

## DIRECTOR'S DECISION – PROJECT DESIGN REVIEW

<b>Project Name:</b>	Chick-Fil-A Hwy 99
<b>File Number:</b>	PDR-008310-2019
<b>Location:</b>	19615 Hwy 99
<b>Tax Parcel Number(s):</b>	00565300003101and 00565300003102
<b>Future Land Use Recommendation:</b>	Highway 99 Corridor (H99)
<b>Zoning:</b>	Highway 99 Mixed Use (HMU)
<b>Site Area:</b>	1.23 acres (53,631 square feet)
<b>Property Owner:</b>	Lynnwood Tower LLC
<b>Applicant:</b>	Chick-Fil-A, Inc.
<b>Staff Reviewer:</b>	Kirk Rappe, AICP, Associate Planner
<b>Applicable Design Guidelines:</b>	Highway 99 Design Guidelines
<b>Related Permits:</b>	Chick-Fil-A Boundary Line Adjustment (BLA-009749-2021) SEPA (ERC-008929-2020), and associated construction permits.
<b>Decision:</b>	Approved with Conditions

**Project Description:** Don Ikeler representing Chick-fil-A, Inc. submitted a Project Design Review application for the construction of a Chick-fil-A restaurant at 19615 Highway 99 in Lynnwood. The proposal includes the restaurant building (approximately 5,182 square feet), trash enclosure, a corner pedestrian plaza, parking, and landscaping. The 1.23-acre site is in the Highway 99 Mixed Use Zone (HMU). Previous land use decisions include a Boundary Line Adjustment and SEPA Determination of Non-Significance.

## **I. EXHIBITS**

1. Land use cover sheet and application, received July 19, 2019
2. Affidavit of Ownership
3. Design Guidelines Checklist, received July 19, 2019
4. Project Narrative, received July 8, 2021
5. Project Plan set (includes landscaping and tree retention plan sheets), received March 17, 2021
6. Title Report received August 5, 2019
7. Color and Material Samples, received January 8, 2021
8. Pedestrian Amenities, received January 8, 2021
9. Design Departures Letter, received July 13, 2020
10. Correction letters and reviewer comments (combined into one package)
11. Notice of complete application issued September 11, 2019
12. Notice of application, issued September 25, 2019
13. SEPA DNS (ERC-008929-2020), issued March 9, 2020

## **II. FINDINGS OF FACT**

### **a. Background**

The proposal is for a new Chick-Fil-A restaurant to replace the existing gas station at the southeast corner of the Highway 99 and 196<sup>th</sup> St SW intersection. The site will be extensively redeveloped with the new restaurant building, a trash enclosure, two-lane drive-through, corner pedestrian plaza, pedestrian walkways from Highway 99 and the corner plaza to the restaurant, landscaping, and parking. Concurrent with this design review, the project required a State Environmental Policy Act (SEPA) determination and boundary line adjustment with the neighboring Lynnwood Center Mall.

### **b. Proposal Description**

Summary of Proposal - The applicant (Chick-Fil-A, Inc.) proposes construction of an approximately 5,126 square foot, single-story restaurant with trash enclosure, a double lane drive through, and 51 parking spaces. In addition to meeting the Highway 99 Design Guidelines, the applicant must provide landscaping and street frontage amenities including 12-foot sidewalks, street trees, and a corner pedestrian plaza (as required by the Highway 99 Mixed Use Zone).

Design – The restaurant is designed to meet the Highway 99 Mixed Use Design Guidelines while maintaining the Chick-Fil-A branding and colors. Materials include vision glass for windows, white stucco, imperial gray brick veneer, and dark bronze roof coping. The screen wall between the two roadways (Hwy 99 and 196<sup>th</sup>) and the drive-through will be constructed of brick with cast stone capping, metal railings, and on the 196<sup>th</sup> facing side, a black metal trellis. The covered trash enclosure will also use imperial gray brick, painted steel tube grate, and dark bronze roofing to match the restaurant.

Site Information- The site currently hosts a gas station on a level, mostly paved site. The subject parcel is approximately 1.12 acres (off-property work such as streetscape areas in the right-of-way expands the project site to 1.23 acres). It is a corner parcel on the northwest corner of a larger mall site called Lynnwood Center. The subject property is bounded by 196<sup>th</sup> St SW to the north, Highway 99 to the west, and the Lynnwood Center Mall property to the south and east. After redevelopment the site will only be accessed from the parking lot of the Lynnwood Center Mall (no direct curb cuts will onto Hwy 99 or 196<sup>th</sup> St SW are proposed). The existing gas station curb cuts that directly access Hwy 99 and 196<sup>th</sup> St SW will be replaced with new curbing. The new restaurant and trash enclosure are approximately 5,492 sf which will result in a lot coverage of about 10 percent.

Future Land Use and Zoning – The Comprehensive Plan future land use designation of this site is Highway 99 (H99). The property is zoned Highway 99 Mixed Use (HMU) on the Official Zoning Map. HMU is identified in the Comprehensive Plan as a consistent implementing zone for H99 (2015 Comprehensive Plan, page 2.8).

**c. Noticing**

The application was deemed complete on September 11, 2019. In accordance with Chapter 1.35 Lynnwood Municipal Code (LMC), a Notice of Application and Impending Decision was posted at the City of Lynnwood official posting sites and onsite on September 25, 2019 and was published in the Everett Herald on the same date. Owners of property and tenants within a 300-foot radius of the subject property were also mailed a Notice of Application and Impending Decision. The comment period ended on October 9, 2019.

**d. Environmental Review (SEPA)**

The project meets the raised exemption levels for commercial buildings in LMC 17.02.230, however during preliminary review of the project the applicant discovered that removal of the large underground gas tanks from the current gas station would require movement of over 1,000 cubic yards of earth. Therefore, a SEPA application was submitted and based on review of the SEPA checklist, a determination of nonsignificance (DNS) was issued on March 9, 2020. No public

comments were received and no appeals were submitted before the appeal deadline on April 9, 2020.

**e. Zoning Analysis**

**i. Compliance with the Highway 99 Mixed Use (HMU) Zone (21.62 LMC)**

The following describes compliance with allowed uses, setbacks, height limits, lot coverage, and any other provisions specific to the Highway 99 Mixed Use zone.

The Highway 99 Mixed Use zone is intended to implement the Comprehensive Plan by allowing development emphasizing mixed uses that are pedestrian and auto oriented. Most commercial uses, including this one, are permitted “by right” unless explicitly stated otherwise (LMC 21.62.210). Confirmation of permitted use will be verified at time of building permit or business license application.

The permitted land uses section (LMC 21.62.200) includes requirements for uses that employ drive-up or drive-through service. The requirements are:

- No component of the drive-through (such as approaching drive aisle, order box, service window, etc.) shall be located between the building it serves and a public street unless another intervening building(s) or building screening (walls and roof) exists between the drive-through and street that blocks visibility of the drive-through from the street.

*Staff Analysis:* The proposed drive-through lane is screened by a brick and iron screening wall placed between the drive-through lanes and Highway 99 and 196<sup>th</sup> St SW. Additional screening is provided at the entrance and order boards for the drive-through by tall trellises - obscuring the use of this area as a drive-through.

- No more than two drive-through lanes (plus a by-pass lane, where necessary) shall be permitted for the specific business being served by the drive-through lane.

*Staff Analysis:* Only two drive through lanes are proposed.

- Access to the drive-through shall be provided only from a project parking area; direct access to a drive-through from a project entry aisle or from a public street is not allowed.

*Staff Analysis:* Access to the drive through is from the Lynnwood Center parking lot and not from either the proposed Chick-Fil-A parking lot drive aisle or public street.

- Any/all service windows within 150 feet of a public street may only be located on a building wall that sits at an angle of at least 90 degrees to the public street.

*Staff Analysis:* The service windows are on the south façade of the building at a 90-degree angle from Highway 99, the abutting public street.

- See also LMC 21.18.810 (Stacking lanes for drive-through facilities).

*Staff Analysis:* LMC 21.18.810 provides a table of minimum required number of stacking spaces. For a restaurant with drive-through service, 6 spaces per lane and at least 3 spaces before the order board. The proposed drive-through lanes provide 10 spaces total prior to the order board (5 in each lane), and 20 spaces after the order board (10 in each lane), for a total of 30 stacking lane spaces.

Additional requirements of the HMU zone in LMC 21.62.400:

	HMU Standard	Proposal
Minimum setback abutting a street	0 feet	Complies- building is 41 feet from Hwy 99 and 82 feet from 196 <sup>th</sup> St SW.
Minimum Interior Property Line Setback	0 feet	Complies- building is 78 feet from eastern interior property line and 63 feet from south interior

		property line.
Minimum Sidewalk Width Along Public Streets	12 feet	Complies – Proposed sidewalks are 12 feet wide.
Maximum Lot Coverage	25 percent	Complies-restaurant and trash enclosure total about 10% of parcel.
Maximum building height	35 feet	Complies-building height is 22 feet, 4 ½ inches.
Maximum Floor-Area Ratio	0.5 FAR	Complies-total FAR is about 0.1.

Nonresidential Open Space is required under 21.62.400.E:

- New nonresidential development without residential development must include on-site pedestrian open space in the amount of at least two percent of the lot area plus one percent of new nonresidential floor area. The open space may be in the form of wider sidewalks (beyond the minimum), cafe seating areas, gardens, plazas or play areas.

*Staff Analysis:* The pedestrian open space requirement results in 1,087 square feet of open space for this site. The proposal includes a corner pedestrian plaza, outdoor café seating, and landscaped areas that total 1,728 square feet. The proposal complies.

- Where pedestrian-oriented facades are required by the design guidelines, the facade(s) shall be oriented towards the required open area.

*Staff Analysis:* The open areas are to the north of the restaurant and the north façade of the proposed restaurant features large windows and weather protection. The primary entrance does not face the street front due to design limitations. The proposal meets this requirement.

The building also includes a detached refuse and recycling enclosure. Service Area standards – which include refuse enclosures - are also listed under 21.62.400.H:

- Any external service area, including trash dumpsters and refuse and recycling areas must be no less than 30 feet from residential zoned property.

*Staff Analysis:* No residential zoned property is within 300 feet of this location. The refuse and recycling enclosure complies with this requirement.

- All external trash, recycling, and storage areas are required to be enclosed with a solid structure with a minimum height of seven feet and a roof. However, if the area is not visible from an adjacent property or public right-of-way, the enclosure does not require a roof. Enclosures shall be constructed of materials that match or complement the exterior materials of primary building(s).

*Staff Analysis:* The refuse and recycling enclosure is visible from the Hwy 99 right-of-way and must include a roof. The proposed enclosure includes a roof, is seven feet tall, and is constructed of brick materials that complement the exterior of the primary restaurant building. The enclosure complies with this requirement.

Street trees are required per LMC 21.600.400.I.

- Street trees shall be provided every 30 feet or less on center or spaced as directed by city staff. All trees shall be chosen from the city-approved tree list and have a minimum two-inch caliper at planting.

*Staff Analysis:* Street trees are provided 30 feet on-center and are Parrotia Persica ‘Ruby Vase’ which is not listed in the city-approved tree list. The species of tree will be addressed in a condition of this decision.

## **ii. Compliance with Landscaping (21.08 LMC)**

The applicant has provided a landscape planting plan and details, irrigation plan and details, and landscape notes and requirements (maintenance) plan in accordance with Chapter 21.08 LMC and the Highway 99 Mixed Use Zone Design Standards. The proposal includes approximately 7,886 square feet of landscaped area, including approximately 177 square feet in the corner plaza.

There are over 1,000 square feet of public plaza space at the corner of 196<sup>th</sup> and Highway 99 as required by the Highway 99 Design Guidelines. The proposal meets the requirements of LMC 21.08 – Landscaping.

**iii. Compliance with Outdoor Lighting Standards (21.17 LMC)**

The applicant provided a sheet on outdoor lighting in the plan set (E-102) that demonstrates compliance with the City’s outdoor lighting standards. The HMU zone falls within Lighting Zone Two (LZ-2) and limits total site lumens to 2.5 lumens per square foot of hardscape.

Total pavement impervious surface within the property is 36,095 square feet. Multiplying by 2.5 lumens per square foot results in a total site lumen limit of 90,237. The applicant proposes eight luminaires of several types. The total lumens for all eight lamps is 43,491 lumens, falling below the maximum allowed per LMC 21.17.

Other requirements of LMC 21.17 are that light spillage onto neighboring properties should be minimized. The applicant provided a photometric plan and luminaire product cut sheets on sheet E-102. Lumens at the property edge range from 0.1 to 4.3. However, the 4.3 figure is found on the interior side of the parking lot abutting the existing Lynnwood Center parking lot.

Maximum backlight, uplight, and glare ratings (BUG) must meet the requirements of Table 21.17.05. The table specifies BUG limits based on distance of lamps from property edge. The BUG ratings for the luminaires are: B1-U1-G1 and B3-U0-G3, and based on the location of the lamps on the photometric plan, they meet the limits of table 21.17.05.

Based on the above review of the lighting plans on sheet E-102, the proposal complies with the City’s outdoor lighting standards.

**iv. Compliance with Parking (21.18 LMC)**

The proposed restaurant size is 5,182 square feet. Based on parking capacity table 21.18.03, there must be 1 parking space per 100 square feet for sit-down restaurants, resulting in 51 required parking spaces.

The project site plan shows 42 parking spaces entirely on-site and 9 spaces on the neighboring Lynnwood Center parcel for a total of 51 spaces. Due to this arrangement a condition is added to this decision requiring the Chick-Fil-A property owner to initiate a shared parking agreement with Lynnwood Center mall prior to planning final inspection. The new parking spaces on the mall property are exclusive to the Chick-Fil-A restaurant.

Drive-through stacking lane requirements are listed under LMC 21.18.810. For a restaurant with drive-through service, 6 spaces are required per lane. If an order window, board, or device is used, a minimum 3 spaces shall be in advance of the order point. The proposed drive-through has two parallel lanes. There are 5 spaces in each lane prior



to the order board and a total of 15 spaces in each lane before reaching the drive-through window (a total of 30 stacking spaces), meeting this requirement.

### **Compliance with other applicable code requirements**

The property does not contain critical areas and no other land use code requirements apply.

## **III. DECISION CRITERIA**

### **a. It is consistent with the comprehensive plan.**

The property is designated Highway 99 (H99) on the Future Land Use Plan Map in the Comprehensive Plan. The H99 category calls for single or multi-story buildings with orientation to automobiles and pedestrians. Node properties (at specific intersections of Highway 99) support retail, mixed use, office, service, and food and drink uses. The following policies and strategies from the Comprehensive Plan are relevant to this Project Design Review and action on this application:

- Land Use Policy LU-19: “Accommodation of the population and employment growth specified by the Countywide Planning Policies should primarily occur within the designated Lynwood Regional Growth Center and along Highway 99.”

Staff Analysis: This project will provide about 5,000 square feet of new commercial space along Highway 99. Though it will replace an existing retail gas station, employee needs for the restaurant will likely be greater than for the existing gas station.

- Land Use Strategy LU-B: “Population and employment growth as called for by the Countywide Planning Policies should occur primarily within the Lynnwood Regional Growth Center and along Highway 99.”

Staff Analysis: As noted above, this project is located on Highway 99.

- Community Character Policy CC-1.3: “The visual character of buildings shall be enhanced by means of architectural design and landscape elements to create a human scale and enhance and integrate the urban character for the streetscape and abutting residential uses.”
- Staff Analysis: The proposed development meets the Highway 99 Design Guidelines and includes architectural design and landscape elements that create a human scale and urban character with pedestrian amenities.
- Community Character Policy CC-2.5: “Provide adequate setbacks, buffers, landscaping, visual screens, and appropriate building scale and

architecture to make development compatible with nearby residential and other land uses.”

Staff Analysis: The applicant has proposed a building that incorporates adequate setbacks, landscaping, visual screens where needed, and a scale and architecture that is compatible with the adjacent land uses.

**b. It is consistent with all applicable provisions of this chapter (21.25 LMC).**

The proposal is subject to the Citywide Design Guidelines for all districts and commercial districts because it is for construction of a nonresidential property over 1,000 square feet. Project design review is intended to:

- Review the proposal for compliance with design guidelines;
- Help insure that the proposal is coordinated, as is reasonable and appropriate, with other known or anticipated development on private properties in the area and with known or anticipated right-of-way and other public improvement projects within the area; and
- Encourage proposals that embody good design principles that will result in high quality development on the subject property.

The applicant has provided materials (see Exhibits 5-7) that demonstrate consistency with chapter 21.25 LMC.

**c. It is consistent with the applicable design guidelines found in the Lynnwood Citywide Design Guidelines, adopted by this reference and incorporated in the provisions of the LMC and this chapter as fully as if herein set forth.**

**i. Design Guideline Analysis**

This project is consistent with the purpose of design review as defined in Chapter 21.25 LMC. Site plans and elevations were provided to the City (Exhibit 5) as well as design checklists and descriptions (Exhibit 3) and a design exceptions letter (Exhibit 9). The proposal locates parking opposite Highway 99 so it is not placed between the building and street. It has extensive pedestrian connections including a corner pedestrian plaza. It is designed with high-quality materials including brick, wood, metal, and glass.

The location of the drive through between the restaurant and Highway 99 is not preferred based on design guidance, however the City allowed this subject to increased glazing (windows) on the north façade and additional screening near the corner pedestrian plaza (in the form of a trellis atop the brick wall).

With the exception of the species of street trees (addressed on page 7), landscaping and street trees meet the landscaping code requirements and design guidelines. This includes amount of landscaping and diversity in seasonal colors of plantings.

The corner pedestrian plaza provides a pedestrian oriented space that includes an 8-foot wide walkway to the entrance of the restaurant. The pedestrian-oriented corner plaza meets the requirements of the design guidelines for amount of seating, visual and pedestrian access to the building entrance, landscaping, and pedestrian-scale light fixtures providing the required amount of lighting for the plaza.

## **ii. Design Departures**

The applicant requested two design departures. One is for the requirement to place planting strips and trees between the front walkway and parking lot and the other that requires pedestrian walkways through parking lots with at least four rows of parking.

The first departure will be to move parking lot planting strips to the base of the building front wall (the front wall faces the parking lot, not Highway 99). This will eliminate the risk that patrons may trample plantings when walking from the parking lot to the walkway in front of the entrance.

The second departure was a misreading of the design guidelines by the applicant and is not applicable (the parking lot is only one row of parking).

The requested planting departure was approved and are reflected in the design package (Exhibit 5).

- d. For development applications for remodeling or expansion of an existing development, it is consistent with those provisions in the Lynnwood Citywide Design Guidelines identified by the director as being applicable. For such applications, the director may modify applicable design standards and guidelines to provide continuity between existing and new development and/or proposed phases of development.**

This provision does not apply since the proposal is for new development.

## **IV. PUBLIC AND AGENCY COMMENTS**

A 14-day public comment period on the proposal ended on October 9, 2019. Referrals were sent to all applicable City Departments and outside agencies. All correction letters and individual comment letters are available in the project file (Exhibit 10). Additional comments were provided from City staff at a Major Projects Meeting in November 2019 and were included in correction letters to the applicant. Those comments were incorporated into updated designs for the project (Exhibit 5). A summary of the comments is included below:

- **Building Division** – No comments were provided from the building division.
- **Parks, Recreation, and Cultural Arts Department** – No comments were provided from the Parks, Recreation, and Cultural Arts Department.
- **Public Works** – After the applicant submitted revised drawings with a two-lane drive-through on October 16, 2020, public works requested clearer entry and exit markings for the south entry/exit into the parking lot. The two-lane drive through exit (both one-way) conflicted with the bi-directional (ingress/egress) marking at the entrance curb cut. This was resolved by providing markings to reduce the two-lane drive through to one lane after the pickup window.
- **Snohomish PUD** – Comments from Snohomish PUD were shared with the applicant. The PUD said that sufficient electrical capacity presently exists, upgrades or relocation, alteration, or removal of District facilities to accommodate the project are at the expense of the developer.
- **South County Fire** – Fire reviewed and provided the following comments that were shared with the applicant. Several will be included as conditions of approval to this design review, others will be handled during building permit review;
  - Comply with 2015 IFC Chapter 33 Fire Safety During Construction and Demolition of existing building.
  - Provide a statement that the interior finishes meet all smoke and flame spread calculations.
  - Comply with 2015 IFC Chapter 5 505.1 Address identification. Suite number shall be posted on all entrances. If not visible from street, address sign shall be posted at street entry
  - Fire Lanes are required, Please refer to SCF Fire Apparatus Access Road Standard for detailed requirements.
  - Obtain and install a Fire Department knox key box for the emergency access to the building. Knox boxes are required at riser rooms and front main entry. See South County Emergency Access Standard.
  - 1004.3 Posting of occupant load. Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or the owner’s authorized agent.
  - All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
  - Exceptions:
    - Where approved by the building official and the fire code official, a wired communication system in accordance with Section

907.2.13.2 shall be permitted to be installed or maintained instead of an approved radio coverage system.

- Where it is determined by the fire code official that the radio coverage system is not needed.
  - In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.
  - Obtain a Electrical Fire Alarm permit for HVAC units over 2,000 CFM or the combination of HVAC units that supply or return air from the "same common atmosphere" that add up to over 2,000 cfm shall have duct detectors tied into the FACP as a supervisory signal.
  - SECTION 1013 EXIT SIGNS 1013.1 Where required. Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. The path of egress travel to exits and within exits shall be marked by readily visible exit signs to clearly indicate the direction of egress travel in cases where the exit or the path of egress travel is not immediately visible to the occupants. Intervening means of egress doors within exits shall be marked by exit signs. Exit sign placement shall be such that no point in an exit access corridor or exit passageway is more than 100 feet (30 480 mm) or the listed viewing distance for the sign, whichever is less, from the nearest visible exit sign.
  - IFC 1008.3.2 Buildings. In the event of power supply failure, in buildings that require two or more means of egress, an emergency electrical system shall automatically illuminate all of the following areas: 1. Interior exit access stairways and ramps 2. Interior and exterior exit stairways and ramps. 3. Exit passageways. 4. Vestibules and areas on the level of discharge used for exit discharge in accordance with Section 1028.1. 5. Exterior landings as required by Section 1010.1.6 for exit doorways that lead directly to the exit discharge.
- **WSDOT** – Per RCW 47.24.020(2) the requestor will need to obtain a permit from WSDOT if this project impacts the curb, gutters, and/or roadway on either SR99 and/or SR 524. The comment letter was shared with the applicant.

## **V. CONCLUSION AND CONDITIONS OF APPROVAL**

### **a. Conclusion**

Based on the application materials (exhibits) and the analysis contained in this staff report, staff concludes that the applicant has met the decision criteria for approval of the Project Design Review (PDR).

**b. Conditions of Approval**

Staff recommends approval of the Chick-Fil-A PDR (PDR-008310-2019) application subject to the following conditions:

1. The site plans and elevations, color and material samples, and pedestrian amenities (Exhibit 5, Exhibit 7, and Exhibit 8) shall be the approved plans.
2. The proposed street trees are Parrotia Persica ‘Ruby Vase’ which are not an approved street tree. Street trees shall be a species from the Tree Preservation and Protection Guidelines for the City of Lynnwood. The applicant shall propose an alternate street tree species that meets City of Lynnwood standards with the building permit application.
3. Any changes to the design of the project will require additional review and may delay issuance of subsequent development permits for the proposal and/or inspections during construction. Requests for modification shall be subject to the review fees in LMC 3.104.210.
4. All signs are reviewed and approved via separate sign permits. Any signs shown on the site plans and elevations are not approved with this decision – including any wall, monument, or pole signs.
5. The applicant must complete an off-site parking agreement per LMC 21.18.200 for the 9 parking spaces that will be constructed on the Lynnwood Center property. The agreement must be completed prior to planning final inspection.
6. Fire Lanes are required, Please refer to SCF Fire Apparatus Access Road Standard for detailed requirements.
7. Comply with 2015 IFC Chapter 5 505.1 Address identification. Suite number shall be posted on all entrances. If not visible from street, address sign shall be posted at street entry
8. All park impact fees shall be paid prior issuance of building permit.
9. All traffic impact and concurrency fees shall be paid prior to issuance of building permit.
10. Sewer connection charges shall be assessed to the Developer at the current rates at issue of building permit.

**REVIEWED BY:**



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**Ashley Winchell, Community Planning Manager**

9/10/2021

**Date**

**VI. DIRECTOR’S DECISION**

I concur with the above conclusions and grant approval with conditions of the Project Design Review application for the Chick-Fil-A Project Design Review (PDR-008310-2019).



**David Kleitsch, Development and Business Services Director**

9/10/21

**Date**

**VII. NOTICE OF DECISION AND RIGHT TO APPEAL**

Administrative decisions of the director may be appealed by filing a written request for appeal with the Development and Business Services Department within 14 calendar days. The appeal deadline shall be **September 29, 2021**. An appeal filed within this time limit shall be processed pursuant to Process II, as identified in LMC Section 1.35.200.

**VIII. LAPSE OF APPROVAL**

The applicant under this process must begin construction or submit to the city a complete building permit application for the proposal **within two years** after the final decision on the matter, or the decision becomes void. The applicant must substantially complete construction for the proposal approved under this process and complete the applicable conditions listed in the decision within five years after the final decision of the city on the matter, or the decision becomes void per LMC 21.25.165. No later than two weeks prior to the lapse of approval, the applicant may submit a written request with supporting documentation to the Development and Business Services Department requesting a one-time extension of those time limits of up to one year per LMC 21.25.170(A).

**IX. REVISIONS AFTER APPROVAL**

The determination that the proposal meets the criteria for a subsequent modification exception is based on all plans, details, catalogue cuts, specifications, renderings, notes, materials and color samples submitted for design review. Any changes to the design of the project as indicated by the above submitted materials will require additional review and may delay issuance of subsequent development permits for the proposal and/or inspections during construction.