



Community and Economic Development Planning Division

18204 59th Avenue NE, Arlington, WA 98223

ZONING PERMIT 7-Eleven - PLN #439

Report Issuance Date: July 18, 2018

A. GENERAL INFORMATION

1. **Application Submittal Date:** May 2, 2018
2. **NOCA Issued:** May 30, 2018
3. **Applicant:** Jeff Parker, Cadence Capital Investments, LLC
4. **Contact:** Jeff Parker
5. **Proposal Description:** The proposed development includes construction of an approximately 3,010 SF convenience store with fuel (8 positions) with associated parking lot, drive aisle, landscaping, and underground utility infrastructure.
6. **Location:** 7430 204th Street NE, Arlington, WA 98223
7. **Tax Parcel ID:** 00920500000400
8. **Lot Size:** Approximately .89 acres (38,768.4 square feet)
9. **Topographical Description:** The site is flat.
10. **Soil Type:** Norma Loam, 0-3% slopes
11. **Land Use Designation:** General Commercial
12. **Zoning Classification:** General Commercial
13. **Proposed Use Classification:** 2.111 Convenience Store
14. **Adjacent Land Uses:**
 - a. **North:** Bartell Drug
 - b. **South:** Vacant Building
 - c. **East:** Highway 9
 - d. **West:** General Commercial building with multiple tenants
15. **Compatibility Description:** The proposed use is consistent with the allowed uses in the General Commercial zone.
16. **SEPA Issuance:** June 13, 2018
17. **Neighborhood Meeting Date:** Neighborhood meetings are not required for zoning permits.
18. **Public Hearing Date:** Public hearings are not required for zoning permits. Zoning permits are approved administratively
19. **City Approvals Required:** Zoning Permit, SEPA Review, Design Review, Site Civil, Building Permit
20. **City Staff Contact:** Launa Peterson, Permit Technician II, lpeterson@arlingtonwa.gov

B. PROJECT HISTORY

The Applicant submitted application for this project on May 2, 2018. The City issued a Notice of Complete Application on May 30, 2018. A SEPA Determination of Mitigated Significance (MDNS) was issued June 13, 2018.

C. SUMMARY OF PUBLIC NOTIFICATION

Public notification is not required for zoning permits.

D. APPLICABLE ARLINGTON MUNICIPAL CODE REGULATIONS

Chapter 20.16 Permits and Final Plat Approval
Chapter 20.36 Zoning Districts and Zoning Map
Chapter 20.38 Airport Protection District
Chapter 20.40 Permissible Uses
Chapter 20.46 Design
Chapter 20.48 Density and Dimensional Regulations
Chapter 20.56 Streets and Sidewalks
Chapter 20.60 Utilities
Chapter 20.72 Parking
Chapter 20.76 Screening and Trees
Chapter 20.90 Concurrency and Impact Fees

E. FINDINGS OF FACT

Sections "A" through "E" are incorporated into these Findings of Fact.

CHAPTER 20.16 PERMITS AND FINAL PLAT APPROVAL

1. **Per AMC 20.16.010 (Permits Required)**, staff finds that a land use permit is required for this proposal and that a land use permit can only be issued after the decision authority finds it complies with all the provisions of AMC Title 20 as proposed.
2. **Per AMC 20.16.040 (Applications to be Complete) and 20.16.070 (Complete Application)**, staff finds that a Notice of Complete Application for this proposal was issued on May 30, 2018.
3. **Per AMC 20.16.090 (Distribution of Application)**, staff finds this application was internally routed to all applicable reviewers on May 2, 2018.
4. **Per AMC 20.16.280 (Time Limits for Permit Processing)**, staff finds this application was processed within the 120 day time limitation.

CHAPTER 20.36 ZONING DISTRICTS AND ZONING MAP

5. **Per AMC 20.36.100 (Official Zoning Map)**, staff finds the property is zoned General Commercial.

CHAPTER 20.38 AIRPORT PROTECTION DISTRICT

6. **Per AMC 20.38.060 (Airport Protection District Boundaries)**, staff finds the property is located in Subdistrict C of the Airport Protection District.

CHAPTER 20.40 PERMISSIBLE USES

7. **Per AMC 20.40-1 (Table of Permissible Uses)**, staff finds that the proposed use is allowed per the permissible use table 20.40-1.

CHAPTER 20.46 DESIGN

8. **Per AMC 20.46.010 (Conformance with Design Guidelines or Standards)**, staff finds that the proposed use was approved by the Design Review Board on June 26, 2018.

CHAPTER 20.48 DENSITY AND DIMENSIONAL REGULATIONS

- 9. **Per 20.48.040 (Building Setback Requirements)**, staff finds the proposed site plan shows adequate building setbacks from all property lines.
- 10. **Per AMC 20.48.042 (Sight Visibility Areas at Intersections)**, staff finds the project, as proposed meets sight visibility requirements.
- 11. **Per AMC 20.48.064 (Maximum Lot Coverage)**, staff finds the development does not exceed the maximum lot coverage allowance of 100%.
- 12. **Per AMC 20.48-1 (Density and Dimensional Standards)**

	Requirement	Proposed	Finding
Minimum Lot Size	0	38,768.4 sf.	Meets
Minimum Lot Width	70ft	+/- 184 ft.	Meets
Building Setback			
Arterial ROW	10 ft.	+/- 12 ft.	Meets
Lot Line	5 ft.	+/- 12 ft.	Meets
ECA Buffer	NA	NA	NA
Bldg. Height	45 ft.	35 ft.	Meets
Lot Coverage	100%	79%	Meets

CHAPTER 20.56 STREETS AND SIDEWALKS

- 13. **Per AMC 20.56.170 (Right-of-way improvements and dedication)**, staff finds that dedication of public right-of-way is required along 204th Street NE. The dimension of the dedication varies due to the existing public right-of way.

CHAPTER 20.60 UTILITIES

- 14. **Per AMC 20.60.030 (Right of Way Permit Required)**, staff finds that prior to performing any work within a public right-of-way, the person performing the work shall obtain a right of way permit pursuant to AMC 12.40 (Right-of-Way Permits).
- 15. **Per AMC 20.60.050 (Construction Standards and Specifications)**, staff finds that all facilities shall be constructed in accordance with the most recent edition of the Department of Public Works Construction Standards and Specifications manual.
- 16. **Per AMC 20.60.100 (Sewage Disposal Facilities Required)**, staff finds the site is serviceable by City of Arlington sanitary sewer.
- 17. **Per AMC 20.60.300 (Water Supply System Required)**, staff finds the site is serviceable by City of Arlington water.
- 18. **Per AMC 20.60.400 (d) (Lighting Requirements)**, staff finds all outdoor lights shall be low sodium or similar lamp type and be down-shielded to prevent light pollution.
- 19. **Per AMC 20.60.410 (Excessive Lighting)**, staff finds that lighting within any lot that unnecessarily illuminates any other lot or public right-of-way and substantially interferes with the use or enjoyment of such other lot or public right-of-way is prohibited.
- 20. **Per AMC 20.60.450 (Underground Utilities)**, all existing, extended, and new electrical power lines (not to include transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, cable television, and other communication and utility lines in or adjacent to any land use or building permit approved after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the administrative

guideline entitled "Public Works Construction Standards and Specification." Even in the event the distribution line originates from a point opposite any public roadway from the new construction the service lines shall be placed beneath said roadway by means of boring or surface excavation across said roadway.

Note: Utility services, fire hydrants and fire protection are required and will be reviewed when site civil construction drawings are submitted. All existing and planned utilities shall be shown on the site civil construction drawings. Water and sanitary sewer general facility charges may be assessed when construction drawings are submitted. All fees shall be paid before connection is made to the water or sanitary sewer utilities. All utilities shall be operational prior to building certificate of occupancy.

CHAPTER 20.72 PARKING

21. Per AMC 20.72.010 (Number of Parking Spaces Required), staff finds the required parking for the proposed use (Use Codes 2.111) is 1 parking stall for every 400 square feet of gross floor area, which equals 8 parking stalls with 1 ADA parking stall.

CHAPTER 20.76 SCREENING AND TREES

22. Per AMC 20.76 Table 20.76-1 (Table of Screening Requirement), staff finds that Type C, intermittent screening is required on all sides of the building. Street trees are required to be 30 feet on center along 204th Avenue NE and Highway 9. Parking stalls shall be shaded at 20%.

CHAPTER 20.90 CONCURRENCY AND IMPACT FEES

23. Per AMC 20.90.040 (Imposition of Impact Fees on Development Activity), staff finds that the proposed project will generate 50 new PM Peak Hour Trips (PMPHT). The City traffic mitigation fee is \$3,355.00 per PMPHT for a total of \$167,750.00 in traffic mitigation fees.

F. CONDITIONS

1. All development shall be in substantial conformance with the approved site plan received on May 7, 2018, subject to any conditions or modifications that may be required as part of the permit and construction plan review.
2. The developer shall be in compliance with AMC Chapter 13.28, Stormwater Management, and the most current City-adopted edition of the Department of Ecology's Stormwater Management Manual.
3. Prior to any construction activities, the applicant shall file and receive approval of site civil construction plans, which comply with all requirements of the Land Use Code, International Building Code, International Fire Code and Public Works Construction Standards and Specifications. Said plans shall address all site improvements, either required or voluntarily provided.
4. The developer shall meet all local, state, or federal code requirements. Attached is a list of code requirements that are specifically called to the developer's attention. It is in no way intended to be a complete list of code requirements, but a general checklist of major steps and issues. Please refer to the AMC for a complete list of code requirements for your particular project type.
5. In order to mitigate for potential earth impacts, the Applicant shall implement Best Management Practices per Department of Ecology for Stormwater Pollution Prevention and

- TESC Controls to prevent erosion during and after harvest. A Construction Stormwater General Permit is required through the Department of Ecology.
6. In order to mitigate for potential air impacts, the Applicant shall implement dust control measures to reduce fugitive dust emissions during construction.
 7. In order to mitigate for potential impacts to ground water the Applicant shall utilize Low-Impact Design techniques to manage storm water on-site. Prairie Creek, a tributary to Portage Creek is within 600 feet of the site and Portage Creek is within 900 feet of the site. The infiltration system this project contributes to is within 150 feet of the tributary. It is not anticipated that these water bodies will be impacted by the subject development.
 8. In order to mitigate for potential noise impacts, the applicant shall comply with the City of Arlington noise standards found in AMC 9.20.060. Specifically, in section 9.20.060(8) noises resulting from any construction activity or the operation of heavy equipment from 7:00 pm to 7:00 am Monday through Saturday and Sundays shall be prohibited.
 9. In order to mitigate for potential light pollutions the Applicant will be required to install light fixtures that are down shielded. The property is located within the Arlington Airport Protection District – Subdistrict C.
 10. The project site may be within the vicinity of historic and cultural activity; therefore, it is the requirement of the Department of Archaeology and Historic Preservation that a professional Archaeologist will be on-site during ground disturbing activity. If any historic or archaeological items are discovered during the ground disturbing activity of the site, the State Historical preservation officer, Stillaguamish Tribe, and the City of Arlington shall be contacted and measures taken to preserve the materials and the site.

G. CONCLUSIONS

Under AMC 20.16.100, the Community Development Director shall issue the requested zoning permit unless he concludes after reviewing the application that:

- a. **The requested permit is not within its jurisdiction according to the table of permissible uses.**
The requested permit is within Arlington’s Jurisdiction.
- b. **The application is incomplete.**
Application was deemed complete on May 30, 2018.
- c. **If completed as proposed in the application, the development will not comply with one or more of the requirements of this title (not including those the applicant is not required to comply with under the circumstances specified in Chapter 20.32, Non-Conforming Situations).**
The proposed project complies with AMC Title 20.
- d. **The proposed project is not in conformance with the Comprehensive Plan, Transportation Plan, or other adopted plans, regulations, or policies.**
The proposed project complies with the City of Arlington’s Comprehensive Plan, Transportation Plan and the Arlington Municipal Code.

H. EXPIRATION

Per AMC §20.16.220 (Expiration of Permits), the zoning permit for this project expires 2 years from the date of approval.

I. APPEALS

Per AMC §20.20.010 (Appeals of Community Development Director...), the Community Development Director’s decision is appealable to the Hearing Examiner within fourteen (14) days after the date of the Community Development Director’s decision.

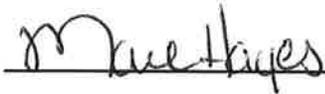
J. DECISION

The zoning permit is hereby **APPROVED, subject to the conditions specified above.**

K. EXHIBITS

1. 7-Eleven – Zoning Permit – PLN#439 (on file at CED Office)

ORDERED THIS ON THE 23rd DAY OF July, 2018



Marc Hayes, Community and Economic Development Department Director

Distributed to the following parties:

Marc Hayes, Community Development Director

Nova Heaton, Development Services Manager

Kevin Olander, Building Combination Inspector

CODE REQUIREMENTS

NOTE: The following items are not conditions of permit approval but rather certain local, state, or federal code requirements that the developer needs to be aware of. This is in no way intended to be a complete list of code requirements, but is a general checklist of major steps and issues. Please refer to the Arlington Municipal Code for a complete list of code requirements for your particular project type.

1. **Code Applicability.** This permit is subject to the applicable requirements contained in the Arlington Municipal Code, Land Use Code, Building Code, and COA Public Works Design, Construction Standards and Specifications. It is the responsibility of the developer to ensure compliance with the various provisions contained in these ordinances.
2. **Pre-Construction Phase.** Prior to commencing any site work, including installing any easement or right-of-way improvements, utility systems, drainage systems, street lights, mailbox structures, emergency facilities, storm water control systems, or any other improvements, the developer shall submit site civil construction improvement plans for review and approval by the Public Works Director. Said plans shall be in conformance with applicable code and below listed conditions.
 - a. The developer shall survey and mark all property corners prior to review of any submitted construction plans.
 - b. The developer shall design and install erosion control measures deemed necessary by the City. These measures shall be installed and inspected by the City prior to the issuance of any permits.
 - c. The developer shall undertake no site preparation or other disturbances within environmentally sensitive areas or their required buffers.
 - d. The developer shall submit to the Community & Economic Development Department and receive approval of a storm-water run-off and detention plan in conformance with the AMC Chapter 13.28, Stormwater Management, and the most current City-adopted edition of the Department of Ecology's Stormwater Management Manual for the Puget Sound Basin (The Technical Manual) for both the construction phase and a permanent system. All site drainage must be directed through bio filtration swales prior to discharge into wetlands.
 - e. The developer shall place all new utility lines underground.
 - f. The developer shall provide a temporary rock pad at all points of ingress and egress to the site throughout the construction phase.
 - g. The developer shall show locations of all required streetlights on the construction plans and install them as designed.
 - h. The developer shall obtain a right-of-way permit prior to any work done in a public right-of-way. (NOTE: City departments are exempt from right-of-way permits.)
 - i. The developer shall install all low sodium or similar low intensity illumination lighting and it shall be placed in a way as to not cause glare on an adjoining property or right-of-way.

3. **Construction Phase.** The following conditions shall apply during construction.
- a. The developer shall follow all applicable noise and other nuisance codes.
 - b. The developer shall not track mud and dirt onto public rights-of-way, but if tracked by accident, the developer shall clean it up immediately.
 - c. During any site grading or clearing activity, the developer and contractor shall use all available means of controlling air pollution (dust, ash, and smoke).
 - d. The restrictions of the AMC shall apply to any and all grading.
4. **Installation of Improvements.** Prior to receiving a Certificate of Occupancy, the developer shall:
- a. Install all rights-of-way and access easement improvements on all proposed streets internal and existing streets adjacent to the project in accordance with the requirements of AMC Chapter 20.56 and per COA Public Works Design, Construction Standards and Specifications. The developer shall coordinate with all adjacent developments the final design of the street improvements and/or include the appropriate transition tapers for the street pavement from the property.
 - b. Install a potable water system to serve the project per the COA Public Works Design, Construction Standards and Specifications. Water is to be served by the City of Arlington. This system cannot be deferred if a performance bond is secured. Both water and sanitary sewer must be completely installed and approved before either a temporary or permanent Certificate of Occupancy is issued.
 - c. Relocate any existing water facilities and/or install water services/fire hydrants at the expense of the developer.
 - d. Install a sanitary sewer system per COA Public Works Design, Construction Standards and Specifications. Sanitary sewer is provided by the City of Arlington. This system cannot be deferred if a performance bond is secured. Both water and sanitary sewer must be completely installed and approved before either a temporary or permanent Certificate of Occupancy is issued.
 - e. Install a permanent storm water control system per AMC Chapter 13.28.
 - f. Prior to issuance of a Certificate of Occupancy, the applicant shall complete all required or voluntary improvements unless otherwise secured by the developer and authorized by the City Engineer.

(NOTE: Code requirements for infrastructure improvements are based on conceptual information as submitted by the applicant for the land use permit. Additional specific requirements may be required upon review of the engineered construction drawings submitted by the developer. All improvements are subject to review and approval by the City of Arlington Inspectors. All utilities shall be constructed underground.)