



**STAFF REPORT TO THE PLANNING COMMISSION
ADDENDUM #2
Prepared October 13, 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 currently prohibited by the moratorium (Ordinance 2631) in the NCC and RC zoning districts located in the Tukwila International Blvd (TIB) district study area. Planning Commission will continue a public hearing on the proposed amendments and make recommendations to the City Council for review and adoption.
- PUBLIC HEARING:** A Notice of Public Hearing was originally published in the Seattle Times on April 9, 2020, and a public hearing was held on April 23, 2020. The public hearing is being continued on October 22, 2020. See public outreach section below for the notice that was provided for this hearing.
- LOCATION:** Neighborhood Center Commercial (NCC) and Regional Commercial (RC) zones located in the Tukwila International Boulevard (TIB) study area (see Attachment A in this report's Attachment A Staff Report prepared April 14, 2020)
- SEPA:** Covered by Addendum to SEPA checklist for 2015 Comprehensive Plan Update
- STAFF:** Lynn Miranda, Planning Supervisor, AICP
- ATTACHMENTS:**
- A. Staff Report to the Planning Commission for L20-0015, prepared April 14, 2020
 - B. Addendum to the Planning Commission Staff Report for L20-0015, dated April 23, 2020
 - C. Public comments received prior to April 23, 2020 Public Hearing
 - D. Memo: Economic Development Benefits of On-Street Parking, March 9, 2020
 - E. Copy of public notice postcard for October 22, 2020 public hearing
 - F. Staff Responses to Comments Matrix, 10.12.20

BACKGROUND & HISTORY - Updated

The City's Comprehensive Plan was updated in 2015 with new goals, policies, and vision for Tukwila International Boulevard. 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 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 for a walkable "main street" and prevented private investment in uses that were likely not going to be allowed under the planned revisions to the zoning code.

Council has given direction to the Planning Commission to consider code amendments that would eliminate 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. 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 at a later date.

Planning Commission Public Hearings

Based on the Governor's Proclamation 20-28 adopted March 24, 2020 which says in part:

"ANY PUBLIC AGENCY, SUBJECT TO RCW 42.30, IS PROHIBITED FROM CONDUCTING ANY MEETING, SUBJECT TO RCW 42.30 UNLESS (A) THE MEETING IS NOT CONDUCTED IN-PERSON AND INSTEAD PROVIDES AN OPTION(S) FOR THE PUBLIC TO ATTEND THE PROCEEDINGS THROUGH, AT MINIMUM, TELEPHONIC ACCESS, . . ."

On April 23rd, 2020, the Planning Commission (PC) held a virtual public hearing on interim zoning code amendments restricting or prohibiting certain auto-oriented and lodging uses in the TIB study area prohibited by the moratorium (Ordinance 2620). Adoption of these code amendments would have eliminated the need to renew the moratorium when it expired on July 9th. Instead, the City Council expressed concern about the difficulty of public outreach and participation experienced during the hearing, and decided to postpone the continuation of the Planning Commission's hearing to a date in the future when the hearing could be conducted in-person. Since the adoption of the amendments was to be delayed, the Council moved forward with renewing the moratorium (Ordinance 2631) on July 6th with the intention that the moratorium will end once the interim zoning code amendments are adopted. However, since the Governor's restriction on public gatherings has not been lifted, and the Council has directed that the interim zoning code amendments must replace the moratorium prior to the moratorium's expiration in January 2021, the Planning Commission's public hearing will be held virtually.

This second addendum to the April 14, 2020 Staff Report (Attachment A) summarizes the interim zoning code revision options presented in the April Staff Report and the subsequent Addendum to the Staff Report (Attachment B). In addition, new options based on Planning Commission and public comment provided during the April 23, 2020 Planning Commission public hearing are included for consideration.

Expanded Public Notice for the October 22, 2020 Planning Commission Hearing

TMC 18.104.120 requires notice of a public hearing to be sent to residents, occupants, and owners of record of property within 500 feet of the site as well as any parties of record. For the October 22 public hearing, the following notice was provided:

- Emails were sent on May 21, 2020 to those who provided comment at the April 23 public hearing, inviting them to meet with staff to discuss any concerns or comments about the interim zoning code amendments prior to the continuation of the Planning Commission public hearing. Mr. Yusef of East Side for Hire responded and met with David Cline and Jack Pace. No other recipients requested to meet with staff.
- 11,300 postcards were mailed to all businesses, residents and property owners located in the City (excluding Southcenter, Tukwila South, and properties in the MIC zone) providing notice of the virtual public hearing and an open house on the proposed changes. Included on the postcard in five different languages was “This information is very important to your community. Please ask someone to translate it for you”. The postcard is included in this report as Attachment E.
- 337 emails, with the postcards attached, were sent to *TIB interested parties* on October 7, 2020 providing notice of the public hearing and a virtual open house on the proposed changes.
- Notice was published in the Seattle Times on October 8, 2020.

UPDATED: OPTIONS TO CONSIDER – Proposed Changes to TMC Table 18-6 Land Uses Allowed by District

The specific land uses currently prohibited by the moratorium in RC and NCC zoning districts in the TIB study area are addressed in Items 1-10 below, along with modification *options* to be considered by the Planning Commission at the October 22 public hearing. These options include those originally presented in the April Staff Report and Addendum. In addition, new options based on Planning Commission discussion, public comment, and staff consideration of these comments from the April 23, 2020 public hearing are also included:

- Options previously presented to Planning Commission on April 23, 2020 hearing:
 - Option 1: Current restrictions in the moratorium (Ordinance 2620)
 - Option 2: Draft Code Change – options originally submitted in April 14, 2020 Staff Report based on CNU recommendations
 - Option: Public Comment – public comment options presented in the Addendum to Staff Report (April 23, 2020)
- New options added in this second addendum to the April Staff Report:
 - Staff response to Public Comment – based on staff responses to public comments provided at the April 23, 2020 hearing
 - Staff response to PC Comment - based on staff responses to Planning Commission discussion at April 23, 2020 hearing
 - Staff Option – based on Staff’s consideration of Planning Commission and public comments to date

For each specific land use in the tables below, modification options highlighted in **YELLOW** are recommended by Staff. Asterisks (*) next to a 'P' refer to proposed conditions of approval which can be found below the related table.

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 (No) Prohibited	
	NCC	RC
Existing TMC Table 18-6		P ¹
Option 1- Moratorium		No
Option 2 – Draft Code Changes		P* ¹
Option 3 – Public Comment by SRO Representatives		P** ¹
New: Option 4 – Staff response to public comment by T.Granbois		P*** ¹
New: Option 5 – Staff Option		P****¹

1. No dismantling of cars or travel trailers or sale of used parts allowed. (This footnote currently in the zoning code would apply to all options)

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

P** Automotive sales must have an enclosed showroom with no outdoor storage of vehicles. Uses existing on the effective date of the ordinance on parcels larger than 9 acres in the RC zone are exempt from the enclosed showroom requirement.

P*** Automotive sales must have an enclosed showroom with no outdoor storage of vehicles. Uses existing on the effective date of the ordinance on parcels located south of SR 518 in the RC zone are exempt from the enclosed showroom requirement.

P**** Automotive sales must have an enclosed showroom with no outdoor storage of vehicles. Existing uses in the RC zone in the TIB study area on the effective date of the ordinance are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on the date of the ordinance.

Staff Recommendation: Staff’s recommendation at the April 23, 2020 public hearing was Option 2. After receiving public comment and discussions with the commenters, staff is now recommending Option 5. Option 5 allows existing automotive sale uses in the RC zone to continue their current operations without requiring an enclosed showroom, provided they don’t expand to adjacent parcels. New proposals for automotive sales would need to be compliant with all requirements.

Options 3 & 4 were suggested as the area in RC zoning south of SR 518 is different in character from the TIB corridor north of SR 518. International Boulevard is in the City of Seatac and will not be a “main street” or have on-street parking.

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

	(P) Permitted (No) Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium		No
Option 2 – Draft Code Changes		p*
Option 3 – Public Comment by SRO Representatives		p**
New: Option 4 – Staff response to public comment by T.Granbois		p***
New: Option 5 – Staff Option		p****

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

P** Automotive rental must have an enclosed showroom with no outdoor storage of vehicles. Uses existing on the effective date of the ordinance on parcels larger than 9 acres in the RC zone are exempt from the enclosed showroom requirement.

P*** Automotive rental must have an enclosed showroom with no outdoor storage of vehicles. Uses existing on the effective date of the ordinance on parcels located south of SR 518 in the RC zone are exempt from the enclosed showroom requirement.

P**** Automotive rental must have an enclosed showroom with no outdoor storage of vehicles. Existing uses in the RC zone in the TIB study area on the effective date of the ordinance are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on the date of the ordinance.

Staff Recommendation: Staff’s recommendation at the April 23, 2020 hearing was Option 2. After receiving public comment and discussing with the commenter, staff is now recommending Option 5. Option 5 allows existing vehicle rental uses in the RC zone to continue their current operations, without requiring an enclosed showroom, provided they don’t expand on to adjacent parcels. New proposals for vehicle rentals would need to be compliant with all requirements.

Options 3 & 4 were suggested as the area in RC zoning south of SR 518 is different in character from the TIB corridor north of SR 518. International Boulevard is in the City of Seatac and will not be a “main street” or have on-street parking.

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 (No) Prohibited	
	NCC	RC
Existing TMC Table 18-6	P	P
Option 1- Moratorium	No	No
Option 2 – Draft Code Changes	P*	p*
Option 3 – Public comment by SRO	p*	p**
New: Option 4 – Staff response to public comment by T.Granbois	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.

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. Outdoor storage of vehicles is permitted for uses existing on the effective date of the ordinance on parcels larger than 9 acres in the RC zone.

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. Outdoor storage of vehicles is permitted for uses existing on the effective date of the ordinance on parcels located south of SR 518 in the RC zone.

Staff Recommendation: Staff continues to recommend Option 2. Option 2 applies the code evenly across all parcels in NCC and RC zones, requiring all new and expansion or intensification of existing auto services to provide indoor storage of vehicles, tires, or other materials. Existing automotive services would be required to comply with these provisions if they expand or intensify the use. Note that the primary use of the businesses south of SR 518 are not *automotive services*, so this requirement would not apply to them.

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 (No) Prohibited	
	NCC	RC
Existing TMC Table 18-6 with footnote 7 of 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. Selecting this option means there is no change from the existing zoning. New commercial parking would be allowed in the RC zone provided it complies with the conditions above.

5. Extended-stay hotel/motel

	(P) Permitted (No) Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium		No
Option 2 – Draft Code Changes		P*
New: Option 3 – Staff response to PC Comments		P**

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

P** Allow extended stay/hotel (not motel) with a full-service restaurant and a Class A liquor license, 24-hour staffed reception, all rooms accessed off interior hallways or lobby, and a minimum 100 rooms.

Staff Recommendation: Staff’s recommendation at the April 23, 2020 hearing was Option 2. Staff is now recommending Option 3 as it provides more specificity as to the type of quality lodging desired in the RC zone. Staff continues to recommend that the extended stay hotel have a minimum of 100 rooms as a condition for approval, rather than increasing that number as suggested. A study of recently built hotels in the Southcenter area indicates an average of 100 rooms are being proposed.

6. Hotels

	(P) Permitted (No) Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium		No
Option 2 – Draft Code Changes		P*
New: Option 3 – Staff response to PC Comments		P**

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

P** Allow extended stay/hotel (not motel) with a full-service restaurant and a Class A liquor license, 24-hour staffed reception, all rooms accessed off interior hallways or lobby, and a minimum 100 rooms.

Staff Recommendation: Staff’s recommendation at the April 23, 2020 hearing was Option 2. Staff is now recommending Option 3 as it provides more specificity as to the type of quality lodging desired in the RC zone. Staff continues to recommend that the extended stay hotel have a minimum of 100 rooms as a condition for approval, rather than increasing that number as suggested. A study of recently built hotels in the Southcenter area indicates an average of 100 rooms are being proposed.

7. Motels

	(P) Permitted (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. Selecting this option will be a change from existing zoning regulations which currently allow motels in the RC zone.

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

	(P) Permitted (No) Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium		No drive-thru
Option 2 – Draft Code Changes		P*
New: Option 3 – Staff response to PC Comments	P**	P**

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

P** Drive-thru facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks. In NCC zone, coffee houses larger than 1,500 square feet in size with drive-through facilities are permitted, provided other locational criteria are met.

Staff Recommendation: Staff continues to recommend Option 2. This option does not allow the expansion of drive-thru facilities into the NCC zone. This option continues to allow restaurants with drive-thrus to locate in the RC zone, and improves walkability by regulating the location of the drive-thru facility in order to minimize conflicts between pedestrians and vehicles.

The City’s current zoning has two different categories for restaurants. Restaurants without a drive-thru facility are currently permitted in the NCC zone. Selecting Option 3 would expand auto-oriented uses into the NCC zone. Putting a minimum size requirement on coffee shops would restrict most drive-thru coffee stands from locating in the NCC zoning district, but the type or brand of coffee shops that could locate in the NCC zone cannot be regulated. Coffee shops with drive-thrus continue to be allowed in the RC zone. See Attachment F for a more detailed response.

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 (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-thru facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks.

Staff Recommendation: Option 2. Drive through retail sales are already a permitted use in these districts. This option improves walkability by regulating the location of the drive-thru facility in order to minimize conflicts between pedestrians and vehicles.

10. Financial, banking, mortgage, other services

	(P) Permitted (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-thru facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks.

Staff Recommendation: Option 2. Drive-thru offices are already a permitted use in these districts. This option improves walkability by regulating the location of the drive-thru facility in order to minimize conflicts between pedestrians and vehicles.

RECOMMENDED ACTIONS

This report summarizes the various options for modifying specific land uses currently prohibited by the moratorium (Ordinance 2631) based on public comment and Planning Commission discussions to date. Staff recommends that the Planning Commission continues their public hearing on the proposed changes on October 22, 2020, review each proposed change, and forward recommendations to the COW for review and a public hearing.

Summary of proposed changes: Table 1 below summarizes Staff’s recommended options for modifying specific land uses currently prohibited by the moratorium. Note that the only use that is currently allowed by code and is not allowed under the proposed amendments is *Motels*. No changes are proposed to current regulations on Commercial Parking. For the other eight uses, footnotes are added to regulate the form of development, such as no outdoor storage for automotive services, showroom required for auto sales, location of drive-thru facilities, and minimum number of rooms required for hotels. Additionally, per the City’s Nonconforming Regulations (TMC 18.72), pre-existing legal uses are grandfathered and can continue to operate. Only when some thresholds listed under TMC 18.72 (such as expansion, structural alteration) is triggered do they need to come into compliance with current code. 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.

Table 1. Summary of Staff Recommended Changes

Land Use	(P _x) Permitted w/footnote		Change from existing code
	NCC	RC	
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 ₁	Footnote added for showroom requirement except for any existing uses
2. Rental of vehicles not requiring a commercial driver's license.		P ₂	Footnote added for showroom requirement except for any existing uses
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 ₃	P ₃	Footnotes added: - outdoor storage of vehicles of vehicles or materials not allowed - locational requirements for pumps & queuing lane for gas stations
4. Commercial parking		P ₄	No change from existing code
5. Extended-stay hotel/motel		P ₅	Footnote added for minimum number of rooms, access, and services/amenities
6. Hotels		P ₅	Footnote added for minimum number of rooms, access, and services/amenities
7. Motels			Motels were previously allowed in RC but not allowed under proposed changes.
8. Restaurants including drive-thru		P ₆	Foot note added for location of drive-thru
9. Retail sales	P ₆	P ₆	Footnote added for location of drive thru
10. Financial, banking, mortgage, other services	P ₆	P ₆	Footnote added for location of drive- thru

1. Automotive sales must have an enclosed showroom with no outdoor storage of vehicles. Uses existing in the RC zone in the TIB study area on the effective date of the ordinance are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on the date of the ordinance.

2. Automotive rental must have an enclosed showroom with no outdoor storage of vehicles. Uses existing in the RC zone in the TIB study area on the effective date of the ordinance are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on the date of the ordinance.
3. 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.
4. 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.
5. Allow extended stay/hotel (not motel) with a full-service restaurant and a Class A liquor license, 24-hour staffed reception, all rooms accessed off interior hallways or lobby, and a minimum 100 rooms.
6. Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks.



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		No
Option 2 – Draft Code Changes 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.