



Agenda

HEARING EXAMINER MEETING

City Hall - 505 Swift Boulevard - Council Chamber

THURSDAY, January 22, 2015

6:00 p.m.

HEARING EXAMINER: Gary McLean

Hearing 6:00 p.m.

Explanation of Public Hearing Procedures

New Business – Public Hearings

- 1. APPLICANT: GAUNT NW, LLC (Z2014-109)**
**Request: REQUEST TO CHANGE ZONING ON .55 ACRES FROM C-2 RETAIL
BUSINESS TO C-3 GENERAL BUSINESS**
Location: 1788 & 1790 FOWLER STREET

Adjournment of Hearing

Next Hearing Examiner Meeting: Thursday, February 26, 2015

THIS MEETING IS BROADCAST LIVE ON CITYVIEW CHANNEL 192 AND ON WWW.CLRICHLAND.WA.US/CITYVIEW

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**CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION
STAFF REPORT TO THE HEARING EXAMINER**

GENERAL INFORMATION:

PROPOSAL NAME: Chep Gauntt Rezone

LOCATION: 1788 & 1790 Fowler Street

APPLICANT: Chep Gauntt/Gaunnt NW, LLC

FILE NO.: Z2014-109

DESCRIPTION: Request to change zoning on .55 acres from C-2 Retail Business to C-3 General Business

PROJECT TYPE: Type 3 Site-specific rezone

HEARING DATE: January 22, 2015

REPORT BY: Rick Simon, Development Services Manager

RECOMMENDED ACTION: Approval subject to property use and development agreement



Figure 1 - Vicinity Map

(site outlined in red)

DESCRIPTION OF PROPOSAL

The applicant, Gauntt NW, LLC, owner of the subject property, has filed a rezone request to change the zoning on a .55 acre site from C-2 Retail Business to C-3 General Commercial. The reason for filing this request is to allow for a particular property use on the site that requires C-3 zoning: a building that would be divided into office and warehouse space. The intended use is for contracting businesses that require both a small office space and warehouse space to store equipment and/or for the assembly of products. The application and a general site plan demonstrating his intended use of the property is attached (See Exhibit 1).

The existing C-2 Retail Business zoning allows for a wide range of indoor retail uses, but does not provide for warehousing or for light industrial uses; which are two uses that are both provided for in the C-3 General Business zone and necessary for the applicant to implement his plan for the property. (Refer to RMC Section 22.18.020 in Exhibit 2).

SITE DESCRIPTION & ADJACENT LAND USES

The site is undeveloped and consists of two parcels: 8,892 square feet and 15,561 square feet, totaling .55 acres. The property is generally level and is bordered by Fowler Street on the eastern and southern boundaries of the site. Fowler is classified as an arterial collector street under the City's transportation plan.

The site is situated in an area of mixed uses. The property immediately adjacent to the site to the east is developed with an office complex. The adjacent property to the northeast consists of an apartment complex. Property to the northwest is undeveloped. The adjacent parcel to the west contains an office building. Property to the south across Fowler Street has been developed with an automobile sales business. An aerial photo of the site in Figure 1 above and ground level Google Street View photos are provided in Exhibit 3.

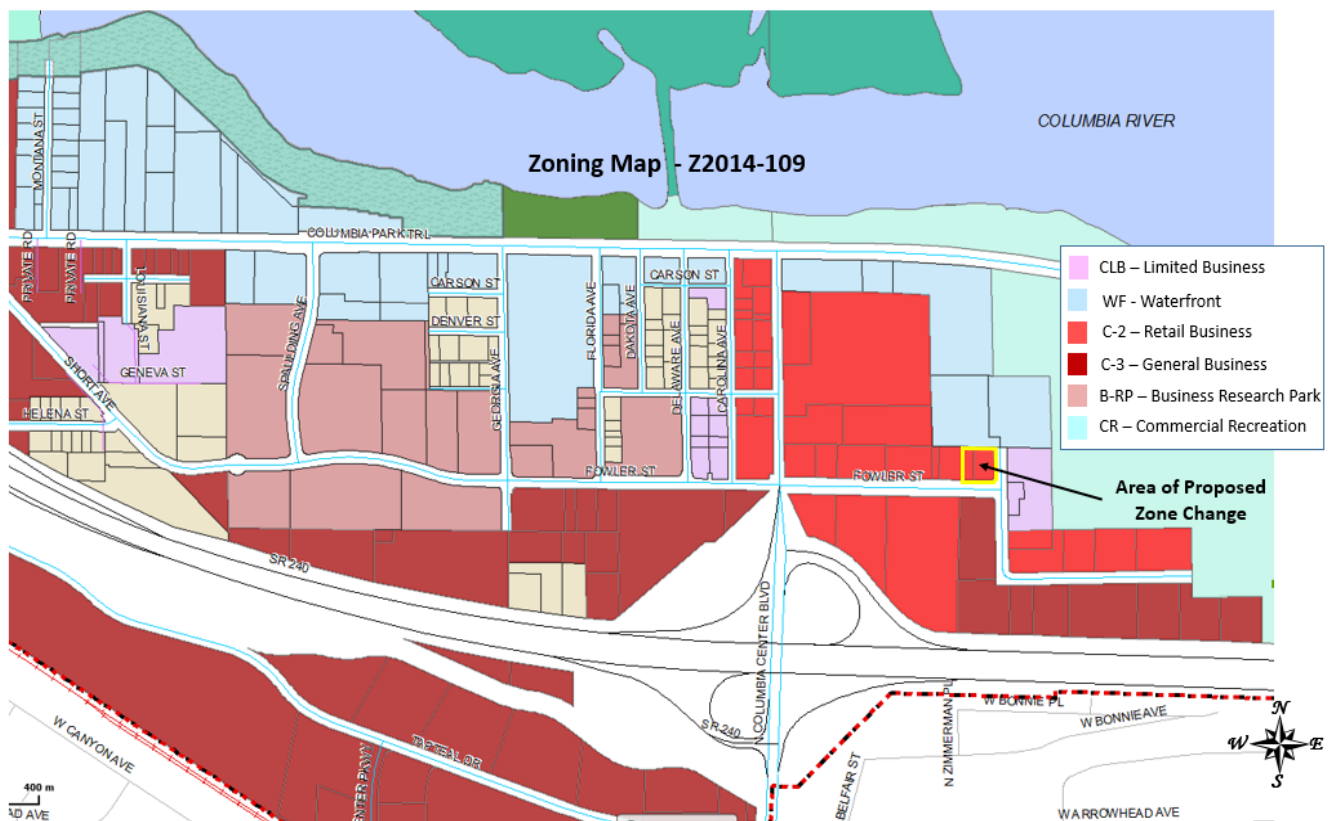


Figure 2 – Zoning Map

EXISTING ZONING

Properties in the vicinity of the project site are zoned for a variety of land uses. Lands immediately west and southwest of the site are zoned C-2 Retail Business. Property directly south of the site is zoned C-3 General Business, while property to the east is zoned C-LB – Limited Business and property immediately north of the site is zoned WF – Waterfront.

The stated purposes of the C-2 and C-3 zones (as set forth in RMC 23.22.010) are as follows:

The retail business use district (C-2) is a business zone classification providing for a wide range of retail business uses and services compatible to the core of the city and providing a focal point for the commerce of the city. All activities shall be conducted within an enclosed building except that off-street loading, parking, and servicing of automobiles may be in the open and except that outdoor storage may be permitted when conducted in conjunction with the principal operation which is in an enclosed adjoining building. This zoning classification is intended to be applied to some portions of the city that are designated commercial under the city of Richland comprehensive plan.

The general business use district (C-3) is a zone classification providing a use district for commercial establishments which require a retail contact with the public together with incidental shop work, storage and warehousing, or light manufacturing and extensive outdoor storage and display, and those retail businesses satisfying the essential permitted use criteria of the C-2 use district. This zoning classification is intended to be applied to some portions of the city that are designated commercial under the city of Richland comprehensive plan.

There are no differences in the dimensional requirements associated with the existing and proposed zone, as shown in the following table:

Zoning	Existing C-2	Proposed C-3
STANDARD	REQUIRED/ALLOWED	REQUIRED/ALLOWED
Min. Lot Area	None	None
Max. Lot Coverage	None	None
Building Setbacks		
Front	0 ft.	0 ft.
Side(s)	0 ft.	0 ft.
Rear	0 ft.	0 ft.

	0 ft.	0 ft.
Building Height	80 ft.	80 ft.

Table 1 – Comparison of C-2 & C-3 Dimensional Standards

PUBLIC NOTICE

Application Date:	November 25, 2014
Notice of Application Mailed:	December 19, 2014
Notice of Application Published:	December 21, 2014
Notice of Application Posted:	December 19, 2014
Notice of Hearing Mailed:	January 9, 2015
Notice of Hearing Published:	January 10, 2015
Notice of Hearing Posted:	January 9, 2015
Public Hearing:	January 22, 2015

Notice of application and notice of hearing was provided through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the *Tri-City Herald* newspaper. Copies of the notices and affidavits are included in Exhibit 4. As of the date of this report, no comments were received from the public.

UTILITY AVAILABILITY

Sewer service lines have been extended to both parcels included in the rezone application from an 8 inch sewer main located in the Fowler Street right-of-way. An 8 inch water main also serves the site and a fire hydrant is located at the southeast corner of the property. Storm drainage lines and electrical service lines are also present in the immediate vicinity. No utility capacity issues are present in the area.

TRANSPORTATION

Fowler Street is classified as an arterial collector street in the City's Transportation Plan. The street has existing capacity to support additional commercial development. Specific design and assessment of transportation related improvements, if any are required, will be determined when specific development plans are submitted to the City.

SEPA

No environmental review was conducted as part of this rezone application, based on the categorical exemption in WAC 197-11-800(6) (c) which provides for exemptions under the following circumstances:

Where an exempt project requires a rezone, the rezone is exempt only if:

- (i) The project is in an urban growth area in a city or county planning under RCW 36.70A.040;*
- (ii) The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and*
- (iii) The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this chapter prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.*

In this case, the proposed project is located with the City and within Richland's urban growth area; the proposed action is consistent with the City's comprehensive plan; and the City's comprehensive plan was analyzed through the preparation of an environmental impact statement at the time of the plan's initial adoption in 1997.

COMPREHENSIVE PLAN

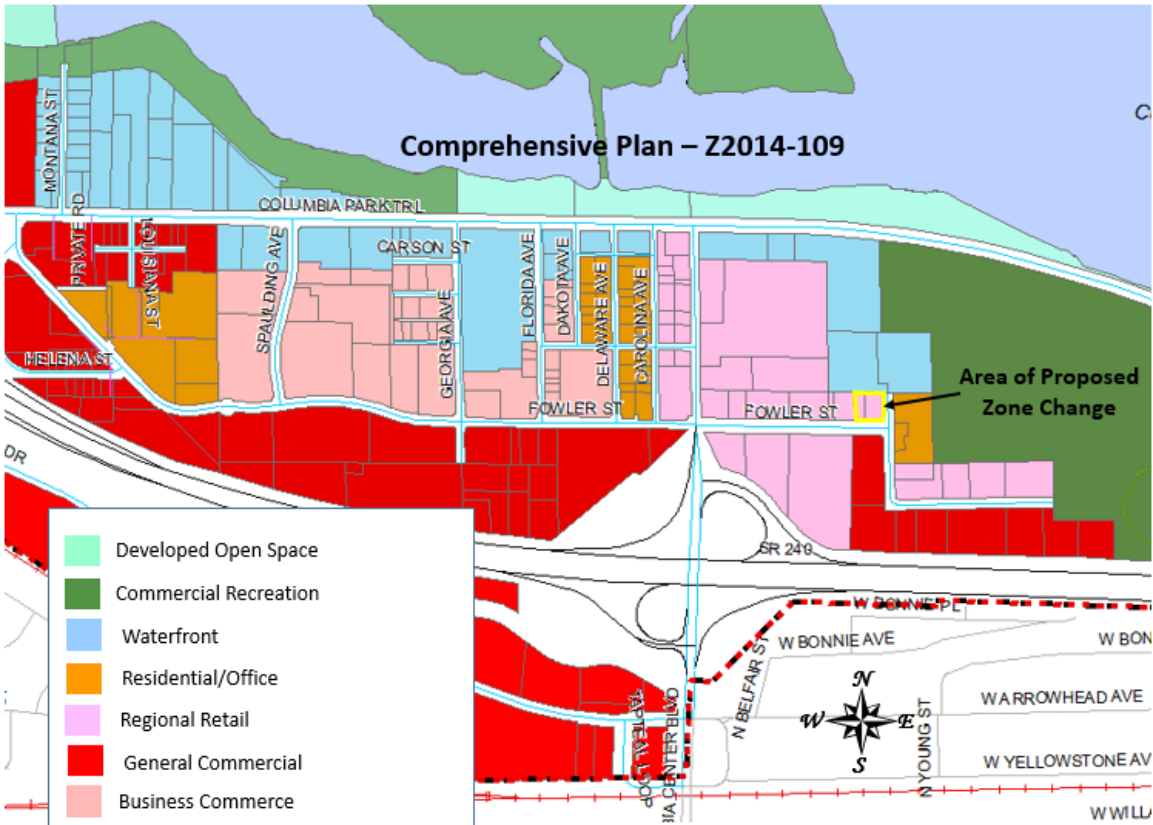


Figure 3 – Comprehensive Plan Map

The comprehensive plan for the Island View area includes the following specific land use designations:

Island View General Commercial: This designation is applied to lands in the southernmost portions of Island View that are adjacent to and visible from SR 240. Within this category, new and used auto sales, RV, truck dealers and similar retail uses are encouraged. Service related businesses that require a central location within the Tri-Cities are also included in this designation.

Island View Retail Business: This designation is applied to the existing retail area that is commonly known as Columbia Center North, as well as other nearby locations on Columbia Center Boulevard and Fowler Street. Within this designation infill development is encouraged. Large format region-serving retail establishments are also encouraged on parcels large enough to support such uses.

The project site is located within the Island View Retail Business area, immediately adjacent to the Island View General Commercial designated area. (Refer to Figure 3).

The comprehensive plan contains the following goal and policy statements relating to commercial development:

LU Goal 3:

The City will promote commercial growth and revitalization that serves residents and strengthens and expands the tax base.

Policy 1 – The City will accommodate all types of commercial land uses including retail and wholesale sales and services and professional services.

Policy 2 – The City will create new land use and zoning designations to facilitate both new development and redevelopment where required to implement City's goals.

Policy 3 – The City will work to develop an attractive Central Business District and to revitalize declining commercial areas.

Policy 4 – The City will endeavor to locate neighborhood oriented commercial land uses in Neighborhood Activity Centers.

ANALYSIS

The subject site is located in area where there is a mix of land uses, with the comprehensive plan contemplating several differing uses within the immediate area. The plan indicates that general commercial areas should be visible from

SR 240 and that amongst other uses, should be developed with service related businesses that require a central location within the Tri-Cities. The site is marginally visible from SR 240 (refer to the site photos in Exhibit 3). The site is two blocks from the freeway entrance onto SR 240 and as such is located very centrally within the Tri-Cities region and would be a prime location for service businesses.

The comprehensive plan states that within the Island View Retail Business designation, infill development is encouraged, as well as large format region serving retail establishments. Given the small size of the parcel, at .55 acres, large format retail establishments are not possible on-site, even if the site were combined with the adjacent C-2 zoned properties. However, the site is available for infill commercial development.

Given the intent of the comprehensive plan in reserving this area for commercial uses, the limited opportunity for large format retail establishments on site; the boundaries of several differing zoning designations that all meet together at this immediate location; and the site's general conformance to the plan's criteria for applying general commercial uses; the rezoning of this property to C-3 would be consistent with the comprehensive plan.

Even so, staff has some concerns with the impact of C-3 zoning on the adjacent properties and so has worked with the applicant to draft a property use and development agreement. The applicant has expressed a willingness to enter into this agreement. The intent is to generally permit the uses that are allowed within the C-3 zone, but to limit specific uses that may be objectionable given the site's proximity to the apartment complex. Uses that would typically generate noise, that typically operate late into the evening and uses that are generally separated from residential uses have been identified as prohibited uses within the agreement.

Additionally, the agreement provides for some basic building and site design standards that are intended to ensure that the future building constructed on-site would be compatible with the adjacent properties. Some basic façade treatment and screening would be required and outdoor storage uses prohibited on-site. A copy of the agreement is attached (See Exhibit 5).

FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for a change in zoning (Z2014-109) and recommends approval of the request subject to a property use and development agreement based on the following:

1. The City of Richland Comprehensive Plan designates the subject site as suitable for Island View Regional Retail land uses;

2. The site is visible from SR 240 and is located two blocks from the SR 240 interchange, making it a easily accessed central location within the Tri-Cities region;
3. The size of the site does not lend itself to large format retail establishments;
4. Commercial development of the site, with C-3 uses is consistent with the intent of the comprehensive plan;
5. The mix of land use designations immediately adjacent to the subject site includes general commercial, regional retail, residential/office and waterfront. The differing land uses that abut each other in this location create a potential for land use conflicts;
6. The property use and development agreement that the City proposes to enter into with the applicant would help to eliminate potential land use conflicts and is necessary and desirable to ensure that the future development of the subject site is compatible with adjacent residential, office and commercial uses.
7. The project is exempt from the provisions of the State Environmental Policy Act, as identified in WAC 197-11-800(6) (c).
8. Based on the above findings and conclusions, approval of the zone change request would be in the best interest of the community of Richland.

EXHIBIT LIST

1. Application Form & Site Plan
2. Commercial Zoning – Chapter 18.22 of the Richland Municipal Code
3. Site Photos
4. Public Notices
5. Property Use and Development Agreement

EXHIBIT (1)

Planning & Development Services Division • Current Planning Section

840 Northgate Drive • Richland, WA 99352

General Information: 509/942-7794 • Fax: 509/942-7764



PERMIT AND INSPECTIONS
CITY OF RICHLAND

22014-109

Petition for Change of Zoning District Classification

Application is hereby made to the City of Richland for a change of zone, pursuant to Section 23.82.190 of the City of Richland Municipal Code.

The following required information must be typed or printed legibly in the appropriate spaces.

SECTION I – APPLICANT INFORMATION			
Applicant's Name: <u>Chep Gauntt / Gauntt NW, LLC</u>			
Address: <u>3025 Rickenbacker Dr</u>			
City: <u>Pasco</u>	State: <u>WA</u>	Zip: <u>99301</u>	
Phone: <u>509-521-4245</u>	Fax:	Other and/or e-mail address: <u>gaunttfarm@charter.net</u>	
Please check under what capacity you are filing:			
☒ Recorded owner of the property as of <u>9/15/2014</u>		☐ Purchasing under contract as of	
☐ The lessee as of		☐ The authorized agent of any of the foregoing, duly authorized in writing (written authorization must be attached to application).	
SECTION II – PROPERTY LOCATION AND GENERAL DESCRIPTION			
Street address(es) of property for which the zone change is requested, if applicable: <u>1788 + 1790 Fowler Street</u>			
<u>Richland WA 99352</u>			
Relationship to adjacent streets (i.e., west of Main Street between 1 st Avenue and 2 nd Avenue): <u>East of Columbia Ctr Blvd.</u>			
<u>Across Fowler from McCurley Honda</u>			
General description of development status (i.e., vacant, agricultural, buildings, or miscellaneous improvement): <u>Vacant</u>			
Size of petition area <u>.56</u> acres and <u>24,492</u> square feet			
SECTION III - CHANGE OF ZONE REQUEST			
A change of zone from <u>C-2</u>		To <u>C-3</u>	
is requested for the property described in Section II of this application.			
SECTION IV – JUSTIFICATION			
State the reason(s) for the requested change of zone: <u>C-3 would support</u>			
<u>building plans for more varied uses -</u>			
<u>office & warehouse opportunities</u>			

Continued

I DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS FORM/APPLICATION IS TRUE, CORRECT AND COMPLETE.

DATED THIS 20th DAY OF November, 2014.

Cheryl Gauntt
Applicant's Signature

3025 Rickenbacker Dr
Address
Pasco WA 99301
City, State, Zip
509-521-4245
Phone

Kay Gauntt
Applicant's Signature

3025 Rickenbacker Dr
Address
Pasco WA 99301
City, State, Zip
509-531-2932
Phone

FOR OFFICE USE ONLY

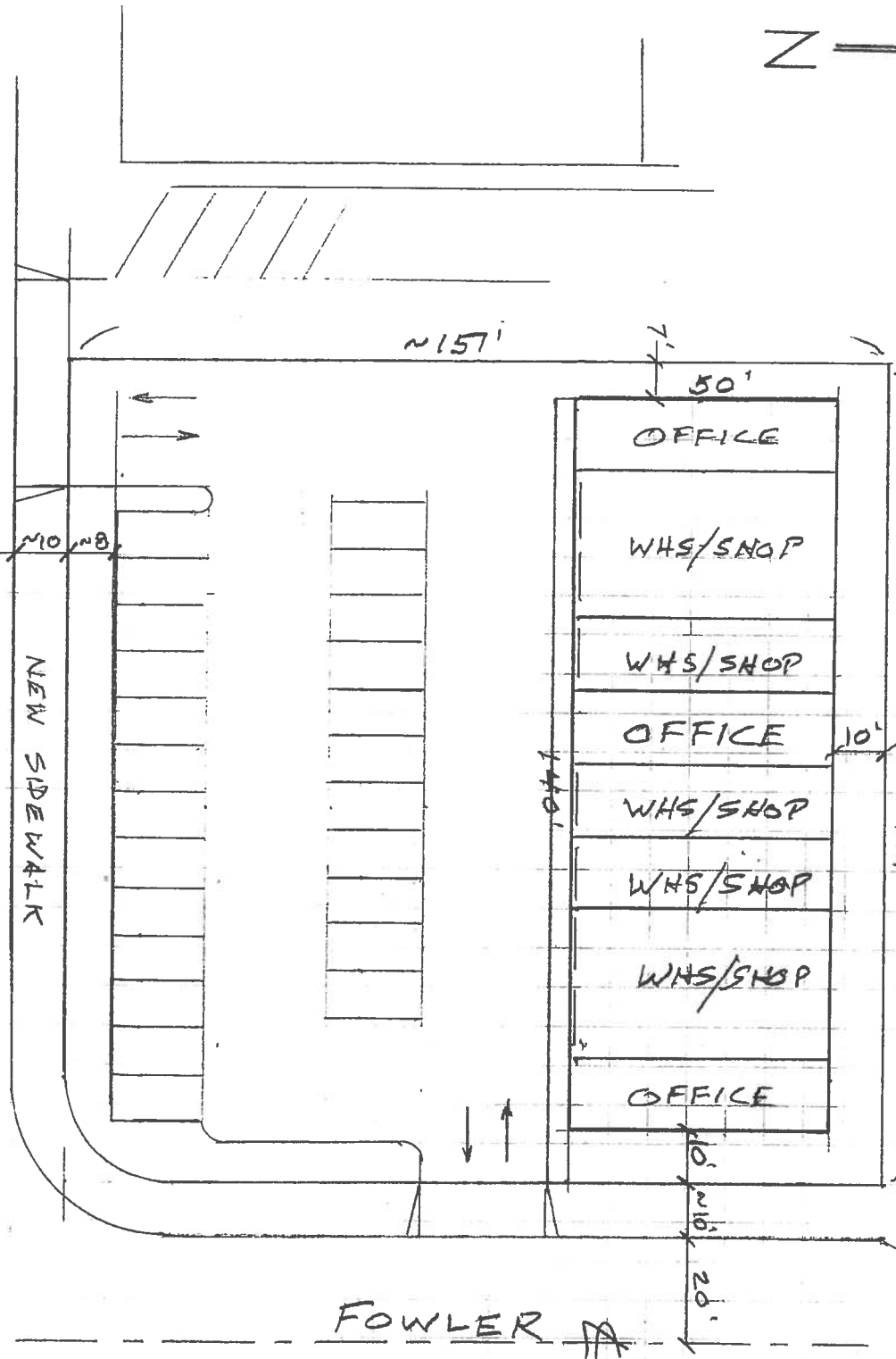
Date accepted for filing _____

Items enclosed: Filing fee and Title Insurance
Company Ownership Report showing all property
Owners of Record within 300-feet.

City Official's Signature



FOWLER BUSINESS CENTER
1788 + 1790 FOWLER
RICHMOND, WA



FOWLER
PRELIMINARY SITE PLAN

EXHIBIT (2)

Chapter 23.22 – Commercial Zoning Districts

Sections:

23.22.010 Purpose of Commercial Use Districts

23.22.020 Performance Standards and Special Requirements

23.22.030 Commercial Use Districts Permitted Land Uses

23.22.040 Site Requirements and Development Standards for Commercial Use Districts

23.22.050 Parking Standards for Commercial Use Districts

23.22.010 Purpose of Commercial Use Districts

- A. The Limited Business Use District (C-LB) is a zone classification designed to provide an area for the location of buildings for professional and business offices, motels, hotels, and their associated accessory uses, and other compatible uses serving as an administrative district for the enhancement of the central business districts, with regulations to afford protection for developments in this and adjacent districts and in certain instances to provide a buffer zone between residential areas and other commercial and industrial districts. This zoning classification is intended to be applied to some portions of the City that are designated either Commercial or High Density Residential under the City of Richland Comprehensive Plan.
- B. The neighborhood retail business use district (C-1) is a limited retail business zone classification for areas which primarily provide retail products and services for the convenience of nearby neighborhoods with minimal impact to the surrounding residential area. This zoning classification is intended to be applied to some portions of the City that are designated Commercial under the City of Richland Comprehensive Plan.
- C. The Retail Business Use District (C-2) is a business zone classification providing for a wide range of retail business uses and services compatible to the core of the City and providing a focal point for the commerce of the City. All activities shall be conducted within an enclosed building except that off-street loading, parking, and servicing of automobiles may be in the open and except that outdoor storage may be permitted when conducted in conjunction with the principal operation which is in an enclosed adjoining building. This zoning classification is intended to be applied to some portions of the City that are designated Commercial under the City of Richland Comprehensive Plan.
- D. The General Business Use District (C-3) is a zone classification providing a use district for commercial establishments which require a retail contact with the public together with incidental shop work, storage and warehousing, or light manufacturing and extensive outdoor storage and display, and those retail businesses satisfying the essential permitted use criteria of the C-2 use district. This zoning classification is intended to be applied to some portions of the City that are designated Commercial under the City of Richland Comprehensive Plan.
- E. The waterfront use district (WF) is a special commercial and residential zoning classification providing for the establishment of such uses as marinas, boat docking facilities, resort motel and hotel facilities, offices, and other similar commercial, apartment, and multi-family uses which are consistent with waterfront oriented development, and which are in conformance with Title 26, Shoreline Management, and with applicable U. S. corps of engineer's requirements. This zoning classification encourages mixed special commercial and high-density residential uses to accommodate a variety of lifestyles and housing opportunities. Any combination of listed uses may be located in one building or one development (i.e. related buildings on the same lot or site). This zoning classification is intended to be applied to those portions of the City that are designated Waterfront under the City of Richland Comprehensive Plan.
- F. The Central Business District (CBD) is a special mixed use zoning classification designed to encourage the transformation of the Central Business District from principally a strip commercial auto-oriented neighborhood to a more compact development pattern. The Central Business District is envisioned to become a center for housing, employment, shopping, recreation, professional service and culture. The uses and development pattern will be integrated and complementary to create a lively and self-supporting district. Medium rise buildings will be anchored by pedestrian oriented storefronts on the ground floor with other uses including housing on upper floors. Projects will be well designed and include quality building materials. Appropriate private development will be encouraged via public investments in the streetscape and through reduction in off-street parking standards. Uses shall generally be conducted completely within an enclosed building, except that outdoor seating for cafes,

restaurants, and similar uses and outdoor product display is encouraged. Buildings shall be oriented to the fronting street or accessway, to promote a sense of enclosure and continuity along the street or accessway. This zoning classification is intended for those portions of the City that are designated as Central Business District, as well as some properties designated as Commercial and Waterfront, under the Richland Comprehensive Plan. The Central Business District zone contains overlay districts titled Medical, Parkway, and Uptown. The overlay districts implement varying site development requirements.

- G. The Commercial Recreation District (CR) is a special commercial district providing for the establishment of such uses as marinas, boat docking facilities, resort motel and hotel facilities, and other commercial uses which are consistent with waterfront oriented development, and which are in conformance with Title 26, Shoreline Management and with the U.S. Corps of Engineers requirements, and providing for regulations to protect the business and residents of the City from objectionable influences, building congestion and lack of light, air and privacy. This zoning classification is intended for those portions of the City that are designated as Waterfront or Commercial under the Richland Comprehensive Plan.
- H. The Commercial Winery Use District (C-W) is a zone classification designed to provide an area for the operation of commercial wineries, including all aspects of the wine making industry, from the raising of crops to the production, storage and bottling of wine and the retail sales of wine and related products. Other uses, which support winery related tourism, such as restaurants, entertainment venues, retail services such as gift shops and bed and breakfast facilities are also permitted, along with other uses that are compatible with wineries. (Ord. 04-09)

23.22.020 Performance Standards and Special Requirements

- A. **Commercial Limited Business:** Residential uses permitted in the C-LB district must comply with the following standards:
 - 1. Minimum Yard Requirements.
 - a) Front Yard. Twenty feet except as provided by Section 23.18.040 (2);
 - b) Side Yards. Each side yard shall provide one foot of side yard for each three foot or portion thereof of building height;
 - c) Rear Yards. Twenty-five feet.
 - 2. Required Court Dimensions. Each court on which windows open from any room other than a kitchen, bathroom or a closet, shall have all horizontal dimensions measured at right angles from the windows to any wall or to any lot line other than a front lot line equal to not less than the height of the building above the floor level of the story containing the room, but no dimension shall be less than twenty feet.
 - 3. Distance Between Buildings. No main building shall be closer to any other main building on the lot than a distance equal to the average of their heights. This provision shall not apply if no portion of either building lies within the space between the prolongation of lines along any two of the opposite walls of the other building, but in any such situation the buildings shall not be closer to each other than a distance of ten feet.
 - 4. Percentage of Lot Coverage. Apartment buildings in a C-LB district shall cover not more than thirty-three percent of the area of the lot.
- B. **Neighborhood Retail Business:** All uses permitted in a C-1 district must comply with the following performance standards:
 - 1. All business, service, repair, processing, or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking, the sale of gasoline, and self-service car washes. Limited outdoor display of merchandise is permitted, provided that such display shall include only those quantities sold in a day's operation.
 - 2. Outdoor storage areas incidental to a permitted use shall be enclosed with not less than a six (6) foot high fence and shall be visually screened from adjoining properties. All storage areas shall comply with building setbacks.
 - 3. Not more than three persons shall be engaged at any one time in fabricating, repairing, cleaning, or other processing of goods other than food preparation in any establishment. All goods produced shall be primarily sold at retail on the premises where produced.
 - 4. Lighting, including permitted illuminated signs, shall be shielded or arranged so as not to reflect or cause glare to extend into any residential districts, or to interfere with the safe operation of motor vehicles.

5. Noise levels resulting from the operation of equipment used in the conduct of business in the C-1 district shall conform to the requirements of Chapter 173-60 of the Washington Administrative Code-Maximum Environmental Noise Levels.
 6. No single retail business, except for a food store, shall operate within a building space that exceeds 15,000 square feet in area, unless approved by the Planning Commission through the issuance of a special use permit upon the finding that the proposed retail business primarily serves and is appropriately located within the surrounding residential neighborhoods.
- C. **General Business:** All permitted commercial business uses may be located in the C-3 district, provided their performance is of such a nature that they do not inflict upon the surrounding residential areas, smoke, dirt, glare, odors, vibration, noise, excessive hazards or water pollution detrimental to the health, welfare or safety of the public occupying or visiting the areas. The maximum permissible limits of these detrimental effects shall be as herein defined and upon exceeding these limits they shall be as herein considered a nuisance, declared in violation of this title and shall be ordered abated.
1. Smokestacks shall not emit a visible smoke except for one ten minute period each day, when a new fire is being started. During this period, the density of the smoke shall not be darker than No. 2 of the Ringlemann Chart as published by the U.S. Bureau of Mines.
 2. No visible or invisible noxious gases, fumes, fly ash, soot or industrial wastes shall be discharged into the atmosphere from any continuous or intermittent operation except such as is common to the normal operations of heating plant or gasoline or diesel engines in cars, trucks or railroad engines.
 3. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare to areas surrounding the C-3 district.
 4. Odors of an intensity greater than that of a faint smell of cinnamon which can be detected by persons traveling the roads bordering the lee side of the C-3 district, when a ten mph wind or less is blowing are prohibited.
 5. Machines or operations which generate air or ground vibration must be baffled or insulated to eliminate any sensation of sound or vibration outside the C-3 district.
- D. **Waterfront:** It is the intent of this section that:
1. Uses should be oriented primarily to the waterfront and secondarily to the public street to facilitate public access to the waterfront; and
 2. Public pedestrian access shall include clearly marked travel pathways from the public street through parking areas to primary building entries. (Ord. 07-06)
- E. **Central Business District:** New Buildings shall conform to the following design standards:
1. The maximum setback area shall only be improved with pedestrian amenities including but not limited to: landscaping, street furniture, sidewalks, plazas, bicycle racks, and public art.
 2. Building façades facing streets shall include:
 - a) Glass fenestration on 50%-80% of the ground floor of the building façade. A window display cabinet, work of art, decorative grille or similar treatment may be used to cover an opening for concealment and to meet this standard on those portions of the ground floor façade where the applicant can demonstrate that the intrusion of natural light is detrimental to the ground floor use. Examples of such uses include, but are not limited to, movie theaters, museums, laboratories, and classrooms.
 - b) At least two of the following architectural elements;
 - (1) awnings;
 - (2) wall plane modulation at a minimum of three feet for every wall more than 50 feet in length;
 - (3) pilasters or columns;
 - (4) bays;
 - (5) balconies or building overhangs; or
 - (6) upper story windows (comprising a minimum of 50% of the façade).
 3. At least one pedestrian, non-service entrance into the building will be provided on each street frontage or provided at the building corner.
 4. Variation of exterior building material between the ground and upper floors of multi-story buildings.
 5. All buildings with a flat roof shall use a modulated height parapet wall for wall lengths greater than 50 feet. The modulation of parapet heights is encouraged to identify building entrances.
 6. All new buildings that utilize parapet walls shall include a projecting cornice detail to create a prominent edge.

7. Public street and sidewalk improvements are required per Richland Municipal Code to implement approved street cross-sections. Curb cuts are encouraged to be located adjacent to property lines and shared with adjacent properties, via joint access agreement.
8. Service bays, loading areas, refuse dumpsters, kitchen waste receptacles, outdoor storage locations, and rooftop mechanical equipment shall be located away from public rights-of-way via site planning and screened from view with landscaping, solid screening, or combination.
9. Alternative Design. In the event that a proposed building and/or site does not meet the literal standards identified in this section, or the maximum setback standards set forth in Section 23.22.040 or the maximum parking standards set forth in Section 23.22.050, a project representative may apply to the Richland Planning Commission for a deviation from these site design standards. The Richland Planning Commission shall consider said deviation and may approve any deviation based on its review and a determination that the application meets the following findings:
 - a) That the proposal would result in a development that offers equivalent or superior site design than conformance with the literal standards contained in this section; and
 - b) The proposal addresses all applicable design standards of this section in a manner which fulfills their basic purpose and intent; and
 - c) The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity. (Ord. 04-09: Ord. 07-10)

23.22.030 Commercial Use Districts Permitted Land Uses

In the following chart, land use classifications are listed on the vertical axis. Zoning districts are listed on the horizontal axis.

- A. If the symbol "P" appears in the box at the intersection of the column and row, the use is permitted, subject to the general requirements and performance standards required in that zoning district.
- B. If the symbol "S" appears in the box at the intersection of the column and row, the use is permitted subject to the Special Use Permit provisions contained in Chapter 23.46 of this title.
- C. If the symbol "A" appears in the box at the intersection of the column and the row, the use is permitted as an accessory use, subject to the general requirements and performance standards required in the zoning district.
- D. If a number appears in the box at the intersection of the column and the row, the use is subject to the general conditions and special provisions indicated in the corresponding note.
- E. If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that zoning district.

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	C-W
Agricultural Uses								
Raising Crops, Trees, Vineyards								P
Automotive, Marine & Heavy Equipment								
Automotive Repair – Major				P				
Automotive Repair – Minor		P	P	P	S			
Automotive Repair – Specialty Shop		S	P	P	S			
Automobile Service Station		P ¹	P ¹	P ¹	S ¹			
Auto Part Sales		P	P	P	S			
Boat Building				P				
Bottling Plants				P				P ²⁹
Car Wash-Automatic or Self Service		P ³	P ³	P ³	S ³			
Equipment Rentals			P	P				
Farm Equipment & Supplies Sales				P				
Gas/Fuel Station	S	P	P	P	P			
Heavy Equipment Sales & Repair				P				
Manufactured Home Sales Lot				P				

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	C-W
Marinas						P	P	
Marine Equipment Rentals				P		P	P	
Marine Gas Sales						A	A	
Marine Repair				P		P	P	
Towing, Vehicle Impound Lots				S ⁴				
Truck Rentals			P	P				
Truck Stop-Diesel Fuel Sales			S	P				
Truck Terminal				P				
Vehicle Leasing/Renting			P ⁵	P	S ⁵			
Vehicle Sales			P ⁵	P	S ⁵			
Warehousing, Wholesale Use				P				
Business and Personal Services								
Animal Shelter				S ⁶				
Automatic Teller Machines	P	P	P	P	P	P		P
Commercial Kennel				P ⁶				
Contractor's Offices		P	P	P	P			
Funeral Establishments			P	P				
General Service Businesses	A	P	P	P	P	P		
Health/Fitness/Facility	A	P	P	P	P	A	P	
Health/Fitness Center			P	P	P		P	
Health Spa		P	P	P	P	P		P
Hospital/Clinic – Large Animal				S ⁶				
Hospital/Clinic – Small Animal			S ⁶	P ⁶	P			
Laundry/Dry Cleaning, Com.				P	P ³⁰			
Laundry/Dry Cleaning, Neighborhood		P	P	P	P			
Laundry/Dry Cleaning, Retail	P	P	P	P	P	P		
Laundry-Self Service		P	P	P	P			
Mini-Warehouse				P ⁷				
Mailing Service	P	P	P	P	P	P		
Personal Loan Business	P	P	P	P	P			
Personal Services Businesses	A	P	P	P	P	P		
Photo Processing, Copying & Printing Services	P	P	P	P	P	P		
Telemarketing Services	P		P	P	P			
Video Rental Store		P	P	P	P	P		P
Food Service								
Cafeterias	A		A	A	A	A	A	
Delicatessen	P	P	P	P	P	P	P	P
Drinking Establishments		P ⁸	P	P	P	P	P	P
Micro-Brewery			P	P	P	P	P	P
Portable Food Vendors ²⁷	A ²⁸	A ²⁸	A ²⁸	A ²⁸	A ²⁸	A ²⁸	A ²⁸	A ²⁹
Restaurants/Drive Through		S ⁹	P ⁹	P ⁹	S ^{9, 10}	S ^{9, 10}		
Restaurants/Lounge		P ⁸	P	P	P	P	P	P
Restaurants/Sit Down	A	P	P	P	P	P	P	P
Restaurants/Take Out		P	P	P	P	P		P
Restaurants with Entertainment/Dancing Facilities		P ⁸	P	P	P	P	P	P
Wineries – Tasting Room		P ⁸	P	P	P	P	P	P
Industrial/Manufacturing Uses								
Laundry and Cleaning Plants				P				P ²⁹
Light Manufacturing Uses				P				P ²⁹
Warehousing and Distribution Facilities				P				P ²⁹

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	C-W
Wholesale Facilities & Operations				P				P ²⁹
Wineries – Production				P				P
Office Uses								
Financial Institutions	P	P/S ²³	P	P	P	P		
Medical, Dental and Other Clinics	P	P	P	P	P	P		
Newspaper Offices & Printing Works			P	P	P			
Office-Consulting Services	P	P	P	P	P	P		P ²⁹
Office – Corporate	P		P	P	P	P		P ²⁹
Office – General	P	P	P	P	P	P		P ²⁹
Office – Research & Development	P		P	P	P			P ²⁹
Radio and Television Studios			P	P	P			
Schools, Commercial	P		P	P	P	P		
Schools, Trade			P	P	P			P ²⁹
Travel Agencies	P	P	P	P	P	P		
Public/Quasi Public Uses								
Churches	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P	P ¹¹		
Clubs or Fraternal Societies	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹		
Cultural Institutions	P ¹¹	P ¹¹	P ¹¹		P ¹¹	P ¹¹		P ¹¹
General Park O & M Activities	P	P	P	P	P	P	P	P
Hospitals	P		P	P	P			
Homeless Shelter				P				
Passive Open Space Use	P	P	P	P	P	P	P	P
Power Transmission & Irrigation Wasteway Easements & Utility Uses	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²
Public Agency Buildings	P	P	P	P	P	P	P	
Public Agency Facilities	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²
Public Campgrounds				S			S	
Public Parks	P	P	P	P	P		P	P
Schools	P ¹³	P ¹³	P ¹³	P ¹³	P ¹³	P ¹³		
Schools, Alternative	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴			
Special Events including concerts, tournaments and competitions, fairs, festivals and similar public gatherings	P	P	P	P	P	P	P	P
Trail Head Facilities	P	P	P	P	P	P	P	P
Trails for Equestrian, Pedestrian, or non-motorized Vehicle Use	P	P	P	P	P	P	P	P
Recreational Uses								
Art Galleries			P	P	P	P	P	P
Arcades		P	P	P	P	P	P	
Boat Mooring Facilities						P	P	
Cinema, Indoor			P	P	P	P	P	
Cinema, Drive-In			P	P				
Commercial Recreation, Indoor		S ⁸	P	P	P	P	P	
Commercial Recreation, Outdoor			P	P		P	P	
House Banked Card Rooms				P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	
Recreational Vehicle Campgrounds				S ¹⁶			S ¹⁶	
Recreational Vehicle Parks				S ¹⁷			S ¹⁷	
Stable, Public				S ¹⁸				
Theater		P ⁸	P	P	P	P	P	P
Residential Uses								
Accessory Dwelling Unit		A	A	A	A	A		A
Apartment, Condominium (3 or more units)	P		P ¹⁹		P	P		

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	C-W
Assisted Living Facility	P		P		P ¹⁹	P		
Bed and Breakfast	P	P	P	P	P	P	P	P
Day Care Center	P ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰		
Dormitories, Fraternities, & Sororities	P				P	P		
Dwelling, One Family Attached						P ²⁶		
Dwelling, Two-Family Detached						P		
Dwelling units for a resident watchman or custodian				A				P ²⁹
Family Day Care Home	P ²⁰					P ²⁰		
Houseboats						P	P	
Hotels or Motels	P		P	P	P	P	P	P
Nursing or Rest Home	P		P		P ¹⁹	P		
Recreational Club	A				A	A		
Senior Housing	P				P ¹⁹	P		
Temporary Residence	P ²¹	P ²¹	P ²¹	P ²¹	P ²¹	P ²¹		P
Retail Uses								
Adult Use Establishments				P ²²				
Apparel & Accessory Stores		P	P	P	P	P		P
Auto Parts Supply Store		P	P	P	P			
Books, Stationary & Art Supply Stores	A	P	P	P	P	P		P
Building, Hardware, Garden Supply Stores		P	P	P	P			
Department Store			P	P	P			
Drug Store/Pharmacy	A	P/S ²³	P	P	P	P		
Electronic Equipment Stores		P	P	P	P	P		
Food Stores		P	P	P	P	P		
Florist		P	P	P	P	P		P
Furniture, Home Furnishings & Appliance Stores		P	P	P	P			
Landscaping Material Sales			A	P				
Lumberyards				P				
Nursery, Plant				P				P
Office Supply Store	A	P	P	P	P	P		
Outdoor Sales				P				
Parking Lot or Structure	P	P	P	P	A	P		P
Pawn Shop				P				
Pet Shop & Pet Supply Stores		P	P	P	P			
Retail Hay, Grain & Feed Stores				P				
Second Hand Store			P	P	P	P		
Specialty Retail Stores		P	P	P	P	P		P
Miscellaneous Uses								
Bus Station				P	P			
Bus Terminal				P	P			
Bus Transfer Station	P		P	P	P		P	
Cemetery	P		P	P				
Community Festivals & Street Fairs	P	P	P	P	P	P	P	P
Convention Center	P		P	P	P	P	P	
Micro and Macro Antennas	P	P	P	P	P	P	P	P
Monopole				S ²⁴				
On-site Hazardous Waste Treatment & Storage	A	A	A	A	A	A	A	A
Outdoor Storage		A ²⁵	A ²⁵	P ²⁵				

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	C-W
Storage in an Enclosed Building	A	A	A	A	A	A	A	A ²⁹

1 Section 23.42.280 2 Section 23.42.290 3 Section 23.42.270 4 Section 23.42.320 5 Section 23.42.330
6 Section 23.42.040 7 Section 23.42.170 8 Section 23.42.053 9 Section 23.42.047 10 Section 23.42.055
11 Section 23.42.050 12 Section 23.42.200 13 Section 23.42.250 14. Section 23.42.260 15 Section 23.42.100
16 Section 23.42.230 17 Section 23.42.220 18 Section 23.42.190 19 Use permitted on upper stories of multi-story buildings, if main floor is used commercial or office uses.
20 Section 23.42.080 21 Section 23.42.110 22 Section 23.42.030 23 Use permitted, requires special use permit with drive-through window.
24 Chapter 23.62 5 Section 23.42.180 26 Section 23.18.025 27 See definition 23.06.780 28 Section 23.42.185
29 Activities permitted only when directly related to and/or conducted in support of winery operations
30 Within the Central Business District (CBD), existing Commercial Laundry/Dry Cleaning uses, established and operating at the time the CBD District was established, are allowed as a permitted use. All use of the land and/or buildings necessary and incidental to that of the Commercial Laundry/Dry Cleaning use, and existing at the effective date of the CBD District, may be continued. Commercial Laundry/Dry Cleaning uses not established and operating at the time the CBD District was established are prohibited.

(Ord. 15-07: Ord. 04-09: Ord. 07-10)

23.22.040 Site Requirements and Development Standards for Commercial Use Districts

In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. The number appearing in the box at the intersection of the column and row represents the dimensional standard that applies to that zoning district.

Standard	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Minimum Lot Area	None	None	None	None	None	None	None	None
Maximum Density – Multi Family Dwellings (units/square feet).	1:1,500	N/A	N/A	N/A	None	1:1,500	N/A	N/A
Minimum Lot Width – One Family Attached Dwellings	N/A	N/A	N/A	N/A	N/A	30	N/A	N/A
Minimum Front Yard Setback ¹⁴	20	45 ¹	0 ²	0 ²	CBD, Parkway, Uptown Districts: 0 min. – 20 max. ^{3, 11, 13} Medical District: 0 min,	Note 4,5	Note 4	20
Minimum Side Yard Setback	0 ⁶	0 ⁷	None	None	0 ^{6,8}	0 ^{5,9}	0	0 ^{6,8}
Minimum Rear Yard Setback	0 ^{6,8}	0 ⁷	None	None	0 ^{6,8}	0 ^{5,8,10}	0	0 ^{6,8}
Maximum Building Height ¹⁴	55 ¹¹	30	80	80	CBD – 110 Medical – 140 Parkway – 50 Uptown - 50	35/ 55 ¹²	35/ 55 ¹²	35
Minimum Dwelling unit size (in square feet, excluding porches, decks, balconies & basements)	500	N/A	N/A	N/A	500	500	N/A	N/A

¹ Each lot shall have a front yard of forty-five (45) feet deep or equal to the front yards of existing buildings in the same C-1 District and within the same block.

² No setback required if street right-of-way is at least eighty feet (80') in width. Otherwise, a minimum setback of forty feet (40') from street centerline is required.

³ Unless a greater setback is required by RMC 12.11 – Intersection Sight Distance.

4 Front and side street. No building shall be closer than forty feet (40') to the centerline of a public right-of-way. The setback area shall incorporate pedestrian amenities such as increased sidewalk width, street furniture, landscaped area, public art features, or similar features.

⁵ In the case of attached one-family dwelling units, setback requirements shall be as established for attached dwelling units in the Medium Density Residential Small Lot (R-2S) zoning district. Refer to Section 23.18.040.

⁶ In any Commercial Limited Business (C-LB), Central Business (CBD) or in any Commercial Winery (C-W) zoning district that directly abuts a single-family zoning district, the following buffer, setback and building height regulations shall apply to all structures:

- A. Within the Commercial Limited Business (C-LB) and the Commercial Winery (CW) districts, buildings shall maintain at least a thirty-five foot (35') setback from any property that is zoned for single-family residential use. Within the Central Business District (CBD) buildings shall maintain at least a thirty-five (35') setback from any property that is zoned for single-family residential use. Single-family residential zones include R-1-12 Single-Family Residential 12,000, R-1-10 – Single-Family Residential 10,000, R-2 – Medium Density Residential, R2-S – Medium Density Residential Small Lot or any residential Planned Unit Development that is comprised of single-family detached dwellings.
- B. Buildings that are within fifty feet of any property that is zoned for single-family residential use in Commercial Limited Business (C-LB) and the Commercial Winery (CW) districts and buildings that are within fifty feet (50') of any property that is zoned for and currently developed with a single-family residential use in the Central Business District (CBD)(as defined in item 1 above) shall not exceed thirty feet (30') in height. Beyond the area 50 feet from any property, that is zoned for single-family residential use, building height may be increased at the rate of one foot in building height for each additional one foot of setback from property that is zoned for single-family residential use to the maximum building height allowed in the C-LB, CW and CBD zoning districts, respectively.
- C. A six (6) foot high fence that provides a visual screen shall be constructed adjacent to any property line that adjoins property that is zoned for single-family residential use, or currently zoned for and developed with a single-family residential use in the CBD district. Additionally, a ten (10) feet landscape strip shall be provided adjacent to the fence. This landscape strip may be used to satisfy the landscaping requirements established for the landscaping of parking facilities as identified in Section 23.54.140.
- D. In the C-LB and C-W districts, a twenty-foot (20') setback shall be provided for any side yard that adjoins a street: and a twenty-five foot (25') setback shall be provided for any side yard that adjoins a residential district.

⁷ Side yard and rear yard setbacks are not required except for lots adjoining a residential development, residential district, or a street. Lots adjoining either a residential development or residential district shall maintain a minimum fifteen (15) setback. Lots adjoining a street shall maintain a minimum twenty (20) foot setback. Required side or rear yards shall be landscaped or covered with a hard surface, or a combination of both. No accessory buildings or structures shall be located in such yards unless otherwise permitted by this title.

⁸ No minimum required, except parking shall be setback a minimum of five (5) feet to accommodate required landscape screening as required under RMC 23.54.140.

⁹ Side yard. No minimum, except parking shall be setback a minimum of five (5) feet, and buildings used exclusively for residences shall maintain at least one (1) foot of side yard for each three (3) feet or portion thereof of building height. Side yards adjoining a residential district shall maintain setbacks equivalent to the adjacent residential district.

10 No minimum, except parking shall be setback a minimum of five (5) feet. Rear yards adjoining a residential district shall maintain setbacks equivalent to the adjacent residential district.

¹¹ Commercial developments such as community shopping centers or retail centers over 40,000 square feet in size and typically focused around a major tenant, such as a supermarket grocery, department store or discount store, and supported with smaller “ancillary” retail shops and services located in multiple building

configurations, are permitted front and street side maximum setback flexibility for the largest building. Maximum setbacks standards on any other new buildings may be adjusted by the Planning Commission as part of the Alternative Design review as set forth in the performance standards and special requirements of Section 23.22.020(E)(9).

¹² All buildings that are located in both the Waterfront (WF) district and that fall within the jurisdictional limits of the Shoreline Management Act shall comply with the height limitations established in the Richland Shoreline Master Program (RMC Title 26). Buildings in the WF district that are not subject to the Richland Shoreline Master Program shall not exceed a height of thirty-five (35) feet; unless the Planning Commission authorizes an increase in building height to a maximum height of fifty-five (55) feet, based upon a review of the structure and a finding that the proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity and that the building is located a sufficient distance from the Columbia River to avoid creating a visual barrier.

¹³ Physical additions to existing nonconforming structures are not subject to the maximum front yard setback requirements.

¹⁴ The Medical, Uptown and Parkway Districts of the CBD zoning district are established as shown by Plates 23.22.040 1, 2 and 3. (Ord. 04-09: Ord. 04-09A: Ord. 07-10)

PLATE NO. 1 - 23.22.040

PLATE 1



CBD - MEDICAL DISTRICT

PLATE NO. 2 - 23.22.040

PLATE 2



CBD - UPTOWN DISTRICT

PLATE NO. 3 - 23.22.040

PLATE 3



CBD - THE PARKWAY DISTRICT

23.22.050 Parking Standards for Commercial Use Districts

- A. Off street parking space shall be provided in all commercial zones in compliance with the requirements of Chapter 23.54 of this title.
- B. Central Business District Off-Street Parking
- C. All uses have a responsibility to provide parking. The parking responsibility for any new use or change in use shall be determined in accordance with the requirements of Section 23.54. The maximum number of parking spaces provided on-site shall not exceed 125% of the minimum required parking as specified in Section 23.54 provided that any number of parking spaces beyond the established maximum may be approved by the Planning Commission subject to RMC 23.22.090(E)(9) (Alternative Design).
 - 1. The off-street parking requirement may be reduced as follows.
 - a) The Planning Commission may reduce the parking responsibility as provided by Sections 23.54.080 Joint Use, and/or;
 - b) Within a 600-foot radius of the property, and within the CBD zoning district, a 25% credit will be provided for each on-street parking space and/or for each off-street parking space located in a city-owned public parking lot. The allowed combined reduction in required off-street parking shall not exceed 50% of the overall off-street parking requirement (including any reductions contained in RMC 23.54.080). Example: one off-street space will be credited if four on-street spaces are located within 600 feet of the property. Parking space dimensions are found in 23.54.120. Only those streets designated for on-street parking shall be considered for the credit. Curb cuts, driveways, hydrant frontages, and similar restricted parking areas shall be excluded from the calculation.
 - 2. Any parking lot that has frontage on a public street or accessway shall be screened with a combination of trees planted at no less than 30 feet on center and shrubs planted to form a uniform hedge within five years. A masonry wall not lower than 18" and not higher than 36" may be substituted for the shrubs. The landscaping and masonry wall, if used, shall be at no greater setback than the maximum setback for a front or street side (23.22.040). Masonry walls are subject to the performance standards found in 23.22.020 A.3.b.ii, and must be granted approval by the Public Works Director for compliance with vision clearance requirements for traffic safety before installation. (Ord. 04-09: Ord. 07-10)

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EXHIBIT (3)



View from intersection of Fowler/Fowler looking Northwest



View from intersection of Fowler/Fowler looking Northeast



View from intersection of Fowler/Fowler looking Southwest



Not to Scale
Source:
Google
Street View

View from intersection of Fowler/Fowler looking Southeast



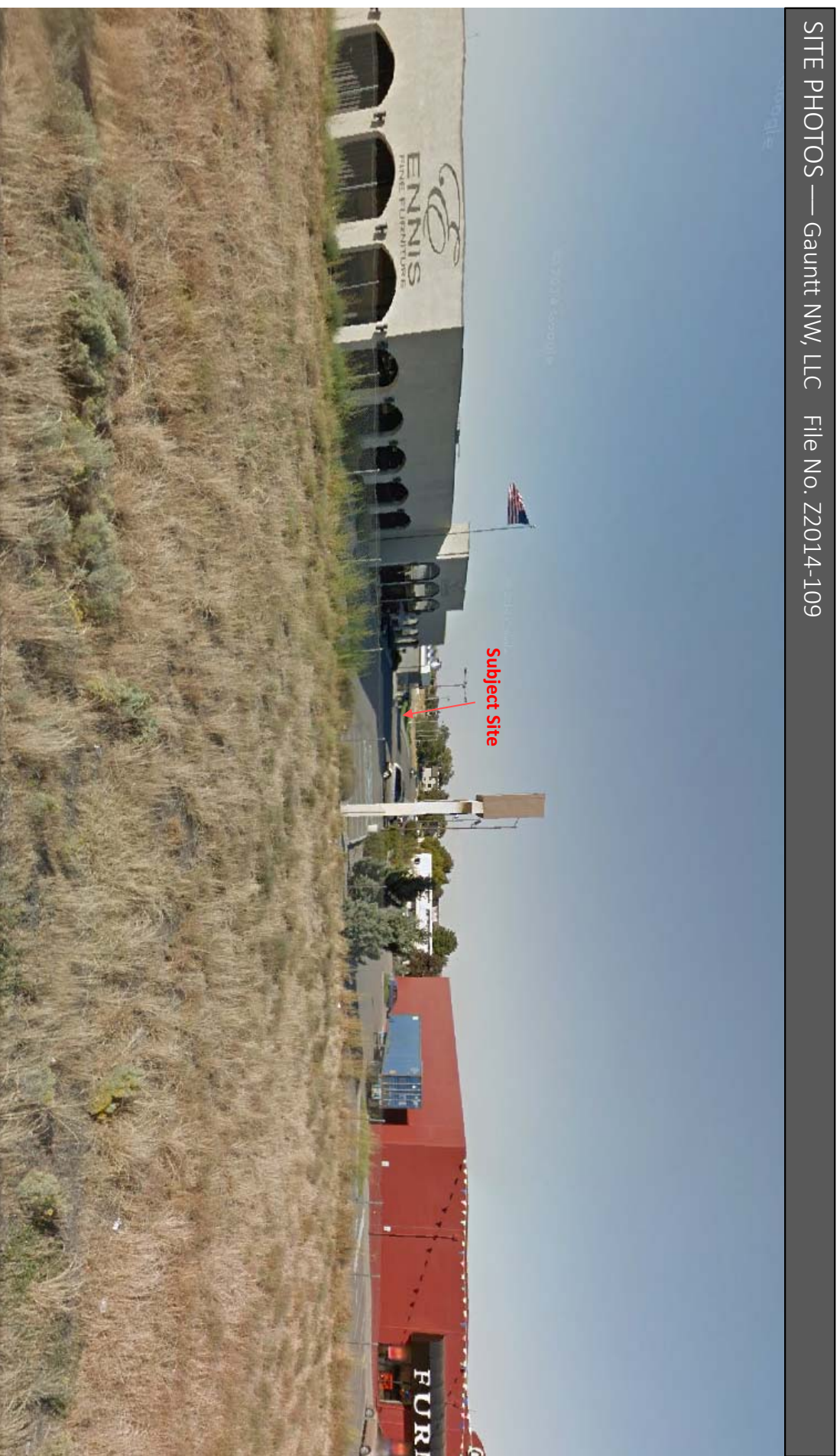
View from Intersection of Fowler/Fowler looking South



View from Southwest of Site looking Northeast



View from Northeast corner of site looking South



View from SR 240 Looking North

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EXHIBIT (4)



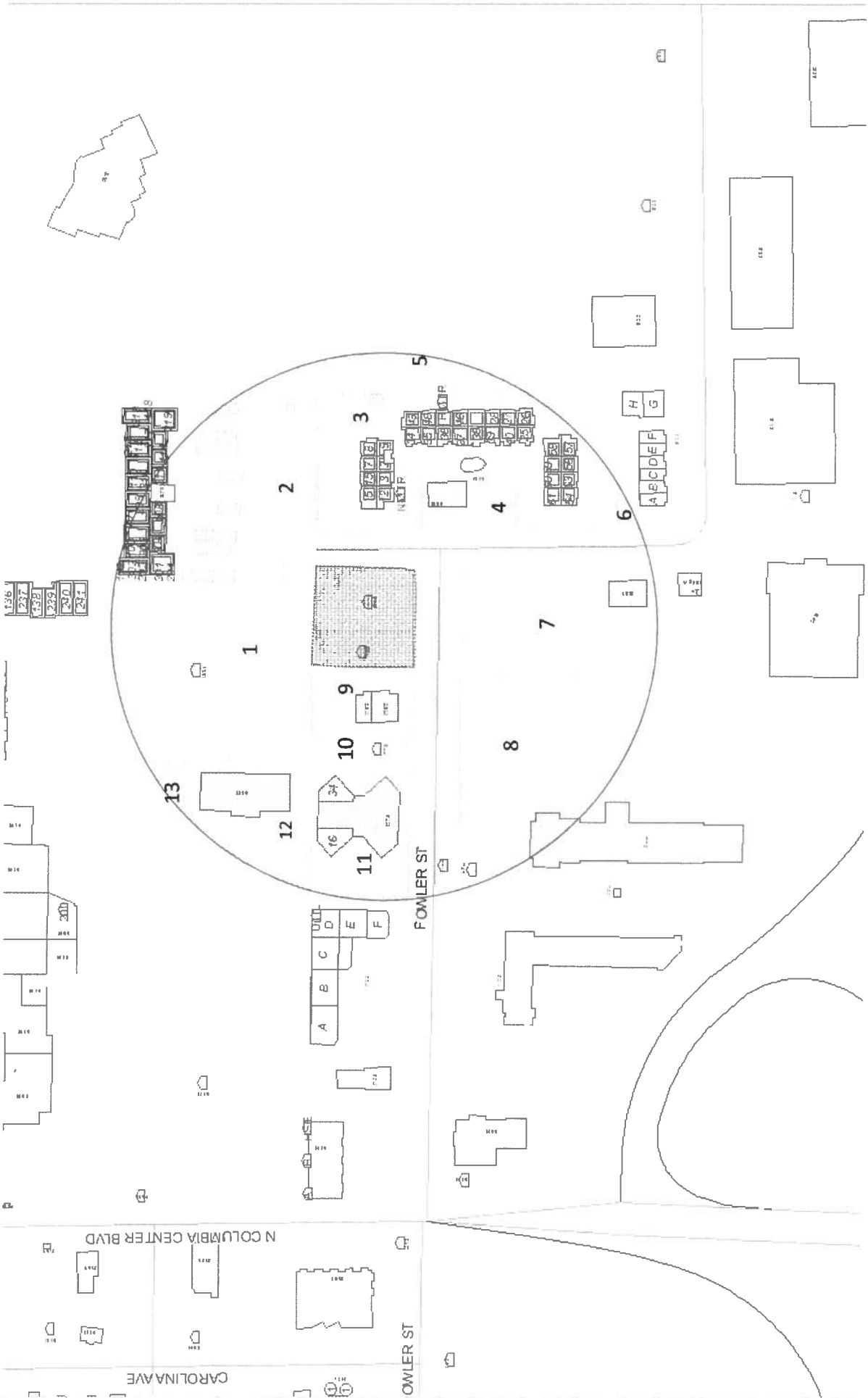
CITY OF RICHLAND
NOTICE OF APPLICATION
(Z2014-109)

Notice is hereby given that Chip Gauntt of Gauntt NW, LLC on November 25, 2014 filed an application to change the zoning on two parcels totaling .54 acres from C-2 Retail Business to C-3 General Business. This property is located at 1788 and 1790 Fowler Street.

Any person desiring to express his views or to be notified of any decisions pertaining to this application should notify Rick Simon, Development Services Manager, 840 Northgate Avenue, P.O. Box 190, Richland, WA 99352 in writing within 15 days of the date of issuance of this Notice of Application which is December 21, 2014. Comments may also be faxed to (509) 942-7764. Written comments should be received no later than 5:00 p.m. on January 6, 2015.

The proposed application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulation Administration and Title 23 Zoning. Appeal procedures of decisions related to the above referenced application are set forth in RMC Chapter 19.70. Contact the Richland Development Services Division at the above referenced address with questions related to the available appeal process.

RICK SIMON,
DEVELOPMENT SERVICES MANAGER



Senior Life Resources Northwest, Inc.
8656 W. Gage Blvd, Suite 301
Kennewick, WA 99336
129992030001004

Gideon & Cheryl Sorokin Trustees
1920 N. Pittsburgh Street Suite A
Kennewick, WA 99336
129992030001010

River Park Apartments, LLC
PO Box 807
Bellevue, WA 98009
129992030001014

Monte & Janet Nail
1880 Fowler Street
Richland, WA 99352
129992030001012

City of Richland Parks Dept.
P.O. Box 190
Richland, WA 99352
129992000001000

Christine L. Ziegler Trustee
P.O. Box 3290
Pasco, WA 99302
129993012829001

McCurley Fowler Property LLC
P.O. Box 2698
Pasco, WA 99301
129993020001001 & 129992030002001

Caspian Holdings LLC
15300 Bothell Way NE
Lake Forest Park, WA 98155
129992030001013

AAA Futures Inc.
1776 Fowler Street, Suite 2
Richland, WA 99352
129992030001007 &
129992020000003

Columbia Center North LLC
P.O. Box 2039
Kirkland, WA 98083
129992000008000 &
129992000006000

Gauntt Farms Inc.
23805 S. Oak Street
Kennewick, WA 99337
129992030001003
129992030001008

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, Penny Howard, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning & Development Department for the City of Richland.
2. On the 19th day of December 2014, I mailed a copy of the attached NOTICE OF APPLICATION, File No. Z2014-109 to the attached list of individuals via U.S. MAIL mail on the date indicated above.

Penny Howard
Print Name: Penny Howard

SIGNED AND SWORN to before me this 19 day of December, 2014 by
PENNY HOWARD.



Dawn M Senger
Notary Public in and for the State of Washington,
residing at Benton County
My appointment expires: 8-15-16

AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF KITSAP)

COMES NOW, **Rick Simon**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning & Development Department for the City of Richland.

2. On the 19th day of December, 2014, I posted the attached NOTICE OF Application, File Number Z 2014-109 on the property at:

1788 / 1790 Fowler Street

PIN # 1-29992030001014



Print Name: Rick Simon

SIGNED AND SWORN to before me this 15th day of January, 2015 by RICK SIMON.



Cynthia Lynn Somers
Notary Public in and for the State of Washington,
residing at Kennewick WA
My appointment expires: 7-10-16
Cynthia Lynn Somers



CITY OF RICHLAND
NOTICE OF APPLICATION
(Z2014-109)

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RICK SIMON,
DEVELOPMENT SERVICES MANAGER

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AFFIDAVIT OF PUBLICATION

**CITY OF RICHLAND
NOTICE OF
APPLICATION
(Z2014-109)**

Notice is hereby given that Rick Simon, Manager of the City of Richland, LC on November 25, 2014 filed an application to change the zoning on two parcels totaling .54 acres from C-2 Retail Business to -3 General Business. This property is located at 1788 and 1790 Fowler Street.

Any person desiring to express his views or to be notified of any decisions pertaining to this application should notify Rick Simon, Development Services Manager, 840 Northgate Avenue, P.O. Box 190 Richland, WA 99352 in writing within 15 days of the date of issuance of this Notice of Application which is December 21, 2014. Comments may also be faxed to (509) 942-7764. Written comments should be received no later than 5:00 PM on January 6, 2015.

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rick.simon, MANAGER
DEVELOPMENT
SERVICES
14-8088 12/21/2014

COUNTY OF BENTON

SS.

STATE OF WASHINGTON

Samantha Wilder, being duly sworn, deposes and says, I am the Legal Clerk of the Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publication hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy of a/an

14-8088 NOA: Z2014-109

as it was printed in the regular and entire issue of the Tri-city Herald and not in a supplement thereof, ran 1 time(s) commencing on 12/21/2014, and ending on 12/21/2014, and that said newspaper was regularly distributed to its subscribers during all of this period.

Samantha Wilder

SUBSCRIBED AND SWORN BEFORE ME

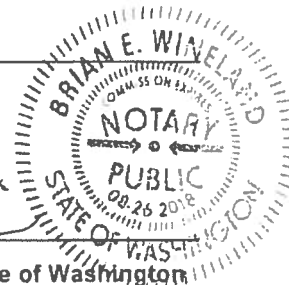
THIS 05 Day Of Jan, 2015

[Signature]

Notary public in and for the State of Washington

residing at Kennewick

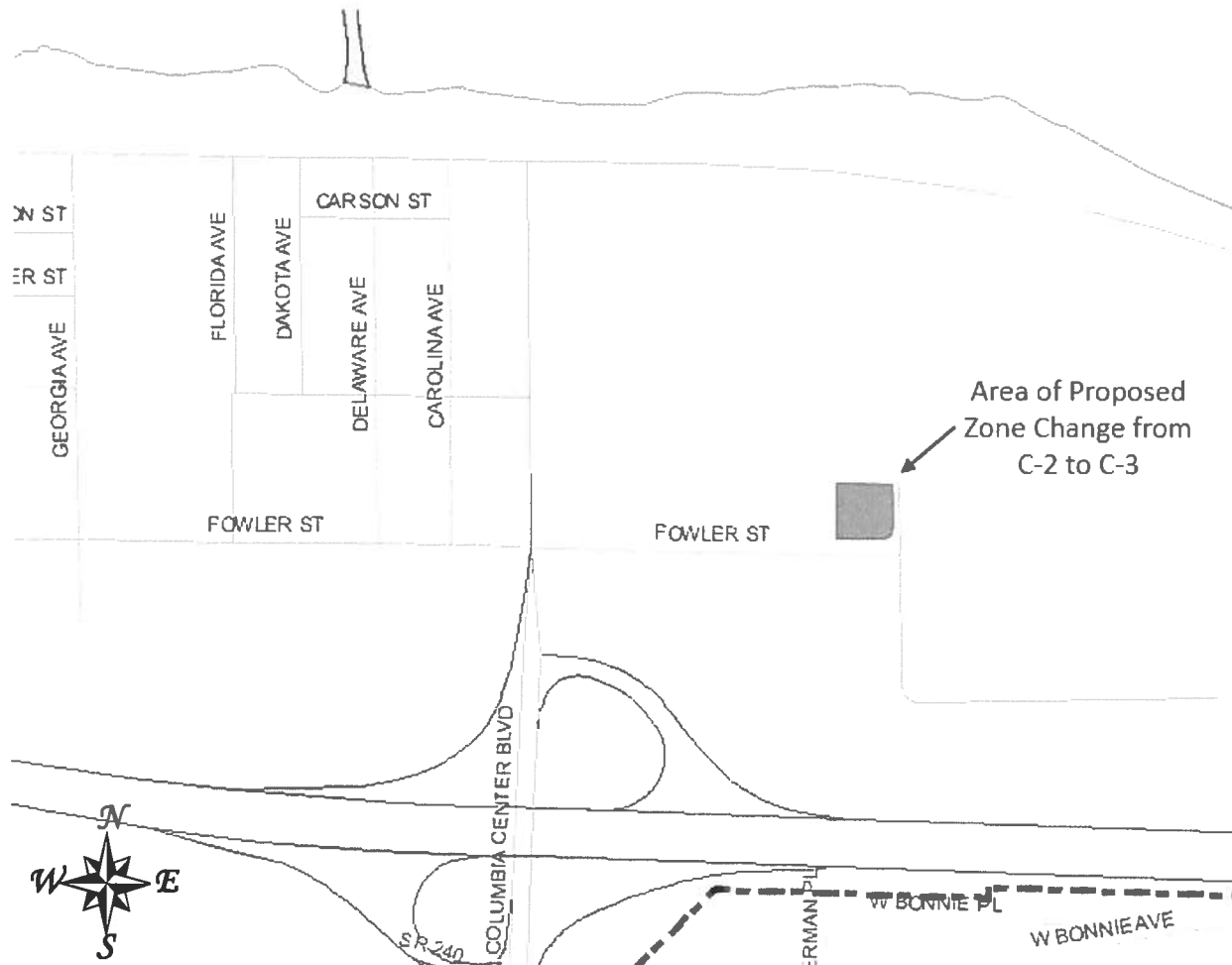
COMMISSION EXPIRES 08/27/2016



City of Richland
Notice of Public Hearing
Z2014-109

Notice is hereby given that the Richland Hearing Examiner will conduct a public hearing on Thursday, January 22, 2015 at 6:00 p.m. in Council Chambers, Richland City Hall, 505 Swift Boulevard, Richland to consider an application filed by Chip Gauntt of Gauntt NW, LLC to change the zoning on two parcels totaling .54 acres from C-2 Retail Business to C-3 General Business. This property is located at 1788 and 1790 Fowler Street.

All interested persons are invited to attend and give testimony at the public hearing.



AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Rick Simon**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning & Development Department for the City of Richland.

2. On the 9 day of January, 2015, I posted the attached NOTICE OF Hearing, File Number Z2014-109 on the property at:

1788/1790 Fowler Street

PIN # 1-29992030001014

[Signature]

Print Name: Rick Simon

SIGNED AND SWORN to before me this 15th day of January, 2015 by RICK SIMON.



Cynthia Lynn Somers
Notary Public in and for the State of Washington,
residing at Kennedick WA
My appointment expires: July 19, 2016
Cynthia Lynn Somers

The Affidavits of mailing and publication for the notice of hearing for File No. 2014-109 will be provided at the hearing.

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EXHIBIT (5)

WHEN RECORDED RETURN TO:

Richland City Clerk's Office
505 Swift Boulevard
Richland, WA 99352

ORDINANCE NO. XX-15

AN ORDINANCE of the City of Richland relating to land use, zoning classifications and districts and amending the Official Zoning Map of the City by amending Sectional Map No. 38 so as to change the zoning on two parcels totaling .56 acres from Retail Business (C-2) to General Business (C-3), contingent upon the recording of a properly executed, delivered and accepted Property Use and Development Agreement. Said properties are located on the portion of Fowler Street east of North Columbia Center Boulevard and specifically the northwest corner of the Fowler Street "T" intersection, addressed at 1788 and 1790 Fowler Street. [Chep Gauntt/Gauntt Northwest, LLC.]

WHEREAS, on January 22, 2015, the Richland Hearing Examiner held a properly advertised public hearing to consider a petition to change the zoning of the property hereafter described; and

WHEREAS, the Richland Hearing Examiner took action at the January 22, 2015, public hearing recommending approval of the requested rezone subject to development of a Property Use and Development Agreement; and

WHEREAS, the Richland City Council has considered the recommendations and all reports submitted to it and all comments and arguments made to it at the public hearing.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1.01 It is hereby found, as an exercise of the City's police power, that the best land use classification for the land described below is General Business (C-3) when consideration is given to the interest of the general public.

Section 1.02 Contingent upon the recording, as in Section 1.04 hereof, and within 90 days of the passage of this ordinance, of a properly executed, delivered and accepted "Property Use and Development Agreement" substantially in the form attached hereto as Exhibit A by the petitioner for rezone of the property, restricting the use and development of such property and in order to provide for General Business (C-3) zoning of the approximate .56 acre site, Benton County Assessor's Parcel numbers, 129992030001008 and 1299920300001003, more particularly described as follows:

THE EAST 56.67 FEET OF LOT 2, AND ALL OF LOT 3, BLOCK 1, PARK SQUARE NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS, PAGE 169, RECORDS OF BENTON COUNTY WASHINGTON.

Such land is rezoned from Retail Business (C-2) to General Business (C-3).

Section 1.03 Title 23 of the City of Richland Municipal Code and the Official Zoning Map of the City as adopted by Section 23.08.040 of said title, are amended by amending Sectional Map No. 38 which is one of a series of maps constituting said Official Zoning Map, as shown on the attached Sectional Map No. 38 and bearing the number and date of passage of this ordinance and by this reference made a part of this ordinance and of the Official Zoning Map of the City.

Section 1.04 Upon receipt of a properly executed "Property Use and Development Agreement," as contemplated in Section 1.02 hereof, the City Manager is authorized to

accept the same for and on behalf of the City, and upon such acceptance is authorized and directed to indicate such acceptance thereon, and, to cause said agreement to be recorded in the records of the Benton County Auditor, and to file said recorded agreement with the City Clerk.

Section 1.05 The City Clerk is directed to file with the Auditor of Benton County, Washington a copy of this ordinance and the attached amended Sectional Map No. 38, duly certified by the Clerk as a true copy.

Section 1.06 This ordinance shall take effect on the day following the date of its publication in the official newspaper of the City.

PASSED by the City Council of the City of Richland on this _____ day of _____, 2015.

DAVID W. ROSE
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

HEATHER KNITZLEY
City Attorney

Date Published: _____

PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 2015,
by and between the CITY OF RICHLAND and GAUNTT NORTHWEST, LLC (Petitioners).

W-I-T-N-E-S-S-E-T-H:

WHEREAS, the City of Richland is currently entertaining an application by Chep Gauntt, DBA Gauntt Northwest, LLC, (hereinafter "Petitioner") for a change of zone covering a .56-acre site located in Benton County, Washington (hereinafter "Property") and more particularly described in Ordinance No. XX-15.

NOW, THEREFORE, it is agreed that if the subject Property is rezoned from C-2 Retail Business to C-3 General Business pursuant to said application, Petitioner for himself and for and on behalf of his heirs, successors and assigns, covenant and agree as follows:

1. Development of the subject property shall be consistent with the C-3 General Business zoning district permitted land uses with the exception of the following uses that shall be unpermitted or require approval of a special use permit:
 - a. PROHIBITED
Adult Use Establishments; Animal Shelter; Bus Station; Bus Terminal; Bus Transfer Station; Cemetery; Cinema Indoor or Drive-In; Homeless Shelter; Drinking Establishments, House Banked Card Rooms; Marine Equipment Rentals; Outside storage of goods and commercial products, construction and building materials, equipment, recreational vehicles, boats and off-road vehicles; Pawn Shop; Public Campgrounds; Recreational Vehicle Campgrounds; Recreational Vehicle Parks; Stable, Public; Truck Stop – Diesel Fuel Sales; Truck Terminal.
2. Site requirements and development standards shall be consistent with the C-3 General Business zoning district requirements and shall include the following site design features:
 - a. The development of the property shall be generally consistent with the attached site plan as far as circulation and the siting of the building;
 - b. No roll up doors shall be permitted on the north wall of the building;

- c. The building may not be of pole type construction;
- d. Screening shall be provided on the north property line and wrap either end of the east and west elevations to the midpoint of the building. Said screening shall consist of a 6 foot tall sight obscuring fence or vegetation that will provide the same level of screening within 2 years of planting;
- e. If the siding of the building is metal, wainscoting shall be required at a height of at least 4 feet on the front or south elevation as well as the east and west elevations to the midpoint of the building. The wainscoting shall contrast the metal siding and be of a different material such a brick, dry stack rock or similar.

This agreement shall be placed of record and the terms and conditions thereof shall be a covenant running with the land and included in each deed and real estate contract executed by Petitioners with respect to the subject Property or any part thereof. The City of Richland shall be deemed a beneficiary of this covenant without regard to whether it owns any land or interest therein in the locality of the subject Property and shall have the right to enforce this covenant in any court of competent jurisdiction.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

CITY OF RICHLAND

Cynthia D. Johnson
City Manager

Chep Gaunt, Gauntt Northwest, LLC
Petitioner

APPROVED AS TO FORM:

Heather Kintzley
City Attorney

STATE OF WASHINGTON)

County of Benton)
:

On this _____ day of _____, 2015 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Cynthia D. Johnson to me known to be the City Manager of City of Richland, the corporation that executed the foregoing instrument, and acknowledged the said Instrument to be the free and voluntary act and deed of the said corporation, for the uses and purposes therein mentioned and on oath stated that he is authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

NOTARY PUBLIC in and for the State of
Washington, residing at: _____
My Commission Expires: _____

STATE OF WASHINGTON)
:
County of Benton)

On this _____ day of _____, 2015, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ on behalf of Gauntt Northwest, LLC, a Washington Limited Liability Company to me known to be the person who executed the foregoing instrument and acknowledged the said instrument to be his free and voluntary act and deed for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

NOTARY PUBLIC in and for the State of
Washington, residing at: _____
My Commission Expires: _____

