



NOTICE OF DECISION

DATE: October 29, 2021
PROJECT NAME: Farrelli's Pizza
PROJECT LOCATION: 813 Yelm Ave W, Yelm, WA 98597
PARCEL NUMBER: 21724130700
CASE NUMBER: 2021.0053

NOTICE IS HEREBY GIVEN that the Public Services Department issued an administrative site plan review approval to FP Yelm, LLC at the above referenced location.

The complete decision may be viewed on the City's website at www.yelmwa.gov and choosing 'I Want To' then 'View' then 'Public Notices' from the menu system. A copy of the decision may also be obtained at the Public Services Department in City Hall at 106 2nd Street SE, Yelm, WA 98597 during normal business hours for a fee of 15 cents per page. For additional information, please contact the Public Services Department at 360-400-5001.

ADMINISTRATIVE SITE PLAN REVIEW 2021.0053

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. FP Yelm, LLC proposes to enlarge an existing restaurant and parking lot at 813 Yelm Ave W, Yelm, WA 98597, identified by Assessor's Tax Parcel Number 21724130700. The project includes enlarging the existing restaurant with additional indoor seating on the northwest building corner and two covered patios with outdoor seating.
2. The property is currently developed as a restaurant. The properties to the north are vacant. The property to the west is developed as the Yelm Medical Plaza and the property to the east is developed as an auto tinting business. The property is approximately 1.61 acres.
3. The property is zoned Commercial (C-1) which is codified at Chapter 18.36 YMC. The C-1 district is intended to permit business centers for convenience goods and services. Service oriented establishments are a permitted use in the C-1 district [Section 18.36.020 YMC].
4. FP Yelm, LLC submitted a site plan review application on September 24, 2021, and it was determined to be complete on October 1, 2021. The application materials included preliminary civil plans, a stormwater pollution prevention plan, an engineered drainage report, an owner's stormwater maintenance plan, and a soils report.
5. As required by Section 18.10.050 YMC, the Yelm Public Services Department mailed a Notice of Application to local and state agencies and surrounding property owners on October 1, 2021. In addition, the notice was published on the City's website on October 1, 2021 and published in the Nisqually Valley News on October 7, 2021.

An adjoining property owner commented in support of the development.

6. Chapter 13.04 YMC and Chapter 6 of the Development Guidelines establish requirements for connection to the City's water system.

The site is currently connected to City water service.

The existing restaurant paid for 3 water connections at the time of construction. Water connections are based on a consumption rate of 875 cubic feet a month. The civil engineer shall provide estimated water calculations at the time of civil plan review to determine if additional water connections are needed to serve the project.

The City implements a cross-connection and backflow control program pursuant to Title 43 RCW and Chapter 248-54 WAC [Section 13.04.220 YMC]. A backflow prevention assembly is required to protect Yelm's water system from cross-connections from all new development [Section 13.04.220 (D) YMC].

The commercial meter currently has a double check valve assembly, which does not meet backflow requirements for non-irrigation meters. A reduced pressure backflow assembly is required on the commercial meter.

7. Chapter 13.08 YMC and Chapter 7 of the Development Guidelines establish requirements for connection to the City's sewer system.

The site is currently connected to City sewer service. Sewer connections are based on water usage. Proposed water calculations will be used to determine if additional sewer connections are required.

Any commercial use that potentially generates Fats, Oils, or Greases (FOG) are required to remove FOG from the wastewater before it enters the STEP tank.

Proof of compliance with FOG regulations is required at civil plan submission.

8. Chapter 18.16 YMC requires a determination that the infrastructure facilities necessary to serve a proposed development are in place or planned for and properly funded with a reasonable expectation that the facilities will be in place at the time needed to preserve adopted levels of service.

- a. Concurrency with sewer infrastructure means the project is within an area approved for sewer pursuant to the adopted sewer comprehensive plan for the City and improvements necessary to provide facilities and services are present to meet the needs of the proposed development.

The proposed development is connected to City sewer service. This satisfies the concurrency requirement for sewer.

- b. Concurrency with water infrastructure means the project is within an area approved for municipal water service pursuant to the adopted water comprehensive plan for the City and improvements necessary to provide services are present.

The proposed development is connected to City water service. This satisfies the concurrency requirement for water.

- c. Concurrency with transportation infrastructure means that the project completes frontage improvements, makes off-site improvements required for the safe movement of traffic and pedestrians if impacted by traffic from the development, and pays a traffic facilities charge.

Frontage improvements are required at the time of development. The parcel fronts Tahoma Blvd SE and Yelm Ave W. Frontage improvements for both streets have already been completed.

Transportation Facility Charges are due and payable at the time of building permit issuance.

The payment of Transportation Facility Charges satisfies concurrency for transportation improvements.

- d. Concurrency with school infrastructure means the developer pays a school impact fee at the time of construction.

The project does not impact schools as it does not increase student population.

- e. Concurrency with fire protection means the developer pays a fire impact fee at the time of construction.

Payment of the Fire Impact Fee at the time of building permit issuance satisfies concurrency requirements.

9. Frontage improvements and traffic facilities charges are required as part of development in the City [Section 18.16.050 YMC].

Frontage improvements for Tahoma Blvd SE and Yelm Ave W have already been completed. This parcel is part of the Killion Road LID, and will receive a \$564 credit towards each new pm peak hour trip.

Traffic Facilities Charges are based on the Institute of Traffic Engineers Trip Generation guide's average trip generation rate during the pm peak hour of generator on a weekday (ITE). High turnover sit-down restaurants generate 18.80 new pm peak hour trips per 1,000 sq ft.

The additional building square footage generated by the expansion is 572 sq. ft. At 572 new sq ft, 10.75 new pm peak hour trips are generated. Traffic Facilities Charges are due and payable at building permit issuance.

10. This project is exempt from SEPA review pursuant to WAC 197-11-800(1)(d).
11. The Yelm Critical Areas and Resource Lands, Chapter 18.21 YMC provides protection for critical aquifer recharge areas, frequently flooded areas, wetlands, geologically hazardous areas, and fish and wildlife habitat conservation areas.

- a. All of Yelm is identified as a critical aquifer recharge area. Compliance with Federal, State, and County water source protection regulations and with the City's adopted stormwater regulations is required to protect the aquifer [Section 18.21.070(C) YMC].
- b. The Mazama Pocket Gopher has been listed as a threatened species by the Washington Department of Fish and Wildlife since at least 2008. Yelm has protected this species through the implementation of the Critical Areas Code. When a development occurs on property suspected to be occupied by the Mazama Pocket Gopher, the Community Development Department has required the applicant prepare a critical areas report which would include mitigation measures if it was determined that pocket gophers would be impacted by the proposed development. The Washington Department of Fish and Wildlife is provided with notice of all threshold determinations issued pursuant to the State Environmental Policy Act and the City consults with the Department when a critical areas report is required.

In April, 2014, the U.S. Fish and Wildlife Service listed the Yelm subspecies of the Mazama Pocket Gopher as threatened under the Endangered Species Act. While the City of Yelm is not responsible for implementation or enforcement of the Endangered Species Act, it consults with the Service and provides notice to applicants that the pocket gopher is a federally protected species and a permit from the U.S. Fish and Wildlife Service may be required.

As this site is already improved with primarily impervious surfaces, a gopher study is not required.

Compliance with Yelm’s requirements under the Critical Areas Code does not ensure compliance with the provisions of the Endangered Species Act. The applicant should contact the US Fish and Wildlife Service with any questions about compliance with Federal standards for threatened species.

12. Fire protection to the buildings must be provided per the International Fire Code. The specific requirements for installation of additional fire hydrants will be determined during civil plan review. The International building code (IBC) provides occupancy ratings for different types of uses. The fire coverage system for the proposed use must meet IBC requirements.

Identified in the 2002 City of Yelm Water Comprehensive Plan is a requirement to install fire hydrant locks as part of the City’s water conservation and accountability program.

The proposed building height has not been provided. If building height exceeds 30 ft, 26 ft fire access lanes are required.

13. All of Yelm is considered a critical aquifer recharge area. The control and treatment of stormwater is required to protect the critical aquifer. The City has adopted the latest edition (2019) of the Stormwater Management Manual for Western Washington (SWMMWW) published by the Washington Department of Ecology [Chapter 18.27 YMC].

The preliminary stormwater plan appears to meet the 2019 SWMMWW requirements, but references the 2014 manual. The final stormwater site plan, SWPPP, and O&M Manual will need to reference and meet the 2019 stormwater manual.

The preliminary stormwater site plan states that the project is not in an aquifer recharge area. This should be corrected to state that the site is in a critical aquifer recharge area.

14. Title 18 YMC is the Unified Development Code for the City of Yelm and establishes standards for development within the various zoning districts. The subject property is identified by the Zoning Map as being within the C-1 zoning district. Chapter 18.36 provides guidance for the C-1 district.
 - a. Service oriented establishments are a permitted use in the C-1 zoning district [Section 18.36.020(B) YMC].
 - b. Setback requirements for the C-1 zoning district are 15-foot front yard, 10-foot side yards, and 20-foot rear yard [Section 18.36.040 YMC].

The proposed main building meets the C-1 setback requirements. The proposed storage building does not meet the rear yard setback.
 - c. Buildings in the C-1 zoning district may be up to 40 feet in height [Section 18.36.040 YMC].

Building height will be reviewed at building permit review.
 - d. Tahoma Blvd SE and Yelm Ave W are both classified as pedestrian-oriented streets. Properties fronting pedestrian-oriented streets shall include features in compliance with Section 18.36.040(I) YMC.

The current building entry does not have direct access to the public sidewalk. A paved pedestrian walkway is required from the public sidewalk to the building entrance.

- e. Developments in the C-1 district are required to provide at least two pedestrian amenities near the sidewalk such as pedestrian furniture, weather protection such as awnings, or window displays over the majority of the front façade.

Compliance with Section 18.36.040(J) YMC is required at building permit submittal. Pedestrian seating, a screen wall, or pedestrian lighting are options to satisfy this requirement.

- 15. Chapter 18.52 YMC provides guidance for ingress and egress.

The preliminary site plan shows two full accesses, one existing improved access on Yelm Ave W and one existing gravel access on Tahoma Blvd SE. The existing access on Yelm Ave W meets City standards, while the gravel access does not meet surfacing requirements. The preliminary civil plans show that the gravel access will be paved to meet City standards.

- 16. Establishments for the sale and consumption of food and beverages require a minimum of one parking stall per 200 square feet of gross floor area [Section 18.54.030 YMC]. Accessible stalls meeting ADA standards are required.

The proposal exceeds the minimum requirements of Section 18.54.030 YMC. The van accessible stall(s) shall have an additional sign that identifies the parking space(s) as “van accessible”.

- 17. Chapter 18.55 YMC establishes landscaping requirements for various types of development.

- a. Perimeter landscape includes an 8 foot planter area with a combination of evergreen and deciduous trees.

The preliminary site plan shows adequate room for perimeter landscaping along the eastern property edge and southeastern property edge. Civil plans shall include a landscape plan with perimeter landscaping pursuant to Section 18.55.020(B) YMC along the eastern property line and southern property from southeast corner to the paved drive aisle. If trees are included in the landscape plan no more than 50 percent shall be deciduous. All species and plant materials shall be pursuant to Section 18.55.040 YMC.

- b. Pedestrian corridors require streetscape landscaping to provide visual relief and separation of pedestrians from streets and parking areas.

Streetscape landscaping along Tahoma Blvd SE and Yelm Ave is completed to City standards.

- c. Parking lot landscaping includes a minimum of 24 square feet of landscape area for each parking stall proposed, planting area must contain at least one tree, with no parking stall located more than 50 feet from a tree.

The preliminary landscape plan shows adequate room for parking lot landscaping, but does not provide planting detail. Civil plans shall include a landscape plan with parking lot landscaping pursuant to Section 18.55.020(D) YMC.

- d. Stormwater Facility Landscaping includes landscaping of the stormwater facility to be incorporated with all on-site landscaping.

The preliminary landscape plan does not adequately address stormwater facility landscaping. Stormwater facility landscaping shall be included with civil plans which show incorporation with all on-site landscaping and vegetation suitable for hydric soils [Section 18.55.020(E) YMC].

- 18. Chapter 18.57 YMC requires the protection of trees during development. There are minimal trees onsite.

If any trees with a diameter exceeding 8 inches are removed, they must be replaced at a 1:1 basis.

- 19. Chapter 18.59 YMC regulates site planning during development.

- a. Section 18.59.040 YMC requires that trash enclosures incorporate the architectural feature of the primary structure and landscaping. Trash enclosures should be located to the rear of the site, and not located between a street and building, and location approved by the local provider. The enclosure shall be constructed of CMU, wood or architectural steel, with gates of similar durable materials [Section 18.59.040 YMC].

The preliminary site plan does not show the refuse area.

Civil plan submission shall include the location and architectural details of the trash enclosure.

- b. Section 18.59.050 YMC provides guidance for illumination. Walkways shall be lit to a minimum of 2 foot candles. Parking lot illumination levels shall not exceed 0.1 foot candle at five feet past the edge of the property line(s). Fixtures shall be mounted to a maximum of 20 feet above grade.

The preliminary lighting plan does not meet the requirements of Section 18.59.050 YMC. A lighting plan in compliance with Section 18.59.050 YMC is required at civil plan submission.

- c. Section 18.59.060 YMC provides requirements for development on corner lots at street intersections. Development must enhance the property's visual qualities at the corner by one of the options listed in Section 18.59.060 YMC.

Proof of compliance with corner enhancement regulations is required at civil plan submission.

- 20. Chapter 18.60 YMC regulates pedestrian circulation.

- a. Paved pedestrian pathways of at least 60 inches wide are required from the public sidewalk to the main entry of the building.

In the preliminary site plan, the pedestrian pathway to the building connects to the parking in the rear of the building but not to the sidewalk. The pedestrian pathway must connect to the public sidewalk.

- b. Pedestrian areas at building entries are required to have two architectural elements to highlight and define the entrance [Section 18.60.050 YMC].

The existing building has brick columns that serve as building ornamentation, and over 200 square feet of landscaping near the entry. This satisfies the requirements of Section 18.60.050 YMC.

- 21. Chapter 18.61 YMC provides requirements for building design.

- a. Buildings facing a public street or park shall be enhanced with at least one element of Section 18.61.040 YMC.

The existing building has brick columns that serve as a decorative building material. This satisfies the requirements of Section 18.61.040 YMC.

- b. All buildings must adhere to the allowed materials and colors, and roof-mounted mechanical equipment shall be screened.

Proof of compliance with Chapter 18.61 YMC is required at building permit submittal.

CONCLUSIONS OF LAW

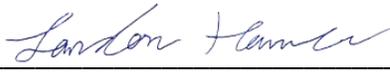
- A. Section 18.13.020 (B) YMC allows the Site Plan Review Committee to approve a proposal when the preliminary site plan conforms to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances.
- B. FP Yelm, LLC has established that the request for site plan review approval can satisfy all criteria set forth in Section 18.13.020(C) YMC, meet all requirements of the C-1 Commercial Zoning classification, and meet all other requirements of the Yelm Municipal Code. Therefore, the preliminary site plan should be approved subject to the following conditions:
 - 1. Civil plan submission shall include estimated water calculations to determine if additional water connections are needed to serve the project.
 - 2. A RPBA is required on the commercial water meter.
 - 3. Proof of compliance with the City's Fats, Oils, or Greases (FOG) regulations is required.
 - 4. The final stormwater site plan, SWPPP, and O&M Manual must meet and reference the 2019 SWMMWW.
 - 5. The stormwater site plan must state that the site is in a critical aquifer recharge area.
 - 6. The proposed storage building must meet the setbacks of the C-1 zone.
 - 7. Building height shall meet the requirements of the C-1 zone.
 - 8. A paved pedestrian walkway is required from the public sidewalk to the building entrance.

9. Building permit submittal shall show compliance with Section 18.36.040(J) YMC regarding pedestrian amenities near the sidewalk.
 10. At least one accessible parking space must be van accessible. The van accessible parking stall(s) shall have an additional sign that identifies the parking space(s) as “van accessible”.
 11. Civil plan submission shall include a landscape plan showing compliance with perimeter, parking lot, and stormwater facility landscaping requirements.
 12. The location and architectural details of the trash enclosure must meet Section 18.59.040 YMC.
 13. A lighting plan in compliance with Section 18.59.050 YMC is required.
 14. Corner enhancement pursuant to Section 18.59.060 YMC shall be provided.
 15. Building permit submittal shall show compliance with Chapter 18.61 YMC including but not limited to building materials, building color, and architectural details.
- C. The site plan is valid for eighteen (18) months from the date of this approval. The applicant may request a six-month extension on the approval, if the request is made in writing prior to the expiration date of this approval.

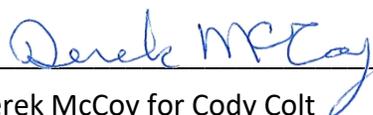
DECISION

The request for site plan review approval is hereby granted subject to the conditions contained in the conclusions above.

Dated this 29th day of October, 2021



Landon Hawes
Planning and Building Manager



Derek McCoy for Cody Colt
Public Works Director

Prepared this 29th day of October, 2021



Casey Mauck,
Assistant Planner

APPEAL

The Site Plan Review Committee's decision in this matter may be appealed pursuant to Chapter 18.10 YMC, to the City of Yelm Hearing Examiner no later than 21 days from the date of this decision. An appeal must be in writing, contain specific factual objections, and include the appeal fee of \$1,250.00.