



COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

129 North 2nd Street, 2nd Floor Yakima, Washington 98901

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**CITY OF YAKIMA
HEARING EXAMINER
AGENDA**

Thursday October 9, 2014

Yakima City Hall Council Chambers

Beginning at 9:00 a.m.

I. CALL TO ORDER

II. INTRODUCTION

III. PUBLIC HEARINGS

A. BERNICE MONAHAN (07/10/2014)

RZ#004-14

Planner: Robbie Aaron

Address: 118 N 50th Ave

Request: Non-project rezone consisting of one parcel, approximately 2.98 acres, from Multi-Family Residential (R-3) to Professional Business (B-1).

IV. ADJOURNMENT

If you are unable to attend the hearing, you may submit your comments in writing prior to the hearing. You may also submit written testimony at the hearing.

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CITY OF YAKIMA

**FINDINGS OF FACT, CONCLUSIONS AND DECISION
for
REQUEST FOR REZONING**

Application Number: RZ#004-14 & SEPA#022-14

APPLICANT: Bernice Monahan
APPLICANT ADDRESS: 304 S. 49th Ave. Yakima, WA 98908
PROPERTY OWNER: Bernice Monahan
PROJECT LOCATION: 118 N. 50th Ave., Yakima, WA
PARCEL NUMBER: 18132141425
DATE OF REQUEST: July 10, 2014
DATE OF HEARING: October 9, 2014
STAFF CONTACT: Robbie Aaron, Assistant Planner

SUMMARY OF RECOMMENDATION

Staff recommends approval of this rezone application, File No. RZ#004-14.

From the view of the site, the matters contained in the application, Development Services Team comments, and a review of both the Yakima Urban Area Comprehensive Plan and the Yakima Urban Area Zoning Ordinance, staff makes the following:

FINDINGS

APPLICATION

Zoning application which involves: 1) the Rezone of the subject property located at 118 North 50th Avenue from Multi-Family Residential (R-3) to Professional Business District (B-1); 2) Environmental Review of the project in its entirety.

CURRENT ZONING AND LAND USE

The subject property currently consists of one parcel (Parcel #18132141425). The current zoning of this parcel is R-3 Multi-Family Residential.



Adjacent properties have the following characteristics:

<u>Location</u>	<u>Zoning</u>	<u>Existing Land Use</u>
North	B-1	Education & Financial Institution
East	B-1	Professional Offices
South	R-3	Single-Family Residential, Common Wall
West	R-1	Single-Family Residence

BACKGROUND & PROPOSED USE

On July 10, 2014, Bernice Monahan submitted an application for a Rezone of Tax Parcel Number 18132141425 to rezone the identified property from R-3 to B-1. This is a non-project rezone consisting of approximately 2.98 acres.

The applicant currently does not have any development plans for the subject property. The intent of the rezone is to improve the marketability of the site as the applicant believes that it will be better suited as an expansion of the already existing commercial center to the north.

COMPREHENSIVE PLAN COMPLIANCE

The proposed rezone is fully supported by the City of Yakima's 2025 Comprehensive Plan Future Land Use Map (Map III-3) as the subject properties High Density designation and Table III-11 Future Land Use and Current Zoning Comparison supports the proposed rezone from R-3 to B-1 zoning district.

The City of Yakima's Comprehensive Plan 2025 further defines the High Density Future Land Use designation as "Multi-Family residential development which may include apartments, condominiums and townhouses containing 12 or more dwelling units per acre. A limited range of other mixed land uses may be permitted, such as some professional offices and community services."

The Goals and Policies of the 2025 Comprehensive Plan which support this rezone and use include:

Goal 3.6: Provide opportunities for office development to promote economic growth and to meet the need for office space in the Yakima Urban Area.

Policies:

- 3.6.1: Encourage clustering of office development in concentrated areas.
- 3.6.2: Use offices as transitional uses between commercial and residential areas.
- 3.6.3: Promote small-scale office development that will not have significant adverse impacts on adjacent neighborhoods.
- 3.6.4: Encourage placing parking lots behind buildings, or along the side of buildings.

URBAN AREA ZONING ORDINANCE

The City of Yakima Urban Area Zoning Ordinance and map indicates that the subject property is currently zoned R-3, Multi-Family Residential which is intended to:

1. Establish and preserve high-density residential districts by excluding activities not compatible with residential uses;
2. Locate high-density residential development more than twelve dwelling units per net residential acre in areas receiving the full range of urban services;
3. Locate high-density residential development near neighborhood shopping facilities; and

4. Locate high-density residential development so that traffic generated by the development does not pass through lower-density residential areas.

If the proposed rezone is approved the subject property would be changed to the B-1, Professional Business District zoning district which is intended to:

1. Establish and preserve areas for professional offices;
2. Provide a buffer between commercial clusters and residential neighborhoods; and
3. Locate professional offices in areas presently receiving a full range of urban services.

REZONE CRITERIA

Recommendations for approval of rezone applications are governed by seven criteria specified in YMC § 15.23.030.

1. Testimony at public hearing.

Neighboring property owners within 300 feet of the subject property have been mailed a Notice of Application, Environmental Review, and Public Hearing, and have been invited to submit written and oral comments on the proposed application up to and through the public hearing.

Two comments were received prior to the public hearing. The first comment addresses traffic and parking concerns due to the already existing commercial development to the north and east of the subject property (Permann e-mail dated August 13, 2014). The other comment is in regards to future sitescreening in order to create a buffer between potential commercial development and the existing residential districts (Kline e-mail dated August 28, 2014).

Based upon the public comments submitted prior to the public hearing, City staff's recommendation for approval is still warranted. However, after consideration of both the written and oral public comments at the public hearing it may be appropriate for the City of Yakima's Hearing Examiner to modify the staff's recommendation.

2. Suitability of property for proposed use.

The property is relatively flat (not steep), has access and frontage to a public street, short distance from an arterial street (Summitview Avenue) with access to that street entirely through a commercial area with identical zoning to that being proposed and available utilities. Allowed commercial land uses would tend to be similar to, and compatible with, the land uses adjoining the site to the north and northeast.

3. Recommendations from interested agencies.

No agencies are opposed to this rezone.

4. Compliance with the Comprehensive Plan.

B-1 zoning is allowed in areas designated High Density Residential under the comprehensive plan, and the land uses allowed in the B-1 zoning district are generally compatible with land uses in the R-3 zone. Therefore, a Comprehensive Plan Amendment is not required. Adjoining property to the north and northeast is designated Professional Office by the comprehensive plan. This proposed rezone would effectively permit the enlargement of the existing office commercial area.

5. Adequacy of public utilities.

Access to the site is via North 50th Avenue to Summitview Avenue, an arterial street through an existing developed commercial area. There are Nob Hill Water and City of Yakima sewer lines in

50th and Summitview Avenues. There is a stormwater manhole in 50th Avenue indicating drainage facilities in the vicinity, although drainage is often retained on the development site.

Schools, fire and police service is available in the general area. The proposed B-1 zoning is likely to have less need for public schools and other public services than development under the current R-3 zoning.

6. Compatibility of proposed use.

The existing commercial uses to the north, east and northeast are similar to the type of land use likely to occur in this location. Those areas already have identical B-1 zoning. The residential areas to the south and the west adjoin the site on their rear lot lines and generally do not share access with the rezone site. This lack of access from the rear of the property would keep residential and commercial traffic mostly separated on the local access streets, and the site screening and other buffering measures required by the zoning ordinance would also help facilitate compatibility.

7. Public Need/Change in Circumstance

Other than the areas in and around the downtown core, the B-1 zoning district is a relatively small zoning district, located along arterial streets and at major intersections with businesses located to serve the surrounding residential community. Most of these areas west of downtown are built out, with one or two vacant lots. The largest vacant B-1 zoned area in the vicinity of the site is at the corner of 48th Avenue and Nob Hill Boulevard.

Enlarging the already existing B-1 zoned area at the intersection of 50th and Summitview Avenues would provide more opportunities for compatible businesses and employment centers of this type and possibly mixed-use development in this neighborhood.

Other factors that support this application are the close similarity between R-3 and B-1 zoning due to their inherent compatibility with each other and overlapping types of land use. Consequently, this proposal would not represent a substantial change in the type of potential use of this site. Also, the suitability of this site, when compared to other locations, having utilities, improved frontage and access that would direct most traffic to the arterial street system without passing through residential areas.

ZONING ORDINANCE DEVELOPMENT STANDARDS

The zoning ordinance sets forth specific standards for lot size, maximum lot coverage, minimum building setbacks, parking, building height, sight screening, etc. All standards of the zoning ordinance must be met at the time of development.

DEVELOPMENT SERVICES TEAM (DST) REVIEW

The DST meeting for this proposal was held on September 23, 2014, at which time no comments were submitted by the members of the Development Services Team.

STATE ENVIRONMENTAL POLICY ACT

On September 8, 2014, the City of Yakima issued a Determination of Non-Significance (DNS) for Environmental Checklist SEPA#022-14. The 20-day comment period, which precedes the issuance of this DNS, ended August 28, 2014, with no comments received during the 20-day comment period. The 14-day appeal period for this DNS ended on September 22, 2014, with no appeals filed.

PUBLIC NOTICE

Notice for the hearing was provided in accordance with the UAZO requirements in the following manner:

Mailing of notice	August 8, 2014
Posting of property	August 28, 2014
Legal Ad published	August 8, 2014

Two comments were received during the comment period.

ANALYSIS

This rezone of the subject property from R-3 to B-1 meets the seven criteria specified in YMC § 15.23.030 that govern the approval of rezone applications, and is well supported by the Yakima Urban Area Comprehensive Plan future land use map. The subject property has a designation of High-Density Residential, however the properties to the north and east of the subject property are designated Professional Office. This property is also located near all the infrastructure that would be necessary to support future development.

CONCLUSIONS

1. The hearing examiner has jurisdiction to issue a recommendation on this application to the City Council.
2. The proposed use does not conflict with the goals and objectives of The Yakima Urban Area Comprehensive Plan.
3. SEPA review resulted in the issuance of a DNS on September 8, 2014. The appeal period for this determination ended, September 22, 2014.
4. No adverse impacts have been identified from granting this approval.
5. Public Notice for this hearing was provided in accordance with zoning ordinance requirements.
6. This Rezone is compatible with the Future Land Use Map III-3 and Table III-11: Future Land Use and Current Zoning Comparison of the City of Yakima's 2025 Comprehensive Plan; and
7. Approval of this rezone master application will have the following public benefits: increased investment, increased tax base with the future improvement of the property, and increased employment opportunities, as well as, increased aesthetic values and recreational opportunities for the surrounding community.

RECOMMENDATION

The Department of Community Development recommends that this rezoning application be **approved**.

RECCOMENDATION made this 9th day of October, 2014



Robbie Aaron, Assistant Planner for
Community Development Director, Joan Davenport, AICP

Project Vicinity Map

RZ#004-14



Related Projects: SEPA#022-14

Applicant: BERNICE MONAHAN

Location: 118 N 50TH AVE

Tuesday - 07/15/2014 - 03:43:19

Contact City of Yakima Planning Division at 509-575-6183
City of Yakima - Geographic Information Services



Proposal: Non-project rezone consisting of one parcel, approximately 2.98 acres, from Multi-Family Residential (R-3) to Professional Business (B-1).

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Map Disclaimer: Information shown on this map is for planning and illustration purposes only. The City of Yakima assumes no liability for any errors, omissions, or inaccuracies in the information provided or for any action taken, or action not taken by the user in reliance upon any maps or information provided herein.