



CITY OF BLACK DIAMOND

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SITE PLAN REVIEW DECISION KELLY LATTE'S - PLN22-0076

A. ADMINISTRATIVE REPORT & DECISION

DECISION: ☐ Approved ☒ Approved with Conditions ☐ Denied

Decision Date: August 28, 2023

Project Name: Kelly Latte's Black Diamond

Applicant: Chad McGraw, Owner

City File Number(s): PLN22-0076 Site Plan

Project Summary: Site plan review and approval to construct a new coffee stand and associated parking in two separate tracts designated for commercial development within the Tammaron subdivision.

Project Location: 29201 217th Place SE; aka Tracts E & F in the recorded plat of Tammaron located in Black Diamond; NW Quarter of Section 4, Township 21, Range 6
Tax Parcel Numbers 856310-0390 & 856310-0400.

Zoning: Neighborhood Center (NC)

Comprehensive Plan: Neighborhood Commercial (NC)

Project Location Map:



B. EXHIBITS

Exhibit 1: Notice of Application (NOA)

Exhibit 2: Public Comment

Exhibit 3: Site Plan dated 07/11/2023

C. SUMMARY OF REQUEST

The Applicant requests Site Plan review and approval to construct a new drive-thru coffee shop and associated parking within the Tammaron development in two designated commercial tracts (Tracts E and F). This development proposes enhanced landscaping, concrete walkways, and employee parking within these commercial tracts in the City of Black Diamond. Some existing curbing and asphalt will be removed and relocated to make room for the building, modified turn radius for the drive-thru, and additional landscaping. Vehicular access to the site would be provided via one full-access driveway off SE 292nd Street.

D. FINDINGS OF FACT

1. Site Plan Approval is an administrative decision processed as a Type 2 decision pursuant to Black Diamond Municipal Code (BDMC) 18.16.030.
2. A preapplication conference (PRE22-0015) was held October 25, 2022 between the applicant and city staff to preliminarily discuss compliance with development regulations and design standards prior to application submittal.
3. Application materials were submitted on October 31, 2022 and deemed complete on January 6, 2023.
4. Type 2 decisions require public notice as set forth in BDMC 18.08.120. A Notice of Application (NOA) was mailed/posted/published on January 18, 2023, in accordance with BDMC 18.08.125 with a statement of the 14-day comment period ending on February 1, 2023 (see Exhibit 1). One public comment was received (see Exhibit 2).
5. The parcel is zoned Neighborhood Center (BDMC 18.36) and designated Neighborhood Commercial on the Comprehensive Plan Future Land Use Map.
6. Commercial retail uses are permitted in the Neighborhood Center/Commercial zone with site plan approval; elements of construction will be further evaluated under a separate building permit.
7. The project was determined to be exempt from SEPA environmental review.
8. Stormwater requirements will be reviewed with the building permit and proposed construction.
9. This project is exempt from BDMC Chapter 11.11, Concurrency Management for transportation impacts. Traffic impacts were addressed and mitigated for with the Tammaron subdivision, which included the commercial tracts and development of a drive-thru coffee stand.
10. Access to the project is off 217th Place SE with an internal drive-thru to serve the coffee stand.
11. The proposal was reviewed for compliance with all relevant City Codes and standards.

12. Parking, landscaping, signs, lighting, and building design are regulated in the Neighborhood Center/Commercial zone. A conceptual site plan has been reviewed (see Exhibit 3) and will be finalized with the building permit and separate sign permits associated with further development.
13. No sensitive areas will be impacted on the subject development site.

E. ANALYSIS

Planning Review

The Applicant requests Site Plan Approval to construct a new commercial building consisting of a drive-thru coffee stand and employee parking on previously established commercial tracts, including new concrete walkways, new designated parking stalls, and enhanced landscaping within the recorded plat of Tammaron in the City of Black Diamond. Tammaron was developed as a mix of commercial and residential, with attached single-family senior housing making up most of the site.

Neighborhood Center (NC) Zoning (BDMC 18.36) & Design Standards and Guidelines for Commercial Zones

BDMC 18.36.040 outlines the development standards in the NC zone, which this proposal has been reviewed for and determined to comply. Impervious surfaces will be reviewed as part of the building permit to assure compliance with development regulations. The City's adopted storm water rules require the applicant to evaluate the feasibility of incorporating Low Impact Development (LID) techniques into final design.

Off-street parking requirements in the Neighborhood Center (NC) zone will be further evaluated in accordance with Chapter 18.80 during building permit review; however, existing parking shown on the site plan appears to be sufficient for the proposed use.

Parking lot construction must be surfaced with asphalt, concrete, or similar pavement to provide durable, dust-free surface and must be graded and drained to properly dispose of all surface water. This requirement will be reviewed as part of the building permit. The ingress/egress location is subject to review and approval of the City and backing out into any street or public ROW is prohibited.

The Design Guidelines for Commercial Zones contain regulations for internal pedestrian circulation to make it easier, safer, and more comfortable to walk between businesses, through parking lots and to sidewalks. The site plan does provide for internal pedestrian walkways connecting the business from adjacent sidewalks. The site plan does not show the width of these walkways, but the code requires they be no less than 4' in width and that they use contrasting surface materials to clearly delineate pedestrian areas from vehicular travel lanes. This will be further evaluated with the building permit.

Landscaping shall be planned and provided in accordance with Chapter 18.72. No existing landscaping installed with the Tammaron development or significant trees are proposed to be removed as part of the proposed site development. A final landscaping plan meeting the development regulations will need to be submitted with the building permit plans and approved by the Community Development Director as a condition of Site Plan Approval. The Director has flexibility to work with the applicant on an alternative landscaping plan if the alternative plan is supported by findings of public benefit that the total area of landscaping shall be equal to or exceed that created by adherence to the standards requirements of BDMC 18.72. Site plantings may not be located within the right-of-way.

The Site Plan Review Process in BDMC 18.16 does not require the site plan to include the location or type of signs. Compliance for signage will be reviewed under a separate sign permit application.

Lighting shall comply with the requirements of Chapter 18.70 and the Design Guidelines for Commercial zones.

- a. Adequate lighting shall be provided at building entries and along all walkways and paths through parking lots.
- b. Pedestrian-scale lighting shall be employed for internal circulation and shall use horizontal cut-off fixtures.
- c. Lighting shall be installed to provide a consistent two foot-candles along any path.

A condition of Site Plan Approval will be for the applicant to submit lighting specifications for approval by the Community Development Director prior to finalizing the building permit plans.

PUBLIC WORKS REVIEW

The Public Works Director has reviewed the Site Plan proposal and recommended approval with conditions. The Applicant's building plans will be further analyzed, and additional measures may be required.

1. Utilities. All utility lines including electric, telephone, data, and cable television, shall be installed underground. Underground utility trenches within landscaped areas must be revegetated. Utility boxes and cabinets that are now or must, by necessity, be located above ground, shall be shielded from view from the right-of-way with existing vegetation and/or revegetation. Any aboveground boxes and cabinets shall, in addition to the required vegetative screening, be painted black or an earth tone color to otherwise blend in with its surroundings.
2. Water. The submitted plan for water service is generally acceptable. Revisions and details will be further evaluated as part of the building permit review. Reduced pressure backflow assemblies will be required. Capital facility charges will be applicable with building permits or tenant improvements.
3. Sewer. The proposed plan for sewer service is acceptable. Restaurants proposed within the new building may require a grease interceptor and will be further evaluated at building permit.
4. Storm water: The existing stormwater system was designed and constructed for the entire site and the current proposal may increase the proposed impervious surface of the site. Minor revisions of the stormwater system will be reviewed as part of the building permit review and have been conditioned.
5. Access and circulation: The site plan meets off-street parking and loading requirements pursuant to BDMC Chapters 10.20 and 18.80.

FIRE DEPARTMENT REVIEW

The Fire Department has reviewed this preliminary site plan application and finds it complies with fire codes. Further review of fire hydrant locations, fire flow requirements, and access will be conducted at building permit application.

F. CONCLUSION

As conditioned, the proposed site plan is consistent with the City's Comprehensive Plan and complies with all applicable regulations, requirements, and standards. The proposed site plan for commercial/retail development will not adversely impact the health, safety, and general welfare of the residents of the city. Any alteration or amendments to this approved site plan are subject to the same procedures as those required for this initial site plan approval. Site plan approval granted pursuant to this decision expires two years after the date of approval if construction of the project has not been substantially completed. An extension may be granted pursuant to BDMC 18.15.050.

G. DECISION & CONDITIONS OF APPROVAL

As the Mayor's designee and under the authority of BDMC 18.08.030, Site Plan Approval to construct a commercial retail building and associated parking on existing footprints is hereby **APPROVED** with the following conditions:

1. The impervious area calculations must be verified and corrected from what is shown on the approved site plan (Exhibit 3). Verify and correct all impervious area numbers and calculations, particularly around the drive aisle and site area. At full buildout, the total amount of impervious surface shall not exceed 80%.
2. Submit a storm report demonstrating how stormwater from the additional impervious surface will meet the requirements of the City of Black Diamond and the 2019 Ecology Manual for Western Washington.
3. Address Minimum Requirement #2 from 2019 Stormwater Management Manual for Western WA. Submit a narrative of the 13 Elements of Construction Stormwater Pollution Prevention and develop controls for all that apply to the site.
4. If existing asphalt is removed to base course or lower, it will be considered replaced hard surface, and additional stormwater requirements will be necessary.
5. Utilities must be undergrounded to the extent feasible and utility boxes, cabinets or other utilities that must be located aboveground, shall be shielded from view from the right-of-way with existing vegetation and/or revegetation. Any aboveground boxes and cabinets shall, in addition to the required vegetative screening, be painted black or an earth tone color to otherwise blend in with its surroundings.
6. All required utility, access, and future connectivity easements shall be executed as part of the building permit approval and prior to a Certificate of Occupancy.
7. A final landscaping plan must be approved by the City's Community Development Director prior to issuance of the building permit. Plan approval will require compliance with BDMC 18.72 to demonstrate findings that the total area of landscaping shall be equal to or exceed that created by adherence to the standard requirements. Site plantings may not be located within the right-of-way.
8. The applicant shall detail the width of the internal walkways on the building permit site plan utilizing contrasting surface materials to clearly delineate pedestrian areas from vehicular travel lanes.
9. All lighting must be fully shielded and adjusted to ensure no spillover onto neighboring properties.

G. APPEALS

Any aggrieved party of record may file an appeal of this final administrative decision to grant Site Plan Approval for File No. PLN22-0076. An appeal request must be filed in writing with the required fee to the Department of Community Development at 24301 Roberts Drive, PO Box 599, Black Diamond, WA 98010 within fourteen calendar days of this Notice of Decision (by September 12, 2023). For information about filing an appeal and/or appeal procedures, please contact the Community Development Department at (360) 851-4500.

Mona Davis

Mona Davis, Community Development Director

August 28, 2023

Date

Attachments: Exhibit 1 – Notice of Application
Exhibit 2 – Public Comment
Exhibit 3 – Site Plan dated 7/11/2023

cc: Parties of Record