



STAFF RECOMMENDATION

Community Development Department ♦ 501 Delta Avenue ♦ Marysville, WA 98270
Office Hours: Mon - Fri 8:00 AM - 4:30 PM ♦ Phone: (360) 363-8000

PROJECT INFORMATION									
Project Title	Chick-fil-a Drive Thru			Date of Report	September 21, 2023				
File Number	PA23001			Attachments	See Section 3.0 for links to Exhibits				
Administrative Recommendation	Approve a variance to reduce required on-site parking outlined in MMC 22C.130.030 and approve a variance to reduce the required landscape buffers outlined in MMC 22C.120.120 .								
BACKGROUND SUMMARY									
Applicant	Chick-fil-A, Inc.								
Request	The applicant is requesting a variance to reduce on-site parking from 56 to 41 stalls, reduce the 15' L3 landscape buffer along 88 th Street NE to approximately 7' and reduce the 15' L2 landscape buffer adjacent to I-5 to approximately 9' in order to accommodate a second drive-thru lane.								
Location	8810 36 th Avenue NE			APN(s)	30052100202900				
Acreage (SF)	1.01 acres (43,996 SF)			Section	21	Township	30N	Range	05E
Comprehensive Plan	Community Business	Zoning	CB	Shoreline Environment			N/A		
Water Supply	Current	Proposed		Sewer Supply	Current		Proposed		
	Marysville	Marysville			Marysville	Marysville			
Present Use of Property	Existing Chick-fil-A Drive-Thru Restaurant								
REVIEWING AGENCIES									
Marysville	Local Agencies & Districts		State & Federal		County		Other		
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Engineering Services <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works	<input type="checkbox"/> Arlington (city) <input type="checkbox"/> Arlington Airport <input type="checkbox"/> Frontier <input type="checkbox"/> Lake Stevens (city) <input type="checkbox"/> Marysville Fire District <input type="checkbox"/> PUD No. 1		<input type="checkbox"/> BNSF <input type="checkbox"/> DAHP <input type="checkbox"/> DOE <input type="checkbox"/> US Army Corp of Engineers <input type="checkbox"/> WDFW <input checked="" type="checkbox"/> WSDOT		<input type="checkbox"/> Health District <input type="checkbox"/> Planning <input type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works		<input type="checkbox"/> Puget Sound Clean Air <input type="checkbox"/> Puget Sound Energy <input checked="" type="checkbox"/> Stillaguamish Tribe <input checked="" type="checkbox"/> Tulalip Tribes		
ACTION									
<input type="checkbox"/> Administrative <input type="checkbox"/> City Council <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Planning Commission									
Date of Hearing	September 28, 2023			<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Continued					
STAFF CONTACT									
Name Chris Holland Title Planning Manager Phone 360.363.8207 E-mail cholland@marysvillewa.gov									

SURROUNDING USES

	Comprehensive Plan	Zoning	Land Use
Site	Community Business	CB	Walmart Supercenter
North	Community Business	CB	Starbuck's, Jersey Mike's, Dickey's BBQ, AT&T and other retail uses.
East	Community Business	CB	Haggen's Shopping Center
South	Community Business	CB	SR 528 and Allen Creek Baptist Church
West	N/A	N/A	Interstate 5

Vicinity Map



1.0 FINDINGS AND CONCLUSIONS

- 1. Proposal:** Chick-fil-A, applicant, submitted a land use application proposing modification of the existing drive-thru to accommodate a second lane and to reconfigure the drive-thru and parking configuration. In order to accommodate the second drive-thru lane the applicant has requested variances to reduce on-site parking from 56 to 41 stalls, reduce the 15’ L3 landscape buffer along 88th Street NE to approximately 7’ and reduce the 15’ L2 landscape buffer adjacent to I-5 to approximately 9’.
- 2. Project Location:** The existing Chick-fil-A drive-thru restaurant is located at 8810 36th Avenue NE and is identified as APN 30052100202900.
- 3. Site Description:** Chick-fil-A is located within a retail shopping center that includes Starbucks Coffee, AT&T, Jersey Mike’s Subs, Dickey’s Barbeque Pit and OneMain Financial. Site improvements within the retail shopping center include off-street parking and landscaping.
- 4. Letter of Completeness:** The application was submitted on March 31, 2023 and determined to be complete on that date. A letter of completeness (Exhibit 015) was provided to the applicant in accordance with [MMC 22G.010.050](#).
- 5. Public Notice:** Public notice of the development application (Exhibit 016) was provided in accordance with [MMC 22G.010.090](#). The notice of application was issued March 31, 2023 with comments requested by April 28, 2023. No public comments were received.

The public hearing for the proposed variances was advertised in accordance with [MMC 22G.010.110](#), *Notice of public hearing* (Exhibit 026).

- 6. Parking Variance:** Pursuant to [MMC 22C.130.090](#), in consideration of a request for a modification of parking requirements, the hearing examiner shall consider the following factors:

- 6.1.** Type of use proposed and traffic generation, including hours of operation, frequency of employee and customer trips, and other specific factors relating to the proposed use.

Applicant’s Response: Based on recorded store data, the year-to-date transaction count at noon (highest hour of the day) is 180 overall with 115 in the drive-thru, 30 dine in, 15 curbside and 15 carryout and 5 third party delivery. With the additional drive-thru lane and site reconfiguration, we’d expect up to a 10% lift in the peak hour in the drive-thru (i.e 10 additional cars) as speed of service increases. We expect to see a correlated 10% drop in dine-in, curbside, and carryout orders as a result. In our opinion, this justifies the requested reduction in the number of required parking stalls for the site.

Staff Response: As you can see in the photos taken on April 5, 2023 (Exhibit 018), many of the off-street parking stalls are currently “coned-off” as the queuing for the drive-thru prevents customers for utilizing these stalls as they would be blocked in. Essentially, off-street parking has already been reduced on-site and the additional drive-thru lane with greater queuing length will allow these stalls to actually be utilized as originally intended.

- 6.2.** Location of the subject property, proximity to and availability of public transportation facilities, likelihood of customers or employees to use public transportation.

Applicant’s Response: The site is in very close proximity to a bus stop with route 222 servicing a wide area from the Tulalip Indian Reservation, through neighborhoods reaching Gretchell Hill and then to State Avenue with several

commercial and multi-use developments. We can expect reduced vehicle traffic for dine-in guests as they can utilize public transportation that is readily available and conveniently located.

Staff Response: Most customers will not utilize public transportation to dine at Chick-fil-A, however, Community Transit Route 222 has a bus stop located at the intersection of 88th Street NE and 36th Avenue NE.

- 6.3.** Other information which is relevant and necessary to make a determination as to the validity of the request for modification. Such additional information may include parking studies and traffic surveys for the proposed project vicinity and data concerning the actual parking demand of other similar uses.

Applicant's Response: The site also has a shared parking agreement in place, allowing Chick-fil-A team members and customers to utilize parking stalls within the Shopping Center. This brings our proposed total parking stall count to 112 available parking stalls.

Staff Response: Off-street parking for Chick-fil-A has not been a problem since opening. However, queuing for the drive-thru has backed traffic onto 36th Avenue NE and has caused delays to the general public trying to access the neighborhood to the north and other businesses in the area, including the need for traffic control to be performed by the Marysville Police Department to ensure public safety. Doubling the drive-thru capacity and providing additional queuing length will provide much needed relief to the adjacent roadway capacity and businesses.

- 7. Landscape Buffer Variance:** Pursuant to [MMC 22G.010.420\(1\)](#), a variance shall be granted by the city only if the applicant demonstrates all of the following:

- 7.1.** The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner.

Applicant's Response: The 15' landscape buffers between the drive-thru and 88th and the drive-thru and I-5 will not allow the width necessary on-site to provide adequate safety for team member walkways and a dual-lane drive-thru to increase on-site flow through the site and order efficiency.

Staff Response: The site is located such that it is not visible from 88th Street NE or I-5, due to the grades of the interchange at 88th Street NE and I-5. Therefore, reducing the widths of the required buffers will not have an impact on the streetscape.

- 7.2.** The variance is necessary because of the unique size, shape, topography, or location of the subject property.

Applicant's Response: The property is located on the intersection corner of 88th Street NE and the I-5 on-ramp. Due to the proximity to the I-5 on-ramp, heavy traffic volumes are observed along 88th Street NE. The modifications to the site will reduce traffic volume by increasing on-site queuing.

Staff Response: Staff agrees with the applicant's response and doubling the capacity of the drive-thru and providing additional queuing length will provide much needed relief on 36th Avenue NE and 88th Street NE.

- 7.3.** The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone.

Applicant's Response: The upcoming WSDOT improvement project is expected to cause the site to violate setback requirements, and it is likely that other neighboring sites will also be affected by the preliminary design work done seen through coordination with WSDOT. The condition at Chick-fil-A will not be the only property facing this issue.

Staff Response: The property is not deprived by the MMC, or rights and privileges enjoyed by other properties in the vicinity under the same zoning classification. However, the applicant has demonstrated that the additional drive-thru lane will not impact the funded interchange improvements at 88th Street NE and I-5 and intersection improvements at 88th Street NE and 36th Avenue NE (Exhibits 013 & 014).

- 7.4.** The need for the variance is not the result of deliberate actions of the applicant or property owner.

Applicant's Response: Chick-fil-A has observed high customer traffic volumes for this store and is taking the appropriate actions to increase flow to and from the site to limit potential impacts to 88th Street NE. The 15' Landscape buffer variance is necessary to accommodate the additional drive-thru lane and will allow for more cars to get through the drive-thru service line of Chick-fil-A more efficiently, reducing impacts to the surrounding neighborhoods.

Staff Response: Staff agrees with the applicant's response and doubling the capacity of the drive-thru and providing additional queuing length will provide much needed relief on 36th Avenue NE and 88th Street NE.

- 7.5.** The variance does not create health and safety hazards.

Applicant's Response: The requested variance does not create health and safety hazards. The variance will allow for safety striping on-site for workers to safely walk between lanes and service multiple cars as necessary to maintain faster service times. By accommodating more cars in the drive-thru, we are reducing any potential queuing issues that would block pedestrian paths and driveway access.

Staff Response: Reducing the width of the required landscape buffer will not create a health or safety risk. Doubling the capacity of the drive-thru and providing additional queuing length will provide much needed relief on 36th Avenue NE and 88th Street NE which will provide added safety to pedestrians and motorists.

- 7.6.** The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located.

Applicant's Response: The variance does not change the use or intent of the project that has been permitted within this zone. The site is and will remain a Chick-fil-A quick serve restaurant.

Staff Response: Drive-thru restaurants are a permitted use in the Community Business zone.

- 7.7.** The variance does not allow the creation of lots or densities that exceed the base residential density for the zone.

Applicant's Response: Additional lots are not proposed, nor is this a residential site. The variance does not allow the creation of lots or densities to exceed the base residential density for the zone.

Staff Response: The zoning designation is Community Business. Residential uses are permitted above ground floor commercial, however, it is not required. The applicant is not proposing creation of additional lots or residential uses.

- 7.8.** The variance is the minimum necessary to grant relief to the applicant.

Applicant's Response: The requested variance is to grant the site an additional 7.5-9.5 feet to meet the minimum width necessary to safely incorporate a second drive-thru lane. Without the approved variance, the project cannot implement a second drive-thru lane to accommodate additional queuing.

Staff Response: As noted above the site is located such that it is not visible from 88th Street NE or I-5, due to the grades of the interchange at 88th Street NE and I-5. Therefore, reducing the widths of the required buffers will not have an impact on the streetscape. Additionally, doubling the capacity of the drive-thru and providing additional queuing length will provide much needed relief on 36th Avenue NE and 88th Street NE which will provide added safety to pedestrians and motorists.

- 7.9.** The variance from setback or height requirements does not infringe upon or interfere with easements.

Applicant's Response: The variance does not infringe upon or interfere with any easements. The project team has closely reviewed the ALTA survey dated December 23, 2022 and confirmed that no on-site easements will be impacted by the variance request and proposed additional drive-thru lane.

Staff Response: A building setback or height variance is not contemplated with this proposal. The applicant has provided a copy of the Protective Covenants, Conditions and Restriction and Grant of Easement, recorded under Auditor's File Number 202304070300 (Exhibit 023). In review of the Protective Covenants a permanent exclusive access easement and striping has been provided to Chick-fil-A for the additional drive-thru land as shown on Exhibit D of the recorded covenants.

2.0 STAFF RECOMMENDATION

Based on the foregoing findings and conclusions, review of the application materials and other supporting documentation available to the Community Development Department, and the City's regulatory authority to implement the policies, standards, and regulations of the Marysville Comprehensive Plan and Marysville Municipal Code, the Community Development Department respectfully recommends that the Hearing Examiner **APPROVE** the proposed variance to reduce on-site parking from 56 to 41 stalls, reduce the 15' L3 landscape buffer along 88th Street NE to approximately 7' and reduce the 15' L2 landscape buffer adjacent to I-5 to approximately 9' in order to accommodate a second drive-thru lane, subject to the following conditions:

1. The preliminary site plan received by the Community Development Department (Exhibit 025) shall be the approved preliminary site plan layout.
2. Prior to civil construction plan approval, a FINAL Landscape Plan shall be approved and designed in accordance with the applicable landscaping standards outlined in [MMC Chapter 22C.120 Landscaping and Screening](#).

3.0 EXHIBITS

The following Exhibits can be accessed electronically via the link provided in the exhibit header below.

[PA23001 – Chick-fil-A Drive Thru](#)

001 Land Use Application

- 002 Project Narrative
- 003 Title Report
- 004 Correspondence – Landscape Buffer Variance
- 005 Correspondence – Parking Overview
- 006 Correspondence – Parking Variance
- 007 Drainage Report
- 008 Geotechnical Report
- 009 Geotechnical Report Addendum
- 010 Preliminary Grading Plan
- 011 Preliminary Drainage Plan
- 012 Preliminary Site Plan
- 013 Site Plan – ROW Improvement Overlay 1
- 014 Site Plan – ROW Improvement Overlay 2
- 015 Letter of Completeness
- 016 Notice of Application
- 017 Request for Review
- 018 Photos 04.05.23
- 019 Affidavit of Publication
- 020 Technical Review Comments
- 021 TR1 Response
- 022 Title Report
- 023 CC&Rs
- 024 Survey
- 025 Site Plan
- 026 Notice of Public Hearing
- 027 Affidavit of Publication
- 028 Staff Recommendation