

**RESOLUTION NO. 539**

**A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, POSTPONING FURTHER DISCUSSION REGARDING NON-CONFORMING DRIVE-THROUGH USES IN THE TOWN CENTER ZONE PENDING THE OUTCOME OF TOWN CENTER ZONE PLANNING EFFORTS CURRENTLY UNDERWAY.**

WHEREAS, in February 2005, in response to two development proposals in the Town Center Zone, the City Council directed the Planning Commission to review and recommend amendments to the zoning code with regard to drive-through uses; and

WHEREAS, over a time period of six months, while under consideration by the Planning Commission, the City published three notices regarding the proposed amendments in the Tacoma News Tribune and mailed over 250 notices to property owners within and around the Town Center Zone and invited drive-through business owners by phone to attend a workshop early in the process; and

WHEREAS, the Planning Commission conducted several public meetings, including three joint meetings with the City Council and/or the Economic Development Committee appointed by the City Council, and a public hearing to receive comments and testimony from numerous citizens and business owners; and

WHEREAS, The City's vision statement adopted on August 5, 1998, and revised on July 6, 1998, and May 1, 2000, states in part "The City Hall complex has contributed to the development of a thriving commercial and civic area. This pedestrian friendly town center and community focal point offers civic activities, convenient shopping, and a welcoming downtown park;" and

WHEREAS, The City's Comprehensive Plan includes numerous goals and policies calling for a pedestrian friendly mixed-use gathering place in the town center where people would come to live, use civic facilities including the city hall and the library, to shop, be entertained and enjoy public art and open spaces; and

WHEREAS, The Zoning Code describes the Town Center Zone as an area located between 35<sup>th</sup> Street West and 44<sup>th</sup> Street West along Bridgeport Way that is a focal point for the City that provides a sense of community and civic pride; and

WHEREAS, The Zoning Code's Town Center Zone description indicates the zone is a pedestrian oriented area where new drive-through establishments are discouraged; and

WHEREAS, the University Place Planning Commission recommends that all drive-through uses including gas stations be prohibited in the Town Center Zone and existing drive-through uses be recognized as legal non-conforming uses; and

WHEREAS, the University Place Planning Commission also recognizes the value of drive-through facilities in the City and recommends easing restrictions on drive-through uses located in the Neighborhood Commercial and Commercial zones subject to design standards; and

WHEREAS, the City Council recognizes individual property rights of property and business owners in the City and wants to encourage redevelopment consistent with the City's vision and goals without unduly harming business interests; and

WHEREAS, the City Council held public hearings on November 21, 2005, December 12, 2005, and January 23, 2006, taking public testimony before considering the proposed amendments; and

WHEREAS, on December 7, 2005, the City Council convened a subcommittee composed of the Mayor, Mayor Pro-Tem, Chair and Vice Chair of the Planning Commission, and Chair and Vice Chair of

the Economic Development Committee to develop a compromise proposal for City Council consideration; and

WHEREAS, the City Council explored various options to allow certain types of drive-through uses in the Town Center, but tabled further discussion pending negotiations with the Town Center Developer; and

WHEREAS, on September 6, 2006, the City Council adopted Emergency Town Center Zoning Controls to ensure further development or redevelopment of properties within the town center zone is consistent with pending or proposed zoning changes; and

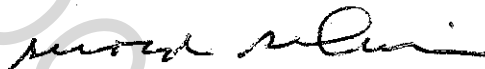
WHEREAS, the City Council directed the Planning Commission to conduct a public outreach program, develop a more specific description of the town center zone, and promulgate appropriate design standards to more adequately protect the public health, safety, and welfare, and to further the goals and policies of the City's comprehensive plan for a pedestrian-friendly town center.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:**

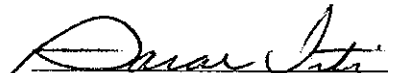
Section 1. Further discussion regarding drive-through uses in the Town Center Zone shall be tabled until such time as the Planning Commission puts forth a recommendation for permanent Town Center Zone Design Standards.

Section 2. Existing zoning provisions regarding drive-through uses in the City continues to apply.

**ADOPTED BY THE CITY COUNCIL ON NOVEMBER 6, 2006**

  
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Gerald Gehring, Mayor

ATTEST:

  
Sarah Ortiz, CMC, City Clerk