES AND STREET FURNITURE.

a. Miscellaneous structures and street furniture should be designed to be part of the architectural concept of design and landscape. Materials should be compatible with buildings, scale should be appropriate, colors should be in harmony with buildings and surroundings, and proportions should be to scale.

The convenience store and coffee kiosk have been designed to resemble one another, utilizing similar design elements, materials, and colors.

b. Lighting in connection with miscellaneous structures and street furniture should meet the guidelines applicable to site, landscape and buildings.

Pole lights on site will provide lighting for drive through coffee kiosk.

CONCLUSIONS – DESIGN REVIEW

Structure height, length, and setback requirements are in compliance with the Commercial/Light Industrial district standards.

Landscaping is in compliance with all Tukwila Municipal Code standards. The City’s Urban Environmentalist has reviewed and approved proposed plant species, siting and materials to ensure appropriate spacing. The perimeter landscaping follows a coherent design concept, which will soften the impact of the vehicle fueling station on surrounding properties and create a more pedestrian-friendly atmosphere along the adjacent streets.

Changes to vehicular and pedestrian circulation proposed for the site will work to improve safety and provide a more pleasant environment for customers and employees.

The renderings demonstrate a cohesive style and quality design with ample modulation, articulation, and attention to detail. Materials are varied between roof, trim, and siding, adding some visual interest. The slanted roofline pitch provides a modern look to an otherwise simple building, while

keeping the visual impact on surrounding properties to a minimum. The color palette is appropriate for the materials proposed.

RECOMMENDATIONS – DESIGN REVIEW

Staff recommends approval of the Design Review application with the following condition: If the agreement between Seattle City Light and Peterson’s 76 expires and is not renewed, landscaping on SCL property and the drive-through coffee kiosk will need to be relocated to meet the landscape and setback requirements of the Tukwila Municipal Code at the time of expiration.

INFORMATIONAL ITEMS

1. Any signage that is visible from the right-of-way or adjacent properties shall be reviewed through submittal of a separate sign permit application.
2. Irrigation plans shall be reviewed through submittal of a separate building permit application.
3. As part of the future building permit for this project a Spill Response Plan is required, and the Spill Kit Locations shall be shown and described.
4. At the time of building permit application submit calculations of the total area (private property, City of Seattle and Tukwila right of way) to be disturbed as result of this development. If more than 1 acre of land is being disturbed, project will require a Notice of Intent (NOI) application form - Construction Stormwater General Permit from the WA State Dept. of Ecology, phone number 360-407-6556.
5. BMPs for all commercial properties and fueling operations shall be implemented. Contact Greg Villanueva, NPDS Coordinator , Public Works Dept. (206) 431-2442 greg.vilolanueva@tukwilawa.gov if you have specific questions regarding these BMPs.
6. Fire and Park impact fees will be assessed for the difference in building square footage from the existing building that will be removed. Please include with the building permit submittal the square footage of the existing building.