
Swickard BMW

(PDR-010044-2023)

December 20, 2023

I. Application

Project Name:	Swickard BMW
File Numbers:	PDR-010044-2023
Location:	5615 188th Street SW and 18600 Highway 99
Tax Parcel Number:	00374300500402 & 00374300500201
Zoning:	CG (Previously HMU before RZN-010042-2023)
Future Land Use:	H99
Site Area:	5.39 Acres
Property Owner:	SC LYNNWOOD RE II LLC
Applicant:	Sam Huck, Planner 3J Consulting 503-946-9365; sam.huck@3j-consulting.com
Staff Reviewer:	Brian Kirk, Planner 425-670-5409; bkirk@lynnwoodwa.gov
Applicable Design Guidelines:	Citywide Design Guidelines for All Districts, Citywide Design Guidelines for Commercial Districts
Related Permits:	Associated Building and Construction Permits
Decision:	Approved with Conditions

II. Exhibits

- I. Full Plan Set
 - a) Revised Landscape Drawings December 15, 2023
 - b) Revised Service Building Elevations December 15, 2023
 - c) Revised Building Renderings, December 15, 2023
 - d) Revised Civil Drawings, October 9, 2023
 - e) Lighting Plan, February 3, 2023
2. Project Narrative, February 3, 2023
3. Title Report, February 3, 2023
4. Design Guidelines February 3, 2023
5. Environmental Checklist, October 12, 2021
6. Stormwater Report, February 3, 2023
7. Geotechnical Letter, February 3, 2023
8. Geotechnical Report, February 3, 2023
9. SEPA DNS, October 12, 2021
10. Traffic Study, February 3, 2023

III. Findings of Fact

a. Background

The subject properties are located at 18624 Highway 99 on the northwest corner of 188th Street SW and Highway 99 and consist of 2 parcels (APN 00374300500201 and 00374300500402). The 5.39-acre site currently contains phase I of the project, the completed Swickard Porsche Dealership on the north lot and a partially demolished structure on the south lot. The decision for RZN-010042-2023, issued on September 26, 2023, rezoned the south lot from Highway 99 Mixed Use (HMU) to General Commercial (CG).

b. Proposal Description

Swickard BMW is a proposed automotive dealership with associated parking, inventory storage yard, and one automotive service building. The primary building will be 27,305 GSF with an additional 16,920 GSF service center. Site improvements will include a plaza and landscaping along Highway 99 and 188th Street SW. The properties total 5.39 acres (234,945 square feet) and are zoned General Commercial (CG).

c. Noticing and Review Timelines

The application was submitted on February 3, 2023, and deemed incomplete on February 28th. On June 28th, all requested items were received, and the application was deemed complete on July 6, 2023. On July 20, 2023, a Notice of Application was posted at the City of Lynnwood official posting sites and was published in the Everett Herald. Owners of property and tenants within a 300-foot radius of the subject property were also mailed a Notice of Application. The comment period ended on August 3, 2023. In accordance with Lynnwood Municipal Code (LMC) 1.35.333, any written comments received prior to the date this decision have been considered.

LMC 1.35.025 requires a decision within 120 calendar days after the city notifies the applicant that the application is complete (July 6, 2023), except as provided in subsections LMC 1.35.025(A) through (C). As such, a decision must be issued on or prior to February 27, 2024.

d. Environmental Review

A SEPA Threshold Determination of Non-Significance (Exhibit 9) was issued on June 18, 2021, for the proposed construction of two (2) automobile dealerships in accordance with WAC 197-11-340. As the lead agency, the City of Lynnwood determined that the proposal will not have a probable significant adverse impact on the environment. This decision was made after review of the completed Environmental Checklist (Exhibit 5), the City of Lynnwood Comprehensive Plan, and Lynnwood Municipal Code. No comments were received during the 14-day comment period following the threshold determination. As such, amendments were not made to the original DNS and the determination became final on the same date.

IV. PDR Decision Criteria

Lynnwood Municipal Code (LMC) 21.25.145 states the decision criteria that the Director will use in determining if a proposal meets the merits of Project Design Review. In addition to these criteria, the proposal must comply with all applicable zoning regulations.

a. Consistency with the Comprehensive Plan

The proposed project site is designated Highway 99 (H99) in the Lynnwood Comprehensive Plan. The excerpts below are from the Land Use Element of the City of Lynnwood Comprehensive Plan and have been found to be relevant to the proposal.

RC Land Use Designations: Table LU-3. D, Mixed Land Use Designations provides the following description of the H99 land use category and a description of the primary land use, locations, and design:

- Primary Land Use: Non-node properties: retail, auto sales, office, service, food and drink. Existing light industrial uses allowed as permitted use. Node properties: Same as above, but with mixed-use and without auto sales.
- Locations: Properties along Highway 99. Locations near rapid transit stops may be designated as “Node” and zoned HMU.
- Design: Single or multi-story buildings with orientation to automobiles and pedestrians. Compliance with Citywide Design Guidelines (non-node properties) or Design Guidelines for Highway 99 (node properties).

Staff Analysis:

As the site is not within ¼ mile of a bus rapid transit stop, it is not considered to be within node and must comply with City Wide Design Guidelines. Auto sales is a primary land use in H99 outside of nodes, meaning that this dealership aligns with uses of H99. As determined below, this development complies with all relevant Citywide Design Guidelines.

i. Policy LU-8:

Land development regulations should be consistent with and implement the Comprehensive Plan, and address the following issues:

- Minimize the potential for adverse impacts between adjacent land uses.
- Urban amenities and architectural design standards.

Staff Analysis:

Adjacent adverse impacts are mitigated through building design and intended use. The proposed designs provide adequate amenities adjacent to the right of way which comply with the design guidelines for commercial and public districts. The site's compliance with design guidelines also meets the requirement for architectural design standards.

Staff reviewed adverse impact due to noise of the Service Building to the neighboring residential. The provided distance, landscape buffer, and existing background noise will negate adverse impacts caused by the Service Building. If noise complaints are received by the City of Lynnwood, a code compliance case will be reviewed.

ii. Land Use Policy LU-4:

Land use policies and regulations should:

- A. Provide separation and/or buffering between incompatible land uses; and
- B. Facilitate the co-location of dissimilar uses where desired and where compatibility can be achieved.

Policy LU-49:

Non-residential developments that adjoin residential properties shall provide transitional screening so that non-residential activities do not significantly affect the livability of the residential properties.

Staff Analysis:

The site is in the transition zone between commercial and residential development (CG, RMM, and RS-8) with Residential structures to the west of the property. A landscape buffer of 25-feet and tree retention on site provide adequate screening and transition between uses.

iii. Policy LU-11:

Fill in development upon vacant parcels that can be readily served by utilities and streets should be encouraged to maximize the efficient delivery of such infrastructure.

Staff Analysis:

The site was is currently vacant, is located centrally, and is served by utilities. Increasing the intensity of use of this site as proposed will allow for efficient use of space near Highway 99.

iv. 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:

The project is located within the Highway 99 corridor and will provide employment opportunities.

v. Policy CC-1.3:

The visual character of buildings must be enhanced by means of architectural design and landscape elements to create a human scale and enhance and integrate visual character for the streetscape and abutting residential uses.

Staff Analysis:

The proposed designs contain a variety of architectural features and landscape elements which are at the human scale and contribute to the overall design of the street and surrounding uses. These are consistent with both Lynnwood Citywide Design Guidelines for All Districts and for Commercial Districts.

b. Compliance with LMC 21.18 - Off-Street Parking

The purpose of LMC 21.18 is to ensure adequate off-street parking for all allowed uses, to provide minimum development standards for parking areas, and to reduce parking demand by encouraging alternative means of transportation and shared parking where feasible.

i. LMC 21.18.800(B)

1. Motor vehicle sales and service centers require one stall per 1,000 GFA and one per 1,500 GFA outdoor sales areas.
2. Car Washes require two per service lane or bay + stacking space requirements + parking for retail uses (if any)
3. One per 3,000 SF GFA (minimum one stall) + one for each vacuum (if any) + stacking lane requirements
4. One for every five wash bays (not including stalls in wash bays) + stacking lane requirements + one at each vacuum (if any)

Staff Analysis:

The proposed project complies with off-street parking requirements, providing 107 parking spaces for customers. Additionally, the proposed inventory areas have 254 parking spaces, which brings the total space count to 361. These can potentially be used as overflow parking if customer parking is full.

c. Compliance with LMC 21.17 - Outdoor Lighting Standards

- i. The site is in Lighting Zone 3 (LZ-3). The applicant has provided a site lighting plan (Exhibit I(e)) demonstrating compliance with the requirements of Chapter 21.17 LMC.

d. Compliance with LMC 21.25 – Project Design Review

Chapter 21.25 LMC contains requirements for processing a Project Design Review (PDR) application. This title outlines the procedures that Staff must follow to process the application. The Applicant has the burden of demonstrating how the application meets the merits of PDR decisional criteria; this is accomplished by validating compliance with applicable zoning regulations and Design Guidelines.

i. LMC 21.25.145(B)

Requires that the following decision criteria be met for approval in the project design review process:

1. It is consistent with the Comprehensive Plan.

Staff Analysis:

The proposed project is in compliance with the Comprehensive Plan, as shown in section a. Consistency with Comprehensive Plan.

2. It is consistent with all applicable provisions of this chapter.

Staff Analysis:

This project is consistent with the purpose of design review as defined in Lynnwood Municipal Code 21.25.

3. 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 Chapter 21.25 LMC as fully as if herein set forth.

Staff Analysis:

The proposal includes the construction of multiple buildings using modern design standards, that fit within the Citywide Design Guidelines. Additionally, the rest of the site includes design features supported by the guidelines. During the PDR review, the proposal was checked for compliance with the Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts.

4. For development applications for remodeling or expansion of an existing development, it is consistent with those provisions in the applicable design guidelines identified by the director as being applicable.

Staff Analysis:

The proposal is not a remodel or an expansion of an existing development, and such this section does not apply.

e. Compliance with LMC 21.46 – General Commercial Zones

i. 21.46.050(B)(2) Zones and Purposes

The purpose of the General Commercial zone is to provide for a variety of commercial, retail, and other uses, including municipal services. These uses are primarily related to auto borne clientele, rather than pedestrian clientele.

Staff Analysis:

The proposal is for an automotive dealership, which aligns with the purpose of the CG zone.

ii. 21.43.100- Permitted Uses and Structures:

Standard: Automobile rental or sale is permitted outright.

Staff Analysis:

The proposal is for an automotive dealership and is permitted.

iii. 21.46.105 – Project Design Review:

Standard:

The project site is zoned CG. LMC 21.46.100 identifies permitted structures and uses within the CG zone district. Additionally, LMC 21.46.200 details the development standards of the base zone district.

Staff Analysis:

The proposal is for a commercial space with associated parking lots. This project requires a project design review for compliance with Citywide Design Guidelines for All Districts and Commercial Districts. To meet the requirements for Building Design in the Citywide Design Guidelines, the primary sales structure is transparent in more than 60% of its street facing, ground floor facades, providing features such as a cornice, clear garage doors, articulation, and screening for mechanical equipment to create a visually appealing structure. This is complemented by the prominent entrance and pedestrian plaza on the corner, which is terraced with ample greenery leading down to street level, which complies with Site Design guidelines.

The service building also provides features, such as a living green wall, plinth, cornice, textured concrete, and additional trees to meet the requirements for Treating Blank Walls and Treating Opaque Walls (Pages 17 and 33 of the Citywide Design Guidelines).

iv. 21.46.200 – Development Standards:

Standard:

Table 21.46.14

Staff Analysis:

The proposal meets all required setbacks including the 25-foot setbacks on the west border for CG properties abutting RM zones and 50-foot setbacks for CG properties abutting RS zones. The proposed lot coverage of 16.4%, is below the maximum allowable

lot coverage of 35%. The maximum proposed building height is 35 feet, which is the maximum allowed in CG zones. All design standards are met.

V. Public and Agency Comments

All comments are available in the project file. A summary of the comments is included below:

- **Zipty** – Stated that when Swickard Porsche dealership was completed, a conduit was installed for use by Swickard BMW.
- **Snohomish County PUD**- This district has enough electrical service capacity to serve this site. Improvements to facilities may be required given the scope of this project. Please refer to WAC 296-24-960 for worker safety clearances standards for PUD facilities.

VI. 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 Swickard BMW (PDR-010044-2023) application subject to the following conditions:

- i. The applicant shall pay a park impact fee to the City of Lynnwood in accordance with the provisions of Chapter 3.107 Park Impact Fees LMC. This fee shall be assessed at the time of complete building application and paid at the time of building permit.
- ii. The easement under Recording No. 7609240176 for the previous development shall be repealed prior to issuance of construction permits.
- iii. Lighting fixtures within 50 feet of residential zones must be no greater than 15 feet in height (LMC 21.17.060).
- iv. The proposed living green wall on the eastern façade of the service building must be irrigated and maintained.
- v. Vehicle delivery must occur on-site and not in the right of way.
- vi. During prior demolition, the city allowed the sewer to be capped at the building. The future construction permits must cap the existing sewer stub at the property line.
- vii. Construction permits must show additional fire hydrants with a maximum spacing between hydrants of 330 feet (LMC 9.16.090).
- viii. Construction permits must show fire lane marking throughout all parking areas.
- ix. Construction permits must show an Oil/Water Separator (LMC 14.60.376) and Sand/Oil/Water Separator (LMC 145.60.364) for any car wash areas.

VII. Director's Decision

Reviewed by: Karl Almgren Date: 12/20/2023
Karl Almgren, AICP
Community Planning Manager

Approved by: David Kleitsch Date: 12/21/2023
David Kleitsch (Dec 21, 2023 16:03 PST)
David Kleitsch
Development & Business Services Director

VIII. Notice of Decision and Right of Appeal

Administrative decisions of the director may be appealed by filing a written request for appeal with the Development & Business Services Department within 14 calendar days. The appeal deadline will be **January 5, 2024**. An appeal filed within this time limit will be processed pursuant to Process II, as identified in LMC Section 1.35.200.

IX. 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 & Business Services Department requesting a one-time extension of those time limits of up to one year per LMC 21.25.170(A).

X. 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.

XI. Waiver

The approval of Project Design Review does not in any way replace, modify, or waive any requirement for the compliance of the proposal with other applicable codes, standards, or regulations, including, but not limited to, those of the Public Works, Permits & Inspections, and Fire Departments.






PDR-010044-2023_Directors_Decision_Draft

Final Audit Report

2023-12-22

Created:	2023-12-20
By:	Karl Almgren (kalmgren@lynnwoodwa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAs-J_e4gnxe8bdltaslUnmXsMoy1mUYQD

"PDR-010044-2023_Directors_Decision_Draft" History

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2023-12-20 - 6:51:06 PM GMT- IP address: 174.127.205.70
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2023-12-20 - 6:51:44 PM GMT
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2023-12-21 - 11:55:11 PM GMT- IP address: 104.47.64.254
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Signature Date: 2023-12-22 - 0:03:57 AM GMT - Time Source: server- IP address: 174.127.205.70
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