



February 27, 2020



Mr. Jeff Wilson
City of DuPont
1700 Civic Drive
DuPont, Washington 98327

SUBJECT: REQUEST FOR VARIANCES, PUBLIC WORKS FACILITY – NORTH
SITE, PLNG2019-024
CITY OF DUPONT, PIERCE COUNTY, WASHINGTON
G&O #19233.00

Dear Mr. Wilson:

On behalf of the Applicant, the City of DuPont, we are submitting this request for variances on the Public Works Facility – North Site, as covered under DuPont Municipal Code (DMC) Chapter 25.160, Variances. We are requesting variances to the following specific codes:

- 1) Chapter 25.70, Commercial and Mixed Use Design Regulations and Guidelines, DMC 25.70.020, Site Design, Part (3), Building Orientation and Design Elements, Part (a) “Buildings shall generally follow the alignment of the streets they front. However, buildings may be set back up to 15 feet from the front property line when this setback area is to accommodate building entries, outdoor cafes or other pedestrian-oriented activities and use.”
- 2) Chapter 25.70, Commercial and Mixed Use Design Regulations and Guidelines, DMC 25.70.020, Site Design, Part (3), Building Orientation and Design Elements, Part (e) “All primary building pedestrian entrances and storefront windows must face onto the primary street not the parking lot (secondary entrances and windows are encouraged on the façade facing rear parking).”
- 3) Chapter 25.70, Commercial and Mixed Use Design Regulations and Guidelines, DMC 25.70.070, Architectural Building Character, Part (7), Building Roof, Part (c) “All roofs exposed to view from a public right-of-way shall have a minimum slope of six feet vertical to 12 feet horizontal,



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however, portions of roofs not visible from a public right-of-way may be flat or have a lesser slope.”

Chapter 25.160 Variances, DMC 25.160.050 Review Criteria “In order to approve an administrative variance or a general variance, the decision maker shall make written findings demonstrating that all of the following criteria have been met:

- (1) The proposed variance will not amount to a rezone nor authorize any use not allowed in the land use district;
- (2) Special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other land in the same land use district, demonstrating that literal interpretation of this title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same zoning district under the terms of this title;
- (3) The special conditions and circumstances noted in subsection (2) of this section are not the result from the actions of the applicant or property owner;
- (4) Granting of the variance requested will not confer a special privilege that is denied other properties in the same land use district;
- (5) The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and district in which the subject property is situated; and
- (6) The requested variance does not go beyond the minimum necessary to afford relief.”

REQUEST FOR VARIANCE 1: DMC 25.70.020(3)(a) – BUILDING SETBACK AND STREET FRONTAGE

Code Requirement: The code requires that the three proposed buildings follow the alignment of the streets they front and be set back a maximum of 15 feet from Civic Drive or from the 30-foot access easement along a portion of the westerly property line.

Requested Variance: The variance request is for the three proposed buildings to be located within the property, as appropriate to maximize the functionality and utilization of the three buildings. The proposed buildings would not follow the alignment of the streets they front and the proposed setbacks would be as follows:

- Main Building: 99 feet from access easement
- Covered Storage Building: 97 feet from access easement
- Fueling Facility: 161 feet from access easement



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Existing Buildings: The existing site includes two buildings (1) City Hall is set back 96 feet from Center Drive and 110 feet from Civic Drive and does not follow the alignment of either street; and (2) Public Safety Building is set back 44 feet from Civic Drive and the shorter leg of the building follows the alignment of Civic Drive. Both existing buildings apparently front or follow the alignment of the internal parking lot, as opposed to a street. The existing buildings do not appear to meet the current code requirements in terms of building setbacks or following the alignment of the streets they front.

Proposed Buildings: The proposed Public Works Facility – North Site includes three proposed buildings; (1) Main Building with a footprint of 8,107 square feet and 14,707 square feet of floor area on two levels; (2) Covered Storage Building with a footprint of 2,909 square feet, 533 square feet of enclosed storage and 2,376 square feet of covered storage; and (3) Fueling Facility with a 900 square foot footprint. The first floor of the Main Building includes spaces for vehicle maintenance, tool rooms, storage, utilities and a water quality lab. The second floor of the Main Building includes spaces for offices, classroom, library, break room and locker rooms. The overall intended use of the Main Building is to house City Public Works Staff and much of their tools and equipment. The Covered Storage Building includes space for storage of public works vehicles and equipment plus rooms for petroleum and chemical products. The overall intended use of the Covered Storage Building is to store rolling stock and garage-type products. The Fueling Facility includes above ground fuel tanks with a 1,000-gallon diesel tank and a 2,000-gallon unleaded gasoline tank. The Fueling Facility is intended for use by City vehicles in all City Departments, including Administration, Public Works, Fire and Police. All three buildings are not intended for public access. Visitors will only be able to access the Main Building with an escort from a City Staff member. Security in the form of fencing, gates and controlled access will be in place to secure and protect Public Works Department tools and equipment.

Variance Justification – Building Setback and Street Frontage: Per DMC 25.35.010 the purpose of the mixed use district is “to provide office space, goods and services to the entire community or larger market.” The code requirements for the building setbacks and street frontage appear to be intended to place publicly accessible buildings up against the right-of-way of public streets. This makes buildings directly accessible to the public for pedestrians or vehicles that might park on the street in front of buildings. For the subject property, the existing two buildings did not follow this intent. The City Hall and Public Safety Buildings are accessible via an internal parking lot. There is no onstreet parking on the north side of Civic Drive, in part due to the need for Fire Department vehicles leave on emergency calls. In the case of the three proposed buildings, public accessibility is intentionally not available. The Covered Storage Building is only for Public Works



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Staff. The Fuel Facility is only for City Departments. The Main Building would only have escorted visitors, such as vendors, consultants, or staff from state or local agencies.

In an effort to meet the code requirements, the City as the Applicant explored a site design option to place the Main Building along Civic Drive to the west of the Public Safety Building to essentially displace an existing employee parking lot used by the Police and Fire Departments. The site option was found to be not feasible, due to limited accessibility for Public Works vehicles, impacts to routing and ingress of fire trucks, increase of the Main Building from two stories to three stories, required structural modifications to the existing Public Works Building, required relocation of the proposed Fueling Facility to a non-optimal location, and overall poor utilization and optimization of the available space on the property.

In summary, the proposed siting of the three buildings has been carefully considered and each building has been sited to best utilize the natural grading of the entire parcel, meet the security, accessibility, operational and functionality needs of the Public Works Department, minimize impacts to the full use of the existing Public Safety Building and its Fire and Police Departments tenants, and to best use City resources to complete a campus-type environment.

Responses to Variance Review Criteria: Our responses to the six variance review criteria for the proposed buildings to not follow the alignment of the street they front and to not meet the 15-foot setback requirement are as follows:

1. The property is zoned Mixed Use District (MXD). Public use is a specifically permitted use under DMC 25.35.020(4). The building frontage and setbacks do not affect the zoning or land use.
2. Special conditions and circumstances exist which are peculiar to the land. The shape of the land is unique in the northwest corner of the property where a shrinking strip of protrudes. Enforcement of the code requirements would deprive the City from full utilization of the property. The code includes a stated intention to provide services to the entire community. The site plan and building locations have been selected for the City Public Works Department to best provide services, including operation and maintenance of public facilities and utilities, to the City as a whole. The other special conditions and circumstances at the site are the two existing buildings (i.e. City Hall Building and Public Safety Building) that do not meet the current codes for street frontage and setback. These are the only two buildings within the isolated MXD-zoned area along



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Center Drive at Civic Drive. This is the only land in the City that has a Public Use, has existing buildings, and could be viewed as a City campus. The existing buildings were constructed under the umbrella of City code site guidelines.

3. The special conditions and circumstances noted in subsection (2) of this section were based on the previous permitting, design and construction of the buildings by the City of DuPont, but there does not appear to be any attempt to circumvent City codes or requirements.
4. Granting of the variance requested will not confer a special privilege that is denied other properties in the same land use district, due to the fact that this is the only land in the City that has a Public Use, has existing buildings, and could be viewed as a City campus.
5. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and district in which the subject property is situated. The granting of the variance would be a benefit to the overall property by fully utilizing the site, fully preserving existing uses, and meeting the security, accessibility, operational and functionality needs of the Public Works Department.
6. The requested variance does not go beyond the minimum necessary to afford relief. The requested variance fully utilizes the site to meet the needs of the City.

REQUEST FOR VARIANCE 2: DMC 25.70.020(3)(e) – BUILDING ENTRANCE FACING PRIMARY STREET

Code Requirement: The code requires that “all primary building pedestrian entrances and storefront windows must face onto the primary street not the parking lot.”

Requested Variance: The variance request is for the code to not apply to the Covered Storage Building and the Fueling Facility and for the primary building pedestrian entrance to the Main Building to not face onto a primary street. The Covered Storage Building is only accessible by City Public Works Staff and therefore does not have any defined public pedestrian entrances. The Fueling Facility is only accessed by City vehicles and therefore does not have any defined pedestrian entrances. The Main Building is sited as described under Request for Variance 1 herein and does not face onto a primary street.



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The primary building pedestrian entrance faces to the east toward a drive aisle and not the parking lot located on the west side of the Main Building.

Existing Buildings: The existing site includes two buildings (1) City Hall with the primary building pedestrian entrance facing west to a parking lot and not to the primary street; and (2) Public Safety Building with the primary building pedestrian entrance facing east to a parking lot and not to the primary street. The existing buildings do not appear to meet the current code requirements in terms of primary building entrances facing onto the primary street not the parking lot.

Proposed Buildings: The proposed Public Works Facility – North Site includes three proposed buildings; (1) Main Building with a footprint of 8,107 square feet and 14,707 square feet of floor area on two levels; (2) Covered Storage Building with a footprint of 2,909 square feet, 533 square feet of enclosed storage and 2,376 square feet of covered storage; and (3) Fueling Facility with a 900 square foot footprint. The overall intended use of the Main Building is to house City Public Works Staff and much of their tools and equipment. The overall intended use of the Covered Storage Building is to store rolling stock and garage-type products. The Fueling Facility is intended for use for City vehicles in all City Departments, including Administration, Public Works, Fire and Police. All three buildings are not intended for public access. Visitors will only be able to access the Main Building with an escort from a City Staff member. Security in the form of fencing, gates and controlled access will be in place to secure and protect Public Works Department tools and equipment. The Covered Storage Building and the Fuel Facility do not have defined pedestrian entrances. The Main Building includes a primary pedestrian entrance near the center of the east side of the building, facing toward a drive aisle and away from the parking lot for the building.

Variance Justification – Building Entrance Facing Primary Street: Per DMC 25.35.010 the purpose of the mixed use district is “to provide office space, goods and services to the entire community or larger market.” The code requirements for the building setbacks and street frontage appear to be intended to place publicly accessible buildings up against the right-of-way of public streets. This makes buildings directly accessible to the public for pedestrians or vehicles that might park on the street in front of buildings. For the subject property, the existing two buildings did not follow this intent. The City Hall and Public Safety Buildings have primary pedestrian entrances from the parking lot located between the two buildings. There is no onstreet parking on the north side of Civic Drive, in part due to the need for Fire Department vehicles leave on emergency calls. In the case of the three proposed buildings, public accessibility is intentionally not available. The Main Building would only have pedestrian access from City Staff and escorted visitors, such as vendors, consultants, or staff from state or local agencies. The primary pedestrian



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entrance to the Main Building has been located on the east side of the building away from the parking lot, but none of the building entrances are intended for public use.

In an effort to meet the code requirements, the City as the Applicant explored a site design option to place the Main Building along Civic Drive to the west of the Public Safety Building to essentially displace an existing employee parking lot used by the Police and Fire Departments. The site option was found to be not feasible, due to limited accessibility for Public Works vehicles, impacts to routing and ingress of fire trucks, increase of the Main Building from two stories to three stories, required structural modifications to the existing Public Works Building, required relocation of the proposed Fueling Facility to a non-optimal location, and overall poor utilization and optimization of the available space on the property.

Responses to Variance Review Criteria: Our responses to the six variance review criteria for the proposed primary pedestrian entrances to not follow the alignment of the primary street are as follows:

1. The property is zoned Mixed Use District (MXD). Public use is a specifically permitted use under DMC 25.35.020(4). The building entrances do not affect the zoning or land use.
2. Special conditions and circumstances exist which are peculiar to the land. The shape of the land is unique in the northwest corner of the property where a shrinking strip of protrudes. Enforcement of the code requirements would deprive the City from full utilization of the property. The code includes a stated intention to provide services to the entire community. The site plan and building locations have been selected for the City Public Works Department to best provide services, including operation and maintenance of public facilities and utilities, to the City as a whole. The other special conditions and circumstances at the site are the two existing buildings (i.e. City Hall Building and Public Safety Building) that do not meet the current codes for pedestrian entrances onto the primary street. These are the only two buildings within the isolated MXD-zoned area along Center Drive at Civic Drive. This is the only land in the City that has a Public Use, has existing buildings, and could be viewed as a City campus. The existing buildings were constructed under the umbrella of City code site guidelines.



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3. The special conditions and circumstances noted in subsection (2) of this section were based on the previous permitting, design and construction of the buildings by the City of DuPont, but there does not appear to be any attempt to circumvent City codes or requirements.
4. Granting of the variance requested will not confer a special privilege that is denied other properties in the same land use district, due to the fact that this is the only land in the City that has a Public Use, has existing buildings, and could be viewed as a City campus.
5. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and district in which the subject property is situated. The granting of the variance would be a benefit to the overall property by fully utilizing the site, fully preserving existing uses, and meeting the security, accessibility, operational and functionality needs of the Public Works Department.
6. The requested variance does not go beyond the minimum necessary to afford relief. The requested variance fully utilizes the site to meet the needs of the City and provides a primary building pedestrian entrance to best meet the code requirement for the Main Building location.

REQUEST FOR VARIANCE 3: DMC 25.70.070(7)(c) – ROOF SLOPE

Code Requirement: The code requires that the three proposed buildings have minimum roof slopes of 6 feet vertical to 12 feet horizontal, as the three buildings are exposed to view from public right-of-way.

Requested Variance: The variance request is for the three proposed buildings to have roof slopes of 4 feet vertical to 12 feet horizontal. The two existing buildings have roof slopes of 4 feet vertical to 12 feet horizontal. If the proposed buildings are allowed to have roof slopes to match the existing buildings, all of the buildings on the property would have matching roof slopes and complete a campus-type feel. The exterior colors and textures of the proposed buildings are already planned to match the existing buildings. Matching the roof slopes would enhance the overall consistency of the buildings. The requested variance will also lower the roof line elevations for the proposed buildings, which will reduce the visual impacts along the Sequatchew Creek corridor when viewed from the south. Lowering the roof line elevations will help to retain the trees along Sequatchew Creek as a distinguishing visual feature for the area.



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Existing Buildings: The existing site includes two buildings (1) City Hall with a footprint of 10,098 square feet; and (2) Public Safety Building with a footprint of 24,607 square feet. The two existing buildings are exposed to view from public rights-of-way and have roof slopes of 4 feet vertical to 12 feet horizontal. The roof slopes of the existing buildings do not appear to meet the current code requirements.

Proposed Buildings: The proposed Public Works Facility – North Site includes three proposed buildings; (1) Main Building with a footprint of 8,107 square feet and 14,707 square feet of floor area on two levels; (2) Covered Storage Building with a footprint of 2,909 square feet, 533 square feet of enclosed storage and 2,376 square feet of covered storage; and (3) Fueling Facility with a 900 square foot footprint.

Variance Justification – Roof Slope: The three proposed buildings will only have limited visibility from public right-of-way, that being the westerly 130 feet of the 700-foot total length of Civic Drive. Existing street trees on the north side of the street obscure the sightlines from the easterly 570 feet of Civic Drive looking northwesterly toward the three proposed buildings. The Main Building may be visible from the entirety of the Civic Drive right-of-way, due to the fact that the proposed roof line will be higher than the roof line of the existing Public Safety Building. The Covered Storage Building will be minimally visible from the easterly 570 feet of Civic Drive right-of-way due to the fact that the proposed roofline will be above the roof line of the existing Public Safety Building. The Fueling Facility will not be visible from the easterly 570 feet of Civic Drive right-of-way due to the fact that the proposed building location is behind the existing Public Safety Building.

The roof line elevations are estimated as follows:

TABLE 1

Roof Line Elevations

Building	Roof Line at 6 to 12 Pitch	Roof Line at 4 to 12 Pitch
Existing Public Safety Building	244.0 (Existing)	244.0 (Existing)
Proposed Main Building	263.5	257.9
Proposed Covered Storage	247.8	244.2
Proposed Fueling Facility	246.5	243.4



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The elevations in Table 1 indicate that granting of the requested variance will reduce the roof line of the Covered Storage and Fueling Facility Buildings to essentially match the roof line elevation of the existing Public Safety Building. Granting of the requested variance would reduce the roof line height of the Main Building by 5.6 feet, reducing the height above the existing Public Safety Building from 19.5 feet to 13.9 feet.

Responses to Variance Review Criteria: Our responses to the six variance review criteria for the reduction in roof slope are as follows:

1. The property is zoned Mixed Use District (MXD). Public use is a specifically permitted use under DMC 25.35.020(4). The reduction of the roof slope does not affect the zoning or land use.
2. The special conditions and circumstances at the site are the two existing buildings (i.e. City Hall Building and Public Safety Building) that have existing roof slopes of 4 feet vertical to 12 feet horizontal. These are the only two buildings within the isolated MXD-zoned area along Center Drive at Civic Drive. This is the only land in the City that has a Public Use and has existing buildings. The existing buildings were constructed under the umbrella of City code design guidelines. The reduced roof slope was previously allowed for the existing buildings.
3. The special conditions and circumstances noted in subsection (2) of this section were based on the previous permitting, design and construction of the buildings by the City of DuPont, but there does not appear to be any attempt to circumvent City codes or requirements.
4. Granting of the variance requested will not confer a special privilege that is denied other properties in the same land use district, due to the fact that this is the only land in the City that has a Public Use and has existing buildings.
5. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and district in which the subject property is situated. The granting of the variance would be a benefit to the overall property by having matching buildings and would reduce visual impacts in the vicinity of the property.



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6. The requested variance does not go beyond the minimum necessary to afford relief. The requested variance simply requests reduction of the roof slopes from 6 to 12 to 4 to 12, which is the minimum necessary to match the existing buildings.

Sincerely,

GRAY & OSBORNE, INC.

Dominic J. Miller, P.E.

DJM/sp

cc: Mr. Gus Lim, P.E., Public Works Director, City of DuPont
Ms. Lisa Klein, AHBL, Inc.