



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Number: 3012454
Applicant: Beth Ries, Callison Architects, for KeyBank
Address of Proposal: 4715 25th Avenue NE

SUMMARY OF PROPOSAL

Land Use Application to allow a drive-in bank accessory to an existing retail structure.

The following approval is required:

Variance – to allow less than the minimum required queuing spaces.
(SMC23.47A.028B.1)

SITE AND VICINITY

Site Location: The site is located on the west side of 25th Avenue NE, north of NE 47th Street and east of 24th Avenue NE. University Village is located on the east side of 25th Avenue NE directly across the street from the subject site.

Zoning: Commercial 1 (the site is also located within an Urban Center).

Parcel Size: 26,054 square feet

Existing Use: KeyBank (3,860 square feet). The remainder of the structure is identified as future retail sales and service use (2,790 square feet). A surface parking lot for 45 vehicles is located on site with access from 25th Avenue NE and NE 47th Street.

Proposal: A building permit has been issued for tenet improvements for KeyBank in the southern 3,860 square feet of the existing structure. The current permit does not include a drive-in bank. The proposal is to allow KeyBank to provide less than the minimum required queuing spaces for a future drive through banking facility which is allowed in a Commercial zone. The Land Use code requires five queuing spaces and the bank is proposing three. The current proposal shows the drive through having access from 25th Avenue NE (arterial) at an existing curbcut that is regulated as ingress only. Cars would be directed along the south façade of the existing structure for banking and then exit into the existing parking lot with access to NE 47th Street (this access point is both for ingress and egress).

Public Comment: The public comment period ended on August 24, 2011. Three public comment letters were received.

ANALYSIS – VARIANCE (SMC 23.40.020)

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The site has several unusual conditions due to its orientation with the existing street grid and adjacent properties, and the location of existing structures located on and off site. The site is located in a commercial zone on an arterial. Access is limited to an ingress only driveway from 25th Avenue NE due to the location of an existing traffic light at the intersection of 25th Avenue NE and NE University Village Street. The south property line is adjacent to NE 47th Street which intersects with 25th Avenue NE and 24th Avenue NE; NE 47th Street does not extend west or east beyond the subject site. The west property line abuts 24th Avenue NE, which provides limited local access to residential uses in the immediate area.

The existing building is located in the northeast portion of the site. The existing parking lot is adjacent to the west and south facades of the building. A small parking lot is located adjacent to the north façade and has access to 25th Avenue NE; however there is no vehicular access between the two parking lots due to the existing structure and a jog in the property line. A shared access easement would not be feasible due to an existing swimming pool located on the adjacent property. An existing utility pole and transformer in the public right-of-way is located at the northwest property corner limiting the location of a future curbcut along 24th Avenue NE.

In order to accommodate five queuing and one service space on site- meeting the strict application of the Land Use Code, the applicant has shown that due to the location of the subject property and structures on site, accommodating the required on site vehicular maneuvering necessary to facilitate the drive thru banking with five queuing spaces, and the need for complicated directional queues off site to on site drive through lanes would deprive the property owner of the right and privilege of designing a functional and convenient drive through banking facility for customers, which is a use enjoyed by other properties in a commercial zone. Therefore criterion one has been met.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

In consideration of the proposed location of the drive-in banking facility in relation to the existing structure, exiting pedestrian entrances, vehicular ingress, property lines, required size of the queuing spaces, and documentation of queuing demand for this facility the requested variance does not go beyond the minimum necessary to afford relief.

Based on the Traffic Engineer's report DPD concluded that the variance to allow only three queuing spaces would meet the on-site demand for queuing and not interfere with pedestrians or traffic in the right-of-way and therefore is consistent with the limitations upon other properties in the vicinity and zone in which the subject property is located. Therefore criterion two has been met.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the zone or vicinity in which the subject property is located. The Applicant provided a Traffic Report, dated May 20, 2011. The Traffic Engineer provides a queuing analysis showing that the probability of more than three vehicles queued at any one time will be less than one percent. The report shows that the average queue is less than one vehicle. Based on the report is it unlikely that more than three queuing spaces would be necessary and potential backups onto 25th Avenue NE would be unlikely. DPD's Transportation Planner reviewed the report and concurred with the analysis. Therefore criterion three has been met.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

As discussed under Criterion one, the literal interpretation and strict application of the applicable requirements of the Land Use Code – specifically requiring five queuing spaces on

site – will cause practical difficulties in providing adequate and convenient drive thru banking services for KeyBank customers. Further, providing the code required queuing spaces on site will require the existing parking lot to be reconfigured and a reduction of on-site parking spaces. The Applicant provided parking demand information showing that the bank has a peak parking demand of 30 vehicles. With development of the drive-in bank as proposed, eleven parking stalls would be eliminated leaving 34 on site. Providing the code required queuing spaces on site would reduce the parking space count to around 24. It could be argued that the eight parking spaces located adjacent to the north façade of the building would not be used by customers of the bank since they are not functionally located near the bank or its entrances. Under this assumption, the parking spaces serving banking customers would be reduced to between 15 and 21 spaces.

DPD Transportation Planner reviewed the demand information and concluded that estimates were conservative. DPD would typically require ITE's 'Average Peak Period Parking Demand' which would identify a parking demand of 11 spaces for the bank. For the remaining retail space, the Applicant cited ITE numbers for December, which skewed the average parking demand to a high of 14 spaces. It is DPD Transportation Planner's experience that it is more appropriate to use 2.5 vehicles per 1,000 Gross Leasable Area (GLA) to determine the parking demand for the retail. A peak parking demand for the retail would be more appropriate at 8 stalls. The average peak parking demand for the total site would be more appropriate at 19 stalls. Although on site parking will exceed the parking demand for this facility under the current proposal, it may be appropriate to ensure the parking demand is provided on site due to its close proximity to University Village, residential uses, and ingress driveway located on an arterial. The Applicant has demonstrated that strict application of the code would cause practical difficulties in providing adequate and convenient service to its banking customers. Therefore criterion four has been met.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.*

Drive-in lanes for banks are permitted, conditioned or prohibited in commercial zones. In Neighborhood Commercial 1 (NC 1) zones and pedestrian designated zones drive-in lanes are prohibited. In NC 2 and NC 3 zones the numbers of drive-in lanes are conditional. Only in commercial 1 and 2 zones are drive-in lanes permitted outright. The ability of KeyBank to have a drive through banking facility is permitted and consistent with the Land Use Code. The Land Use Code requires a minimum number of queuing spaces to ensure that off-street space is adequate to accommodate the anticipated demand. The Land Use Code also has a provision to require more queuing spaces when the drive-in bank is located on an arterial to ensure that cars in a queue do not block pedestrian or vehicular traffic within the public right-of-way. Based on the Traffic Engineer's report DPD concluded that the required number of queuing spaces (five) exceeds the demand and that the requested variance to allow only three queuing spaces would meet the on-site demand for queuing and not interfere with pedestrians or traffic in the right-of-way. Thus the requested variance would be consistent with the spirit and

purpose of the Land Use Code and adopted Land Use regulations for the area. Therefore criterion five has been met.

DECISION - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered criteria above are found to exist. Based on the above analysis, DPD concludes that the requested variance as conditioned meets the numbered criteria. Therefore the requested variance is **Approved with Conditions.**

CONDITIONS - VARIANCE

Prior to Issuance of the Master Use Permit Application

1. Plan Sheets A-001 and A-111 shall be revised to remove the queuing space located across the property line (plans should indicate one space being served and three queuing spaces).
2. Plan Sheets A-001 and A-111 shall delineate the limit of queuing spaces to ensure that the ingress driveway is not blocked, and signage to be installed on site advising drive through bankers to not block the driveway.

Signature: _____ (signature on file) Date: November 24, 2011
Stephanie Haines, Senior Land Use Planner
Department of Planning and Development

SH:bg

H:\My Documents\MUPPROJECTS\3012454KeyBankVarianceOnly\3012454decision.docx