



STAFF REPORT TO THE PLANNING COMMISSION

Prepared April 14, 2020

- FILE NUMBERS: L20-0015 Code Amendments, PL20-0021
- REQUEST: Amend the zoning code to prohibit or restrict certain auto-oriented and lodging land uses in the NCC and RC zoning districts located in the Tukwila International Blvd (TIB) district study area. Planning Commission will hold a public hearing on the proposed amendments and make recommendations to the City Council for review and adoption.
- PUBLIC HEARING: April 23, 2020. The Notice of Public Hearing was published in the Seattle Times on April 9, 2020.
- LOCATION: Neighborhood Center Commercial (NCC) and Regional Commercial (RC) zones located in the Tukwila International Boulevard (TIB) study area (see Attachment A)
- SEPA: Covered by Addendum to SEPA checklist for 2015 Comprehensive Plan Update
- STAFF: Lynn Miranda, Planning Supervisor, AICP
- ATTACHMENTS:
- A. Map of Tukwila International Blvd (TIB) study area with underlying zoning and affected businesses
 - B. TIB Plan 2020 Workprogram
 - C. Tukwila Municipal Code (TMC) Chapter 18.70 Non-Conforming Lots, Structures and Uses
 - D. TMC Chapter 18 Table 18-6: Land Uses Allowed by District, with NCC & RC zones and affected uses highlighted.

BACKGROUND

The Tukwila City Council is requesting staff to consider code amendments to replace the current moratorium (Ordinance 2620) on the development, expansion, intensification or establishment of any auto-oriented commercial uses including but not limited to gas stations; car washes; vehicular repair or services; vehicular sales or rentals; vehicular storage; commercial parking and drive-throughs; battery, tire, engine body repair shops; and vehicular sales or rentals. Also included in the moratorium are hotels, motels, and extended-stay facilities. Council has forwarded this item to the Planning Commission for consideration and a recommendation.

History

The City's Comprehensive Plan was updated in 2015 with new goals, policies and vision for TIB. A key goal of the Plan's *Tukwila International Boulevard (TIB) Element* is to transition TIB from a region-serving highway to a safer, walkable "main street" with housing and neighborhood-serving commercial services. In February 2017, a three-day public workshop with the Congress for New Urbanism (CNU) was held to develop, discuss and review ideas for implementing the Comprehensive Plan.

CNU presented a summary of the workshop and results at the May 1, 2017 City Council meeting. Two major actions were recommended by CNU – 1) revise the street design for TIB to add on-street parking; and 2) update the zoning code with standards that would support and encourage the types and form of new development envisioned by the community.

In 2017, Council adopted a 6-month moratorium prohibiting auto-oriented and lodging uses in in the TIB study area to allow staff time to draft new standards and alternative TIB roadway designs and discuss options with the community. The moratorium was also intended to ensure that any future development or redevelopment occurring prior to adoption of the new standards supported the vision and prevented investment in uses that were likely not going to be allowed under the planned revisions to the zoning code.

Work on the new zoning code standards and TIB rechannelization options has been progressing but is not yet completed. Council has been continuing to renew the moratorium but has indicated that they will not do so again when the current moratorium (Ordinance 2620) expires in July. However, decisions on the preferred TIB rechannelization alternative and public review of the comprehensive set of code revisions and design guidelines for the TIB Study Area is anticipated to be completed *after* the moratorium expires (see workprogram in Attachment B). Amending the code pertaining to auto-oriented and lodging uses now would eliminate the need to renew the moratorium.

If the placeholder zoning changes are not adopted or the moratorium is not renewed, redevelopment could occur that does not support the community vision and Comprehensive Plan goals and policies.

DISCUSSION OF PROPOSED CHANGES

Moratorium (Ordinance 2620) states:

Prohibit the development, expansion, intensification or establishment of any auto-oriented commercial uses including but not limited to gas stations; car washes; vehicular repair or services; vehicular sales or rentals; vehicular storage; commercial parking and drive-throughs; battery, tire, engine body repair shops; vehicular sales or rentals; and hotels, motels, and extended-stay facilities in the Neighborhood Center Commercial (NCC) and Regional Commercial (RC) zoning districts in the TIB study area.

Affected Zones in the TIB Study Area (see Attachment A)

The limits of the TIB study area can be seen in Attachment A and are roughly bound by S. 139th Street in the north, S. 160th Street in the south, Military Road S./City limits to the west, and 42nd Avenue S. to the east.

The following zoning districts will be affected by the proposed revisions:

- The *Neighborhood Commercial Center* (NCC) zone is found in a number of locations throughout the City. However, the proposed amendments would be limited to those areas located within the TIB study area.
- The Regional Commercial (RC) zones are only located within the TIB study area.

Options to Consider

Council has given direction to the Planning Commission to consider code amendments that would remove the need to renew the current moratorium on the development, expansion, intensification or establishment of auto-oriented commercial and lodging uses in the TIB study area. Two options are offered here for amending *Table 18-6 Land Uses Allowed by District* to ensure that future development or redevelopment in the study area is consistent with and supports the form and types of uses that create a walkable TIB district, which was the intention of the moratorium:

Option 1. Prohibit certain auto-oriented and lodging uses, consistent with the provisions of the Moratorium (Ordinance 2620). Under this option:

- All auto-oriented commercial and lodging uses listed in the moratorium will be prohibited outright in the NCC and RC zones.

Option 2. Modify and restrict certain auto-oriented and lodging uses based on draft zoning code recommendations by CNU intended to implement the Comprehensive Plan. Under this option:

- Some auto-oriented commercial uses will remain allowable, subject to criteria related to site design and operations, to ensure they support walkability
- Extended stay and hotels will be allowed if they include a restaurant, 24-hour staffed reception, and a minimum of 100 rooms.
- Motels will not be permitted.
- Drive-through facilities will remain allowable, subject to criteria related to site design and operations, to ensure they support walkability.

Potential Impacts of the proposed changes to TMC Table 18-6

A map showing the businesses currently located within these zones and potentially affected by the proposals are shown in Attachment A.

If a currently permitted use in TMC Table 18-6 is modified to be prohibited, any existing related use/business would become a legal non-conforming use and subject to the provisions of TMC 18.70.040. The use and/or structure would not be allowed to expand, intensify, or altered (except for normal maintenance of the structure), and if the use ceases for a period of more than six consecutive months, or a total of 365 days in a three year period, any subsequent use must conform with the regulations of the zoning district. Over time, it is intended that these uses and structures will be replaced with those that are more neighborhood-serving and contribute to a walkable streetscape.

If a currently permitted use in Table 18-6 is modified so that it remains permitted with a new footnote or condition (P*), any existing related use/business will remain a legal use with a potentially non-conforming structure or site condition and subject to the provisions of TMC 18.70.050. See Attachment C for more details on non-conformance.

It should also be noted that any action taken will not change the densities, heights, parking standards or other development regulations affecting building size or lot design. These modifications to the development standards will be brought forward to the public, Planning Commission, and City Council for review and adoption later.

If the placeholder zoning changes are not adopted or the moratorium is not renewed, redevelopment could occur that does not support the community vision and Comprehensive Plan goals and policies.

Proposed Changes to TMC 18-6: Land Uses Allowed by District

1. Automobile, recreational vehicles or travel trailer or used car sales lots (no dismantling of cars or travel trailers or sale of used parts allowed).

	(P)Permitted (C)Conditional (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6 ²		P
Option 1- Moratorium Based		No
Option 2 – Modified ²		P*

2. No dismantling of cars or travel trailers or sale of used parts allowed.

P* Automotive sales must have an enclosed showroom with no outdoor storage of vehicles.

Staff Recommendation: Option 2.

2. Rental of vehicles not requiring a commercial driver’s license.

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium		No
Option 2 – Draft Code Changes		P*

P* Automotive rental must have an enclosed showroom with no outdoor storage of vehicles.

Staff Recommendation: Option 2.

3. Automotive services, gas (outside pumps allowed), washing, body and engine repair shops (enclosed within a building), and alternate fueling station (not wholesale distribution facilities).

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6	P	P
Option 1- Moratorium	No	No
Option 2 – Draft Code Changes	p*	p*

P* Outdoor storage of vehicles, tires, or other materials used for service is not permitted. Gas stations are permitted if the pumps and parking are located behind the building and the pumps meet the setback requirements. Queuing lanes are not permitted between buildings and back of sidewalk.

Staff Recommendation: Option 2.

4. Commercial parking (Commercial parking is a use of land or structure for the parking of motor vehicles as a commercial enterprise for which hourly, daily or weekly fees are charged (TMC 18.06.613))

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6		P7
Option 1- Moratorium		No
Option 2 – Draft Code Changes		P7

P7 provided it is: a. located within a structure having substantial ground floor retail or commercial activities and designed such that the pedestrian and commercial environments are not negatively impacted by the parking use; or b. located at least 175 feet from adjacent arterial streets and behind a building that, combined with appropriate Type III landscaping, provides effective visual screening from adjacent streets.

Staff Recommendation: Option 2

5. Extended-stay hotel/motel

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium		No
Option 2 – Draft Code Changes		p*

P* Allow extended stay/hotel (not motel) with a restaurant, 24-hour staffed reception, and a minimum 100 rooms

Staff Recommendation: Option 2

6. Hotels

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium		No
Option 2 – Draft Code Changes		P*

P* Allow hotels with a restaurant, 24-hour staffed reception, and a minimum 100 rooms.

Staff Recommendation: Option 2

7. Motels

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium and Option 2 – Draft Code Changes		No

Staff Recommendation: Option 1 & 2 – Prohibit Motels

8. Restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium		No drive through
Option 2 – Draft Code Changes		p*

P* Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks.

Staff Recommendation: Option 2. Note: there is currently a separate use in Table 18-6 allowing restaurants without a drive-through facility in the NCC zone.

9. Retail sales, e.g. health/beauty aids/prescription drugs/food/hardware/notions/crafts/supplies/housewares/electronics/photo-equip/film processing/ books/magazines/stationery/ clothing/shoes/flowers/plants/pets/jewelry/gifts/rec. equip/sporting goods, and similar items

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6	P	P
Option 1- Moratorium	No drive through	No drive through
Option 2 – Draft Code Changes	p*	p*

P* Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks.

Staff Recommendation: Option 2.

10. Financial, banking, mortgage, other services

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6	P	P
Option 1- Moratorium	No drive thru	No drive thru
Option 2 – Draft Code Changes	p*	p*

P* Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks.

Staff Recommendation: Option 2.

RECOMMENDED ACTION

Staff is recommending Option 2 which modifies and restricts certain auto-oriented and hotel and extended stay/hotels uses and prohibits motels uses, based on draft zoning code recommendations by CNU intended to implement the Comprehensive Plan. Staff recommends that the Planning Commission hold a public hearing on the proposed changes on April 23, 2020, review each proposed change, and forward recommendations to the COW.