



## COMMUNITY AND ECONOMIC DEVELOPMENT

### M E M O R A N D U M

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DATE: March 12, 2008

TO: Ray Giometti, Planning Commission Chair  
Members of the Planning Commission

FROM: Thara Johnson, Associate Planner

SUBJECT: **Docket- 06-16 - Fast Food and Note 22**

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**ISSUES:** Should fast food be permitted as a stand alone retail use in commercial zoning districts? If permitted as a by-right use, are there some zoning districts which should be excluded from this allowance? Center Village zoning district references size requirements which do not apply, should the reference to note 22 be evaluated to apply only in the CN and CA zoning districts?

**RECOMMENDATION:** Revise zoning use tables (4-2-060 and 4-2-070) and footnote 22 (4-2-080) to provide for fast food as a stand alone retail use in the following commercial zoning districts:

- Commercial Village (CV)
- Commercial Arterial (CA)
- Center Downtown (CD)
- Urban Center North 1 (UC-N1)

Revise existing definitions for “eating and drinking establishments,” and “drive-in drive-through retail or service”. Revise note 22 to reference size restrictions and relocate restrictions for office and conference uses in the CV zoning district as a separate note.

#### **BACKGROUND:**

Currently, the City of Renton permits fast food establishments as an accessory use in several zoning districts; Commercial Neighborhood (CN), Commercial Village (CV), Commercial Arterial (CA), Center Downtown (CD), Urban Center North Zones (UC-N1 and UC-N2), Light Industrial (IL), Medium Industrial (IM) and Heavy Industrial (IH) zoning districts. However, stand alone fast food restaurants are not permitted.

The definition for drive-in/ drive-through retail reads “A *business or a portion of a business where a customer is permitted or encouraged either by the design of physical facilities or by service and/or packaging procedures, to carry on business in the off-street parking or paved area accessory to the business, while seated in a motor vehicle. In some instances, customers may need to get out of the vehicle to obtain the product or service.*

*This definition shall include but not be limited to fast-food restaurants, espresso stands, and drive-in services at banks and pharmacies. This definition excludes vehicle service and repair, vehicle fueling stations, and car washes*". However, CN, CV, CA, CD, UC-N1, UC-N2, IL, IM, and IH only permit drive-in/ drive-through retail services as an accessory use, which is defined as *"uses customarily incidental and subordinate to the principal use and typically located upon the same lot occupied by the principal use"*. Therefore, fast food restaurants are not permitted except when incidental to a principal use, therefore typically as part of a larger commercial or industrial development.

Also, eating and drinking establishments exclude fast food uses as falling within their definition, which reads *"a retail establishment selling food and/or drink for consumption on the premises or for take-out, including accessory on-site food preparation. This definition includes, but is not limited to, restaurants, cafes, microbrew establishments, and espresso stands. This definition excludes taverns; fast food; entertainment clubs; dance clubs; and/or dance halls"*.

Another issue relates to the fact that note 22 has three separate topics. Additionally, the three zoning districts which reference this note are the CN, CV and CA zoning districts. The note reads *"size restrictions apply per use in RMC 4-2-120A. In the CN Zone, fast food establishments are prohibited. In the CV Zone, no office and conference uses are allowed for parcels fronting, or taking primary access from, Edmonds Avenue NE."* The first part of the note references size restrictions in the CN, CV and CA zoning districts. However, the CV has no specific size restrictions, therefore this portion of note 22 does not relate to the CV zoning district. The second portion of the note restricts the location of fast food restaurants in the CN zoning district. However, as previously reflected, fast food restaurants are not permitted except as an accessory use, with the additional restriction of not being allowed to locate in the CN zoning district. Also, since part of this docket item relates to evaluating fast food establishments and including them as a separate retail use, this portion of the note could be removed since the zoning table would list the zoning districts where the use could be permitted. The last part of the note only pertains to the CV zone and not either the CN or CA zoning district, as it references the restriction of office and conference uses that have primary access from Edmonds Ave., in the CV zoning district. Therefore, this portion of the note should be separated from the first portion which references size restrictions and only relates to CN and CA zoning districts; whereas the last section only relates to the CV zoning district.

Adding "fast food establishments" as an individual retail use within the zoning table would imply that an evaluation of which zoning districts should permit these establishments as by-right uses. Currently, the IL, IM and IH zoning districts only permit fast food restaurants as an accessory use, similar to the CV, CA, CD, UC-N1 and UC-N2 districts. Note 22, currently restricts fast food related uses from being located in the CN zoning district and drive-in/ drive through retail uses are not permitted in the residential zoning districts and also the CO and COR districts as they do not comply with the purpose of these districts.

The intent of the IL, IM and IH zoning districts is to provide for a diverse range of industrial uses and related activities, which vary from light manufacturing to heavy

fabrication, warehousing and distribution. Currently, fast food restaurants are permitted as “drive-in drive through retail” as an accessory use in the IL, IM and IH zoning districts. However, with the proposed change of adding “fast food restaurants” as a stand-alone retail use in the IL, IM and IH zoning districts does not comply with intent of the industrial districts which cater to encouraging and enhancing existing industrial areas and also providing related retail services which are incidental to the primary use.

One issue which merits discussion relates to which commercial districts would be most appropriate to allow stand – alone fast food restaurants as a permitted use, among the CV, CA, CD, UC-N1 and UC-N2 zones. The purpose statement for the CV district is “*to provide an opportunity for concentrated mixed-use residential and commercial redevelopment designed to urban rather than suburban development standards that supports transit-oriented development and pedestrian activity. Use allowances promote commercial and retail development opportunities for residents to shop locally. Uses and standards allow complementary, high-density residential development, and discourage garden-style, multi-family development*”. Therefore, since the intent of this district is to encourage mixed-use residential and supporting retail opportunities which enhances pedestrian scale activity; the location of fast food restaurants could be considered as a compatible use. Additionally, since fast food uses are permitted as an accessory use under the “drive-in/ drive through” category, which encourages auto-oriented development, the proposed use of permitting stand alone fast food restaurants would be more appropriate in encouraging opportunities for pedestrian activity. However, there is a concern that the addition of the fast food restaurant is compatible with the existing urban, mixed use type of development and enhances existing uses; therefore, the use of note 81 would achieve a balance between ensuring that fast food restaurants are permitted while enhancing existing planned development. Note 81 reads, “*no stand-alone structures smaller than five thousand (5,000) square feet, except for pushcarts/kiosks, unless architecturally and functionally integrated into a shopping center or mixed use development.*” This restriction would assist in integrating a fast food restaurant into an existing larger development, if there was space available or ensure that the minimum size is achieved.

The purpose statement for the CA district is to “*evolve from “strip commercial” linear business districts to business areas characterized by enhanced site planning, incorporating efficient parking lot design, coordinated access, amenities and boulevard treatment. The CA Zone provides for a wide variety of indoor and outdoor retail sales and services along high-volume traffic corridors. The zone includes five designated business districts along mapped corridors with development standards designed to encourage concentrated commercial activity, a focal point of pedestrian activity along the corridor, and visual interest*”. Locating fast food restaurants in this zone would imply that these establishments would be required to comply with the existing design regulations for each business district.

The intent of the CD zoning district is to “*provide a mixed-use urban commercial center serving a regional market as well as high-density residential development. Uses include a wide variety of retail sales, services, multi-family residential dwellings, and recreation and entertainment uses*”. Fast Food restaurants are generally compatible with recreational

and entertainment uses, and would encourage a mix of retail choices available within the urban commercial center; therefore, permitting fast food restaurants would be considered to further the purpose of the CD zone.

The purpose of the Urban Center North zones (UC-N1 & UC-N2) is “intended to attract a wide range of office, technology, commercial, and residential uses. The overall mix and intensity of uses within both zones will develop over time. Consequently, decisions made in early phases of redevelopment will need to take into consideration the potential for further infill and intensification of uses. The overall mix and intensity of uses is intended to create an urban rather than suburban character”. The intent of these districts appear to largely encourage and provide the impetus for redevelopment opportunities as well as infill development. Therefore, a coordinated approach to provide a master plan for these areas rather than a single stand alone use such as a fast food restaurant would be more appropriate.

The UC-N1 district calls for uses that “*co-exist with continued airplane manufacturing in the short run, but provide a standard of development that stimulates further investment and transition of uses in the longer term. Large-scale retail uses are allowed as anchors, which, when combined with smaller pedestrian-oriented development, create a quality regional retail area*”. Therefore, a stand – alone fast food restaurant may be compatible if limited by restrictions placed on development in this zone through note 81, which requires that “*no stand-alone structures smaller than five thousand (5,000) square feet, except for pushcarts/kiosks, unless architecturally and functionally integrated into a shopping center or mixed use development.*” Therefore, a stand-alone fast food restaurant would be permitted provided it exceeded 5,000 square feet in floor area or was integrated into a larger planned commercial or mixed use development.

The UC-N2 district encourages “*redevelopment that will be sensitive to and take advantage of proximity to the urban shorelines along Lake Washington and the Cedar River*” thereby making fast food restaurants incompatible in this zone.

Additionally, since one of the intents of note 22 was to restrict fast food restaurants in the CN zoning district, this purpose can be echoed through this revision. Additionally, note 22 should be broken into two separate notes -

*P22 - Size restrictions apply per use in RMC 4-2-120A. ~~In the CN Zone, fast food establishments are prohibited.~~*

*P111 - In the CV Zone, no office and conference uses are allowed for parcels fronting, or taking primary access from, Edmonds Avenue NE*

**Revised Definitions for drive-in/ drive-through retail, eating and drinking establishments, and fast food**

As a consequence of the proposed change to add “fast food restaurants” as a distinct retail use, there are some minor edits within the associated definition which would need to be

made. First, listed uses under “drive-in/ drive-through retail or service,” reference a specific use, i.e., fast food restaurants, rather than a fast food window; which is in conflict with the definition for drive-in/ drive-through retail. Therefore, the definition is being amended to reference “drive-in-services” which are accessory uses to a primary business uses. The definition for “fast food restaurants” classifies these types of uses as “eating and drinking establishments”. However, the definition for “eating and drinking establishments” excludes “fast food restaurants” as a type of “eating and drinking establishment”. In order to amend this conflict, a revision to the definition for “fast food restaurants” is proposed, where the phrase “eating and drinking establishments” is removed.

**Drive-In/Drive-Through Retail Or Service:** A business or a portion of a business where a customer is permitted or encouraged either by the design of physical facilities or by service and/or packaging procedures, to carry on business in the off-street parking or paved area accessory to the business, while seated in a motor vehicle. In some instances, customers may need to get out of the vehicle to obtain the product or service. This definition shall include but not be limited to drive-in services at fast-food restaurants windows, espresso stands windows, and drive-in services at banks and pharmacies. This definition excludes vehicle service and repair, vehicle fueling stations, and car washes.

**Eating And Drinking Establishment:** A retail establishment selling food and/or drink for consumption on the premises or for take-out, including accessory on-site food preparation. This definition includes, but is not limited to, restaurants, cafes, microbrew establishments, and espresso stands. This definition excludes taverns; fast food; entertainment clubs; dance clubs; and/or dance halls.

**Fast Food Restaurant:** An ~~eating or drinking establishment~~ restaurant occupying a detached structure, identified by a name brand that offers a standard menu, typical business operation logo, advertising franchise ownership or affiliation, and a corporate architectural prototype building. Franchise fast food typically caters to a market area larger than one neighborhood and is auto oriented. It may include drive through service. This definition excludes espresso stands.

### **Revised Tables**

There are several changes to the existing zoning use table (4-2-060), with regard to two major issues. The first issue relates to the addition of the “fast food restaurants” as a category listed under “I. Retail”. One matter to be explored in detail relates to which zoning districts should permit fast food restaurants as a stand-alone by-right use. The proposal includes the allowance of fast food restaurants as a permitted use in the CV, CA, CD and UC-N1 districts, with the restriction of size requirements in the CA, CD and UC-N1 zones.

The second issue is with regard to revised language for footnote 22 and *III*. Footnote 22 specifically discusses size restrictions for *CN* and *CA* zones and will need to be included specifically where this part of the note is applicable. Such instances include *eating and*

*drinking establishments* in the CN zoning district; *Adult day care I, II and daycare centers* in the CN and CA districts. Another related issue deals with *eating and drinking establishments* in the CN and CA districts. Currently, note 22 which references size restrictions is only referenced under the CN district and not CA; and since the CA district is affected by these size restriction, note 22 should be added as a reference.

Additionally, the reference to restricting fast food uses in the CN zoning district can also be removed. New footnote 111 includes the restriction for office and conference uses in the CV zoning district, therefore, the zoning table would need to be amended under the CV zoning district and replace “P-22” with “P111”.

**4-2-060 ZONING USE TABLE – USES ALLOWED IN ZONING DESIGNATIONS:**

ZONING USE TABLE	RESIDENTIAL ZONING DESIGNATIONS								INDUSTRIAL			COMMERCIAL ZONING DESIGNATIONS							
	RC	R-1	R-4	R-8	RMH	R-10	R-14	RM	IL	IM	IH	CN	CV	CA	CD	CO	COR	UC-N1	UC-N2
<b>H. OFFICE AND CONFERENCE</b>																			
Conference Centers									P38	P38	P38		H	P38	P	P	P21	P	P91
<b>H. OFFICE AND CONFERENCE</b>																			
<b>H. OFFICE AND CONFERENCE</b>																			
Medical and dental offices								P42	P38	P38	P38	AD17	<u>P22</u> <u>P111</u>	P	P	P	P	P	P92
Offices, general								P42	P13	P13	P13	AD17	<u>P22</u> <u>P111</u>	P	P	P	P	P	P93
Veterinary offices/clinics	P							P42	P38	P38	P38		<u>P22</u> <u>P111</u>	P	P	P38	P	P78	
<b>I. RETAIL</b>																			
Adult retail use									P43	P43	P43		P43	P43	P43	P43			
Big-box retail									P72	P72	P72			P72				P79	
Drive-in/drive-through, retail									AC	AC	AC	AC	AC28	AC	AC28			AC78	AC80
Eating and drinking establishments	P1	P1	P1	P1	P1	P1	H33	P42	P	P	P	<u>P22</u>	P	<u>P22</u>	P	P12	P27	P81	P94
<b>Fast Food Restaurants</b>														<u>P81</u>	<u>P22</u>	<u>P</u>			<u>P81</u>
Horticultural nurseries, existing	H	H	H	H	H	H	H	H	H	H	H	H		H	H	H	H	H	
Horticultural nurseries, new			H											AD38					
Retail sales							H33	AD	P34	P34	P3	P6	P	P68	P	P5	P21	P8	P95

											4	0				4		2	
Retail sales, outdoor									P30	P30	P30	P15	P15	P15	P15	P15			
Taverns													AD	P20	AD		P21	P82	P99
Vehicle sales, large									P	P	P					P41			
Vehicle sales, small									P	P	P				P20				
<b>Day Care Services</b>																			
Adult day care I	AC	AC	AC	AC	AC	AC	AC	AC	P55	P55	P55	P22	P	P22	P	P	P	P78	P100
Adult day care II			H	H	H	H	H33	H	AD	AD	H	P22	P	P22	P	P12	P21	P78	P100
Day care centers			H25	H25	H25	H25	H33	H25	P54	P54	P54	P22	P	P22	P	P	P21	P78	P100
Family day care	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC3	AC	AC	AC	AC
<b>L. VEHICLE RELATED ACTIVITIES</b>																			
Body shops									P31	P31	P31					H31			
Car washes									P	P	P	AD2			P22				
Express transportation services									AD	P					AD20				
<b>ZONING USE TABLE</b>	<b>RESIDENTIAL ZONING DESIGNATIONS</b>								<b>INDUSTRIAL</b>			<b>COMMERCIAL ZONING DESIGNATIONS</b>							
<b>USES:</b>	<b>RC</b>	<b>R-1</b>	<b>R-4</b>	<b>R-8</b>	<b>RMH</b>	<b>R-10</b>	<b>R-14</b>	<b>RM</b>	<b>IL</b>	<b>IM</b>	<b>IH</b>	<b>CN</b>	<b>CV</b>	<b>CA</b>	<b>CD</b>	<b>CO</b>	<b>COR</b>	<b>UC-N1</b>	<b>UC-N2</b>
<b>L. VEHICLE RELATED ACTIVITIES</b>																			
Fuel dealers										H59	P								
Industrial engine or transmission rebuild									P31	P31	P31								
Parking garage, structured, commercial or public									P	P	P		P	P20	P3	P	P	P	P102
Parking, surface, commercial or public									P38	P38	P38			P20	P3	AD			
Park and ride, dedicated									P105	P105	P105		P106	P105	P107	P105		P107	
Park and ride, shared-use			P108	P108	P108	P108	P108	P108	P	P	P		P106	P109	P107	P		P107	
Railroad yards											P								
Taxi stand													P		AD	AD			
Tow truck operation/auto impoundment yard										H59	P								
Transit centers									H38	H38	H38		P	H20	P	H38		P	P103

**4-2-070J CENTER VILLAGE (CV):** Retail uses will be amended to include “Fast Food Restaurant” as a category with type “P#81”, added in alphabetical order, which would place it fourth on the list of uses.

**4-2-070K COMMERCIAL ARTERIAL (CA):** Retail uses will be amended to include “Fast Food Restaurant” as a category with type “P#22”, added in alphabetical order, which would place it fourth on the list of uses.

**4-2-070R URBAN CENTER NORTH 1 (UC-N1):** Retail uses will be amended to include “Fast Food Restaurant” as a category with type “P#81”, added in alphabetical order, which would place it fourth on the list of uses.

**4-2-080 CONDITIONS ASSOCIATED WITH ZONING USE TABLES:**

**A. SUBJECT TO THE FOLLOWING CONDITIONS:**

Note 22 currently reads –

*22. Size restrictions apply per use in RMC 4-2-120A. In the CN Zone, fast food establishments are prohibited. In the CV Zone, no office and conference uses are allowed for parcels fronting, or taking primary access from, Edmonds Avenue NE.*

Proposed changes include –

*22 - Size restrictions apply per use in RMC 4-2-120A. ~~In the CN Zone, fast food establishments are prohibited.~~*

*111 - In the CV Zone, no office and conference uses are allowed for parcels fronting, or taking primary access from, Edmonds Avenue NE.*

**COMPREHENSIVE PLAN COMPLIANCE:** These changes comply with the Comprehensive Plan policies for the CN, CV, CA, UC-N1, UC-N2, IL, IM and IH zoning districts. There are a number of Comprehensive Plan policies associated with these eight (8) zoning districts, policies LU-YY, LU-ZZ, LU-CCC, LU-DDD, LU-WWW, LU-YYY and LU-ZZZ. The policies encourage a diverse range of commercial and industrial activities; and revising existing development regulations to pursue the intent of permitting certain retail uses such as “fast food restaurants” as a by-right use, rather than merely as an accessory use, promote the intent of compliance with the comprehensive plan.

**CONCLUSION:** Revision of the development regulations to include “fast food restaurants” as a retail use within the zoning table as well as amending footnote 22 so it relates only to the pertinent zoning districts which have restrictions on building size limitations attempts to simplify existing code. Also, revising footnote 22 to relocate the portion of the note which only applies to office and conference uses in the CV zoning

district as a distinct note 111, serves the purpose of removing references that do not apply in their entirety.