



City of Yelm

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"Pride of the Prairie"

NOTICE OF DECISION

DATE: May 5, 2021
PROJECT NAME: Juicy Jerk BBQ
PROJECT LOCATION: 202 Yelm Ave W, Yelm, WA
PARCEL NUMBER: 85800200100
CASE NUMBER: 2021.0154.PR0005

NOTICE IS HEREBY GIVEN that the Community Development Department issued an administrative site plan review approval to Juicy Jerk BBQ 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 Community Development 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 Community Development Department at 360-458-3835.

MINISTERIAL SITE PLAN REVIEW 2020.0154.PR0005

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. Debra Nimocks proposes to add a food service pickup window to the existing business located at 202 Yelm Avenue West, identified by Assessor's Tax Parcel Number 85800200100. The project is considered a change of use with the addition of food service in a building permitted for a retail use.
2. The property is currently developed as a retail floral shop. The property is approximately 0.2 acres.
3. Debra Nimocks submitted a site plan review application on April 14, 2021. The proposal includes a mobile barbecue smoker and walk-up only pickup window. The application materials included a preliminary site plan.
4. The application is considered a ministerial site plan review pursuant to Section 18.12.060 YMC, which does not require public notice.
5. The property is zoned Central Business District (CBD) which is codified at Chapter 18.35 YMC. The CBD district is intended to provide a pedestrian shopping atmosphere that promotes the rehabilitation of existing structures. Retail and service-oriented establishments are permitted in the CBD zone [Section 18.35.020 YMC].
6. 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 building is currently connected to City sewer services. 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 building is currently connected to City water services. 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.

The parcel fronts Yelm Avenue West and Railroad St SW. Yelm Avenue West is considered an urban arterial, while Railroad St SW is considered a local access

commercial street. Both streets are not constructed to City standards. The applicant has requested a deferral of frontage improvements.

The signed agreement for deferral of frontage improvements satisfies concurrency requirements.

- 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.

This project does not propose any additional square footage in the building and does not require a Fire Impact Fee.

- 7. The project is exempt from State Environmental Policy Act (SEPA) review. [Section 197-11-800(1) WAC].
- 8. 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]

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.

Visual reconnaissance from City staff show no indications of Mazama Pocket Gophers or Prairie Habitat found on the project site. The site consists of lawn and pavement.

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.

9. 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.

Additional fire hydrants are not required for the proposed development.

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

No additional impervious surfaces are proposed.

11. 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 CBD zoning district. Adjoining properties are zoned CBD and are currently in commercial use with the exception of the property to the Northwest, which is in residential use.
 - a. Retail and service-oriented establishments are allowed in the CBD zoning district as permitted uses [Section 18.35.020 (A)(B) YMC].
 - b. Drive-through food service windows are prohibited in the CBD zoning district [Section 18.35.040(A) YMC].

The proposal includes a food service pickup window. This window is for walk-up service only, and will not be used as a drive-through.

- c. Setback requirements for the CBD zoning district are that all structures must be located so as to provide continuity with existing streets, alleys, sidewalks, and bikeways [Section 18.35.040 YMC].

The existing building meets the CBD setback requirements.

- d. Buildings in the CBD zoning district may be up to 35 feet in height. [Section 18.35.040 YMC].

The existing building meets the height requirement for the CBD zoning district.

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

Ingress to the site is from Railroad St NW exiting into the alley. The existing site meets the requirements of Chapter 18.52 YMC.

- f. Section 18.54.030 YMC provides minimum requirements for parking. Retail sales require a minimum of one parking stall per 250 square feet of gross floor area. Accessible stalls meeting ADA standards are required.

The existing parking fulfills the minimum requirements of Section 18.54.030 YMC.

- 12. Title 18 YMC provides guidance and regulation for site planning during development. Chapter 18.55 establishes landscaping requirements for various types of development.

- a. Section 18.51.050 requires that outside storage shall be maintained in an orderly manner consistent with good housekeeping practices and shall be effectively fenced and screened from all residential areas and public rights-of-way.

The site plan does not provide screening between the barbecue smoker and the adjoining property.

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

Existing perimeter landscaping along Yelm Avenue West is adequate. There is no perimeter landscaping along the Northwest property line. The existing garage abutting the alley and on-site paving on the Southeast perimeter makes perimeter landscaping unachievable in these locations.

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

This landscaping is achieved with frontage improvements and is included in the deferral of frontage improvements.

- d. Chapter 18.59 requires trash enclosures to be incorporated into the architectural feature of the primary structure and landscaping.

A trash enclosure is not shown on the preliminary site plan. If a dumpster is proposed, the enclosure shall be constructed of CMU, wood or architectural steel, with gates of similar durable materials [Section 18.59.040 YMC].

- 13. Chapter 13.04 YMC and Chapter 6 of the Development Guidelines establish requirements for connection to the City's water system. Water service connections are by a service line and water meter in the public right-of-way. [Section 13.04.110 YMC].

- a. Water service connections are by a service line and water meter in the public right-of-way. [Section 13.04.110 YMC].

New service connections are calculated at 875 cubic feet per equivalent residential unit (ERU). [Section 13.04.120 YMC]

- b. The site is currently connected to the City's water system. It is not anticipated that additional connections will be required.

- c. 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)].

A RPBA is required for all commercial buildings and must be added to the site and inspected by a state-licensed backflow tester.

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

The existing building is served by the City sewer system.

Pursuant to YMC 13.09.020, food preparation requires Fats, Oils, or Greases (FOG) pretreatment from the wastewater before it enters the STEP tank. Installation of a Grease Interceptor is required.

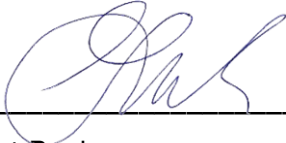
CONCLUSIONS OF LAW

- A. Section 18.12.060(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. Debra Nimocks has established that the request for site plan review approval can satisfy all criteria set forth in Section 18.12.060(B) YMC, meet all requirements of the Central Business District 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. An agreement for deferral of frontage improvement requirements for W Yelm Ave and Railroad St SW shall be implemented and recorded.
 - 2. The pickup window is for walk-up service only and will not be used as a drive-through.
 - 3. Perimeter landscaping and/or screening shall be provided along the Northwest property line.
 - 4. If a trash enclosure is proposed, it shall incorporate the architectural feature of the primary structure and landscaping. The enclosure shall be constructed of CMU, wood or architectural steel, with gates of similar durable materials, and landscaped pursuant to Section 18.59.040(C) YMC.
 - 5. A RPBA is required for all commercial buildings and must be added to the site and inspected by a state-licensed backflow tester.
 - 6. A grease interceptor designed by a licensed engineer and reviewed by the city shall be installed.
- 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.

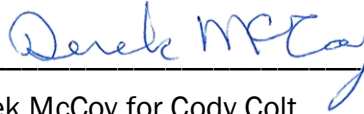
DECISION

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

Dated this 5th day of May, 2021

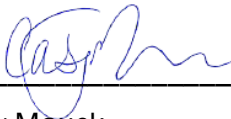


Grant Beck,
Community Development Director



Derek McCoy for Cody Colt
Public Works Director

Prepared this 27th day of April, 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.