

**City of Union Gap
Community Development
PUBLIC HEARING
Staff Report
October 23, 2017**

Binding Site Plan Review)	2017.0208.SE0004
)	
<u>Property Owner/Applicant:</u>)	Staff Contact:
Sutherland Business Park LLC/Ron Doyle)	Mike Shuttleworth, YVCOG
)	
)	(509) 575-3638

REQUEST

Approval of a Binding Site Plan accordance with Chapter 16.16 of the Union Gap Municipal Code (UGMC) to divide a total of 7.55 acres into 4 building sites.

The property is located on Lot 1-2 of the City of Union Gap Binding Site Plan recorded under Auditor's file number 7680641, on the southwest corner of the intersection of Market Street and Sutherland Drive within the Regional Commercial District (C-2).

STAFF FINDINGS:

Applicant:	Applicant:	Ron Doyle for the Sutherland Business Park L.L.C., 7912 Scenic Drive Yakima, WA 98908
	Owner:	Same.

Location. The property is located on Lot 1-2 of the City of Union Gap Binding Site Plan recorded under Auditor's file number 7680641, on the southwest corner of the intersection of Market Street and Sutherland Drive, Union Gap, Washington 98903

Parcel Numbers: 191206-24406

Summary of Request: Approval of a Binding Site Plan in accordance with Chapter 16.16 of the Union Gap Municipal Code (UGMC) for the dividing of a 7.55 acre parcel into 4 commercial building sites

ZONING AND LAND USE:

	<u>Zoning</u>	<u>Land Use</u>
Onsite	Regional Commercial (C-2)	Parking lot
North	Regional Commercial (C-2)	Car Wash
Northeast	Wholesale Warehouse (WW)	Retail store
East	Regional Commercial (C-2)	Vacant
Southeast	Regional Commercial (C-2)	Manufacturing Business
South	Wholesale Warehouse (WW)	Manufacturing Business
Southwest	Regional Commercial (C-2)	Vacant
West	Regional Commercial (C-2)	New permit for grocery Store
Northwest	Regional Commercial (C-2)	Retail Business

COMPREHENSIVE PLAN:

Comprehensive Plan: The Union Gap Comprehensive Plan designates the future land use for this area as Commercial and Industrial; which is most suitable for commercial and industrial and is not envisioned as being suitable for residential uses. The following goals, objectives and policies apply to the future land use designation and the proposed project:

Goal LU 4: Support a strong and diverse commercial and industrial base.

- Pol. LU 4.3: Enhance vitality and visual interest of mixed use and commercial areas by providing incentives for the inclusion of open space, water features, public art, planters, arcades, and other public amenities.
- Pol. LU 4.4 Direct industrial land uses toward sites that meet the following criteria:
- Adequate arterial and/or rail transportation service capacity;
 - Close proximity to existing and planned utility systems, in order to optimize the cost of providing essential public services; and
 - Sites large enough to meet parking, landscape, and buffer requirements; and
 - Areas that have adequate expansion space to meet future needs.
- Pol. LU 4.5 Promote designs that achieve an industrial or business park like setting in light industrial and warehouse areas.
- Pol. LU 4.6 Industrial developments shall use landscaping to screen and buffer adjacent uses.
- Pol. LU 4.7 Require landscaping of parking lots to provide visual appeal.
- Pol. LU 4.8 When parking is located in the front yard lot area of retail businesses; there should be at least one pedestrian walkway through the parking area from the sidewalk to the main building entrance.

STATE ENVIRONMENTAL POLICY ACT:

SEPA: The application was reviewed under the Washington State Environmental Policy Act. A Determination of Non-Significance was issued on September 19, 2017. No comments were received on the determination.

UNION GAP DEVELOPMENT CODE:

ZONING: A wide variety of commercial uses are allowed subject to Class-1 review in the C-2 district. The purpose of the district is to provide for larger scale uses that serve the community, region and traveling public. Development must be served by a full range of urban services with access by paved streets with curbs, gutters, and sidewalks. There is no minimum lot size or width in this district. Building setbacks include the following:

Front:	Arterial	5-feet
	Private access easement:	20-feet
Side:	Arterial	5-feet
	Other streets and	
	Property lines.	0
	Residential District:	15-feet
Rear:	Streets and property	
	Lines:	0
	Residential District:	15-feet

The proposed binding site plan allows full compliance with site development standards of the development code. The binding site plan is not located next to a residential zoning district. Further evaluation will be required for individual proposals.

AIRPORT OVERLAY ZONE: The proposed project is located at the East edge of the currently adopted Airport Overlay Zone Traffic Pattern Zone, however it is located outside of all other safety zones for the Yakima Airport.

SUBDIVISION: In accordance with 18.20.030 of the UGMC, Binding Site Plans are reviewed as a Type IV permit application. The application is considered by the Hearing Examiner at an open record hearing. After considering the testimony presented the Hearing Examiner will make a recommendation to the City Council. The City council will consider the Hearing Examiners recommendation at a closed record hearing and make the final decision on the application.

CRITERIA FOR CONSIDERING APPROVAL:

16.20.070 - Public hearing.

- A. The hearing examiner shall consider agency reports, public testimony and all other relevant facts and consider whether the proposed subdivision makes appropriate provisions for the following:

1. Consistency with the comprehensive plan;
 2. Consistency with applicable development regulations;
 3. Availability and adequacy of public facilities identified in the comprehensive plan;
 4. Appropriate density of residential development;
 5. Public health, safety and general welfare;
 6. Drainage ways and facilities;
 7. Streets, alleys and other public ways;
 8. Water supplies, sanitary waste, parks, playgrounds and open spaces;
 9. Planning features to assure safe conditions for students who walk to and from school;
 10. Sites for schools and school grounds; and
 11. Whether the public use and interest will be served by the platting of such subdivision.
- B. If the hearing examiner finds that the proposed subdivision does make such appropriate provisions and that the public use and interest will be served, then the hearing examiner shall recommend approval of the preliminary plat.
- C. If the hearing examiner finds that the proposed subdivision does not make such appropriate provisions, or that the public use and interest will not be served, the hearing examiner shall recommend disapproval of the preliminary plat.
- D. The hearing examiner may recommend the plat be approved, approved with conditions or denied based upon the factors specified in this section, Section 16.20.080 of this chapter, and RCW 58.17.110. Every such recommendation shall be in writing and shall include findings of fact and conclusions to support the recommendation.
- E. Recommended conditions to be fulfilled, if any, after approval of the preliminary plat shall be written on the face of the plat or incorporated in the hearing examiner's written recommendation.

16.20.080 - Disapproval due to flood, inundation or swamp conditions. Pursuant to RCW 58.17.120 as it now exists or is hereafter amended, the hearing examiner shall consider the physical characteristics of a proposed subdivision site and may recommend disapproval of a proposed plat because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval and such improvements shall be noted in the final plat or in the hearing examiner's recommendation.

ENVIRONMENTAL REVIEW (SEPA):

This action was reviewed in accordance with State Environmental Policy Act, (SEPA) and a Determination of Non-Significance was issued on September 19, 2017.

NOTICE:

Public notification was provided in the following manner:

Notice of Application	08/31/2017
Legal ad in Herald Republic	
Mailing Notice to owners within 300'	08/31/2017

PUBLIC COMMENT:

The City did not receive any public comments prior to the close of the comment period.

ANALYSIS:

1. The application is consistent with the goals and policies of the 2017 Union Gap Comprehensive Plan. While the plan does not discuss the dividing of commercial property it does support a strong and diverse commercial base.
2. The site is in a Regional Commercial Zoning District (C-2). That district does not have a minimum lot size. The lots are large enough to have area for the required setbacks for the C-2 zoning district.
3. The proposed lots will face onto an improved city street with each lot having at least 126 feet of street frontage. Utilities are adjacent to the property and can be extended into the property.
4. This proposal does not include residential development.
5. The proposed use of the property for commercial development would be consistent with the development in the surrounding area. The proposed division should consistent with public health, safety and general welfare of the surrounding area.
6. The existing streets adjacent to the property contains drainage facilities. When development occurs on the proposed sites, the developers will be required to meet the storm drainage requirements of the City.
7. The proposed sites will have frontage on existing public street and should not require the construction of additional public streets.
8. Facilities for public water and sewer service are present in the existing street right of ways.
9. The City of Union Gap does not have a requirement for the proposed development to provide parks or playgrounds.
10. The existing streets adjacent the proposed development does not have sidewalks along them. This commercial area does not have residential structures in the area.
11. The proposal is not to create residential units and will not create a need for additional schools. The developments will provide additional funding for the school system through tax revenues generated by the development.
12. The proposed development of the building site created through this process will provide the public with additional commercial services, which will provide for public use and interest.
13. The site of the proposed binding site plan is not located within a 100 year flood plain or within a floodway.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction.
2. The project was reviewed under SEPA .
3. The proposed binding site plan as conditioned is consist with the comprehensive plan.
4. The proposed binding site plan as conditioned is consistent with applicable development regulations including the development code, subdivision ordinance applicable building and fire codes and utility development standards.
5. Adequate public facilities are available to serve the proposed binding site plan and maintain levels of service as identified in the Comprehensive Plan.
6. The public health, safety and general welfare will be served by the proposed binding site plan as conditioned;
7. Provisions for drainage ways and facilities as proposed and conditioned are adequate;
8. The proposed binding site plan as conditioned makes adequate provisions for streets, alleys and other public ways; Water supplies, sanitary waste, parks,
9. Playgrounds and open spaces are not provided by this development;
10. The proposed binding site plan does not need to provide adequate features to assure safe conditions for students who walk to and from school;
11. The proposed binding site plan as conditioned provides for adequate features to assure the public use and interest will be served by the proposed binding site plan as conditioned.

RECOMMENDATION:

Approval subject to the following conditions:

1. Contractors doing clearing, grading, paving, construction or landscaping work must file a dust control plan with Yakima Regional Clean Air Agency (YRCAA). The proponent shall provide the City of Union Gap a copy of all permits issued prior to issuance of any building permits.
2. The proposed project shall conform to all applicable development standards including, but not limited to: required parking, landscaping of parking lots, structure setbacks, and building height. This project requires plan review, permits and inspections prior to occupancy. (2015 International Building Code, Section 105)
3. The developer must secure a construction stormwater permit from the state of Washington Department of Ecology prior to undertaking any construction activity. All stormwater facilities must meet design standards of the Eastern Washington Stormwater Design Manual as published by the State of Washington Department of Ecology.