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BEFORE THE HEARING EXAMINER FOR THE CITY OF DUPONT

RE: Champions Centre Conditional Use
Permit

Conditional Use Permit

File No. PLNG 20018-0002.

FINAL DECISION

SUMMARY

The applicant has requested approval of a conditional use permit for the location of a 9,672 square foot church in an existing building located at 2620 Williamson Place NW, Suites 137-149. The application is approved subject to conditions.

TESTIMONY

[This summary is only provided for the convenience of the reader, to provide an understanding of the testimony presented at the hearing. The summary of testimony is not to be construed as containing any findings of fact or conclusions of law, or as indicating what information the examiner found pertinent or significant.]

Staff Presentation

Lisa Klein, City of Dupont contract planner, summarized the staff report. She noted that the project is straight forward, proposing a 9670 SQ FT church to be incorporated into an existing building. The building already went through an environmental review and Type 2 process in 2007, so the application is not required to go through their usual process. The question is about use and if the project meets the criteria for conditional use in the manufacturing park zone where the building is located.

1 Ms. Klein acknowledged that the church is inherently different from what was initially
2 reviewed/proposed, which was for office and light warehouse-type use. This change of use is what was
3 evaluated in the Staff Report. Mrs. Klein used an aerial map to show the location of the building (marked
as Building 1 from the 2007 application), She noted that staff looked over the 2007 approvals.

4 The review included a new SEPA determination and as part of this, evaluated the two potential
5 environmental differences which are traffic impact and parking. The result of this evaluation led to the
6 Staff finding that there would not be any impact because visitors would come at different times of day
than the other uses in the area.

7 Staff received three comment letters while reviewing the project, including one from Ecology
8 commenting about potential soil contamination. Staff determined that this was not relevant considering
9 that there would be no soil disturbance activities regarding the project. There was no need for a
condition.

10 **Applicant Testimony**

11 Loren Combs is the applicant's representative. He concurred with much of staff recommendations. Mr.
12 Combs pointed out that he believes there's a scrivener's error in Exhibit 26 in conditions 3A and 3B,
13 found on pg. 8 of Staff Report. These are recommendations from the Fire Marshall regarding the fire
14 and sprinkler system & fire and water system. He explained that the Fire Marshall Report does not
15 recommend these two be installed prior to building permit acquisition despite 3A and 3B saying they
16 should be. This should be in Condition 4, which requires them to be installed prior to the occupation of
17 the building. The building currently has a fully compliant fire suppression and fire & water system, but
as part of tenant improvements they are installing a floor assembly system to create classrooms. These
floors need to be installed before they can extend these fire safety systems. He agrees to the conditions
and codes but believes that the conditions are in the wrong section of the conditions, and that this is
confirmed by the Fire Marshall's letter.

18 **Public Comments**

19 Jonathan Yadon

20 He and his wife will pastor this church campus. He noted that the church and members want to honor
21 the city and serve the community.

22 Devin Beiss

23 The church has served as his family since he is in the military and is away from home. He knows other
24 military personnel are interested in the church opening in this location.

25 Emily Torres
26

1 The church has strengthened her family and provided her with support. It has served others as well. She
2 wants this campus in Dupont because it will make it a stronger community.

3
4 James Smith

5 He noted that he loves the city of Dupont and loves the church organization. He understands reasons for
6 a hearing regarding the health and safety of the public. Given the location of the church, it would have a
7 low impact on traffic and noise but a high impact on quality of life and vitality of the community.

8
9 Claire Marion

10 She lives on the main road in Dupont and doesn't think there will be any more traffic than what is already
11 there. She comes from a military background and the church has provided a foundation for her, her
12 husband and their children. The church builds up the future generation, providing a place for them to
13 grow, and provides a resource for military members.

14
15 Mr. and Mrs. Clardy

16 Mrs. Clardy is a local real estate business owner in Dupont. Local church members have had no make
17 do without a church campus in the area. Having a brick and mortar campus in Dupont will be amazing
18 for the community. The location is perfect, as it doesn't have any surrounding homes, so noise isn't an
19 issue. There also are no traffic issues or possibility of having people parking in front of other's homes.
20 It also doesn't require driving all the way through town to get to and people can just come off the freeway
21 to reach it. It will provide a safe place for kids to gather and will be an important addition to the city of
22 Dupont and its surrounding areas. Mr. Clardy agrees with his wife.

23
24 Sandy Wegner

25 The church has changed her life and she has witnessed the effect the church has had over many different
26 areas it's involved in. Each campus of the church has made those communities better places and she
27 knows the City of Dupont will be improved, too. She has an unending obligation to the church because
28 of what it's done for her and her children and knows it will continue.

29
30 Elijah Saint Clair

31 He is 16 years old and besides school or a friend's house, there are no good safe places for kids to go
32 other than the church. There are a lot of teens and youth in Dupont and there isn't a youth center for
33 them to go to. With the new church location, he'd be able to find more friends or colleagues that would
34 inspire him to do better and make better decisions. Having this campus would allow others the same
35 opportunities.

36
37 Tamaney Muriean

1
2 She is 14 years old. She stated that many call the church home. It gives people hope, the opportunity to
3 people, to be a part of something, and to put people in the right crowd. Puts them in a place they're meant
4 to be.

5 Juri Robinson

6 He is not a member of the church. He has been looking for one because there isn't one in the city of
7 Dupont. Many people must go outside the city to find a place to make an impact and churches make an
8 impact in the community that they're located in. With a church, the reach will be much broader than at
9 a local level and bring in many from around the area which might help local businesses by bringing
10 people in that want to experience, visit or even move to the city.

11
12 **Staff Rebuttal**

13 Staff stated it had no objections to Mr. Comb's modification to the Staff Report.

14
15 **EXHIBITS**

16 The 25 exhibits identified at pages 1-2 of the March 25, 2018 staff report were admitted into the
17 administrative record during the March 14, 2018 hearing. The March 8, 2018 staff report was admitted
18 as Exhibit 26. Requested modifications to the staff recommended conditions were submitted by Mr.
19 Combs and admitted as Exhibit 27.

20
21 **FINDINGS OF FACT**

22 **Procedural:**

- 23 1. Applicant. The applicant is Champions Centre, David Rich, 1819 E 72nd St, Tacoma, WA 98404
- 24 2. Hearing. A hearing was held on the subject applications on March 14, 2018 in the City of Dupont
25 City Council Chambers.
- 26 3. Project/Site Description. The applicant has requested approval of a conditional use permit for the
location of a 9,672 square foot church in an existing building located at 2620 Williamson Place NW,
Suites 137-149. The proposed changes to the current building will be for signage and tenant
improvements for a 252-seat auditorium, class room space, gathering spaces and bookstore/coffee shop.
There is no anticipated assembly during peak traffic hours. There will be 3-4 staff people working
business hours Monday-Thursday.

1 The project was evaluated and approved by the City in 2007. It proposed two approximately 68,000
2 square foot industrial/office buildings with associated parking and landscaping. The buildings and site
3 improvements were subsequently constructed and are partially leased out with a variety of tenants
4 including Anytime Fitness, AAI Services, Basic Strength and Conditioning Center, Koh Gen Do
Cosmetics and Lacrimedics, Inc.

5 4. Surrounding uses. Adjacent tenants in the existing building include Anytime Fitness, AAI
6 Services, Basic Strength and Conditioning/Cross fit, Koh Gen Do Cosmetics, and Lacrimedics, Inc.
7 Adjacent uses to the property include office/warehouse buildings to the north and northwest and vacant
land to the west, east and south.

8 5. Adverse Impacts. As would be expected for a nominally sized church located in an existing
9 building in an industrial area, the proposal will not create any significant adverse impacts. Impacts are
specifically addressed as follows:

10 A. Critical (Sensitive) Areas. The staff report identifies no critical areas at the project site
11 and there is no reason to conclude such areas are present. Even if such areas were present,
12 since no improvements external to the building are proposed and the use doesn't involve
any hazardous chemicals there would be no applicable restrictions or mitigation.

13 B. Compatibility: As noted in Finding of Fact No. 4, the project site adjoins commercial
14 and industrial uses that would not be sensitive or adversely affected by the noise and
15 activity of a church. The proposal is compatible with surrounding uses.

16 C. Traffic and Parking. A trip generation study was provided by Heath and Associates dated
17 December 18, 2017 that addressed projected vehicular trips and parking demands. The
18 traffic and parking generated by the church use was evaluated by the City during the
19 SEPA Environmental Review and is documented in the SEPA Determination issued on
February 23, 2018. The analysis demonstrated that the change in use from office/light
industrial to church represents an overall reduction in transportation impacts and that
there will be adequate parking to meet the demand.

20 D. Public Services and Facilities. The staff report concludes that the proposal will be served
21 by adequate public services and facilities. That conclusion is amply supported by the
22 record. The proposed use is for an existing building that has previously been approved
23 under a Type II permit for industrial use that would likely create the same or greater
24 demand for utilities and public services. The approval required a consideration of the
adequacy of public infrastructure and facilities. See DMC 25.75.175. The applicant has
25 also acquired approved sewer and water availability/connection forms from water and
26 sewer purveyors. See Ex. 9 and 10.

CONCLUSIONS OF LAW

1
2 1. Authority. DMC 25.175.010 classifies conditional use permits as Type III permits. DMC
3 25.175.010(2)(b) provides that the hearing examiner shall hold a hearing and issue a final decision for
4 Type III permit applications.

5 2. Zoning/Comprehensive Plan Designations. The Zoning Map designation for the project site is
6 Manufacturing Research Park (MRP).

7 3. Review Criteria. 4. The proposed church use is listed as a conditional use in the MRP Zoning
8 District per DMC 25.45.020(3). DMC 25.135.030 sets the criteria for conditional use permit review.
9 Applicable criteria for conditional use applications are quoted below in italics and applied through
10 associated conclusions of law.

11 **Conditional Use**

12 **DMC 25.135.030:** *In order to approve a conditional use permit, the decision maker shall make written*
13 *findings of fact demonstrating that all of the following criteria are satisfied:*

14 *(1) That the use is listed as a conditional use, or that that listing for conditional uses contains the*
15 *language permitting similar land uses in the district where the conditional use is proposed. For the use*
16 *to be determined “similar” the majority of the aspects of use shall be the same or lesser than those of*
17 *listed conditional uses;*

18 5. The proposed church use is listed as a conditional use in the MRP Zoning District, per DMC
19 25.45.020(3).

20 **DMC 25.135.030(2):** *That the granting of such conditional use permit will not be detrimental to the*
21 *public health, safety, comfort, convenience and general welfare, will not adversely affect the established*
22 *character of the surrounding neighborhood, and will not be injurious to the property or improvements*
23 *in such vicinity and/or district in which the property is located;*

24 6. As determined in Finding of Fact No. 5, no adverse impacts are associated with the proposal,
25 which includes impacts to other properties in the vicinity or district. As further determined in Finding
26 of Fact No. 5, the proposal is compatible with surrounding properties. For these reasons, the criterion is
met.

DMC 25.135.030(3): *That the proposed use is properly located in relation to the other land uses and*
to transportation and service facilities in the vicinity; and further, that the use can be adequately served
by such public facilities and street capacities without placing an undue burden on such facilities and
streets;

7. The proposal is served by adequate public facilities, infrastructure and services for the reasons
identified in Findings of Fact No. 5(C) and (D). For these reasons the criterion is met.

1 **DMC 25.135.030(4):** *That the site is of sufficient size to accommodate the proposed use and all yards,*
2 *open spaces, walls and fences, parking, loading, landscaping and other such features required by the*
3 *DMC;*

4 8. The criterion is met. The proposal was evaluated for compliance with all applicable development
5 standards in the 2007 Type II review and found to be compliant. The change in use has not triggered the
6 need for any additional exterior improvements under City standards, so the project site has sufficient
7 space to accommodate the proposed use and all required improvements.

8 **DMC 25.135.030(5):** That the proposed use is consistent with the goals and policies of the DuPont
9 comprehensive plan.

10 9. The proposal is consistent with the Dupont Comprehensive Plan for the reasons identified at
11 Section C of the staff report.

12 **DECISION**

13 As conditioned, the conditional use permit application meets all applicable criteria for the reasons
14 identified in the conclusions of law above and are all approved subject to the following conditions:

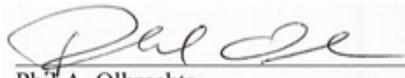
- 15 1. A permit is required for any building or other signage in accordance with the requirements of
16 DMC 25.116.
- 17 2. The use may not be expanded without a modification of the Conditional Use Permit, unless
18 allowed outright by the DuPont Municipal Code.
- 19 3. **Prior to issuance of a Building Permit:**
 - 20 a. The proposed tenant improvements must be designed to meet the requirements of the
21 building construction codes in effect at the time of building permit submittal. The
22 following codes are currently enforced by the City of DuPont: the 2015 International
23 Building Code, the 2015 International Residential Code, the 2015 International Fire
24 Code, the 2015 International Mechanical Code, the 2015 International Fuel Gas Code, the
25 2015 Uniform Plumbing Code, and the 2015 International Energy Conservation Code,
26 (each as amended and adopted by the State of Washington).
 - b. The applicant shall provide a copy of Pierce County Sewer Service Permit for city record.
All sewer connection and permitting requirements must be coordinated with the utility
purveyor. (Please note that Pierce County Sewer Utility requires a pre-treatment review
and approval be completed prior to their issuance of a sewer service connection permit(s).
Each tenant, for multi-tenant buildings, must complete a separate pre-treatment review
and provide copy of sewer service permitting, where applicable, prior to obtaining a
building permit for associated improvements.)
 - c. Fire Suppression and Fire Alarm permits associated with the structure must be obtained
through DuPont Fire Department prior to initiating any such work. All alarm systems

1 will be required to obtain an alarm registration permit with the city, prior to full
2 activation of the alarm system for operation; forms may be obtained at city hall.

3 **4. Prior to Certificate of Occupancy**

- 4 a. A key shall be required for the Knox box.
- 5 b. Fire extinguishers are required to be installed as directed by City of DuPont Fire
6 Department. Prior to installation, the client is directed to request a fire inspection to
7 confirm the locations of the fire extinguishers.
- 8 c. All new building shall have approved emergency responder radio coverage per section
9 510 of the 2015 International Fire Code.
- 10 d. An automatic fire sprinkler system shall be installed. The system shall comply with
11 NFPA 13 Standard for Automatic Fire Sprinkler System. Three (3) sets of plans,
12 hydraulic calculations and material specification sheets for all equipment used in the
13 system shall be submitted by a State of Washington Licensed Contractor for review,
14 approval and permits issued prior to commencing work.
- 15 e. An automatic fire alarm system shall be installed. The system shall comply with NFPA
16 72 Standard for Fire Alarm System. Three (3) sets of plans, material specifications sheet
17 for all equipment used in the system shall be submitted by a State of Washington
18 Licensed Contractor for review, approval and permits issued prior to commencing work.

19 Decision issued March 28, 2018.

20 
21 Phil A. Olbrechts

22 Hearing Examiner

23 **Appeal Right and Valuation Notices**

24 DMC 25.175.010 provides that this decision, as a Type III decision, is final, subject to appeal to Pierce
25 County Superior Court. Appeals are governed by Chapter 36.70C RCW.

26 Affected property owners may request a change in valuation for property tax purposes notwithstanding
any program of revaluation.