

**CITY OF YAKIMA  
REQUEST FOR COMMENTS  
DEVELOPMENT SERVICES TEAM (DST)  
MEETING OF:  
May 2, 2001**

**TO:** City of Yakima Development Services Team  
**FROM:** Kim Szögi, Senior Planner *KSz*  
**DATE:** April 18, 2001  
**SUBJECT:** Master Application for rezone & development of a multi-use community center.

**LOCATION:** 3111 Tieton Drive, Yakima

**PARCEL NUMBER:** 181323-33003

Master Application submitted by Bruce Simpson and Theresa Campbell-Simpson for rezone of one parcel from R-1 to B-1 together with Environmental Review and Class (2) & (3) reviews for multiple uses, including a coffee house, food brokerage, hair salon, esthetician and massage therapy, tutoring, and receptions.

Please review the enclosed information and prepare written comments regarding the proposal for this property. A DST meeting will be held on May 2, 2001 at 9:00 a.m. for general discussion. If you cannot attend this meeting, please submit your comments prior to the DST meeting. **You can e-mail your comments to me at [kszogi@ci.yakima.wa.us](mailto:kszogi@ci.yakima.wa.us)**. Should you have any questions, or require additional information, call me at 575-6164.

**COMMENTS:** *Domestic water serves the property from a 12" water main in S. 32nd Ave. Sanitary sewer serves the property from a 6" sewer main in an easement on the east property line. There is an irrigation main in S. 32nd Ave. Will more water services be added? additional charges will be calculated*

*Bert Tabayoyon*  
Contact

*Utilities*  
Department / Agency

*and determined by the sizes of services to be added.*

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# BT B-6b

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CITY OF YAKIMA  
REQUEST FOR COMMENTS  
DEVELOPMENT SERVICES TEAM (DST)  
MEETING OF:  
May 2, 2001

RECEIVED  
APR 20 2001  
Yakima Regional  
Clean Air Authority

TO: City of Yakima Development Services Team  
FROM: Kim Szögi, Senior Planner  
DATE: April 18, 2001  
SUBJECT: Master Application for rezone & development of a multi-use community center.

RECEIVED

APR 30 2001

CITY OF YAKIMA  
PLANNING DIV.

4/20/01

LOCATION: 3111 Tieton Drive, Yakima

PARCEL NUMBER: 181323-33003

Master Application submitted by Bruce Simpson and Theresa Campbell-Simpson for rezone of one parcel from R-1 to B-1 together with Environmental Review and Class (2) & (3) reviews for multiple uses, including a coffee house, food brokerage, hair salon, esthetician and massage therapy, tutoring, and receptions.

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COMMENTS: This project may require HRCNA permit for demolition & renovation (asbestos). The project will require a plan for effective control of dust from site preparation, demolition construction and landscaping phases. YRCAA recommends all vehicle travel ways to be paved.

Les Ornelas,  
Contact Control officer

Yakima Regional Clean Air  
Department / Agency (YRCAA)

Filed  
Hearing Examiner  
EXH # 4 Date 4/20/01  
File # UAZO RZ#5-01

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# 62 B-6a

City of Yakima, Washington  
Division of Environmental Planning  
PUBLIC HEARING  
Staff Report  
June 14, 2001

Rezone Application by )  
Bruce & Theresa Campbell-Simpson ) UAZO RZ #5-01  
for a rezone of a single 0.68 acre parcel ) EC #11-01  
from R-1, Single-Family Residential to )  
B-1, Professional Business, Master zoning ) Staff Contact:  
Review application & environmental review ) Dan Valoff  
3111 Tieton Drive, Yakima, WA ) Associate Planner  
575-6163

**SUMMARY OF RECOMMENDATION.** Staff recommends approval subject to conditions.

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**

**Applicant.** Bruce & Theresa Campbell-Simpson  
216 South 24<sup>th</sup> Avenue  
Yakima. WA 98902

**Location.** 3111 Tieton Drive

**Parcel Number.** 181324-33003

**Application.** Rezone of a single 0.68-acre parcel from R-1, Single-Family Residential to B-1, Professional Business. Master zoning review application for the Class (3) review for a "Coffee House" and tutoring service. Class (2) review for a one-chair hair salon, massage/esthetician, and private receptions.

**Proposed Zone.** B-1, Professional Business.

**Proposed Use.** A multi-use building with restaurant (coffee house), hair salon, and professional office space, private receptions.



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# H3B-5

**Current zoning and Land Use**

The site is currently zoned R-1, Single-Family Residential. The site currently occupied with a single family residence. Adjoining properties have the following characteristics:

<u>Location</u>	<u>Zoning</u>	<u>Existing Land Use</u>
North	R-1	Single-family residence
East	R-1	Parking lot
West	R-1	Single-family residence
South	R-1	Single-family residence

**Project Description**

The rezone of a single 0.68 acre parcel from R-1, Single-Family Residential to B-1, Professional Business. The rezone is intended to create a neighborhood and "community gathering place" between the Memorial Hospital campus to the east and the surrounding residential neighborhood. The existing residence contains approximately 4,600 square feet of usable floor space. A professional office for a Food Ingredient Brokerage firm will be located on the second floor, a Class (1) use in the B-1 zone.

The main floor of the existing residence will contain a sit down style Coffee House serving coffee, muffins and other prepared foods to be brought in, there will be no cook or chef on the premise. This is a Class (3) use in the B-1 zone.

There will be a part-time, appointment only, hair salon and an Esthetician or Masseuse. This is a Class (2) use in the B-1 zone.

Another part time use will be for a one-on-one tutoring center in a portion of the basement. This is a Class (3) use in the B-1 zone.

The applicant is proposing to offer the home for receptions on an appointment basis. Receptions will be limited to Fridays and Saturdays from 3 p.m. to midnight and on Sundays from noon to 6:00 p.m. Memorial Hospital has offered the shared use of the parking lot to east parking after 5:00 p.m. on weekends and holidays (see attached exhibit). It contains 60 parking stalls.

The site plan indicates that 18 off-street parking spaces will be available for the use of the facility.

**1997 Yakima Urban Area Comprehensive Plan**

The applicant requested a change in the future land use map during the Year 2000 Comp Plan amendment process from Low Density Residential to Professional Office. The Regional Planning Commission, Joint Board, and the Joint City Council and County Commissioner's approved the amendment to High Density Residential.

This rezone is compatible with the following Policies and Objectives of the 1997 Comprehensive:



- The 1997 Yakima Urban Area Comprehensive Plan, Future Land Use Map designates this area as being suitable for high-density residential development. The Future Land Use to Zoning Map Consistency chart provides a guide to the compatibility of land use designations and the zoning districts. The Chart indicates that the High Density Residential designation may be compatible with the B-1 zoning district.
- Objective G1.1: Encourage the physical development of the Yakima Urban Area in a manner that enhances its image as the cultural and business center. (1997 Plan)
- Policy C2.2: Office development should be encouraged to locate within city limits.
- Objective C2.3: Allow and encourage small-scale mixed-use retail/residential/professional development within neighborhoods.

### Yakima Urban Area Zoning Ordinance

Chapter 15.03.030 states that the B-1, Professional Business district is intended to:

- a.) Establish and preserve areas for professional offices; and,
- b.) Provide a buffer between commercial clusters and residential neighborhoods; and,
- c.) Locate professional offices in areas presently receiving a full range of urban services.

Professional offices and, in some areas, a mix of professional offices and multi-family dwellings are the primary uses in the district. Residential densities are generally greater than twelve dwelling units per net residential acre. Building coverage may be as high as eighty percent of the site since sitescreening requirements have been established to soften the visual impact of large buildings and parking lots and minimize potential nuisances from light, noise and glare. Development standards are intended to accommodate a mixture of high-density residential development and office uses.

The Urban Area Zoning Ordinance (UAZO) indicates that the proposed uses of the "Coffee House" and the one-on-one tutoring center are Class (3) land uses within the B-1 zoning district. The accessory use of the parking lot for the reception facility is a Class (3) use in the abutting Memorial Hospital property which is zoned R-1, Single-Family Residential.

The proposed beauty salon/massage/esthetician and the reception hall are a Class (2) use within the B-1 zone. The Class (2) and (3) review process enables the neighborhood an opportunity to review and comment upon the compatibility of the proposed use and that the use does not conflict with nor detract from the primary purposes of the zoning district. The Reviewing Official may approve deny, or impose conditions on the proposed use and site improvements.

Compatibility: "Compatibility" is defined by the ordinance as meaning "...the characteristics of different uses or development that permit them to be located near each other in harmony." (YMC 15.02.020). Based upon the number of comments received not in fa-

vor of this proposal, it appears that the surrounding property owners clearly believes this proposal would be incompatible to the area.

**Site Design and Improvement Standards**

The Yakima Urban Area Zoning Ordinance, Section 15.05.010 establishes basic development requirements as minimum criteria which must be met to assure land use compatibility and promote the public health, safety and general welfare. The following is an overview of the proposal's compliance with the aforementioned development standards:

**Setbacks** - Structure setbacks are required by the UAZO (Table 5-1) and are listed below. As proposed, the existing structure complies with these standards.

**Parking:** Chapter 15.06 (Table 6-1) of the Zoning Ordinance sets forth parking requirements for various land uses. The UAZO requires that multiple use centers (3 or more uses with shared parking) to provide one spaces per 300 square feet of gross floor area. The applicant has provided the following information regarding the floor area break-down according to use.

Professional office space (second floor)	1,362 sq. ft.
Coffee shop (main floor)	1,455 sq. ft.
Hair Salon (one chair)	497 sq. ft.
Massage/Esthetician	253 sq. ft.
Tutoring (basement)	450 sq. ft.
Receptions (basement)	<u>600 sq. ft.</u>
Total	4,619 sq. ft

Divided by 300 square feet of gross floor area, the proposed use will be required to provide 16 paved, off-street parking spaces.

The site plan indicates 18 off-street parking spaces to be provided on the property.

**Access/Traffic circulation:** As shown on the applicant's site plan, customers will be able to access the site from South 32<sup>nd</sup> Avenue and Tieton Drive. Traffic Engineering indicates that the proposed driveways for this development are placed at adequate distance from the signalized intersection of Tieton Drive and 32<sup>nd</sup> Avenue. On-site vehicle circulation appears adequate according to the site plan submitted.

**Signage:** The site plan identifies a 5-foot by 4-foot wood freestanding sign to be located along Tieton Drive. All signs for the proposed business are subject the sign standards for the B-1 zoning district as described in Chapter 15.08 of the zoning ordinance. The property is allowed one freestanding sign per street frontage. Freestanding signs placed 15-feet or less from the right of way cannot exceed 24 square feet in sign area with a maximum height of 10 feet.

**Site-screening:** The Yakima Urban Area Zoning Ordinance at 15.07 establishes site screening standards to provide a visual buffer between uses of different intensity, streets and structures, reduce erosion and storm water runoff, protect property values and eliminate potential land use conflicts by mitigating adverse impacts from dust, odor,

litter, noise, glare, lights, signs, building or parking areas. After review of Table 7-1 of the UAZO, it has been determined that site screening standard "C" will apply. Standard "C" requires a six-foot high, view obscuring fence, made of wood, masonry block or slatted chain link. A three-foot-wide planting strip landscaped with a combination of trees, shrubs and groundcover along the outside of the fence is required when the fence is adjacent to streets, alleys and pedestrian ways. Adequate sitescreening has been provided.

**Public facilities:** Adequate public facilities are available to serve this site.

**Ch. 15.23.030 Rezone criteria**

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

1. Testimony at public hearing.

To be considered by the Hearing Examiner.

2. Suitability of property for proposed use.

The property is a large Tudor style house built around 1930. It is located at the signalized intersection of Tieton Drive and South 32<sup>nd</sup> Avenue, adjacent to Memorial Hospital campus. The rezone to B-1 will allow the property to be preserved in its present form and will serve as a buffer between the neighborhood on the west and Hospital to the east.

3. Recommendations from interested agencies.

All agencies and city departments indicate that public services are available to the site and this rezone would not create any difficulties for infrastructure.

4. Compliance with the Comprehensive Plan.

The Comprehensive Plan's future land use map designates this property as High Density Residential. The Yakima Urban Area Comprehensive Plan sets out certain Goals, Objectives and Policies to help direct growth and change. The proposal is in compliance with the Goals, Objectives and Policies of the Comprehensive Plan.

5. Adequacy of public utilities.

This property is currently served by all necessary public utilities. Street access is from Tieton Drive and South 32<sup>nd</sup> Avenue, both of which are Arterial Street at this location. Transit service is provided along Tieton Drive.

6. Compatibility of proposed use.

The rezone to B-1 and proposed Class (2) and (3) uses will allow the property to be preserved in its present form and will serve as a buffer between the neighborhood on the west and Hospital to the east. Testimony at the hearing should be considered in determining whether this proposal is compatible with the surrounding land uses.

## 7. Public Need

The project as proposed will provide a small-scale mixed-use commercial/professional development within the neighborhood in which it is intended to serve. The community will be strengthened by the preservation and opening the property to the public. The proposed uses will add vitality and become a community asset for the area residents as well as for people outside the area. Preservation and uses such as this make the city more complex in a positive way and improve the quality of life for its citizens.

### Development Services Team comments

A design services team meeting was held on May 2, 2001 discuss the technical aspects of this proposal. The following is a summary of the comments received:

**Customer Services** – Domestic water serves the property from a 12" water main in South 32<sup>nd</sup> Avenue. Sanitary sewer serves the property from a 6" sewer main in an easement on the east property line. There is an irrigation main in South 32<sup>nd</sup> Avenue. Any new water service will require additional charges.

**Engineering** – Additional right of way shall be dedicated to attain 30-feet from the centerline of the existing streets (32<sup>nd</sup> Avenue & Tieton Drive). Since sidewalk, curb, and gutter are already constructed at this location, no additional widening or improvements to the street will be required.

**Traffic Engineering** – Transportation Concurrency was approved for this development on May 3, 2001. All impacted streets have adequate reserve capacity to accommodate the proposed development at acceptable levels of service. Total estimated PM Peak hour traffic generation from this development is estimated at 12 weekday PM Peak hour trips.

The development proposes to use driveways placed at adequate distance from the signalized intersection of Tieton and 32<sup>nd</sup> Avenue. A five-foot wide sidewalk exists on the frontage of this development. Tieton Drive is a four-lane Minor Arterial which carries approximately 4200 Average Daily Trips. No other traffic engineering issues at this time.

**Codes** – Applicant should be aware of ADA requirements and a change of occupancy for the building will require building plans in order to receive a building permit.

**Water/Irrigation** – There is a 12" and an 8" water main in Tieton Drive and a 12" main in South 32<sup>nd</sup> Avenue. 3500 gpm of fire flow available at this location.

**Yakima Regional Clean Air Authority** – This project may require YRCAA permit for demolition & renovation (asbestos). The project will require a plan for effective control of dust from site preparation, demolition, construction, and landscaping phases. YRCAA recommends all vehicle travel ways be paved.

No other written comments were received.

**Transportation Capacity Management Ordinance**

This project was reviewed under the Transportation Capacity Management Ordinance. On March 3, 2001 the City Traffic Engineer issued a memo stating that the project does not exceed the transportation capacity of the adjacent streets.

**State Environmental Policy Act**

A Determination of Nonsignificance (DNS) was issued by the City of Yakima on June 6 , 2001. This determination was based on SEPA guidelines (WAC 197-11-355). There were no comments received on the environmental review during the 20-day comment period.

**Public Notice**

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

Mailing of notices to adjacent owners	May 16, 2001
Posting of property	May 14, 2001
Legal Ad published	May 25, 2001

**Conclusions**

The Division of Environmental Planning for the City of Yakima, Washington has reviewed this rezone and Master zoning review application request and offers the following findings:

1. The property is a large Tudor style house built around 1930. It is located at the signalized intersection of Tieton Drive and South 32<sup>nd</sup> Avenue, adjacent to Memorial Hospital campus. The rezone to B-1 will allow the property to be preserved in its present form and will serve as a buffer between the neighborhood on the west and Hospital to the east.
2. The project as proposed will provided a small-scale mixed-use commercial/professional development within the neighborhood in which it is intended to serve. The community will be strengthened by the preservation and opening the property to the public. The proposed uses will add vitality and become a community asset for the area residents as well as for people outside the area. Preservation and uses such as this make the city more complex in a positive way and improve the quality of life for its citizens.
3. This rezone from R-1 to B-1 is may not be compatible with surrounding residential neighborhood, but may be suitable with this location on a signalized arterial intersection adjacent to the Memorial Hospital Campus. Testimony at the hearing should be considered in determining whether this proposal is compatible with the surrounding land uses.

4. The proposed rezone is consistent with the future land use map designation of High Density Residential.

5. All agencies and city departments indicate that public services are available to the site and this rezone would not create any difficulties for infrastructure. Adequate public services are in place and meeting the utility and access requirements of the B-1 zoning district.

6. All public notice requirements of YMC Chapters 15 and 16 have been completed.

**Recommendation**

The Division of Environmental Planning recommends that this rezone from R-1, to B-1 be approved as well as the Master zoning review application for the Class (3) review for a "Coffee House", tutoring service, and the accessory use of the Hospital parking lot, and the Class (2) review for a one chair hair salon and massage/esthetician, and reception area subject to the following condition:

1. The applicant shall enter into a Development Agreement with the City of Yakima to ensure the project is development consistent with the plans submitted with this application. The Development Agreement shall also stipulate that any changes in use or occupancy of the property will be subject to review at a public hearing before the Hearing Examiner. The Development Agreement shall be reviewed and approved by the City Attorney.

2. Testimony at the hearing should be considered by the Hearing Examiner in limitations to the hours of operation of the proposed use in order to promote compatibility with the surrounding residential neighborhood.

3. Approval of the use to conduct private receptions will require the applicant to prepare a "shared parking agreement" with Memorial Hospital. This agreement shall be filed with the Yakima County Auditor's office in accordance with 15.06.050 YMC. A copy of the recorded parking agreement shall be submitted to the Building Official prior to issuance of a Certificate of Occupancy.

4. A final site plan, which includes the items shown on the original site plan, the additions and modifications required by this decision and demonstrating compliance with the Urban Area Zoning Ordinance, shall be submitted to the Planning Department prior to issuance of a certificate of zoning review, pursuant to YMC 15.12.050. The Planning Division requires submittal of a final site plan within 60 days of the final decision by the City Council, or as otherwise arranged with the Planning Department.

Dept of Community & Economic Development  
Planning Division  
ATTN: Doug Maples, CBO

RECEIVED

MAY 29, 2001

CITY OF YAKIMA  
PLANNING DIV.

Re: Property located at 3111 Tieton Drive

My wife and I visited the home recently purchased by the Simpson's and heard their ideas concerning the application to rezone.

I don't mind any of the proposed business per se but do oppose any rezoning that would give the city a chance to revisit the wisdom of South 32nd Avenue.

It seems a shame not to use this wonderful building for limited public use but neither my wife nor I trust your office not to use this opportunity to ruin our neighborhood with your plans (previously proposed) to take out mature trees, plantings and reduce our front yards to next to nothing.

Francis + Karen Battese  
403 South 32nd Ave #1  
YAKIMA

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# 83 B-4mm

May 24, 2001

RECEIVED

Attention: Phil Lamb, Hearing Examiner

Doug Maples, Code Admins. & Planning Mgr.

MAY 30 2001

CITY OF YAKIMA  
PLANNING DIV.

Regarding: Simpson Rezone

I and my wife have been property owners at 412 and 414 So. 32nd Ave. for 55 years and we are very much opposed to the Simpson Rezone from R-1. We are opposed to all the reasons Simpson gives for his requested change. Property owners for many years should have priority over one newcomer to the area, much less asking for a rezone.

Ingress and egress are problems now and will materially increase the traffic problems and congestion in this area. Traffic now is backed up for 1/2 block from the stoplight on 32nd Ave. & Tieton Dr. from about 3:30 to 5:30 evenings and will only get worse. As you know, the traffic problems are much more difficult now than previous years.

This is the poorest location imagineable for a business and should not even be considered. Signs also should not be allowed.

Property values will surely go down if this is allowed, while evaluations from the assessor and insurance companies continue going up.

Fencing was allowed for the hospital parking lot to cut down on transgression in this immediate area, and now they are saying increased traffic is o.k. To me, they are talking out of both sides of their mouth. If the hospital has room in their parking lot, why do their workers block traffic flow on 30th Ave. clear to Chestnut Ave.? Let's get our own and existing problems fixed, before we look for new ones.

Already there is one hair salon in the immediate area, that shouldn't be allowed because of traffic flow. Now the Simpsons are proposing numerous businesses, including a masseuse parlor. While all proposed businesses are not named, what could be next?

The quality of life in this area will be lessened. Hours of use, noise and traffic problems will only worsen. The recent push to widen 32nd Ave, due to traffic, etc., will only be pushed. We are against this, too.

The Simpson proposal is not consistent with existing zoning laws of this property.

The Simpson proposal is not consistent with uses and zoning of neighboring properties.

The Simpson proposal is not in the best interest of adjoining properties of the community.

This Simpson proposal should not be allowed.

Sincerely,

Ray Blandin  
412 So. 32nd Ave  
Yakima WA, 98908

*Ray Blandin*  
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B-411



**Valoff, Dan**

**From:** Dean Patterson [dean.patterson@co.yakima.wa.us]  
**Date:** Friday, June 01, 2001 1:35 PM  
**To:** 'dvaloff@ci.yakima.wa.us'  
**Subject:** Comments on RZ#5-01 / EC#11-01

**RECEIVED**

**JUN 04 2001**

**CITY OF YAKIMA  
PLANNING DIV.**

Mr. Valoff,

I wish to submit comments on the proposal to rezone property and establish a multi-tenant commercial facility at 32nd Ave. and Tieton Drive (3111 Tieton). I live at 614 S. 30th Avenue, approximately 2 blocks from the proposal.

I am generally opposed to the continued commercialization of Tieton Drive. This issue is larger than this proposal alone, and requires broader thinking. If this commercialization continues, Tieton will eventually look like Nob Hill Blvd. - a never ending strip of low rent commercial buildings composed of converted houses, add ons, and "bargain basement" commercial construction. This has started happening on Tieton further west, past 40th Avenue. I have no strong objection to planned commercial centers, but the unplanned, ad-hoc commercialization damages the livability of nearby neighborhoods and property values for a block or so to either side of streets. Equally important is that it looks bad from a community image perspective. Changing the zoning to allow this commercial use, will encourage other property owners along Tieton to do the same. Please deny this zoning request.

If a change in use is to be approved despite these objections, it should be modified or conditioned to be as great a benefit to the neighborhood as possible. Below are my suggestions, in that event.

Admittedly, the building is a large mansion-scale residence, which probably is difficult to sell as a single family residence, at least at the price the owner wants. Few people want or can afford a house of this size, and the location at the intersection of two arterials is a further detraction.

An option to using the building for commercial use is converting it to an upscale multi-family structure: condos, apartments, etc. Such a proposal would have different impacts and generate different comments.

If the property is to be rezoned and a commercial use introduced into an area it has not previously been allowed, I would insist on a number of limitations to protect the liveability of the neighborhood:

The parking lot seems small for the size of building and multiple uses that would occupy the building. There is room to provide additional parking, and it should be required. I wonder whether all floor area and outdoor use areas (coffeeshop service areas on the patios for example)

are considered in calculating the parking needed. One example of a food and beverage parking requirement I have seen is 1 space per 50 sq. ft. of service area. This generally equates to one space per table (7' X 7').

- The additional parking should be provided with two rows of 90 degree parking with a central driving aisle. The 3 parallel parking spaces on the south side of the parking lot should be expanded to provide 10-12 spaces between the trees (?) and the garage (?). This would mean moving the sidewalk and reducing the patio area, but there is plenty of space, landscaping, and other patio areas. Given the amount of landscaping adjacent to the parking lot, it needs to be protected by requiring wheel stops or curbing.

- The existing access onto Tieton Drive is currently for residential use. This proposed commercial facility would be much busier. Using this access would add another busy turning movement onto an already busy street, especially for inbound morning traffic that would have to stop and cross Tieton in the middle of the block to pull in. The hospital has minimal access onto Tieton. Most of its accesses are off the side streets. The access for this commercial use should be limited to 32nd Avenue. The existing access and driveway onto Tieton should be closed and re-landscaped.

The east end of the parking lot near the garage should be reconfigured to provide a turn around area for vehicles. Space 15 may need to be eliminated. A truck loading space is also essential - perhaps east of the garage. The ADA parking space should be moved to near the NW corner of the garage. The access onto 32nd needs to be extra wide to reduce slow in-and-out movements and similar traffic conflicts.

- The proposed overflow parking at the hospital has no apparent proposed connection to the site. It would seem appropriate that a gate, opening, or other obvious connection be required as a condition to allow the reception use. That would mean that they would have to work it out with the hospital.

- If this commercial use is to be imposed on the neighborhood, a superior level of landscaping should be required. It would be of benefit to the owner since it would better display the brick mansion. Specifically, the Arborvitea fence needs to be removed and the yards facing Tieton and 32nd need to be landscaped. The arterial landscaping standard should be used as a starting point, but not the ending point. Some existing landscaping probably exists though it is not visible with the Arborvitea in place.

- Given that this is a residential area, all activity (including the coffee house, school, and receptions) need to end by 9 pm at the latest, as a courtesy to the adjacent residents. If some activity is allowed anyway, it needs to be prohibited from being outdoors.

Please do not make the mistake of assuming that additional standards are not allowed beyond the strict reading of the zoning ordinance. The ordinance provides authority to deal with specific issues, and you should not be

reluctant to use that authority to protect our neighborhood.

Thank you for your attention to these concerns. If you have questions

feel free to call.

Dean Patterson  
614 S. 30th Avenue  
Yakima, WA 98902

To

JUN 04 2001

CITY OF YAKIMA  
PLANNING DIV.

Josea Madala, CBO. Code Administration  
and Planning Manager

From

C. L. + Wilma Hill

Subject: Notice of Compliance + Association  
Concerning Property located at  
3111 Tieton Drive. File no.  
UAZORZ #5-01, EC #11-01

We have lived at 409 So. 32<sup>nd</sup> Ave.  
for 31 years.

Please consider the entry + exit  
on this dangerous intersection  
where there is always accidents.

People entering + leaving will  
have to cross illegal to cross the  
yellow double line.

We feel that as soon as this  
hazardous our property will decrease  
in value to 20 to 30 thousand  
dollars in value. To each home  
in the neighborhood.

We feel that the operating  
hours from 6:00 AM until 12:00 PM  
which makes 18 hours a day  
is far too many hours for a  
well established neighborhood.

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# 89 B-4js

As we read this proposal  
we feel that that if it is rezoned  
to B1 Professional business Mr. &  
Mrs. Simpson could resell their  
property to other businesses. If  
the rezoning <sup>one</sup> came they would  
resell. Mrs. Simpson said  
at a previous hearing when  
they left the property they  
would leave it in clean &  
neat condition that it is in  
now.

Please consider what  
might happen to this property  
if it is rezoned.

Mr. C. F. & Wilma Hall  
407 So 32<sup>nd</sup> Ave  
Yakima, Wa.  
98902.

5/29/01

"Simpson Rezoning"

File # UAZCRZ# 5  
EC# 11-C

Dept. of Community & Economic Development  
Planning Division

Attn: Doug Maples, CBO, Code Admin. & Planning Mgr

We currently HAVE a problem getting out of our driveway on 33RD Ave & TISTON DR. from our residence. Many Times we go in the opposite direction INTENDED JUST TO GET INTO THE FLOW OF TRAFFIC — ONLY TO HAVE TO BACK TRACK AT A MORE ACCESSIBLE STREET.

Therefore, we feel the increase in street traffic created by your proposed business(s) would NOT BE IN THE BEST INTEREST OF THE neighborhood.

32ND & TISTON Dr. is already a congested intersection & cannot properly accommodate the current flow of traffic. Especially any turning at this intersection.

Sincerely  
Joe & Diane Johnson  
3305 TISTON DR.  
YAKIMA, WA 98902

RECEIVED  
JUN 05 2001  
CITY OF YAKIMA  
PLANNING DIV.

DOC. INDEX  
# 98B-4ii

220 S. 32nd Ave.  
Yakima, WA 98902

June 6, 2001

RECEIVED

JUN 07 2001

CITY OF YAKIMA  
PLANNING DIV.

Planning Division  
129 North Second Street  
Yakima, WA 98901

Re: Simpson Proposal

To Whom it May Concern:

We received the notice of application regarding the most recent proposal made by Bruce and Theresa Simpson to turn the property located at the corner of Tieton Drive and 32nd Ave., into a "Residential Mini Mall." Allowing the requested rezone to the classification of "Professional Business" will have a chilling effect on our neighborhood.

After having received a similar proposal last year in which the neighborhood spoke loudly against the proposed business venture, we were horrified to learn that they were trying to sneak through another one of their business ventures. This property should remain residential and not be commercialized, which is likely to open the entire corridor for commercial development.

As a home owner in this neighborhood, we strongly request that you deny this proposal by the Simpsons.

Sincerely yours,

*Kristina Harris*  
*Gayle Harris*

Kristina Harris  
Gayle L. Harris

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# 91B-4hh

RECEIVED

JUN 07 2001

CITY OF YAKIMA  
PLANNING DIV

June 5, 2001

City of Yakima, Dept. of Community &  
Economic Development, Planning Division  
129 North 2nd Street  
Yakima, Washington 98901

RE "Simpson Rezone"

This letter is from Larry and Anna Smith, in regards to the Simpson rezone. We live at 417 South 32nd Avenue, Yakima, Washington. Our home is located directly north of the residence that Bruce and Theresa Simpson have purchased and are asking for the rezone so that they may operate various businesses. We both feel strongly that the Simpson's have purchased the wrong property for what they want to do. We would not appreciate having people parking their cars right next to the fence that ajoins our property, or the noise that will take place during business hours. Also, the parking in the back yard would require more lighting and that would not be appreciated by us. We are to the understanding that Bruce and Theresa Simpson will not be living in the house, only running businesses and we do not like this either. We both feel that since we live right next door, we will be effected probably more that anyone else in the neighborhood, we want to state strongly that we oppose what the Simpson's are trying to do.

Thank you for giving us this opportunity to express our opinions.

Larry and Anna Smith

*Larry A. Smith*  
*Anna R. Smith*

417 South 32nd Avenue  
Yakima, Washington 98902  
453-7219

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# 92B-499



RECEIVED

JUN 07 2001

CITY OF YAKIMA  
PLANNING DIV

June 6, 2001

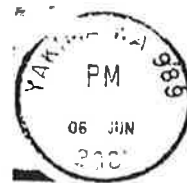
To Whom It May Concern:

I currently live in the "Greater Chestnut Area". I am writing in support of the zoning change of the house on the corner of 32nd and Tieton. It is a beautiful home on a wonderful location that is within walking distance for many people who live in the area or who are visiting the hospital. When the European Cafe was on 31st and Summitview, it was a meeting place for people from all over. We have felt the loss over the years and welcome another place where we can meet new neighbors and old friends. Let's put some European flavor into our community and make places that people can walk to and relax. If you have any questions, please feel free to contact me at 248-5548.

Sincerely,

*Kathy Michielsen*  
Kathy Michielsen

*Kathy Michielsen  
103 W 30th Ave  
Yakima, WA  
98902*



*City of Yakima Planning  
128 N 2nd St.  
Yakima, WA  
98901*

98901+2639



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# 93B-4FF

Yakima City Planning Commission  
City Hall  
128 No. 2<sup>nd</sup> Street  
Yakima, WA. 98901

June 6, 2001

RECEIVED  
JUN 08 2001  
CITY OF YAKIMA  
PLANNING DIV

Re: Simpson rezone application


This is a letter to support the Simpson's application for rezone of the property located at 3111 Tieton Drive to B-1 in order to accommodate their planned business usage.

Fortunately, the businesses being planned are not disruptive of the neighborhood ambience and would fit in nicely with the tasteful landscaping of Yakima Valley Memorial Hospital which abuts the property in question. Yaax International is a business conducted entirely over the internet and would occupy the 2<sup>nd</sup> floor. This leaves space on the 1<sup>st</sup> floor for a neighborhood coffee house and possibly a small salon in the present garage. I do not see any of these as particularly traffic producing, when in reality, the traffic is already there.

Yakima is in a state of transition and this calls for a careful balance of the old and the new. We need to progress and go forward but at the same time, preserve some of our history. Bruce and Theresa Simpson are life long Yakima citizens and have great respect for this community and it's needs. They have come up with a creative idea to preserve one of Yakima's finest old homes and the means to support it as well.

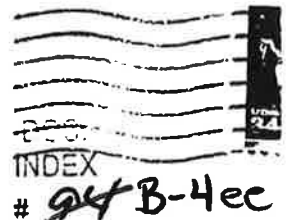
Speaking for myself, I would very much appreciate the opportunity for quality conversation in a historical setting that allows for children, parents and grandparents as well as friends and neighbors. This would be possible both indoors and in the spacious, private grounds surrounding the house. It's a stressful world out there and we need places that will offer relaxation while enjoying family and friends.

Thank you,

  
Betty J. Hunziker

CC: Bruce and Theresa Simpson

Betty J. Hunziker  
101 N. 58th Ave. Apt. 25  
Yakima, WA 98908-3191



RECEIVED

JUN 08 2001

CODE ADMIN.

June 1, 2001

Mr. Doug Maples  
Code Administrator and Planning Manager  
Department of Community Development  
Yakima, WA 98901

Dear Mr. Maples,

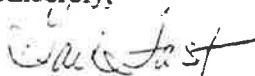
I am writing in regard to the proposed Simpson Rezone. This property is located at the intersection of Tieton and 32<sup>nd</sup> Avenues. I am a resident of the neighborhood that surrounds this area. I live with my husband and two children on Voltaire Avenue, a small residential street that is adjacent to both Tieton and Voltaire.

I reviewed the proposal that was distributed about this petition to change the zoning of the Simpson property from residential to small business. Though they suggest that their plan for a small coffee shop and other businesses will enhance the character of the area, I am fearful that the negative consequences of this rezone will far out way the positive. The area from 16<sup>th</sup> Avenue to 34<sup>th</sup> is truly one of the most attractive areas of our city. As you are well aware, Yakima is struggling to maintain a positive self-image. The beautiful landscapes and older homes in this area are something our whole community can be proud of. Unfortunately, it seems that this special neighborhood is slowly eroding. Memorial Hospital has been buying and developing property. From the west, business has crept along Tieton toward 32<sup>nd</sup>. Recently there was a proposal to widen 32<sup>nd</sup> to accommodate a growing traffic load.

At some point, we have to make a stand to protect what we value. I am not in favor of changing the zoning of this property because I fear that it will increase traffic, generate noise and open the door for continued business growth in our precious neighborhood.

Thank you very much for the opportunity to express my concerns. Please let me know if have any questions.

Sincerely,



Gail Fast  
607 Voltaire  
Yakima, WA 98902

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# 95 B-4 dd

RECEIVED

JUN 08 2001

CODE ADMIN.

Doug Maples, CBO  
Code Administration Planning Manager  
Department Community & Economic Development  
129 North Second Street  
Yakima, WA 98901

Dear Mr. Maples:

Thank you for your notice of application and public hearing regarding the "Simpson Rezone". I understand that a request is being considered to rezone this area so that six private businesses can be operated by private individuals in our residential neighborhood. Furthermore, those businesses would operate from 6 AM to 12 midnight in this neighborhood that is otherwise single family homes. Despite the extensive and imaginative arguments given in the enclosed plan; the simple fact is that this is a residential neighborhood. Incursion by private commercial interests will have a negative effect on the neighborhood, encourage further commercialization and is neither necessary for the preservation of the property in question nor beneficial to anyone other than those requesting the rezoning.

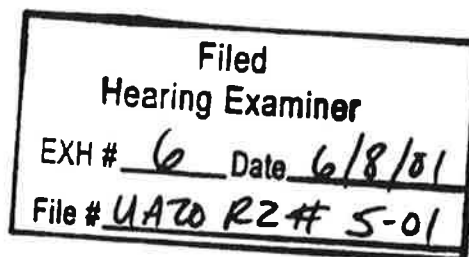
The neighborhood around Tieton and 32<sup>nd</sup> Avenue consists entirely of well-maintained single-family homes purchased because of the past and current residential nature of the neighborhood. It seems logical that families and individuals who desire to live in a commercial area already do so. We have chosen instead to live in a residential neighborhood. The proposal alleges that the project would bestow on the neighborhood "vitality", "fun", "unique personalities", "improved quality of life" and other benefits. The neighborhood needs no such assistance and stands to suffer, not benefit, from rezoning. School children walking to school along 32<sup>nd</sup> and along Tieton at 8 AM have not asked to be encumbered and endangered by caffeine seekers driving across their sidewalk. Families, churches, and schools have not asked for increased noise and traffic during hours, early and late, that most of us treasure for the mundane pleasures of sleep and quiet contemplation and conversation in our homes and yards.

A rezoning of this property will tempt further rezoning of adjacent properties with further deterioration of our residential neighborhood. R1 usage of this property is no more "functionally and economically obsolete" than it is for the hundreds of single-family residences that surround the property. With no compelling reason for rezoning the property other than the financial advantage of a few individuals and with many reasons to avoid the rezoning, I ask the Planning Division to deny the proposal.

Sincerely,



David L. Brown, MD  
613 Voltaire Avenue



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# 96 B-4cc

RECEIVED

June 11, 2001

JUN 12 2001

To whom it may concern:

CITY OF YAKIMA  
PLANNING DIV

line on 32nd ave. + I  
am very much against the "Simpson  
Rezoning" being reclassified B-1. This  
is a residential neighborhood +  
we all want to keep it that way.  
Allowing the property to become B-1  
will allow more small business  
requests, creating more traffic + traffic  
noise.

The 18 parking spots + hospital  
parking for overflow will greatly increase  
the traffic flow on 31<sup>st</sup> + 32nd Avenue.

We urge to keep our street free from  
unwanted small business - keep it as it  
was intended - a street + neighborhood of  
residential homes.

Sincerely

Bill Masseng  
8 - So. 32nd Ave.  
Yakima, WA 98902

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# B-4bb

RECEIVED

To Whom It may concern JUN 12 2001  
re: The Tudor House

CODE ADMINISTRATION

I feel that Yakima is in need (very much need!) of a unique place, such as the Tudor House, for people to gather and have a warm cup to drink. It has been very disappointing to me to see creative coffee houses last for only a short time. I am an artist and greatly appreciate having a place to go that invites those who seek an atmosphere which draws all kinds of people who care about the kind of furniture they sit in, art on the walls, one of a kind foods and a generally unique place to go alone or with friends. I know of no

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# B-4aa

... (write house) in Yakima and  
whole heartedly support the  
Tudor House in its dreams &  
efforts.

A good number of folks my  
age (the 20-30's) go else where  
(Seattle, Ellensburg, Portland) seek-  
ing such a place. Unfortunately,  
many move from here because it  
often seems Yakima is resistant  
to new, unusual, creative places.

Please consider the import-  
ance of a place like Tudor House  
and the impact this kind of  
business could have on the comm-  
unity in regard to our generation  
staying, seeing that Yakima truly  
is a place open to change & the  
growth of new ideas.. and a  
unique place to ponder over such  
things with a warm cup in  
hand & an open journal.

Sincerely,  
Mary Porteus

7 N. 32 Ave.  
Yakima, WA 98912

Department of Community and  
Economic Development  
Planning Division  
129 North 2nd St.  
Yakima, WA 98901

RECEIVED

JUN 12 2001

CITY OF YAKIMA  
PLANNING DIV.

Dear Sirs:

This letter is in reference to the  
"Gimpson Rezone"  
Owners of the home on the north east  
corner of 32nd Ave. and Sieton Drive  
have requested their property be  
reclassified to B-1, a business zone.  
Your answer to them must be  
an emphatic "No!"

The residents of 32nd Ave.  
(in previous meetings) have made  
it abundantly clear that we  
want our avenue to remain  
strictly a quiet Residential area.

Sincerely  
Amy Deszai

P.S. I can't attend June 14, '01 meeting.

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# B-42



RECEIVED

JUN 12 2001

CITY OF YAKIMA  
PLANNING DIV.

To: Neighbors of 32nd Avenue

From: Walt Ranta

5 S. 32nd Avenue

Re: Letter concerning the rezoning request at 32nd and Tieton

I received additional information concerning the rezone request. If you decide to write a letter to the city, please indicate that you are referring to the "Simpson Rezone". This will help the Hearing Examiner to realize you are concerned about the rezone of the home at 3111 West Tieton.

Sorry this information was not on the first letter you received from me. Hopefully, some day, I will be more aware of all the ins and outs of dealing with the city as we continue to work to keep our neighborhood an enjoyable place to live.

From: Dept of Comm. & Eco. Development. From: John & Shirley Hilder  
Planning Division 105 No. 32<sup>nd</sup> Ave  
Yakima, 98902

RE: Simpson Rezone

It would seem that a neighborhood, that is relatively stable, crime free & happy, just has to face the fact that there are people & agencies who can't stand those facts and have to 'play' with the area.

1. We need no improvements (business or street) wise.
2. Multiple availability of business centers are within easy reach of 32<sup>nd</sup> Ave. & Tieton Dr. - Westpark - 56<sup>th</sup> & Summitview area  
The Old Wards Center on Nob Hill, etc.
3. Another Coffee Shop?? Not much business has been generated in 32<sup>nd</sup> Ave & Summitview. Why so lucrative on 32<sup>nd</sup> Ave & Tieton?
4. If the real reason, for constantly changing, is just for change itself, what's the point?
5. Save everyone's time & money - leave 16<sup>th</sup> to 40<sup>th</sup>

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# B-4y

RECEIVED

JUN 12 2001

CITY OF YAKIMA  
PLANNING DIV

June 11, 2001

TO: Department of Community & Economic Development  
Planning Division  
129 N. 2<sup>nd</sup> Street  
Yakima, WA 98901

RE: Simpson Rezone  
3111 West Tieton Drive  
Yakima, WA 98902

I am writing to oppose the plan to have the property on the northeast corner of 32<sup>nd</sup> Avenue and Tieton Drive re-classified as B-1, business zone. By rezoning this property to B-1 it will create a business zone in a residential neighborhood and increase pressure to widen 32<sup>nd</sup> Avenue in order to handle the larger volume of traffic.

I have lived in this neighborhood nearly twenty years and chose it over several others because of its distinct neighborhood atmosphere. My daughters attend neighborhood schools and travel safely throughout the neighborhood by foot or by bike. Many of my neighbors, young and old alike, walk daily around the neighborhood. A change in the rezone and increased pressure to widen 32<sup>nd</sup> Avenue would be a detriment to all those who enjoy the pleasant streets of this area.

Over the years I've watched a number of neighborhoods in Yakima affected by such rezoning. As a city we are losing distinct and unique areas. This neighborhood has homes of varied architecture and size, lovely trees, yards and gardens. We have neighbors of all ages and know them, making this a pleasant and safe neighborhood to live in. Not everyone wishes to live in a cookie cutter subdivision nor can many of us afford the acreage and large homes which can provide private space.

If we wish to improve the quality of our community and the perception we have of ourselves we must strive to protect our neighborhoods and keeping them alive with people of diverse ages and backgrounds. We need to look more closely at what makes a neighborhood and a community livable. The property under question is lovely and is part of our neighborhood. Unfortunately, the present owners' plans to have this property rezoned only opens the door for more encroachment of urban sprawl which is something we don't need.

Sincerely,



Cheryl Nixon  
3305 Home Drive  
Yakima, WA 98902

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# B-4x

# Memorandum

RECEIVED

JUN 12 2001

CITY OF YAKIMA  
PLANNING DIV.

**To:** City of Yakima, Planning Division  
**From:** Roger Wilson, 112 North 30<sup>th</sup> Ave, Yakima, WA 98902  
**Date:** 06/12/01  
**Re:** **Rezone of 3111 Tieton Drive from R-1 to B-1.**

---

I am writing to support the Bruce and Theresa Campbell-Simpson's request for rezone of the above property. I support this rezone request for several studied reasons. I believe the choices by your department and the city council in annexations and planned development demonstrate a commitment to enter this 21<sup>st</sup> century guiding Yakima in "Smart Growth." As you all well know the question is not will we grow, but how will we grow and where will we grow. I further believe that this very hearing provides an affirmation that we need a new paradigm for growth, one that maximizes value by creating qualitatively better communities.

During the last decade, Yakima has been doing an excellent job of infilling the city with substantial housing of varied economic value. We need also to make good decisions that will let us retain our classic and historical buildings. This proposed zoning change does assure us of the retention of a significant property at a prominent location.

In my opinion smart growth is an attitude, a process of collaborating together, to create neighborhoods where housing, employment, schools, houses of worship, parks, services and shopping centers are located close enough so that we and our kids can walk easily and safely wherever we need to go without needing to use our automobiles. Five of seven is not bad, but today I am saying that we need to make a decision for six of seven. We simply do not have a choice of restaurants, specialty shops, bakeries and other necessary goods shops [coffee, tea, fruit, food, barber/beauty, etc.], within walking distance of our residence. The services which the Simpson's desire to provide within their facility are all critical elements to maximizing value and creating a healthy neighborhood. Without such amenities, we are just an eclectic housing track build over many years, not a viable neighborhood. Those of us who had the good fortune of living within walking distance of the European Café and Bakery can well testify to the truth of these values. The lack of any facility to fulfill the coffee and bakery function of the European Café is a distinct loss and lowers the overall quality of living in our neighborhood.

I see the size of the proposed operation to be consistent with the property and the surrounding infrastructure of sidewalks and roads. I believe the commitment of the Simpsons to restore and maintain this structure for our collective use by the neighborhood is a win-win situation for all concerned. The location on the intersection with the high and growing traffic volume is not well suited for a residence. Elements, such as a high level of background traffic noise, contribute to a less than desirable location for living. I believe the inability of the property to sell during the last few years is evidence of such.

We, as the citizens of Yakima, have an opportunity to retain a very elegant and beautiful structure. We can demonstrate that we have chosen a new paradigm for this, the twenty-first century, which values a smart growth attitude toward promoting and uplifting our existing neighborhoods. I ask you, please support this rezone with your recommendation so we can continue the work of building quality neighborhoods and demonstrate reasoned, well thought out decision-making.

1. DOC.  
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# B-4w

Mr. Dan Valloff,

In regards to the Simpson Rezone.

I can certainly understand the neighbors concern about traffic on 32nd as I am also a resident of 32nd ave. and have watched the number of cars increase over the past 15 years. I would, like most of us, like to see less traffic in my life but the fact is we are growing and all our streets have more traffic.

As for the property of 3111 Tieton, I do know that this wonderful place has had the city grow up and around it over the years and some have worried what its fate might be. I am pleased these two people are the ones who purchased it. Reason being is that I know personally that they believe in the beauty of living things and the peace of a beautiful surrounding. I can personally imagine how elegant these grounds will be over time under her artistic and caring touch. Her intent truly is to give our community a beautiful, peaceful place where people come together in a serene and loving environment. I believe, if given the chance, it would be the pride of the neighborhood and our town.

I have talked to a number of people in the surrounding area who have all expressed a positive attitude concerning this. They felt the owners plans were a great idea and that we could certainly use more unique and beautiful additions to our town. They not only like the idea but are looking forward to seeing it come to life.

I would like, at this time, to invite those of you choosing the fate of their request to go by their home on 24th ave. You are welcome to go into the back yard and take a look at the atmosphere she has created. There you will see a small example of the potential and intentions for the property of 3111 Tieton.

Thank you for your time.

Linda Galloway  
3201 Carol Ave.

RECEIVED

JUN 12 2001

CODE ADMINISTRATION

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# B-4v

June 12, 2001

City of Yakima Planning Division  
128 N. 2<sup>nd</sup> Street  
Yakima, WA 98901

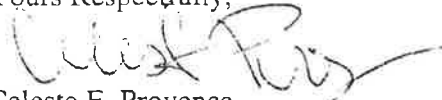
To Whom It May Concern:

I am writing with regard to the Tudor House located next to Memorial Hospital on the corner of 32<sup>nd</sup> and Tieton Drive. I have recently moved to the Yakima Valley with my husband. For a number of years I lived in Seattle and before that Southern California. I greatly enjoyed living in these wonderfully diverse and beautiful areas. What I appreciated most about Seattle was the variety of places to go to just read a great book while drinking my favorite drink, coffee. However, the hectic lifestyle of the big city coupled with packed highways wore on me. I craved a town that could offer a slower pace but also had a sense of heritage and opportunities where I could grow as a person.

Yakima has truly become home to both my husband these past couple of months. We hope to raise our family in this community when the time comes. However, I have to say I have been rather disappointed with the minimal creative outlets in the community. When I heard of Bruce and Theresa Simpson hoping to open a coffee house in a quiet and beautiful home, I was delighted to say the least! The house is absolutely beautiful and the gardens are almost pleading for people to come and rest. I believe this would be just the place where I could meet people in my community and make new memories while drinking coffee.

Please consider the Tudor House as a place for community gatherings as well as a place to unwind with a cup of coffee.

Yours Respectfully,



Celeste E. Provence  
4904 W. Washington Avenue  
Yakima, WA 98903

RECEIVED

JUN 12 2001

CODE ADMINISTRATION

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# B-4u

June 11, 2001

City of Yakima Planning Division  
128 N. 2<sup>nd</sup> Street  
Yakima, WA 98901

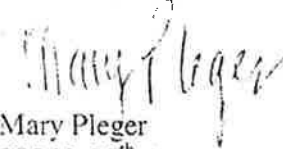
To Whom It May Concern,

This letter is written in regards to the proposed rezoning of the Tudor House located on 32<sup>nd</sup> and Tieton Drive. I am a life long resident of Yakima. I was born and raised in the valley and I have chosen to raise my children in Yakima. I strongly support the rezoning and the sharing of this great home and piece of history with the community. I commend Bruce and Theresa Simpson in their vision to gift Yakima with a place to gather in a truly beautiful and peaceful setting. It is their dream to share this home in the way of a coffee house.

I have had the pleasure of experiencing the Tudor House. The moment I entered the home I was overwhelmed with history and a connection with the people who made this valley a wonderful place to live. The home if not shared with the community in the way Bruce and Theresa envision could sit vacant or possibly be severely altered. Bruce and Theresa want to preserve the home and maintain it in the era it was built. I believe Yakima needs to preserve these great homes and find creative ways to make them available to the people.

Please consider giving the residents of Yakima a place to gather, connect with the valley, and experience a part of history. Let them mingle around the grounds and in the home with a great cup of coffee. Let them sit by the fireplace and read about the original owners of the home and what Yakima was like when this home was built. Let the neighbors take a stroll down 32<sup>nd</sup> Avenue and enjoy a cup of tea. Let the families who have loved ones at Memorial Hospital escape for an hour and sit among the trees and gardens and feel that life is good. Give the residents an opportunity to visit in a unique place other than the local restaurants or bars. The Tudor Coffee House can only add to the richness of Yakima.

Sincerely,

  
Mary Pleger  
305 N. 35<sup>th</sup> Ave  
Yakima, WA 98902

RECEIVED

JUN 12 2001

CODE ADMINISTRATION

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# B-4t

June 11, 2001

City of Yakima Planning Division  
128 N. 2<sup>nd</sup> Street  
Yakima, WA 98901

Dear City of Yakima Planners:

I am writing in favor of the rezoning of the residence on 3111 Tieton for small business operation. This is a beautiful old building that has potential to enhance the neighborhood in which it is located. Due to the size and location of the home, it is unrealistic to consider this home a single-family residence. Since the residence has been vacant for some time, it will be great to see this beautiful historic residence open to the public.

The potential of this building being used as a coffee house and location for small businesses, has much appeal and adds to the elegant charm of the residence, while also enhancing the neighborhood. I live in the Franklin Park area and would welcome a coffee shop within walking distance—a place for friends to gather within our own neighborhood. The owners, Theresa and Bruce Simpson, have already added to the beauty and charm of the location by the flowers and garden planted on the property.

Thank you for opportunity to support the proposed rezoning and business uses for this facility. If you have questions, you may reach me at 453-3085.

Sincerely,



Darlene Darnell  
207 S. 19<sup>th</sup> Ave.  
Yakima, WA 98902

**RECEIVED**

**JUN 12 2001**

**CODE ADMINISTRATION**

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# B-4s**

City of Yakima  
Planning Division  
128 N. 2<sup>nd</sup> Street  
Yakima, WA 98901

Re: Tudor House; Bruce and Theresa Simpson

This letter is in support of the proposed coffee house and other uses at the Tudor House on the corner of 32<sup>nd</sup> Ave. and Tieton Drive.

I grew up on 32<sup>nd</sup> Ave. and that neighborhood is near and dear to my heart. I have always been fascinated by that house and would love to see it open to the public in a healthy way. A coffee house would be ideal, in my view. I work a little further west on Tieton Drive and it would be a convenient location. I also like the idea of tutoring children as there is nothing more important than educating the children of our community. They are our future.

I'm guessing that short letters are more appropriate than long ones in a situation such as this. So I will stop here and simply reiterate my support for the proposed projects at the Tudor House.

Sincerely,



Nancy Probst  
708 Viewcrest Court  
Selah, WA 98942

RECEIVED

JUN 12 2001

CODE ADMINISTRATION

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# B-4r



June 12, 2001

City of Yakima  
To whom it may concern;

RECEIVED  
JUN 12 2001  
CITY OF YAKIMA  
PLANNING DIV.

I am writing this letter to express my support the changes proposed for land use by Bruce and Teresa Cooper. I believe this project would be beneficial to Yakima. We need more attractive spaces that people can use for small get-togethers such as reunions, wedding receptions, or business receptions and parties.

I do not believe that such a use would be disruptive to the neighborhood. I live only two blocks away. We often take walks and bicycle along 32nd and also along Chestnut and Yakima Ave. I also would not want to see the street widened and turned into a thoroughfare. However, this piece of property is right on the corner of Tieton Drive. It is not really suited just for residential use anymore, situated as it is on a busy street, right next to Memorial Hospital. The amount of parking proposed on the property itself should be sufficient for most events, and people coming.

Personally, I also think that a place right along a much-loved walking route where you could stop in and get a latte, would be a very neighborhood-friendly business!

Sincerely,



Kristi Hunziker  
903 S. 34th Ave  
Yakima, WA  
248-5915

DOC.  
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# B-4g

RECEIVED

JUN 12 2001

CITY OF YAKIMA  
PLANNING DIV.

June 11, 2000

To Whom It May Concern:

My Husband and I live on Yakima Ave near 32nd. We are in favor of having a coffee house in our neighborhood. Even though the house at 3111 Tieton Drive is located in a residential neighborhood, we feel it would not impact the neighborhood in a negative way because it faces a busy arterial and would catch existing traffic. Since it is Bruce and Theresa's intent to maintain the house in its original state, the neighborhood setting would remain the way it is.

My husband and I frequently walk in the evenings in our free time. We would very much enjoy walking to the Tudor coffee house. What a better place than a historical home built in the 30's to enjoy great coffee served in English fine bone china. We have had the pleasure of a tour of this home and can see how well it fits in with the Simpson's vision.

Please look closely at the Simpson's proposal and let the community enjoy this beautiful place.

Sincerely,

Christie Gamora  
3110 W Yakima Ave  
Yakima, WA 98902

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# B-4p

RECEIVED  
JUN 12 2001  
CODE ADMIN.

June 6, 2001

City of Yakima  
Planning Division  
128 North 2<sup>nd</sup> St  
Yakima, WA 98901

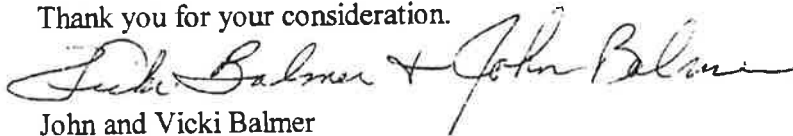
My husband and I are writing this letter regarding Bruce and Theresa Simpson's request to rezone the address at 3111 Tieton Drive from an R-1 to a B-1.

We are very much in favor of having a coffee shop at this residence. We feel that Bruce and Theresa's intentions are honest and they propose a positive venue for this property. We have had the opportunity to attend two functions held in the wonderful 1930's built home. It is simply an exquisite place to visit, almost like walking back into time. For the Simpson's to be willing to make this home open to the public and share it's uniqueness and beautiful grounds is terrific, and what better way to enjoy it than with a great cup of coffee.

We are aware that some of the neighbors feel the rezone would add fuel for the city to possibly widen 32<sup>nd</sup> Avenue. Bruce and Theresa are no more in favor of the proposed plan to widen 32nd than the rest of the neighborhood. They want to keep the originality and the ambiance of the property as it was in the past and is currently.

The people of Yakima at some point are going to have to be willing to accept change in order to keep our community a favorable one. We continually hear how bad Yakima is for shopping, eating out, and entertainment, but many citizens criticize and are unwilling to allow change. Our belief is that a coffee shop is a very minute and positive change for the members in this neighborhood. If those not in favor of the rezone took the time to visit with the Simpson's and really understood their objective, we believe they would have a change of heart.

Thank you for your consideration.



John and Vicki Balmer  
223 Westover Drive  
Yakima, WA 98908

DOC.  
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# B-40

RECEIVED

JUN 13 2001

CITY OF YAKIMA  
PLANNING DIV.



14 June 01

Heaven, Exantun

RE: Simpson Region

1. I will support staff Recommendation

proposed add changes are

but need in Final Development

Agreement. Any objections

must be presented by Simpson

2. If properly use changes from  
Simpson Region to present  
to present group.

3. Request is compatible with 2000  
Commut Plan for the Area

B. O. Humboldt

610 S 72nd Ave

484 5503

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INDEX  
# B-4n



June 8, 2001

**RECEIVED**

JUN 13 2001

CITY OF YAKIMA  
PLANNING DIV

City of Yakima Planning Division  
128 N. 2<sup>nd</sup> Street  
Yakima, WA 98901

RE: Rezone of 3111 Tieton Drive, Yakima, WA 98902

Dear Sirs:

I am writing in favor of the proposed land use change for 3111 Tieton Drive.

As a Realtor for Windermere Real Estate, I am quite familiar with this property. It has been listed for sale, off and on, for nearly 8 years. I myself had it listed for sale for nearly two years. During the duration of my listing, we received several offers on the property. In all cases, the proposed use of the property would have been for business, restaurant and or bed & breakfast. There was never any interest in the property as a residence. I did not have the home listed, nor was I involved with the sale when Mr. and Mrs. Simpson purchased the property.

My professional opinion is that this property is well suited for the use that Mr. and Mrs. Simpson have proposed. It has the ideal location and frontage for a business of that nature. To limit the use to residence-only would limit the value of this property.

As a member of the community, I believe that this would be a great addition. In a time when we are experiencing growing pains and the exit of many businesses, I would hope that you would approve a new business such as this that can only add value to our area.

Sincerely,

A handwritten signature in cursive script that reads "Lanette Headley".

Lanette Headley  
509-965-6655

Windermere Real Estate/Yakima

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# B-4m

Planning Department  
City of Yakima  
128 N. 2<sup>nd</sup> Street  
Yakima, WA 98901  
Attention: Dan Valoff

RECEIVED

JUN 13 2001

CITY OF YAKIMA  
PLANNING DIV.

6/8/01

Dear Dan,

I am writing this letter to support the efforts of Bruce and Theresa Campbell-Simpson to rezone the property located on the corner of Tieton Drive and 32<sup>nd</sup> Ave.

I have had the opportunity to listen to the proposed use of the property and I think it would be appropriate to the neighborhood. The intent to change the zoning to permit a passive commercial venture seems in keeping with the character of the neighborhood. All one has to do is to recognize the value of the expansion of Memorial Hospital has meant to both the neighborhood and the community at large. The integrity of how the hospital executed their expansion is to be applauded. The vision and integrity of the people involved with this project give me comfort to know that a landmark property would be well maintained and available for the community to enjoy.

I certainly understand the concerns of the surrounding neighbors, but I would conclude that when they actually look at what is being planned and who is going to be doing it that their fears should be mitigated. The goal and the ambition of the project is to provide the community with a unique opportunity in a grand setting, that will be compatible with the current neighborhood environment.

Sincerely yours,



Ted Semon  
4701 Avalanche Ave  
Yakima, WA 98908

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# B-41

RECEIVED

JUN 13 2001

CITY OF YAKIMA  
PLANNING DIV

City of Yakima Planning Division  
128 N. 2<sup>nd</sup> Street  
Yakima, WA. 98901

RE: Bruce and Theresa Simpson's proposal for the property on Tieton Dr. and 32<sup>nd</sup> Ave.

Dear City Planners,


We know that any proposal that effects a change in the status quo will always stir opposition, and the Simpson's proposal is obviously no exception. It would seem however, that if the technical aspects of this proposal would or could comply with the ordinances of the City of Yakima it should be considered primarily on that aspect.

With that said, we strongly feel that this proposal is a great way to preserve some of the history of Yakima. The Simpsons, who are history and culturely conscious of this area, have a great desire to share this historical property with everyone. It has so much potential for providing a quiet little hide-away for anyone who is strolling the neighborhood or otherwise passing by.

Please consider Bruce and Theresa's proposal a positive impact on the neighborhood and give them a chance to provide a location for us (the public) to take in some much needed warm hospitality.

Thank you for your time and consideration.

Sincerely,

  
John Dickman



*Mr. & Mrs. John Dickman*  
8501 W. Barge St.  
Yakima, WA 98908

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INDEX  
# B-4K

RECEIVED

JUN 13 2001

PLANNING DIV.

1272

To the City of Yakima Planning Division:

RECEIVED

JUN 13 2001

CITY OF YAKIMA  
PLANNING DIV

I am writing in support of the rezoning request by Bruce and Theresa Simpson of the property at 3111 Tieton Drive.

When I think of a neighborhood in its true sense, I think of it as all-inclusive. By this I mean that there would be residential areas supported by accessible services in that area which could be reached by foot and bicycle, not motorized vehicles. I believe the services that will be provided at 3111 Tieton Drive would be a very healthy and welcome addition to this neighborhood. According to research done by the Urban Research Institute a healthy neighborhood consists of restaurants, specialty shops, food shops, small businesses, beauty and barber shops, and health care facilities in addition to schools and parks.

The Simpsons are committed to maintaining the character and integrity of the property and would enhance its attractiveness with lovely outdoor gardens which we all would be able to enjoy. It would be a very relaxing and pleasant place to stop for a cup of coffee or tea.

The location of this property for residential use is not a highly desired one as can be witnessed by the inability to sell it during the last few years. The high volume of traffic and noise surrounding the property are not conducive to its use as a residence.

In this time of energy conservation and health consciousness I believe that the neighborhood would be well served by small service businesses that can be reached by walking. We need to begin to adjust our lifestyles to this end.

Thank you for considering this neighborhood-enhancing rezone project at 3111 Tieton Drive. I do believe the Simpsons would be true to their word of preserving the integrity of the structure and property, and would be thoughtful and considerate neighbors.

Virginia Wilson  
112 No. 30<sup>th</sup> Ave.  
Yakima, WA 98902  
6/11/01

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# B-4j



June 13, 2001

City Of Yakima  
Planning Division  
128 N. 2 St.  
Yakima, WA 98901

RECEIVED  
JUN 13 2001  
CITY OF YAKIMA  
PLANNING DIV.

Dear City Planning Division Staff,

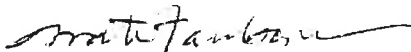
We are writing in support of the effort to rezone 3111 Tieton Dr. from R-1 single family residential to B-1 Professional Business. We are supportive of the plan that Mr. Simpson and Mrs. Campbell-Simpson have for the property. Their plan for the property will help preserve and enhance one of Yakima's more visible, showcase homes. We have watched over the years as the home has stood vacant and for sale, fearful that it will either be torn down or let fall into disrepair. It is with relief that we learn of their plan for the property and request your endorsement of the property rezone.

We see the coffee house aspect of the plan as a real asset to the neighborhood and anticipate using it frequently ourselves. The neighborhood just north of Tieton is known in the city as a favorite walking route with many folks each evening and morning doing a circuit of Barge and Chestnut Streets. We anticipate that many folks will utilize the new coffee house as a place to end their walk or take a break from it.

We look forward to having a pedestrian and bicycle friendly location to visit with friends, have a snack, enjoy a beautiful home and garden and relax a little. We have seen the owners' own yard and have no doubts that they will enhance the plantings and beauty of the already tree-friendly and beautiful site. We share the neighborhood's concern that development on 32<sup>nd</sup> Ave. has the potential to increase traffic through the neighborhood but appreciate the attention to this concern the owners have shown in their design and plan. The pedestrian and bicycle friendly aspect of the site will also keep the impact caused of people accessing the site by automobile to a minimum. The majority of the parking for receptions being in the Memorial Hospital lot on Tieton and 31<sup>st</sup> will also help keep the neighborhood impact to a minimum.

We sincerely encourage you to approve the rezone and look forward to the resource the Tudor house will become to the neighborhood.

Sincerely,



Matt Fairbank  
3304 Barge St.  
Yakima, WA 98902



Michele Besso

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# B-4i

City of Yakima  
Planning Commission  
Yakima, WA 98901

RECEIVED  
JUN 13 2001  
CITY OF YAKIMA  
PLANNING DIV.

RE: Tudor House  
3111 Tieton Ave  
Yakima, WA

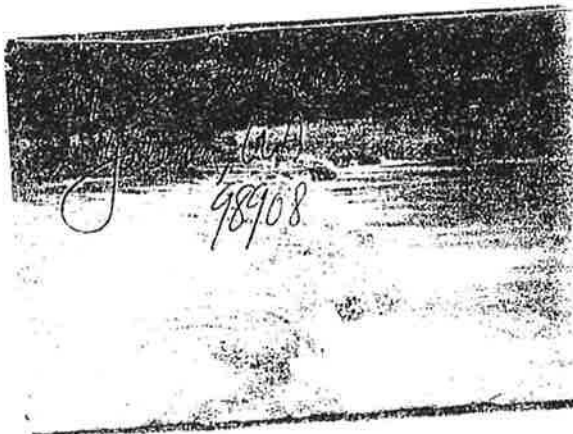
We are pleased to tell you about Bruce and Theresa Simpson. We have known Theresa for 14 years. Theresa was a single Mom for a number of years who was not only concerned about the welfare of her son; but, the welfare and happiness of others around her. She truly enjoys her work as a hairdresser; and, also had an early morning paper route to support herself and her child. She completed her degree in teaching, traveling back and forth to Central Washington University. She has been ambitious and energetic to fulfill her dreams and visions. Bruce has been successful in his food brokerage business which at times finds him traveling in the U.S. and abroad.

Together they have even more ambition and energy to develop the Tudor House to be a center of wellness, positive experiences and fun to share with others in the Yakima community. Their vision is to provide "classiness" in one of Yakima's historic houses; and, have a positive impact on the Yakima community. They look forward to providing an environment for others around them to experience good things and enjoy themselves in a good, clean environment; yet, within the historical surroundings that the Tudor House can provide.

In short, we support Bruce and Theresa's positive vision and endeavors for the Tudor House.

Sincerely,

*Mike and Lyla Aldrich*  
Mike and Lyla Aldrich



CH  
P

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# B-4h

June 8, 2001

To Whom it may Concern,

It is my understanding that there is some question regarding a small coffee establishment on the corner of 32nd and Tieton. I reside about two blocks from the business in question. I either run or walk by the site on a daily basis as do countless others. I for one support the idea of a small business there. It, for many of us, would be a very convenient location to stop, visit and have a cup of coffee. It won't increase traffic flow and as a neighbor I'm not worried about it leading to a widening of 32nd. avenue. It is my understanding that those that drive to the location will be provided with parking on the premisis. I don't see where the traffic flow or parking would be any different than the dance studio a couple blocks north of the site. In closing then, as a neighbor I support the addition of the site in question.

Sincerely,

*Paul W. Brogen*

914 So. 31st Avenue  
Yakima, Wa. 98902

RECEIVED

JUN 13 2001

CITY OF YAKIMA  
PLANNING DIV

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# B-4g



P.O. Box 2646 • Yakima, Washington 98907  
Suite 540 • Chinook Tower • 402 East Yakima Avenue

**RECEIVED**

**JUN 15 2001**

**CITY OF YAKIMA  
PLANNING DIV.**

June 8, 2001

City of Yakima  
Planning Division  
128 North 2<sup>nd</sup> St.  
Yakima, WA. 98901

To Whom It May Concern:

I am writing this letter in support of Bruce Simpson's request of a rezone for 3111 Tieton Drive Yakima, WA. I know Bruce's main desire is to preserve this landmark and to open the Tudor House to the neighborhood and community. Maintaining and enhancing the property in order to allow mixed business uses in a controlled way should enhance the area not detract from it. Using the property as a Coffee House with a relaxed atmosphere will give the employees and visitors to Memorial Hospital a great place within walking distance to enjoy. Being in the food brokerage business myself, I can attest that Bruce's business will have a minimal impact on the neighborhood as this type of business is basically a phone-oriented business with few, if any, visitors.

Please call me if any questions or input desired.

Best regards,

*Bruce Bacon*  
Bruce Bacon

*Post marked  
6-6-01  
Rec'd  
6-15-01  
(Delivered  
to county  
planning)*



**CITY OF YAKIMA  
PLANNING DIVISION  
128 North 2nd St.  
Yakima, WA 98901**

*copy!*

98901+8834

PHONE (509) 248-2866 • FAX (509) 575-1438 • Out of State L.D. 1-800-541-8278

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# B-4f**

June 6, 2001

RECEIVED

JUN 18 2001

CITY OF YAKIMA  
PLANNING DIV

City of Yakima  
Planning Division  
128 N. 2<sup>nd</sup> ST  
Yakima, WA 98901

RE: Rezoning of property located on the corner of 32<sup>nd</sup> AV and Tieton Drive

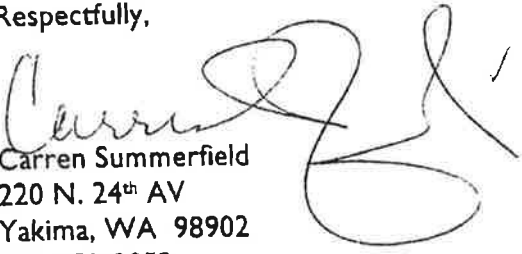
Please accept this letter of strong support for the rezoning of the above named property.

I moved to Yakima three years ago after having lived in Colorado, Missouri, Illinois, Virginia and Michigan. I lived in both large cities and small towns. We chose Yakima for its' location and because the population was similar to cities we had lived in before and anticipated some of the same cultural, social and shopping opportunities. While we love the climate, the proximity to the mountains and the coast and have met some wonderful people, we find the city of Yakima lacking in community – a fundamental feel of "soul and spirit."

I believe that establishments such as the one envisioned by Bruce and Teresa are imperative to recreating the life of a city. Many times, I have heard community members express their feeling that the "powers that be" do not have the community interests at heart. I am not familiar enough with Yakima to validate the accuracy of this view, however, I do know that Bruce and Teresa (and the families they belong to) love this city and their whole vision is based on building community. The lack of community gathering places and unique establishments create a depressed and lackluster feel to Yakima. I have often said that we need to run community self-esteem seminars – the people of Yakima deserve better.

Please strongly consider approving their endeavor – these are the types of things that my family needs in order to consider staying in Yakima.

Respectfully,

  
Carren Summerfield  
220 N. 24<sup>th</sup> AV  
Yakima, WA 98902  
509-452-9052

letter was  
delivered to  
128 So. 2<sup>nd</sup> St.  
postmarked  
on 6-6-01  
so we can  
accept it

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# B-4e

RECEIVED  
JUN 14 200.  
CODE ADMIN.

Arguments against Rezone of 3111 Tieton Drive

**1. Will lead to further commercialization of the neighborhood**

The process of rezoning any property is not easy. It is very time consuming and expensive. It may involve changing the comprehensive plan and then the zoning map. In our case we have had 3 previous public hearings in the Comp Plan map change.

**2. School kids will be endangered**

We are very concerned with public safety. We will work with the city to put in the driveways, ingress and egress so that they follow all the rules and guidelines. The clear view triangles and placement of the driveways further away from the intersection will make them much better than they are now. We are supportive of putting caution signs and trying to slow people down.

**3. This rezone will increase traffic**

According to the city traffic information over 15,000 cars a day drive on Tieton and approximately 4,000 per day drive on 32 nd Ave. There is already a lot of traffic on these streets. We will be trying to encourage people to walk, ride their bikes and take the bus to get to our place. There may be some increase in traffic. There also may be some offsetting decrease in traffic from people working and visiting hospital walking to the Tudor House rather than driving around to get a cup of coffee. Also people in the broader neighborhood hopefully will walk here rather than drive other places.

**4. The rezone isn't necessary to preserve this house or the neighborhood**

The house was on the market off and on for 10 years and did not sell as a single-family residence. This is because of the cost of it, the location on a signalized intersection with very much traffic. The people who made offers on the house did not want to buy it to live in rather they wanted to put certain businesses in it such as a restaurant.

For most people who want to buy or build a house like this to live in they want to have it on a view property, or in a cul de sac, or on a quieter street like Voltaire with out a traffic light adjacent to it.

This house presents a dilemma. How do you restore and keep a place like this and still maintain the integrity of the neighborhood. In our opinion we are presenting a viable way.

Without some means of support this house seems to lend itself to deterioration. We are proposing a way that we believe will preserve the house and be a benefit to the community as a whole.

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# B-4d

In our opinion in order to preserve and improve this property it needs to be rezoned.

We see ourselves as caretakers of the property to the benefit of Yakima.

**5. This rezone will create a mini-mall with 6 business and 6 different operators.**

First of all Theresa and I will be the "operators" per say. We will operate or manage directly the businesses or have a manager who reports to us the owners.

The **Food Brokerage** business will consist of 1 ½ and me other people. It is a telephone, fax and internet type business. Theresa will operate the hair salon. There will be no other employees. This will be a part time business, operating approximately 20 hours per week. The **Coffee House** will have a manager who will report to Theresa and I. It will have probably have 3 total people working at peek time.

Theresa will do the one on one tutoring. The **Esthetician** will be a part time business of approximately 20 hours per week.

The **reception** business will be done at hours when the coffee house is not operating.

**6. The operating hours will be from 6 AM to 12 midnight**

The hours of operation Sunday through Thursday should be from 6 AM to 6 PM or 9 PM. Friday and Saturday it may be open until 12 midnight.

**7. This is a residential neighborhood and this will destroy the neighborhood**

Depending on where we are in the neighborhood it is a little different. This is a beautiful tree lined neighborhood. We love the trees and have planted some and plan on planting many more that will grow to be very tall and beautiful. This property sits on the corner of a signalized intersection of busy streets. North and South every things is very nice.

East and West this property sits next to the Memorial Hospital campus. We believe Memorial has done a very good job of landscaping and fencing the property surrounding it.

Memorial has over 10 acres of property. It has a 3 story West Pavilion Office building and a 5 story Hospital. It has 900 parking spaces. It has hundreds of employees and hundreds of visitors. It cannot be considered a residence. Most of the houses that are opposing this rezone are not adjacent to the hospital. This property is the only property adjacent to the hospital property on a signalized street with 20,000 cars going by it each day. That makes this property different than every other one in the neighborhood.

We plan on having screening on the property which will shield the neighbors from this property as much as possible. We plan on landscaping and beautifying the property to

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# B-4d

make it look very nice. We plan on preserving the property which should help it keep or improve its value and therefore help the neighborhood retain its' value.

**8. Rezoning will lead others to try to rezone and if successful will lead to the deterioration of the neighborhood**

Each rezone stands on its own merits and goes through a very extensive process where much public input is given and the city rules and regulations are considered by several authoritative bodies.

It is very doubtful that any North South rezones for business will take place other than in-home businesses because of the nature of the residential area. If you look at the other North South Arterials not much business development has occurred off the East West Arterials.

We believe that by rezoning this property and allowing it to be preserved it will help maintain and improve the neighborhood in the long run.

The fact that a development agreement can be part of the rezone will help keep any real intense use of the property now and in the future. This development agreement is a safeguard against neighborhood abuse by businesses.

**9. The home isn't functionally obsolete as a single-family residence.**

The fact that this house sits adjacent to a parking lot that is part of a 900 park lot campus with a 3 and 5 story building on it, The fact that it sits on two busy streets that have over 20,000 cars per day driving past, The fact that there has been a traffic light on this intersection since 1993, the fact that the house is very expensive and people willing to pay that much for it and to maintain it will want privacy, it located in a different location and have it made to modern standards for insulation, garages, bath rooms, kitchens etc. For these reasons we believe the house is functionally obsolete as a single-family residence.

**10. The rezone will increase noise, especially to the neighbors directly to the North.**

If you stand outside or inside the property you will hear a lot of street noise right now. My opinion that the overall amount of noise generated by the proposed use will be much less than the existing traffic noise on an average.

Yes there may be some random noise. If people were using this as a single family home there would also be some random noise. I have heard noise from several of the neighbors this is probably pretty normal.

**11. If this rezone happens it will cause 32<sup>nd</sup> Ave to be widened**

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# B-4d



We are opposed to 32 Ave being widened. We have discussed the proposed use with the city staff and have been assured that this will not be the cause of 32 Ave being widened. We have a letter from the City Engineer stating this.

**12. This will cause problems turning at the intersection of 32 and Tieton.**

There are turning pockets, a traffic light, speed limits, signs and speed limits that govern this intersection. We will encourage people to obey the laws and drive safely. We do not see a major change in this situation from what now exists.

**13. This use will create problems getting in and out of the driveway**

There are many other businesses on this position on intersections in Yakima. People do manage to get in and out while being safe. An example of this type situation is Bank of America on 40<sup>th</sup> and Summitview. Again people have to take responsibility to drive safely.

The city DST committee reviewed the proposal in respect traffic, ingress and egress and it was found to be acceptable.

**14. This rezone will cause the property values to decrease significantly.**

By preserving, beautifying and enhancing the property we believe the surrounding property values will not decrease and should increase.

**15. This rezone will create an asphalt jungle.**

There is a lot of site screening on the property now and we plan on planting more trees. Approximately 14,000 square feet of the property will be landscaped. Please compare that to the amount of landscaping the average home in the area has on its property.

Over time we plan on making this property more beautiful than what it is now. From a year ago until now we have spent a significant amount of time and money improving the landscape which was in dire need.

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INDEX

# B-4d

RECEIVED

JUN 14 2001

CITY OF YAKIMA  
PLANNING DIV

June 11, 2001

To: City of Yakima, Dept of Community &  
Economic Development, Planning Division  
129 North 2nd Street  
Yakima, Wa 98901

From: Scott A. Smith  
411 South 32nd Avenue  
Yakima, Wa 98902

Subject: "Simpson Rezone"

To whom it may concern: My family lives two houses north of the proposed property. We have lived there for almost nine years and have enjoyed the neighborhood. We would not enjoy any development of our neighborhood. Any expansion or development of 32nd avenue would be detrimental. Our three children, two five year olds and one two year old go to bed well before the proposed bussineses plan to close making this already difficult task even that much more difficult because of the added traffic and noise. There are already households used as small low traffic businesses on 32 avenue and they differ greatly from the proposed property in that the Simpsons do not, and don't plan to, live at the proposed property. I wonder if the Simpsons would appreciate someone proposing an establishment that will have five seperate businesses two houses from thiers on 24th avenue and possible further expansion. I don't think so. I strongly oppose this rezone and any further expansion of my neighborhood.

Sincerely,



Scott A. Smith

DOC.  
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# B-4C

RECEIVED

JUN 14 200

CITY OF YAKIMA  
PLANNING DIV.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT  
PLANNING DIVISION  
129 NORTH SECOND STREET  
YAKIMA, WASHINGTON 98901

IN REGARDS TO THE SIMPSON REZONE, 3111 WEST TIETON: WE ARE  
OPPOSED TO ANY ZONING CHANGE ALLOWING BUSINESSES AT THAT  
ADDRESS.

A CHANGE IN ZONING WOULD ALTER THE RESIDENTIAL CHARACTER OF  
THE NEIGHBORHOOD AND IN EFFECT CONSTITUTE A "TAKING" OF PRIVATE  
PROPERTY BUT LOWERING HOME VALUES.

IT IS INAPPROPRIATE FOR TO CONSIDER ANY ZONING CHANGE THAT  
WOULD INCREASE TRAFFIC OR NOISE IN THIS AREA.

RICHARD AND JACQUELINE BUSH  
3209 HOME DRIVE  
YAKIMA, WASHINGTON 98902 ✓

*Jacqueline & Richard Bush*  
*6-12-2001*

DOC.  
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# B-4b

RECEIVED  
JUN 14 2001  
CODE ADMIN.

## Public Hearing 6/14/2001

Re: 3111 Tieton Drive Yakima

Who are we? We are Bruce Simpson and Theresa Campbell-Simpson. We were born and raised in Yakima and the Valley. We live within a mile of this property. We are two hard working people who are looking at this as a way to serve the community and enhance a beautiful property that is unique and worth saving.

In general our goal is to preserve this wonderful Tudor House and open it to the public for its' use and enjoyment. We want to retain the character and flavor of the Tudor House inside and out as much as possible.

Our vision is to create a positive place that the neighborhood and community will enjoy. We want this place to be a House of well-being for the community. Through what we are doing we are inviting Yakima to share in it's own heritage. We are trying to create a quality establishment that will bring people together in a positive way.

How we are doing this is to change the use and zoning so that it can be used as a service type facility for the community and us.

Theresa and I plan on working there together.

The Tudor House was built over a period of two years by Fred and Jean Raymond. When it was originally built in 1930 it had a great view of Mt Adams and Mt Rainer, the streets were smaller and much less traveled and there were few neighbors. It was a normal setting for a house of this magnitude. Since then the city has grown up around it.

Specifically we are seeking to rezone this property to allow a multiple use facility. We have gone through a rezone process to change the Comprehensive Plan map for the property from R-1 to R-3. During this process there were three public hearings and we had two neighborhood meetings.

Because we want to preserve the property and in order to do this we need to enable the property to support itself.

The multiple uses we are talking about will all be under the ownership of Theresa and I. We will be working at the house together. Not all of these uses will be operating at the same time. There are three primary uses and three secondary uses.

On the second floor we will house my **Industrial Food Brokerage Company**. This is primarily a Fax and Phone type business with very few visitors. It has 2 ½ employees including me. It will operate from 8: AM to 5 PM Monday through Friday. There may be limited Saturday use by one person-me. I sell Industrial Food Ingredients that manufactures use to make finished products. I represent companies like Tree Top,

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Gerber, Valley Processing and others. I have few visitors. The average family has many more visitors in a week than I have in a month.

The second primary business is Theresa's **Hair Salon**. This is a part time (approximately 20 hours per week), by appointment only-type business. This will be in the ground floor of what is now a garage. This will operate from approximately 10 AM to 6 PM Monday through Friday with limited hours on Saturday.

The third primary use is a **Coffee House** on the ground floor. This will have Initial hours of 6 AM to 6 PM Monday through Saturday. It may be extended to 9 PM on those days and possibly 6 AM to 6 PM on Sunday depending on interest by the community.

This will be a sit-down style Coffee House not a drive through espresso stand. This will serve Coffee, Tea and Juices. It will also serve pastries and desert that will be catered in. It will not have a Chef or a Cook per se. It will have a microwave or other item to warm things. This is the part of the Tudor House use that will allow people to really gather, experience the well-being and service offered, and enjoy the ambiance and setting of the Tudor House.

In our vision this usage be a vital part of the neighborhood and community adding to the strength, character and positive fiber of the city.

Of the secondary uses will be a place to have one on one **tutoring** done by Theresa. This will be done in the basement and will be done from 3 PM to 6 PM Monday through Friday. Since Theresa is the one doing this it will not be operating when the hair salon is.

A second secondary use will be a place for **receptions**. This will be done out of the basement and will be done primarily when the Coffee House is not operating. The parking for this will be the parking on site and the 60-car hospital parking lot which is adjacent to the East. A lockable gate in the fence between the two properties will access this. This will operate approximately from 3 PM to 12 AM Friday and Saturday night and possibly Sunday afternoon. This will have one employee.

The other secondary use will be a place for an **Esthetician (a person who gives facials)** or a similar type spa type service. This is another part time venture operating approximately 20 hours per week. This is the only part of this that will not be operated by the owners. This will be housed above the garage and will operate from 10 AM to 5 PM Monday through Friday.

This all sounds like a lot of businesses and activity. Not all of these things will be operating at the same time. Three or four of them will be operating at the same time.

We see the use of this property as we are asking to use it as somewhat similar uses to what the adjacent hospital is doing now. With the trees and landscaping in now and what we will add—and with the Arterials on each side of this property we see this as a natural

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buffer between the more intense use of the hospital and the residential part of the neighborhood. This can be seen as a transition between the hospital and the neighborhood.

One of the concerns is having free use of this for any business activity. We are working with the city a will do a development agreement which is a legal document that limits the activities and uses of the property while we have it an after we no longer own it.

The only way this document and uses can be changed is by going through the public hearing process.

We are willing to agree not to be open all night, not to have a fast food store, or a convenience store. We are willing to not serve alcohol.

We believe this agreement will mitigate many of the unfavorable uses that might ordinarily be allowed in a B-1 zone.

The Yakima Urban Area Comprehensive Plan has many goals, objectives and policy's that pertain to land use. We have indicated in our application over 20 of these to which this rezone adheres. Hopefully these have been well thought out and are used as the basis for zoning and rezoning decisions.

There has been a lot of discussion in the media about the economic climate in Yakima and what can be done. We see what we are doing as investing in this neighborhood and community. If we didn't believe in what we are doing and that it will benefit the community we would not have stepped up to the plate.

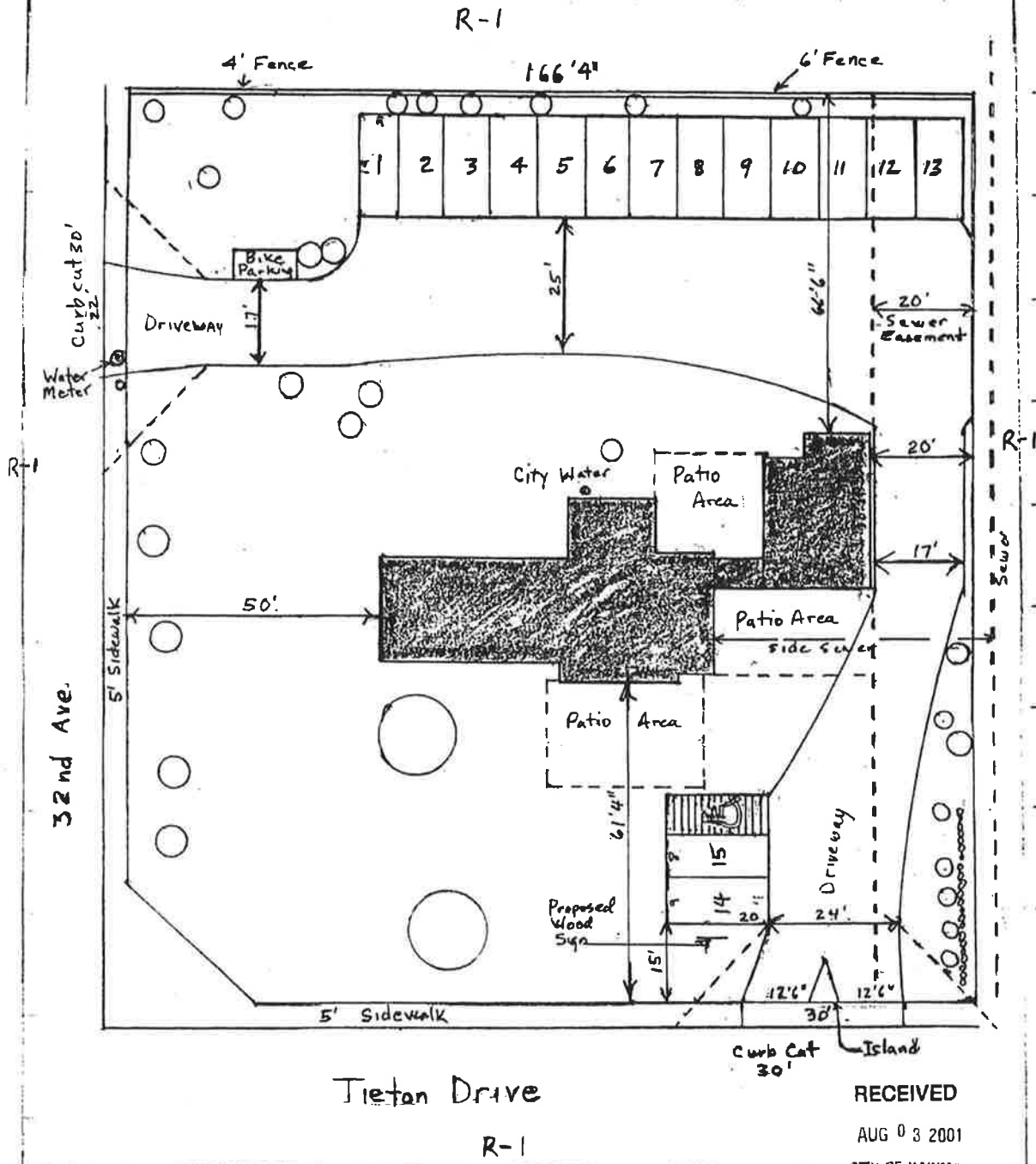
We urge that this rezone be granted and that the property can be preserved and opened and enjoyed by the community.

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REQUIRED ATTACHMENT:  
**SITE PLAN**

Note: Producing the site plan from this template is preferred, however, the template can be substituted for your own medium. (computer aided is acceptable).



RECEIVED  
AUG 03 2001  
CITY OF YAKIMA  
PLANNING DIV.

LOT COVERAGE CALCULATION	
a) Footprint(s) of Existing Structure(s)	2318 SQ FT
b) Building Addition/New Structure(s) Footprint(s)	— SQ FT
c) Paved Area(s) (Driveways, walkways, patio, etc.) Total	2674 SQ FT
d) Proposed Paved Area(s)	792 SQ FT
e) Total Impervious Surface (a+b+c+d = e)	12808 SQ FT
f) Lot Size	29137 SQ FT
g) Lot Coverage (ef x 100 = g)	44 %

PARKING CALCULATION (Reference Table 6-1 of the Urban Area Zoning Ordinance)	
a) 16 space(s) required	
b) 15* space(s) provided	* Suggested by hearing examiner

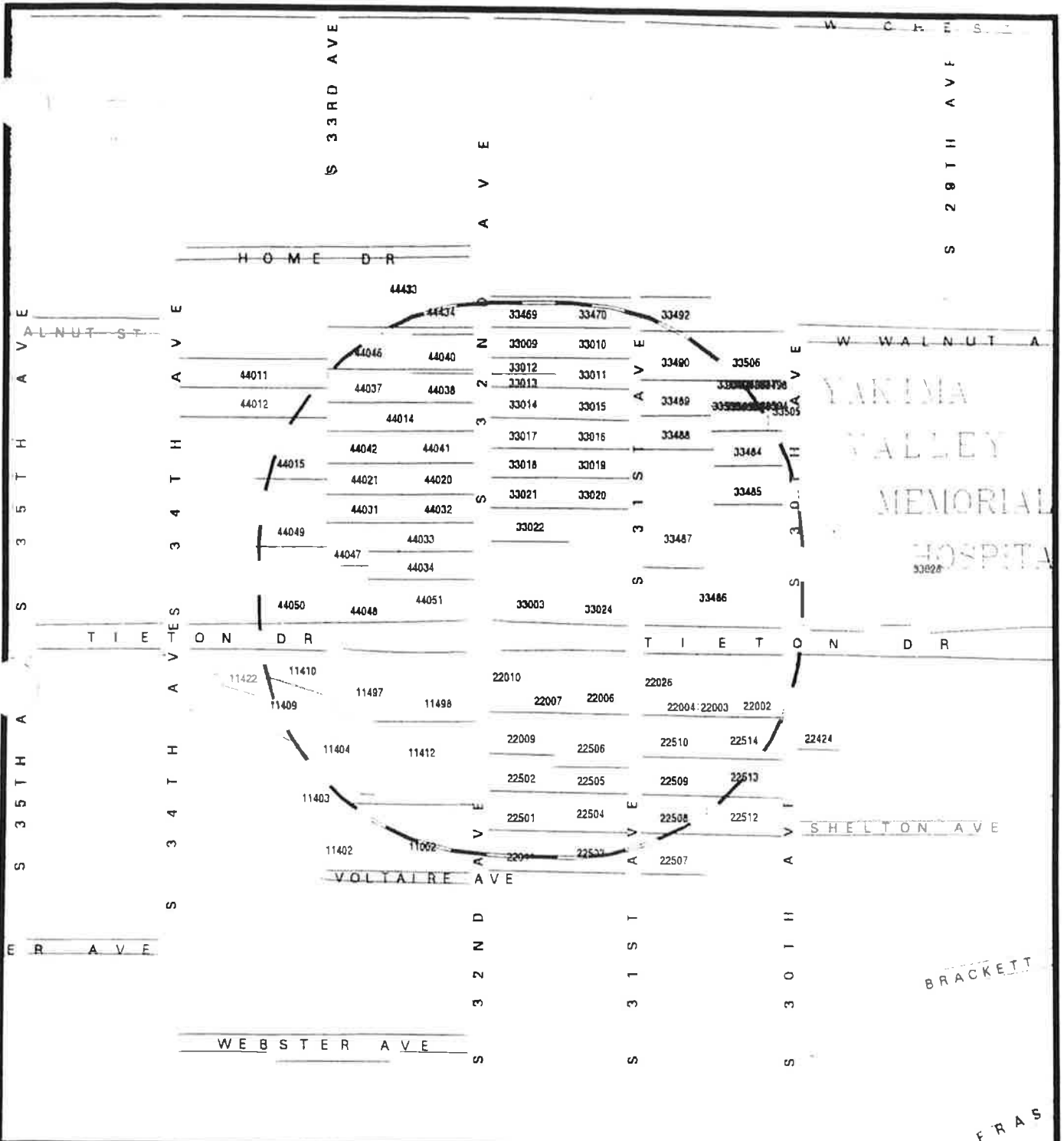
LOT INFORMATION (Print clearly in ink)  
 Parcel #(s) 181323-33003  
 Site Address 3111 Tieton Dr. Yakima, WA.  
 Zoning R-1 Comp Plan R-3  
 Legal Description (brief) W 1/4 of S 208 FT of W 1/2 of SW 1/4 of SW 1/4 of SW 1/4 of SEC 23, T 13 N R 18 E. W. M. EXCEPT W 20 FT AND EXCEPT S 30 FT.

BACKGROUND INFORMATION  
 Applicant Name Bruce Simpson & Theresa Campbell-Simpson  
 Site Address 3111 Tieton Dr. Yakima, WA. 99102  
 Mailing Address 216 S. 24th Ave Yakima, WA. 99102  
 Contact Person Bruce Simpson Contact Phone: (509) 697-0000

Produced by (print) \_\_\_\_\_ Date: \_\_\_\_\_  
 (Indicate North)

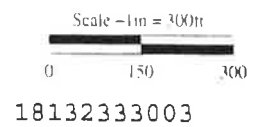
Applicant Signature: *B. Simpson* Date: 7/16/01

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**CITY OF YAKIMA, WASHINGTON**  
**Information Services - GIS**

FILE NO: UAZO RZ#5-01, CL(3)#6-01, CL(2)#16-01  
 APPLICANT: BRUCE SIMPSON  
 REQUEST: REZONE ONE PARCEL FROM R-1 TO B-1  
 FOR MULTIPLE USES  
 LOCATION: 3111 TIETON DRIVE



BRACKET

F R A S

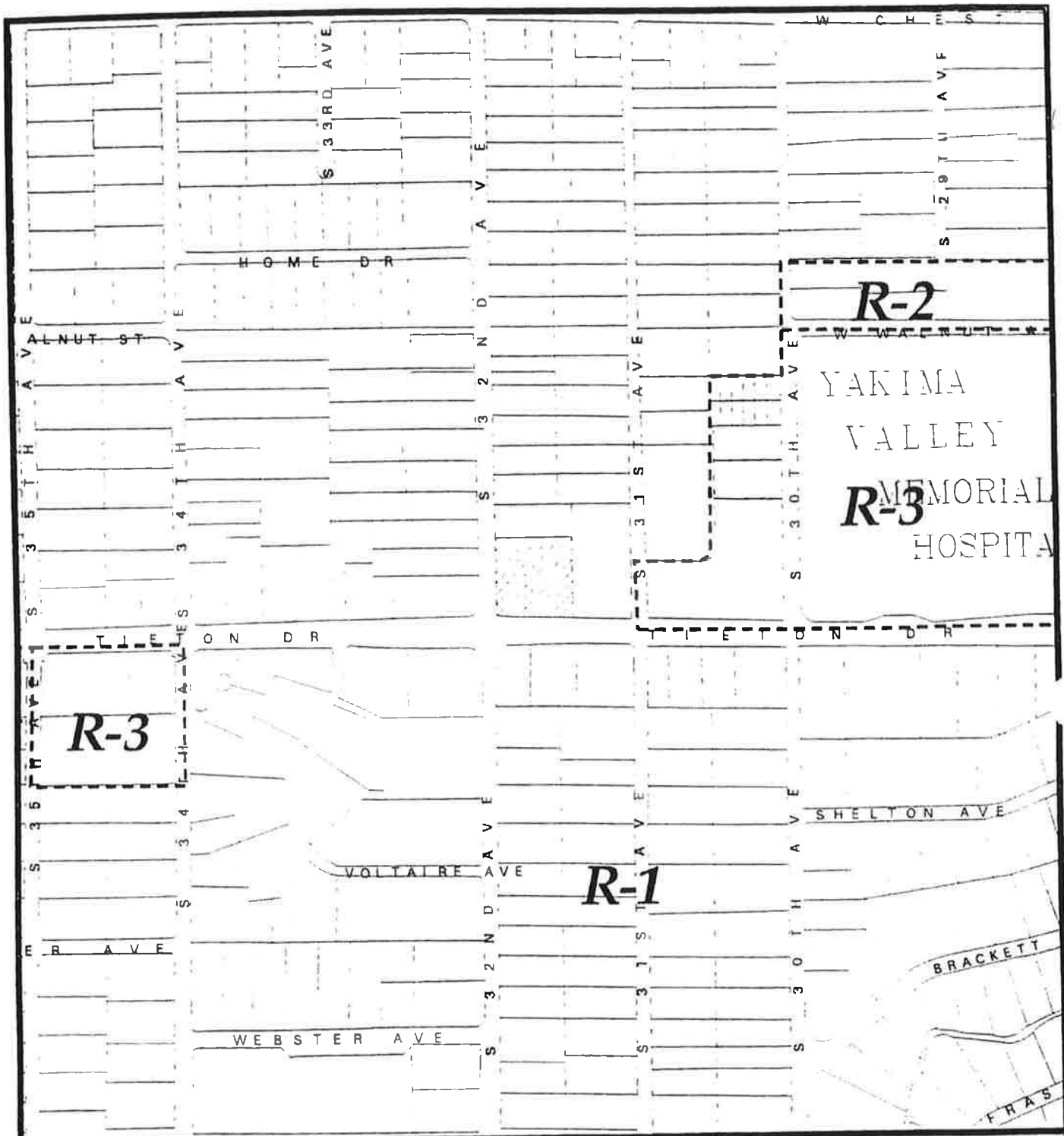


File # 500 FT  
 Hearing Examiner  
 EXH # 2 Date 4/16/01  
 File # UAZO RZ# 5-01

RZ-5-01 04/16/01

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**CITY OF YAKIMA, WASHINGTON**

**Information Services - GIS**

FILE NO: UAZO RZ#5-01, CL(3)#6-01, CL(2)#16-01

APPLICANT: BRUCE SIMPSON

REQUEST: REZONE ONE PARCEL FROM R-1 TO B-1

FOR MULTIPLE USES

LOCATION: 3111 TIETON DRIVE

Scale - 1 in = 300ft



 Subject Property

 Zoning Boundary

 Yakima City Limits

RZ-5-01 04/24/01

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**CITY OF YAKIMA, WASHINGTON**

**Information Services - GIS**

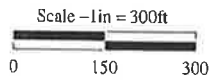
FILE NO: UAZO RZ#5-01, CL(3)#6-01, CL(2)#16-01




APPLICANT: BRUCE SIMPSON

REQUEST: REZONE ONE PARCEL FROM R-1 TO B-1

FOR MULTIPLE USES

LOCATION: 3111 TIETON DRIVE










-  Subject Property
-  Zoning Boundary
-  Yakima City Limits

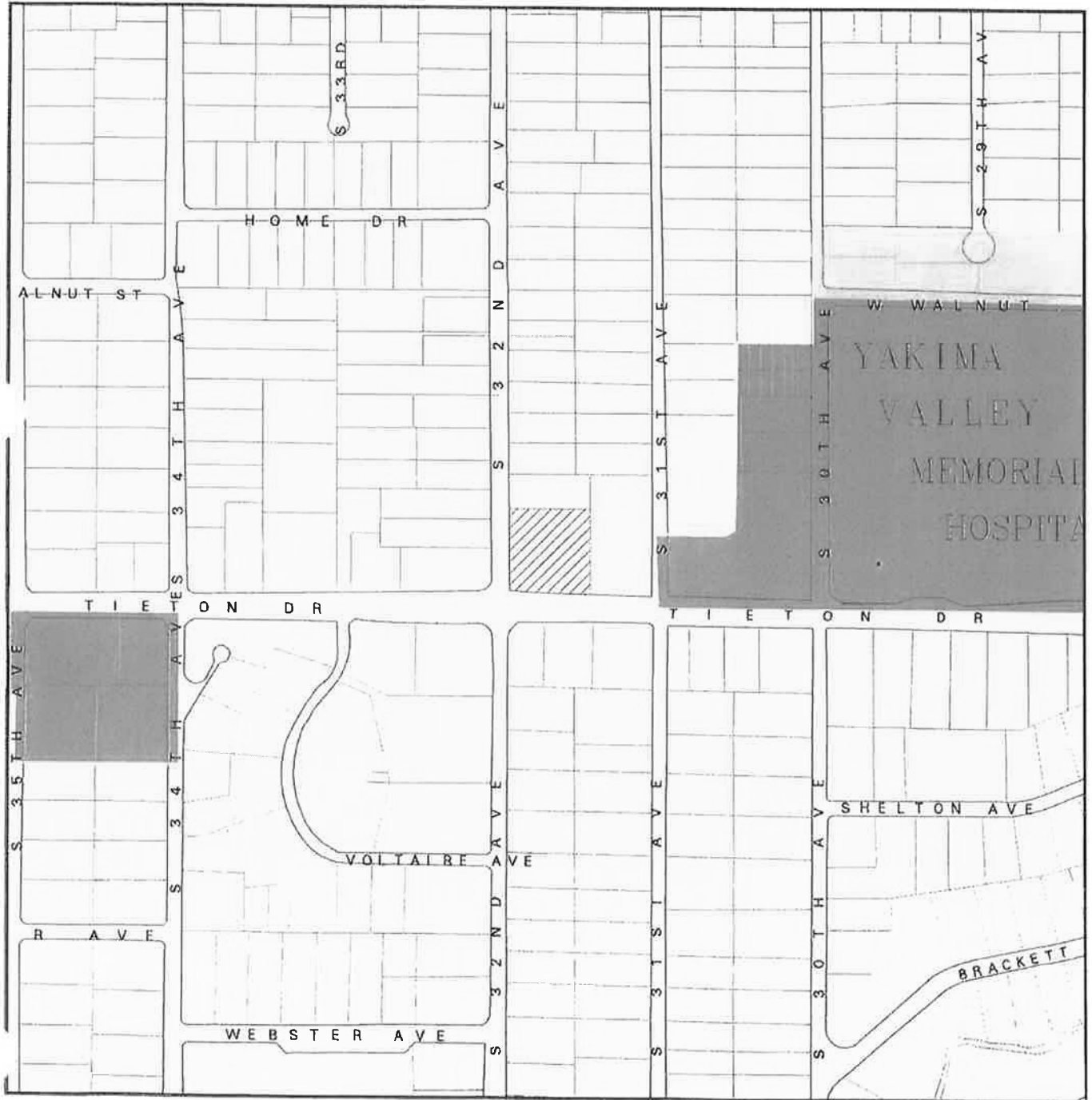
RZ-5-01 04/24/01

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**UAZO RZ#5-01, CL(3)#6-01, CL(2)#16-01**  
**BRUCE SIMPSON**  
**REZONE ONE PARCEL FROM R-1 TO B-1**  
**FOR MULTIPLE USES**  
**3111 TIETON DRIVE**

 **Subject Property**  
 **City Limits**

-  SR Suburban Residential
-  R-1 Single-Family Residential
-  R-2 Two-Family Residential
-  R-3 Multi-Family Residential
-  B-1 Professional Business
-  B-2 Local Business
-  HB Historical Business
-  SCC Small Convenience Center
-  LCC Large Convenience Center
-  CBD Central Business District
-  CBDS CBD Support
-  M-1 Light Industrial
-  M-2 Heavy Industrial



**UAZO RZ#5-01, CL(3)#6-01, CL(2)#16-01**

Scale - 1in = 300ft  
 0 150 300  
 RZ-5-01



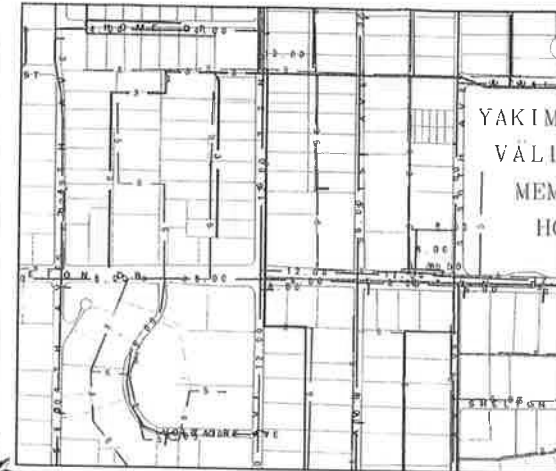
**City of Yakima, Washington**  
**April 24, 2001**

City of Yakima  
 Information Services  
 DOC. INDEX # **43B-2**



**Current Zoning**

- CURRENT ZONING**
- SR Suburban Residential
  - R-4 Single-Family Residential
  - R-2 Two-Family Residential
  - R-3 Multi-Family Residential
  - B-4 Professional Business
  - B-3 Local Business
  - HB Historical Business
  - SCC Small Convenience Center
  - LCC Large Convenience Center
  - CBD Central Business District
  - CBD-CBD Support
  - M-4 Light Industrial
  - M-2 Heavy Industrial



**Yakima Water & Sewer**

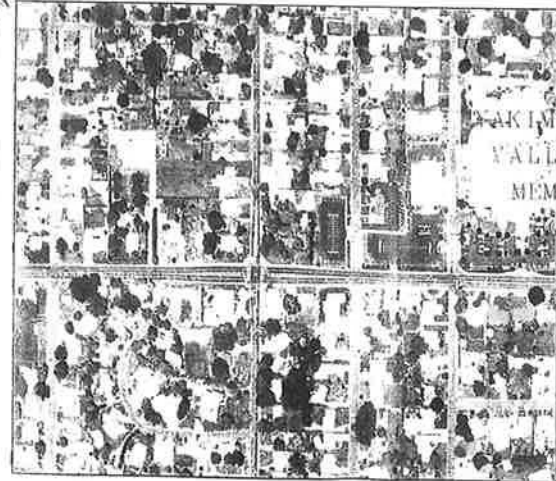
- Water Line
- Sewer Line
- Impingement Main

FILE NO: UAZO RZ/WS-01, CLJ3186 01, CLJ  
 APPLICANT: BRUCE SIMPSON



**Future Land Use**

- FUTURE LAND USE**
- Low Density Residential
  - Medium Density Residential
  - High Density Residential
  - Professional Office
  - Neighborhood Commercial
  - Large Convenience Center
  - Aerial Commercial
  - CBD Core Commercial
  - Industrial
  - Urban Reserve



**Digital Orthophoto**

Source: Digital Orthophotography Series 03/15/04



**CITY OF YAKIMA**  
 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT  
 128 North Second Street  
 Yakima, Washington 98901  
 Phone: (509)575 6113  
 Fax: (509)575 6305

All maps shown at 1" = 300ft.  
 One page A4 size: 11.5 x 17  
 Created: April 24, 2001

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OFFICE OF HEARING EXAMINER  
FOR THE  
CITY AND COUNTY OF YAKIMA

PHILIP A. LAMB

311 NORTH THIRD STREET, P.O. BOX 4  
YAKIMA, WASHINGTON 98907

(509)248-0706

FAX: (509) 248-0707

August 23, 2001

RECEIVED

AUG 23 2001

CITY OF YAKIMA  
PLANNING DIV.

Chris Wilson  
City of Yakima  
Planning Division  
129 N. 2nd Street  
Yakima, WA 98901

Re: Bruce and Theresa-Campbell Simpson  
City No. UAZO RZ #5-01  
Examiner No. IU01-2-12

Dear Chris:

My Examiner's Recommendation is enclosed. The hearing was held on June 14, 2001.

Best personal regards,

*PAL*

Philip A. Lamb

PAL/pal  
Enclosure

cc: Ms. Terri Cyr, w/encl.  
Board of County Commissioners w/encl.

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# B-1

STATE OF WASHINGTON  
CITY OF YAKIMA  
OFFICE OF HEARING EXAMINER

RECEIVED

AUG 23 2001

CITY OF YAKIMA  
PLANNING DIV.

Master Application by )	EXAMINER'S RECOMMENDATION
Bruce & Theresa Campbell- )	
Simpson for a rezone of a )	City No. UAZO RZ #5-01
single 0.68 acre parcel from )	
R-1, Single-Family Residential) )	Examiner No. IU01-2-12
to B-1, Professional Business,) )	
and Class 3 Review for )	
Multiple Uses at 3111 Tieton )	
Drive, Yakima, WA )	

The Examiner conducted a public hearing on June 14, 2001. The staff report presented by Senior Planner Dan Valoff recommended approval subject to conditions. Mr. and Mrs. Simpson appeared on behalf of the application, and were represented by attorney James Carmody. There was significant opposition, and receipt of extensive exhibits. The Examiner inspected the property both prior to and after the hearing.

At the close of the hearing, I requested a memorandum from Mr. Carmody concerning legal requirements that rezones be consistent with comprehensive plan designations. That memorandum was received on June 18. On June 28 I requested additional information from Mr. Carmody, as reflected in my letter to him dated June 28, 2001. His response, dated August 3, 2001 covered all issues. Mr. Valoff reviewed the materials at my request, and submitted his memorandum on August 10, 2001. He basically agrees with the proposed development agreement, and suggests that it should also deal with the shared parking agreement with Memorial Hospital.

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Bruce Simpson and Theresa  
Campbell Simpson  
Examiner No. IU01-2-12

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CITY AND COUNTY OF YAKIMA  
POST OFFICE BOX 4  
YAKIMA, WASHINGTON 98907  
(509) 248-0706

**SUMMARY OF RECOMMENDATION.** The Examiner recommends approval.

The following after hearing documents are attached as exhibits to this recommendation, for ease of reference:

Exhibit A - June 18, 2001 letter from attorney Carmody re consistency of zoning with comprehensive plan designation.

Exhibit B - June 28 letter from Lamb to Carmody requesting additional information and detailing provisions to be included in a revised site plan and development agreement.

Exhibit C - August 3 letter, with attachments, from Carmody to Lamb. The attachments are a draft development agreement and revised site plan.

Exhibit D - August 10 memo from Valoff to Lamb confirming review of Carmody documents.

From the view of the site, the matters contained in the official record, including the staff report, a review of both the Yakima Urban Area Comprehensive Plan and the Yakima Urban Area Zoning Ordinance, and from evidence received at the hearing, the Examiner makes the following:

**FINDINGS**

1. **Applicant.** Bruce & Theresa Campbell-Simpson, 216 South 24<sup>th</sup> Avenue, Yakima, WA 98902.
2. **Location.** 3111 Tieton Drive, Assessor's parcel number 181324-33003.
3. **Application.** Rezone of a single 0.68-acre parcel from R-1, Single-Family Residential, to B-1, Professional Business.

EXAMINER'S RECOMMENDATION - 2  
Bruce Simpson and Theresa  
Campbell Simpson  
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This Master application also requests review for a "Coffee House", tutoring service, one-chair hair salon, massage/esthetician, and private receptions.

4. Proposed Zone. B-1, Professional Business.

5. Proposed Use. A multi-use building with coffee house, hair salon, professional office space, and private receptions.

6. Current Zoning and Use. The site is currently zoned R-1, Single-Family Residential. The site currently occupied with a single family residence. Adjoining properties have the following characteristics:

<u>Location</u>	<u>Zoning</u>	<u>Existing Land Use</u>
North	R-1	Single-family residence
East	R-1	Parking lot
West	R-1	Single-family residence
South	R-1	Single-family residence

7. Project Description. This proposal is to rezone a 0.68 acre parcel from R-1 to B-1. The rezone is intended to create a neighborhood and "community gathering place" between the Memorial Hospital campus to the east and the surrounding residential neighborhood. The existing residence contains approximately 4,600 square feet of usable floor space. A professional office for a food ingredient brokerage firm will be located on the second floor, a Class (1) use in the B-1 zone.

The main floor of the existing residence will contain a sit down style Coffee House serving coffee, muffins and other prepared foods to be brought in; there will be no cook or chef on the premise. This is a Class (3) use in the B-1 zone.

There will be a part-time, appointment only, hair salon and an esthetician or masseuse. This is a Class (2) use in the B-1 zone.

EXAMINER'S RECOMMENDATION - 3  
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Another part time use will be for a one-on-one tutoring center in a portion of the basement. This is a Class (3) use in the B-1 zone.

The applicant is proposing to offer the home for receptions on an appointment basis, a Class 2 use. Receptions will be limited to Fridays and Saturdays from 3 p.m. to midnight and on Sundays from noon to 6:00 p.m. Memorial Hospital has offered the shared use of the parking lot to east parking after 5:00 p.m. on weekends and holidays (see attached exhibit). It contains 60 parking stalls.

The site plan indicates that 18 off-street parking spaces will be available for the use of the facility.

8. Rezoning Criteria. The criteria for rezones established by YCC 15A.23.030.5 are considered below:

8.1 Testimony. That this proposal is controversial is an understatement. The testimony and exhibits reflect significant concerns by the neighboring residents, most of whom are strongly opposed to this proposal. There are numerous letters in support but neighborhood opposition is very significant. Walt Ranta's letter, for example, documents numerous concerns. Perhaps the overriding issue is that approving this rezone and the proposed uses opens the door to increased commercialization of what has been a very nice stable residential neighborhood. If single family uses give way to more commercial activities, traffic, noise, pedestrian safety, glare, litter, and a host of other concerns may negatively impact this residential neighborhood. Increased traffic, parking requirements, outdoor activities, and hours of operation are part of the panoply of neighborhood concerns.

There is also a strong but much smaller core of support. As a general statement, supporters are less likely to live in the

EXAMINER'S RECOMMENDATION - 4  
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immediate neighborhood, although there are a number who do. Supporters typically are interested in finding a way to preserve the architectural and landscape qualities of this property, and believe that its location at the corner of two arterials is not conducive to continued single family residential use.

**8.2 Suitability of the Property.** The property is a large Tudor style house built around 1930. It is located at the signalized intersection of Tieton Drive and South 32<sup>nd</sup> Avenue, adjacent to Memorial Hospital campus. The rezone to B-1 will allow the property to be preserved in its present form and will serve as a buffer between the neighborhood on the west and the hospital to the east.

**8.3 Agency Recommendations.** All agencies and city departments indicate that public services are available to the site and that this rezone would not create any difficulties for infrastructure.

**8.4 Compliance with Comprehensive Plan and Zoning Ordinance.** The applicant requested a change in the future land use map during the Year 2000 Comprehensive Plan amendment process, from Low Density Residential to Professional Office. The Regional Planning Commission, Joint Board, and the Joint City Council and County Commissioners approved amendment to High Density Residential.

The high density residential designation is consistent with that given the property owned by Memorial Hospital, which borders this property on the east.

My understanding of the comprehensive plan amendment process is that neither the Planning Commission nor the City Council wanted to create a spot designation on this corner for professional office. The Simpsons presented their conceptual plans for this property to both the Planning Commission and the

EXAMINER'S RECOMMENDATION - 5  
Bruce Simpson and Theresa  
Campbell Simpson  
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City Council, and those conceptual plans are now represented by this application. The comprehensive plan contains a chart (III-3) which creates a compatibility matrix, indicating which zoning districts are deemed compatible with the various land use designations. This proposal is, subject to public hearing, considered consistent with high density residential designation. It is also consistent with a professional office land use designation. The professional office comp plan designation, however, also permits B-2 (Local Business) uses, which are significantly more intensive than uses permitted in the B-1 zone.

It appears that the Simpsons have been forthright from the outset of the comprehensive plan amendment process that they hoped to obtain a land use designation, and appropriate zoning designation, which would enable them to develop the uses proposed while protecting and preserving the unique characteristics of this property.

Neither the Urban Area Comprehensive Plan nor the Urban Area Zoning Ordinance provides a scalpel-like tool to deal with unique properties like this on an individual, case by case, basis. State law, however, now authorizes use of development agreements, a tool which can place detailed restrictions on an individual property which are much more limiting than the broader uses contemplated by both the comprehensive plan and the zoning ordinance.

Changing the comprehensive plan land use designation was the threshold and most significant hurdle faced by the Simpsons. As reflected in Mr. Carmody's attached memorandum, Washington State's growth management legislation and resulting case law essentially mandates that zoning now be consistent with the comprehensive plan land use designation. Whether the appropriate zoning should be Multi-family Residential (R-3), or Professional

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YAKIMA, WASHINGTON 98907  
(509) 248-0706

Business (B-1), is the central question of this debate. Under state law, it can fairly be asserted that the Simpsons are entitled, almost on a mandatory basis, to R-3 zoning.

If this property were zoned R-3, there would be no limitations whatsoever on retaining the structures or the landscaping. The property could be razed and rebuilt with a number of apartments, all consistent with zoning ordinance restrictions on R-3 uses. There is no limit on the number of dwelling units which are permitted in the R-3 zone. The only limitations are indirect, dealing with required parking and lot coverage, and a building height limitation of 50 feet. Based upon national statistics, an individual apartment typically generates about 8 trip ends per day, which could result in considerable traffic.

Absent the comprehensive development scheme, with ongoing limitations, proposed by the Simpsons, a reasonable person could conclude that this corner ought not be zoned R-3, but for the comp plan designation. It can easily be argued that if this proposal is not adopted the door will be open even wider for intense utilization of this property which is even more incompatible with the adjacent lovely single family neighborhood.

If this property had been designated Professional Office under the comprehensive plan, a much wider range of commercial uses would have been permitted. Table 4-1 of the Urban Area Zoning Ordinance shows that two or three times as many retail and commercial uses are permitted in the B-2 zone as in the B-1, often at a much lower level of review. Presumably the Regional Planning Commission and the City council had this in mind in deciding to designate this as high density residential rather than professional office.

EXAMINER'S RECOMMENDATION - 7  
Bruce Simpson and Theresa  
Campbell Simpson  
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Subject to the constraints imposed by this recommendation and the attached development agreement, this proposal is consistent with the comprehensive plan land use designation, and is more appropriate than the high density residential development otherwise permitted by the existing high density land use designation.

YMC Chapter 15.03.030 states that the B-1, Professional Business district is intended to:

- a. Establish and preserve areas for professional offices; and,
- b. Provide a buffer between commercial clusters and residential neighborhoods; and,
- c. Locate professional offices in areas presently receiving a full range of urban services.

Professional offices and, in some areas, a mix of professional offices and multi-family dwellings are the primary uses in the district. Residential densities are generally greater than twelve dwelling units per net residential acre. Building coverage may be as high as eighty percent of the site since sitescreening requirements have been established to soften the visual impact of large buildings and parking lots and minimize potential nuisances from light, noise and glare. Development standards are intended to accommodate a mixture of high-density residential development and office uses.

The Urban Area Zoning Ordinance (UAZO) indicates that the proposed uses of the "Coffee House" and the one-on-one tutoring center are Class (3) land uses within the B-1 zoning district. The accessory use of the parking lot for the reception facility is a Class (3) use in the abutting Memorial Hospital property which is zoned R-1, Single-Family Residential.

The proposed beauty salon/massage/esthetician and the

EXAMINER'S RECOMMENDATION - 8  
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FOR THE  
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POST OFFICE BOX 4  
YAKIMA, WASHINGTON 98907  
(509) 248-0706

reception hall are Class (2) uses within the B-1 zone. The Class (2) and (3) review process enables the neighborhood an opportunity to review and comment upon the compatibility of the proposed use and whether the use conflicts with or detracts from the primary purposes of the zoning district. The Reviewing Official may approve deny, or impose conditions on the proposed use and site improvements.

B-1 zoning allows the same density of apartment development, while also allowing a somewhat broader range of office and retail activities (See Table 4-1). Based upon all of the evidence, a development agreement limiting uses to those set forth in the application is far more appropriate than the intense uses otherwise permitted by either the R-3 or B-1 zones. This is an example of a development agreement which sharpens the capability of our local land use regulations to deal with unique individual properties.

As an administrative aside, the City Planning Division is utilizing Geographical Information System technology (GIS) to track individual properties which are subject to limitations beyond that contained in the generally adopted land use regulations. The City now has the mapping capability to place an asterisk on any parcel, so that the zoning map indicates not only the land use and zoning designation, but also the existence of a development agreement.

**8.5 Adequacy of Public Facilities.** This property is currently served by all necessary public utilities. Street access is from Tieton Drive and South 32<sup>nd</sup> Avenue, both of which are Arterial Street at this location. Transit service is provided along Tieton Drive.

**8.6 Compatibility.** Subject to the limitations contained in this recommendation, and execution of a development

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Campbell Simpson  
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agreement consistent with those limitations, use of this property will be far more compatible with the neighborhood than the uses otherwise permitted by unfettered R-3 or B-1 zoning. This is an instance in which this property, and its future utilization, will be forever governed by a development agreement or similar documentation, consistent with not only the underlying comprehensive plan land use designation and zoning, but also the specific limitations of a property specific agreement.

Substantial weight is placed on the fact that the conceptual development of this property was known by the Regional Planning Commission and the City Council when this property was designated, in 2000, as high density residential.

The rezone to B-1 and proposed Class (2) and (3) uses will allow the property to be preserved in its present form and will serve as a buffer between the neighborhood on the west and the hospital to the east.

9. Public Need/Change of Circumstance. The project as proposed will provide a small-scale mixed-use commercial/professional development within the neighborhood in which it is intended to serve. The community will be strengthened by the preservation and opening of the property to the public. The proposed uses will add vitality and become a community asset for the area residents as well as for people outside the area. Preservation and uses such as this make the city more complex in a positive way and improve the quality of life for its citizens.

10. Class 2 and Class 3 Review. Both the rezone and proposed uses were reviewed by the Development Services Team. Their specific comments are reflected in the staff report. Most importantly, all public facilities are available and appropriately sized for this proposal. No additional widening or improvements

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to the streets will be required, although additional right of way must be dedicated to attain 30 feet of right of way from the centerline of both 32<sup>nd</sup> and Tieton, pursuant to the development regulations of Title 12.

Notwithstanding the numerous and legitimate concerns of neighbors, City Traffic Engineering has concluded that all impacted streets have adequate reserve capacity to accommodate this proposal at acceptable levels of service. Total estimated p.m. peak hour traffic generation is estimated at 12 week day p.m. peak hour trips.

Driveway entrances will be revised as reflected in the revised site plan.

Limitations of use are set forth in my letter to Mr. Carmody of June 28, and are set forth in the conditions of approval below. They also are incorporated in the development agreement. These limitations are designed, and based upon the evidence, will adequately mitigate the impact of this project upon adjacent properties.

Utilization of the hospital parking lot for after hours parking has been authorized by Mr. Linneweh at Memorial Hospital. However, that document needs to be formalized in a recorded shared parking agreement.

At my hearing I raised questions as to whether or not this proposal was adequately considering the parking lot. Upon a review of the entire file and of the applicable ordinances, I conclude that from the inception of this application, the documents adequately disclose the intent to utilize Memorial's parking lot. That parking lot is in an R-1 zone, although as with this property, the lot has recently been designated as appropriate for high density residential use under the comprehensive plan.

Parking lots are an accessory use to the primary use, and are

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treated as a Class 3 use in the R-1 zone (Table 4-1) for meeting halls. Use of the lot will occur after normal business hours, and should be so indicated by an appropriately worded sign, and subject to a formal recorded parking agreement. Availability of the parking lot is a significant advantage to this property, and will have minimal impact upon the neighborhood since the parking lot already exists.

The site plan has been revised pursuant to my letter to Mr. Carmody. These revisions reduce the number of onsite parking spaces from 18 to 15, with the intent of preserving existing mature trees and landscaping. Required parking, for all uses, is 16 spaces. The hospital lot simply provides surplus spaces.

Concern has been expressed that this proposal will require changing driveways and eliminating shrubbery and/or stone walls in order to preserve vision triangles at the driveways. These changes are required by code anyway, regardless of the use of this property.

11. Environmental Review. A Determination of Nonsignificance (DNS) was issued by the City of Yakima on June 6, 2001. This determination was based on SEPA guidelines (WAC 197-11-355). There were no comments received on the environmental review during the 20-day comment period.

The DNS was not appealed and is now final.

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

Mailing of notices to adjacent owners	May 16, 2001
Posting of property	May 14, 2001
Legal Ad published	May 25, 2001

From the foregoing Findings, the Examiner makes the

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following:

**CONCLUSIONS**

1. The Examiner has jurisdiction.
2. The proposed rezone conforms to the goals and policies of the Yakima Urban Area Comprehensive Plan and to the intent of the Yakima Urban Area Zoning Ordinance; the property is suitable for uses permitted in the B-1 District, as limited by development agreement; problems with neighborhood compatibility can be resolved; and a change of circumstance justifies the proposed change.
3. All notice provisions of the ordinance have been complied with.

Based upon the foregoing Findings and Conclusions, the Examiner submits to the Yakima City Council the following:

**RECOMMENDATION**

1. Approve this rezone application, from R-1 to B-1, subject to execution and recording of a development agreement substantially in the form attached hereto:
2. Approve the Class 3 and Class 2 uses, subject to the limitations set forth in the development agreement and further subject to the following conditions:
  - a. Approval of the use to conduct private receptions will require the applicant to prepare a "shared parking agreement" with Memorial Hospital, which should also be referenced in the development agreement. This agreement shall be filed with the Yakima County Auditor's office in accordance with

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YMC 15.06.050. A copy of the recorded parking agreement shall be submitted to the Building Official prior to issuance of a Certificate of Occupancy.

b. All outdoor receptions and coffee house activities shall terminate at 10:00 p.m.


c. Outdoor amplified music, live or recorded, is prohibited, except that background music which may be provided in the coffee house may be conveyed to outdoor coffee house patios, at a volume no louder than that occurring inside.

d. Any modifications to the project which result in intensifying any approved use shall require amendment of the development agreement and a public hearing.

e. These approved uses and related development agreement are personal to Bruce and Theresa Simpson, or their survivor, and are not transferable or assignable without a public hearing and amendment of the development agreement.

3. A final site plan, which includes the items shown on the original site plan, the additions and modifications required by this decision and demonstrating compliance with the Urban Area Zoning Ordinance, shall be submitted to the Planning Department prior to issuance of a certificate of zoning review, pursuant to YMC 15.12.050. The Planning Division requires submittal of a final site plan within 60 days of the final decision by the City Council, or as otherwise arranged with the Planning Department.

Respectfully submitted this 23 day of August, 2001.

  
PHILIP A. LAMB  
Hearing Examiner

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POST OFFICE BOX 4  
YAKIMA, WASHINGTON 98907  
(509) 248-0706

**Velikanje Moore & Shore, P.S.**

attorneys at law

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E. Frederick Velikanje,  
of counsel

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JUN 20 2001

LAMB LAW OFFICE

June 18, 2001

Mr. Philip A. Lamb  
City of Yakima - Hearing Examiner  
Lamb Law Office  
311 North Third Street  
P. O. Box 4  
Yakima, Washington 98907

Re: Bruce and Theresa Simpson  
311 Tieton Drive, Yakima, Washington

Dear Mr. Lamb:

In the context of the public hearing on the rezone application of Bruce and Theresa Simpson, we were requested to provide additional comment on rules and regulations regarding implementation of comprehensive plan land use designations. The specific inquiry related to development regulations adopted pursuant to final comprehensive plan provisions.

Growth Management Act (GMA) is recognized to represent "a complete revision in land use planning." *Stewart v. Washington State Boundary Review Board for King County*, 100 Wn.App. 165, 175, 996 P.2d 1087 (2000). In no regard is the revolutionary impact of the GMA on land use law in Washington more obvious than in the ascendancy and increased potency of the comprehensive plan. A commentator has summarized the significance as follows:

Local government planners create comprehensive plans after lengthy research into community growth patterns, infrastructure needs, employment and population forecasts, and public opinion. The plan lays out the projected development of the community within a certain time line, such as six or more years. Commentators have described comprehensive plans as the GMA's "central nervous system" with a potency previously unknown in Washington.

Note, *The End of an Era: Suburban Village Aversion in Citizens for Mount Vernon v. City of Mount Vernon*, 74 Wn.L.Rev. 367, 377-8 (1999). The comprehensive plan is the guiding document when adopting development regulations under Growth Management Act (GMA).

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Exhibit   a  

405 East Lincoln Avenue P.O. Box 22550 Yakima, WA 98907 (509) 248-6030

fax (509) 453-6880  
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Prior to the adoption of the Growth Management Act (GMA), the courts recognized that only "general conformance" with a comprehensive plan was required when implementing development regulations. See, e.g., *Cathcart-Maltby-Clearview Community Council v. Snohomish County*, 96 Wash.2d 201, 212, 634 P.2d 853 (1981); and *Tugwell v. Kitittas County*, (citation to be provided). The courts have uniformly recognized that changed circumstances are not required where the rezone implements a provision of the comprehensive plan. *SOARE v. Snohomish County*, 99 Wash.2d 363, 370-71, 662 P.2d 816 (1983); and *Bjarnson v. Kitsap County*, 78 Wn.App. 840, 845-46, 899 P.2d 1290 (1995). The case law recognizes that rezones are an appropriate mechanism for the fulfillment of a comprehensive plan and its land use designation.

The Growth Management Act (GMA) took additional step and required planning jurisdictions to adopt development regulations which are "consistent with" and "implement" adopted comprehensive plan provisions.<sup>1</sup>

The courts of Washington recognize that local entities subject to GMA must act "in conformity with its comprehensive plan," *Glenrose Community Association v. City of Spokane*, 93 Wn.App. 839, 847, 971 P.2d 82 (1999) (citing RCW 36.70A.120). GMHBs have similarly held that development regulations promulgated by local entities must be consistent with an implement an adopted comprehensive plan. See, e.g., *The Children's Alliance and Low Income Housing Institute v. City of Bellevue*, CPSGMHB No. 95-3-0011, 195 WL 903167, \*9 (1995).

Growth Management Act (GMA) requires that development regulations (e.g., zoning ordinances) are "consistent with" and "implement" comprehensive plan provisions. RCW 36.70A.040(4)(d) provides:

The county and each city located within the county shall adopt a comprehensive plan and *development regulations that are consistent with and implement the comprehensive plan* not later than four years from the date the county legislative authority adopts its resolution of intention, . . . .

---

<sup>1</sup>This directive represents a movement away from the traditional concept that the comprehensive plan is simply a guide or blueprint for land use planning. In a manner consistent with the recognition of the comprehensive plan as the "central nervous system," the implementing rules and regulations mandate actions which will carry out the directives of the comprehensive planning process.

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A similar directive was adopted by regulation: WAC 365-195-800 relates to development regulations and states:

(1) Development regulations under the Growth Management Act are specific controls based on development or land use activities by a county or city. Such regulations must be consistent with comprehensive plans developed pursuant to the Act and they must implement those comprehensive plans.

Growth Management Act (GMA) recognizes consistency and implementations as benchmarks for accountability and predictability in the land use planning process.

The case of *City of Bellevue v. East Bellevue Community Council*, 91 Wn.App. 461, 957 P.2d 267 (1998) is instructive on the interrelationship between the comprehensive plan and development regulations. In *City of Bellevue*, the municipality adopted a comprehensive plan which allowed a range of permitted densities. The comprehensive plan became a binding guide for local land use planning. The City then undertook a number of specific rezones to satisfy the GMA's requirement that zoning regulations be consistent with the comprehensive plan. *City of Bellevue v. East Bellevue Community Council*, 91 Wn.App. at 463-464. The local procedure allowed East Bellevue Community Council (EBCC) an opportunity to review the proposed rezone and conduct a public hearing. Despite the fact that the rezone was within the allowed range of densities, EBCC voted to deny the rezone because a lower range of densities would be more appropriate to control the area's high traffic levels and protect sensitive areas. City of Bellevue then sought review of EBCC's denial of the rezone. After addressing issues of appellate review and jurisdiction, the court concluded that EBCC acted without legal authority "in disapproving the City's rezone ordinance." The court stated:

But the GMA requires that development regulations such as zoning ordinances be "consistent with and implement the comprehensive plan[.]" RCW 36.70A.030(7), .040(3)(d).

It was held:

We affirm the lower court's ruling that the EBCC acted without legal authority in disapproving the City's rezone ordinance. Ordinance 4828 satisfies the GMA's consistency requirements because the rezone densities are allowed under the comprehensive plan. The EBCC had their opportunity to disapprove the comprehensive plan amendments that imposed the density ranges on the parcels at issue in this case. Its failure to do so by a majority

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vote amounts to approval of not only those ranges, but also the policies that supported them. Allowing the EBCC to disapprove rezones that comply with the previously approved comprehensive plan would foster uncertainty in Bellevue's land use regulation. The comprehensive plan specifically contemplated that the densities later adopted in the City's rezone ordinance would be allowed. The EBCC, having failed to disapprove the high end densities, was not entitled to subsequently challenge them on policy grounds when specific rezones were enacted.

The specific holding in *City of Bellevue* was that a denial of a rezone which implements adopted comprehensive plan provisions is invalid as a matter of law. This determination was premised upon the statutory mandate that development regulations be consistent with and implement the comprehensive plan.

The proposed rezone in this case is clearly "consistent with" the comprehensive plan provisions. Yakima Urban Area Comprehensive Plan defines "High Density Residential" as follows:

Apartments and densely developed planned residential developments ranging from 12 and above dwelling units per acre. A limited range of other land uses may be permitted, such as some professional offices and community services.

YUACP, page III-9. The land use compatibility chart provides specific guidance with respect to proposed usages and notes that professional office and neighborhood commercial are "compatible with appropriate site considerations."

The directive from Growth Management Act (GMA) is even more compelling in its obligation to "implement" comprehensive plans. As the Board in *Johnson, et. al. v. City of Black Diamond*, CPSGMHB No. 97-3-0001, 1997 WL 191458, \*3 (1997), held:

The consistent message of RCW 36.70A.120 prior to and following the 1993 amendment is that local governments planning pursuant to the Growth Management Act must implement their adopted comprehensive plans, and that the local government's implementing activities must be in conformity with their comprehensive plans.

The heightened responsibility for implementation has been codified in applicable regulations. WAC 365-95-800 provides, in part, as follows:

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"Implement" in this context has a more affirmative meaning than merely "consistent." [Citation omitted.] "Implement" connotes not only a lack of conflict but a sufficient scope to carry out fully the goals, policies, standards and directions contained in the comprehensive plan.

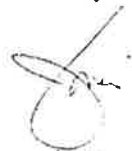
See also *Hensley v. Snohomish County*, 194 WL 903186, \*3-4 (1995) ("implement" in this context has a more affirmative meaning than merely "consistent.")

The legislature and courts of Washington clearly contemplated an affirmative responsibility on the party of a municipality to adopt consistent and implementing development regulations. The mandate prescribes the adoption of development regulations of "a sufficient scope to carry out fully the goals, policies, standards and directions contained in the comprehensive plan." The high-density residential land use designation (together with compatibility chart) contemplates a potential for mixed usage which includes professional office and community service oriented activities. When coupled with a development agreement, the rezone in the present case fulfills the statutory and judicial mandates of consistency and implementation.

The proposal for preservation of the "Raymond House" provides a unique opportunity to meaningfully and rationally protect historic structures in our community. A challenge is presented in protection of unique properties located on busy arterials or near institutional developments. The strictly circumscribed utilization of a development agreement assures retention of the physical appearance and structure of the premises; enhanced landscaping and neighborhood buffering; and a limitation on use rights that balances ownership interests and community access to the facility.

Bruce and Theresa Simpson's genuine and sincere love for this property and its preservation is apparent from the application and hearing. They will be wonderful stewards of this property and will maintain a showpiece worthy of pride and enjoyment. It is unfortunate that this community does not have more people with this level of community commitment.

Very truly yours,



James C. Carmody  
JCC:ji/jmf

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OFFICE OF HEARING EXAMINER  
FOR THE  
CITY AND COUNTY OF YAKIMA

PHILIP A. LAMB

311 NORTH THIRD STREET, P.O. BOX 4  
YAKIMA, WASHINGTON 98907

(509) 248-0706

June 28, 2001

Mr. James C. Carmody  
Velikanje, Moore & Shore, Inc. P.S.  
P. O. Box C2550  
Yakima, WA 98907

**Re: Bruce and Theresa Simpson,  
3111 Tieton Drive**

Dear Mr. Carmody:

Thank you for your letter/legal memorandum dated June 18 concerning consistency of rezones with the comprehensive plan.

I am inclined to recommend this rezone, subject to a development agreement, for approval. This is contingent upon three items with which I ask your assistance.

First, I would like to see a revised site plan, to scale. The site plan would show the driveway to 32<sup>nd</sup> located between the existing fir trees, as wide as possible while still preserving the large trees, with appropriate clear view triangles at 32<sup>nd</sup>. Parking north of the driveway would be reduced, perhaps by three spaces, starting approximately at the west end of the house, and proceeding east. Reducing the number of parking spaces is probably necessary in order to accommodate turning movements from the driveway after clearing the east end of the trees.

Putting the driveway between the trees is an effort to preserve the trees and still accommodate two-way traffic. My estimate is that there are 20 to 21 feet between the trees. Clearing the vision triangle at the driveway will mean removing the shrubbery in that area, and probably also the remnants of the rock wall at the corners. Utilities would not be relocated, but the curb cut would probably be redone.

The site plan should also reflect a widened and perhaps relocated somewhat to the east driveway to Tieton.

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Velikanje, Moore & Shore, Inc. P.S.  
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driveway in its present configuration will not accommodate two-way traffic. This will also entail revising the retaining walls to some extent.

Second, please review with City Planning staff the status of the hospital parking lot immediately to the east. My recollection is that the lot is zoned R-1, but was approved by me for use by the hospital as a parking lot as part of a Class 3 review of the hospital's office building. I am inclined to approve use of the lot for after hours parking for the Simpson's, but am curious whether this can be done in this proceeding. Although use of the parking lot was contemplated in this application, I doubt that the legal descriptions included the lot. I will appreciate your review of this matter with staff and your subsequent written analysis.

Finally, please prepare a proposed development agreement. The agreement should include a description of all proposed uses, subject of course to building and fire code and ADA requirements. Coffee house and reception limitations should include the following:

1. All outdoor receptions and coffee house activities shall terminate at 10:00 p.m.
2. Outdoor amplified music, live or recorded, is prohibited, except that background music which may be provided in the coffee house may be conveyed to outdoor coffee house patios, at a volume no louder than that occurring inside.
3. Any modifications to the project which result in intensifying any approved use shall require amendment of the development agreement and a public hearing.
4. These approved uses and related development agreement are personal to Bruce and Theresa Simpson, or their survivor, and are not transferable or assignable without a public hearing and amendment of the development agreement.

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Mr. James C. Carmody  
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Thank you, in advance, for your help. As you know, this is an interesting proposal, with significant support, and substantial opposition. Single family residential neighborhoods are especially sensitive to commercial uses, and deserve the highest level of protection. At the same time, every community is faced with the dilemma of how to preserve elements of its past which help to make the community unique. This is a unique proposal which I believe is very limited to its specific facts. Use of the property as a bed and breakfast apparently did not aggravate the neighborhood, but also apparently was not particularly successful, as evidenced by the fact that this property has been on the market for several years.

In my opinion, your memorandum indicating that the zoning regulations must be consistent with and implement the comprehensive plan correctly reflects Washington law. It can be said that the requirement is mandatory. I have to place substantial weight on the fact that both the Regional Planning Commission, and the Yakima City Council, changed the comprehensive plan designation of this specific property to high density residential. They did so knowing the general details of this development proposal.

This property is unique, not only due to its building architecture and good condition, but also because of its mature landscaping. Our development regulations do not place any obligations on a property owner to maintain either buildings or landscaping in a particular way. Simpson's could, as you well know, cut down every tree and shrub on the lot without any by your leave from either the city or the neighbors. Simpson's are also in a pretty good position to obtain an R-3 rezone without the limitations of this proposed development agreement. With an R-3 zone, they would then be able to put up to seven apartments per acre on the property without any input from the neighbors. A boarding house for up to 10 people living there on a permanent or semi-permanent basis is also permitted as a Class 1 use. Using a development agreement is therefore a good way to tailor this project to the Simpson's requirements, while still being responsive to neighborhood concerns.

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Mr. James C. Carmody  
Velikanje, Moore & Shore, Inc. P.S.  
June 28, 2001  
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Given the level of controversy over this project, by a copy of this letter to Planning, I will let them determine how to notify some of the neighbors that there will be some additional delay while you respond to this letter.

Best personal regards,

  
Philip A. Lamb

PAL/pjl  
cc: Dan Valoff, City Planning

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John S. Moore  
Morris G. Shore  
George F. Velikanje  
Alan D. Campbell  
James C. Carmody  
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Mark E. Fickes  
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James S. Elliott  
J. Gabriel Ibarra  
Sarah L. Wixson

E. Frederick Velikanje,  
of counsel

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LAMB LAW OFFICE

August 3, 2001

Mr. Philip A. Lamb  
City of Yakima - Hearing Examiner  
Lamb Law Office  
311 North Third Street  
Yakima, Washington 98901

Re: Bruce and Theresa Simpson  
3111 Tieton Drive, Yakima, Washington

Dear Mr. Lamb:

This letter is written in furtherance of your correspondence of June 28, 2001. I have enclosed the following:

1. A draft Development Agreement which has been prepared pursuant your request in the recent correspondence. The Development Agreement is patterned after the agreement utilized by the City of Yakima in the rezone of the Mercy Development property at 16<sup>th</sup> Avenue and River Road. We have attempted to incorporate all of the conditions which have been discussed through the public process.
2. A revised site plan and site plan notes prepared by Bruce and Theresa Simpson. I believe that this material has been previously provided to both the Hearing Examiner and City of Yakima. In an abundance of caution, however, I am also enclosing a copy of those materials.

We appreciate your conscientious consideration of this matter. If there is any additional information that you would require, please feel free to contact me and we will immediately respond to the request.

Very truly yours,

James C. Carmody  
JCC:jj

Enclosures

Via Attorney Messenger Service

c: Dan Valoff, City of Yakima  
Bruce and Theresa Simpson

HEARING EXAMINER

Exhibit C

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## DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2001, by and between **CITY OF YAKIMA, WASHINGTON**, a municipal corporation organized under the laws of the state of Washington ("City") and **BRUCE SIMPSON AND THERESA CAMPBELL-SIMPSON** ("Simpson").

### RECITALS

A. To strengthen the public planning process and provide certainty to project development, the legislature of the state of Washington enacted RCW 36.70B.170-.210 (the "Development Agreement Statute"), which authorizes the city to enter into an agreement regarding the development of real property located within the city's jurisdiction with any person having an ownership interest or control of such real property.

B. Simpson is the owner of certain real property located at 3111 Tieton Drive, Yakima, Washington, 98902 (Assessor's Tax Parcel No. 181323-33003). The legal description is attached as Exhibit A. The property is presently improved with a historic Tudor structure commonly known as the "Raymond House." The property adjoins Yakima Valley Memorial Hospital and is located at the intersection of Tieton Drive and South 32<sup>nd</sup> Avenue (a signalized intersection).

C. Simpson has proposed a rezone of the single 0.68 acre parcel from R-1, Single-Family Residential, to B-1, Professional Business. The rezone is consistent with the adopted Urban Area Comprehensive Plan for City of Yakima. The rezone application is coupled with applications for a multi-use building including coffee house, hair salon, professional office space, and facility for private receptions. The purpose of

the applications is to preserve the historic structure and grounds while allowing limited and defined usage of the facility.

D. A revised Site Plan has been provided based upon comments and requirements of Hearing Examiner for City of Yakima, by letter dated the 28th day of June, 2001. A copy of the revised Site Plan is attached as Exhibit B and incorporated by this reference.

E. City and Simpson agree that the rezone and approved land uses shall be limited to the specific proposal presented in the application and that no material modification, expansion or alteration of such use shall be permitted without compliance with applicable ordinance procedures governing such matters.

F. City and Simpson are entering into this Development Agreement to provide certainty for planning and usage of the property and to assure the limitation of permissible uses to those identified and reviewed by Hearing Examiner and City Council.

**NOW, THEREFORE**, in consideration of the mutual promises herein, City and Simpson **AGREE AS FOLLOWS**:

1. **Rezone of Property**. The rezone of the property located at 3111 Tieton Drive, Yakima, Washington, shall be expressly conditioned upon the terms and conditions set forth in this Development Agreement and approved uses shall not be materially modified, expanded or altered other than by subsequent public process applicable to ordinance amendments (rezones) and land use processes.

2. **Site Plan**. Any and all use of the subject property shall be consistent with the Site Plan attached hereto as Exhibit A. Any material modification or alteration to the Site Plan shall require public review in accordance with applicable ordinances relating to ordinance amendments (rezones) and use review and approvals. The use of the property is expressly conditioned upon reconfiguration of the property (including property and access) in a manner consistent with the referenced Site Plan.

3. **Approved and Permitted Uses/Occupancies**. Simpson shall be authorized and permitted to conduct only the following uses of the subject property:

(a) **Coffee Shop**. A sit-down style coffee house shall be located on the main floor of the existing structure. There will be no chef or commercial kitchen facility. Most food items will be prepared off-site, such as muffins, scones and dessert items.

The coffee house shall be subject to limitations more particularly set forth in Section 4 hereof.

(b) **Professional Office.** A professional office for a food ingredient brokerage firm may be maintained on the second floor of the existing structure. No retail business shall be permitted and any conferences/meetings will be by appointment only.

(c) **Hair Salon.** A single seat, appointment only hair salon shall be allowed and located on the main floor and operated by Theresa Campbell-Simpson. The salon activity may include an esthetician or masseuse, which shall be located on the second floor.

(d) **Tutoring.** A part-time one-on-one tutoring center shall be authorized in a portion of the basement of the existing structure.

(e) **Receptions.** The existing structure may also be utilized for receptions or private gatherings on an appointment basis and subject to limitations set forth in Section 4 hereof.

4. **Limitations on Use.** The coffee house and reception uses shall be limited as follows:

(a) All outdoor receptions and coffee house activities shall terminate at 10:00 p.m.

(b) Outdoor amplified music, live or recorded, is prohibited, except that background music which may be provided in the coffee house may be conveyed to outdoor coffee house patios, at a volume no louder than that occurring inside.

(c) Any modifications to the project which result in intensification of any approved use shall require amendment of the Development Agreement and a public hearing.

(d) A single wooden sign with ground based spot lighting shall be allowed at the location shown on the Site Plan.

5. **Nonassignability of Agreement.** The approved uses and this Development Agreement are personal to Bruce Simpson and Theresa Campbell-Simpson, or their survivor, and are not transferrable or assignable without a public hearing and amendment of the Development Agreement.



6. **Modification/Amendment.** Any material modification, expansion or alteration of uses as outlined in this Development Agreement shall require a new public hearing, unless otherwise determined by City of Yakima.

7. **Recordation/Binding Effect.** Pursuant to the provisions of RCW 36.70B.190, this Development Agreement (or memorandum thereof) shall be recorded with the real property records of Yakima County, Washington. This Agreement is binding on City and Simpson or parties which have subsequent interest in the property.

8. **Notices and Demands.** Any notice or demand which either party hereto is required or desires to give to or make upon the other shall be in writing and delivered or mailed by United States registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

In the case of City of Yakima to:

City of Yakima  
c/o City Manager  
129 North 2<sup>nd</sup> Street  
Yakima, WA 98901

In the case of Simpson to:

Bruce Simpson and/or  
Theresa Campbell-Simpson  
3111 Tieton Drive  
Yakima, WA 98902

9. **Effective Date.** This Development Agreement shall be effective upon a final determination approving the rezone and use applications by the appropriate legislative body, with such decision not being subject to any further or additional appeals.

10. **Incorporation of Recitals.** The Recitals contained in this Agreement are hereby incorporated into this Agreement as if fully set forth herein.

11. **Other Necessary Acts.** City and Simpson shall execute and deliver to the other all other further instruments and documents that are reasonably necessary to carry out and implement the rezone and land use approvals, and that are otherwise reasonable or necessary to provide the full and complete enjoyment of rights and privileges under this Agreement.

12. **Covenants Running With the Land.** All of the provisions contained in this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to Washington law. Each covenant herein to act or refrain from acting is for the benefit of or burden upon the subject property as appropriate, runs with the property, and is binding upon each successive owner or occupant of the property.

13. **Covenant of Good Faith and Fair Dealing.** City and Simpson shall use their best efforts and take and employ all necessary actions to ensure that the rights secured through this Agreement can be enjoyed, and neither party shall take any action that will deprive the other of enjoyment of the rights secured through this Agreement.

14. **Venue and Applicable Law.** City and Simpson agree that venue of any action hereon shall be laid in Yakima County, Yakima, Washington, and that this Agreement shall be construed according to the laws of the state of Washington.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the day and year first above written.

**CITY OF YAKIMA**  
a Washington municipal corporation

By: \_\_\_\_\_  
City Manager

\_\_\_\_\_  
**BRUCE SIMPSON**

\_\_\_\_\_  
**THERESA CAMPBELL-SIMPSON**

**EXHIBITS**

**A - legal description**

**B - revise site plan**

***[TO BE ATTACHED]***

**DOC.  
INDEX**

**# B-1**

## Site Plan Notes

**12) Location and type of existing and proposed landscaping including landscaping located within the public right-of-way.**

Over time we plan on planting more Cedar Trees along the North property line to shield this property and the one to the North. We also plan on planting Cedar trees in the Northwest corner of the property. Over time we will add flowers and shrubs to the area to help beautify it.

**15) Location and size of all parking spaces with the parking calculations shown on the map.**

In addition to the 15 parking spaces and one bike parking area shown on the site plan, the hospital has given us permission to use the adjacent 60 plus car parking lot to use in the hours when they are not using it. This is after 5:00 PM during the week and on weekends and holidays. In order to save trees and help screen 32<sup>nd</sup> Ave., the hearing examiner suggested putting in 15 parking spaces.

**16) Location and dimensions of proposed or existing driveway approaches**

The west driveway from 32<sup>nd</sup> Ave will have a 22 foot curb cut and will be 17 feet entering the parking area 32<sup>nd</sup> Ave and will continue to be 24 feet through the 90 degree parking. The South driveway on to Tieton will have a 30-foot curb cut and will narrow to 24 feet through the parking area. It will further narrow to 17 feet east of the current garage area. Since this is a private drive it will help keep the speed slow around the building and on the site. Arrows can be painted on the driveway at the access points to the streets, for example, showing a right turn onto Tieton.

At Tieton Drive the driveway will have a traffic island that will help direct traffic in and out.

**19) Location and size of proposed or existing signs.**

The long-term intent is to put two signs. The location of the Tieton sign is shown site plan. These will be wooden signs with spot lighting shining from the ground on to them. The second sign will not be put in immediately. It will be on 32<sup>nd</sup> Ave. North of the Clear view Triangle.

**20) Location, type and description of required site screening.**

See the accompanying pictures for existing perimeter sight screening. We plan on planting additional cedar trees on the North side of the property. We may add some type additional screening on the East Side as well.

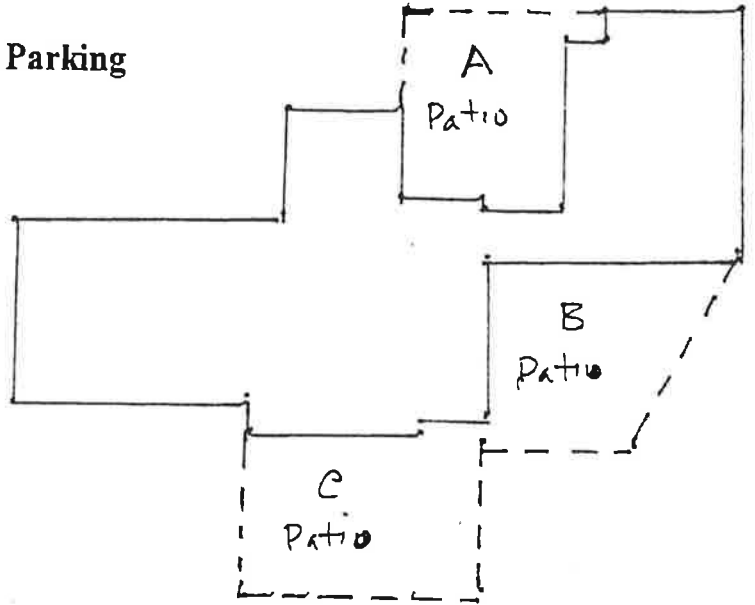
DOC.  
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# B-1

**Gross lot coverage: Footprint of building, patios, walks, driveway and parking.**

**House, Patios, Walks, and Bike Parking**

House	1,667
Breezeway	58
Garage	593
Patio A 20 x 20	400
Patio B 20 x 20	400
Patio C 30 x 20	600
Walks 4 x 300	1,200
Bike Parking 6 x 12	<u>78</u>
	4,996



**Asphalt Coverage**

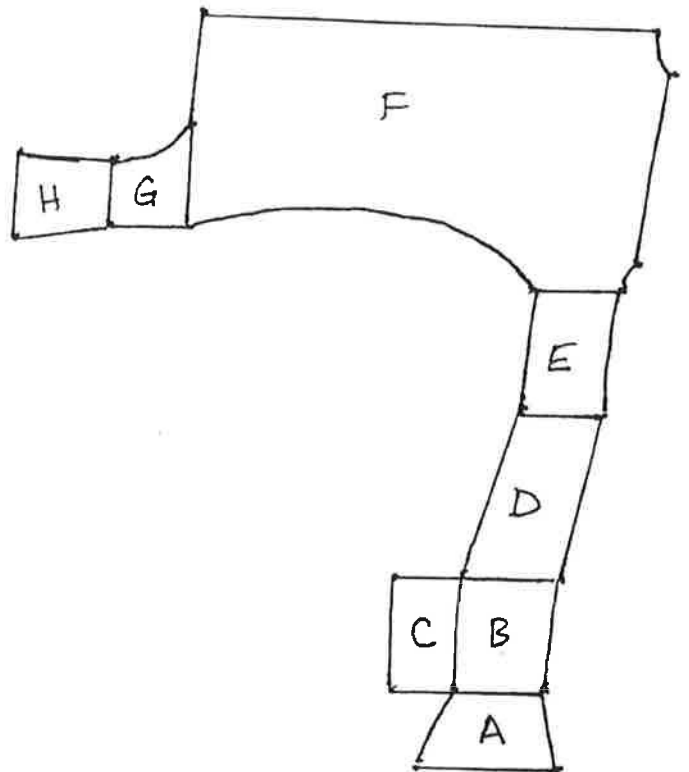
A	27 x 15	=	405
B	25 x 25	=	625
C	20 x 25	=	500
D	22 x 45	=	990
E	17 x 52	=	544
F	119 x 49	=	3,808
G	20 x 20	=	400
H	27 x 20	=	<u>540</u>
			7,812

**Total 12,808**

**Lot Size 29,137**

**Total lot Coverage 44 %**

**Landscaped area 16,311 sq. ft.**



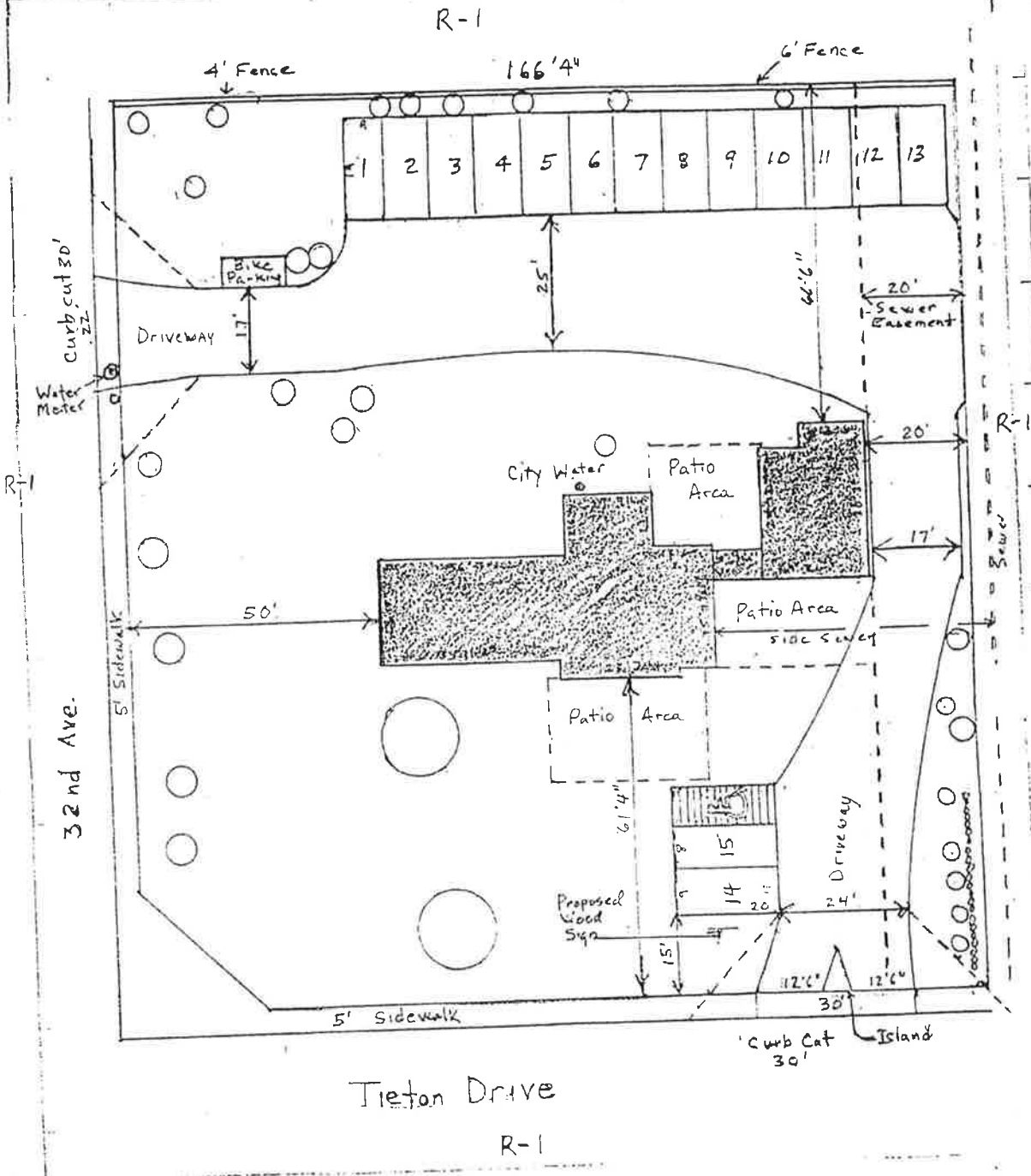
**DOC.  
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# B-1**



REQUIRED ATTACHMENT:

# SITE PLAN

Note: Producing the site plan from this template is preferred, however, the template can be substituted for your own medium, computer aided is acceptable.



LOT COVERAGE CALCULATION	
a) Footprint(s) of Existing Structure(s)	2318 SQ FT
b) Building Addition/New Structure(s) Footprint(s)	SQ FT
c) Paved Area(s) (Driveways, walkways, patio) etc.) Total	2675 SQ FT
d) Proposed Paved Area(s)	7912 SQ FT
e) Total Impervious Surface (a+b+c+d = e)	12808 SQ FT
f) Lot Size	29137 SQ FT
g) Lot Coverage (e/f x 100 = g)	44 %

PARKING CALCULATION (Reference Table 6-1 of the Urban Area Zoning Ordinance)	
a) 16 space(s) required	
b) 15* space(s) provided	* Suggested by hearing examiner

MAP SCALE (Please use the given scale, however, in some circumstances a different scale may work better.)  
 check one  
 Preferred Scale: 1 inch on the map = 20 feet on the ground  
 Custom Scale: 1 inch = \_\_\_\_\_  
 \* Template tic marks are 1 inch apart



LOT INFORMATION (Print clearly in ink)	
Parcel #(s)	151323-33003
Site Address	3111 Tieton Dr. Yakima, WA
Zoning	R-1 Comp Plan R-3
Legal Description (brief)	W 1/4 of S 208 Ft of W 1/2 of SW 1/4 of SW 1/4 of SEC 23, T 13 N R 15 E W.M. EXCEPT W 20 FT AND EXCEPT S 30 FT.

BACKGROUND INFORMATION	
Applicant Name	Bruce Simpson & Theresa Campbell Simpson
Site Address	3111 Tieton Dr. Yakima, WA 98902
Mailing Address	216 S. 24th Ave. Yakima, WA 98902
Contact Person	Bruce Simpson DOB
Contact Phone	(509) 697-5050

Produced by (print) \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Signature: Bruce Simpson INDEX: 7/16/01

# B-1

**MEMORANDUM**

**August 10, 2001**

**To:** Phil Lamb, Hearing Examiner  
**From:** City of Yakima Planning Division  
Dan Valoff, Senior Planner *DV*  
**Subject:** Simpson – Draft Development Agreement

---

I have reviewed the draft Development Agreement prepared by Jamie Carmody for the Simpson rezone at 3111 Tieton Drive. It appears to address most of the areas of concerns. However, I think the Agreement should have a provision mentioning the shared parking agreement with Memorial Hospital for the parking lot to the east. Or, the signed shared parking agreement between the Simpson's and Memorial Hospital could be attached.

HEARING EXAMINER  
Exhibit 10  
Page 1 of 1

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# B-1





## RECITALS

A. To strengthen the public planning process and provide certainty to project development, the legislature of the state of Washington enacted RCW 36.708. 170 -.210 (the "Development Agreement Statutes"), which authorize the City to enter into an agreement with any person having an ownership interest or control of real property located within the City regarding the development of such real property.

B. Simpson owns the 0.68-acre parcel of real property addressed 3111 Tieton Drive, Yakima, Washington 98902 (Assessor's Tax Parcel No. 181323-33003) (referred to as the "Subject Property"). The legal description is attached as Exhibit A. The Subject Property is presently improved with a historic Tudor structure commonly known as the "Raymond House." The Subject Property is located at the intersection of Tieton Drive and South 32nd Avenue (a signalized intersection) and adjoins property owned by Yakima Valley Memorial Hospital.

C. Simpson has proposed that the Subject Property be rezoned from R-1 Single-Family Residential to B-1 Professional Business. The rezone is consistent with the adopted Urban Area Comprehensive Plan for the City of Yakima. The rezone application is coupled with applications for a multi-use building including coffee house, hair salon, professional office space, and facility for private receptions. The purpose of the applications is to preserve the historic structure and grounds while allowing limited and defined usage of the facility.

D. A revised Site Plan has been provided based upon comments and requirements of the Hearing Examiner for the City of Yakima, by letter dated the 28<sup>th</sup> day of June, 2001. A copy of the revised Site Plan is attached as Exhibit B and incorporated by this reference.

E. The City and Simpson agree that the rezone and approved land uses shall be limited to the specific proposal presented in the application and that no material modification, expansion, or alteration of such uses shall be permitted without compliance with applicable ordinance procedures governing such matters.

F. The City and Simpson enter into this Development Agreement to provide certainty for planning and use of the property and to assure the limitation of permissible uses to those identified and reviewed by the Hearing Examiner and City Council.

NOW, THEREFORE, in consideration of the mutual promises herein, the City and Simpson AGREE AS FOLLOWS:

1. Rezone of Property. The rezone of the Subject Property located at 3111 Tieton Drive, Yakima Washington, shall be expressly conditioned upon the terms and conditions set forth in this Development Agreement, and approved uses shall not be materially modified, expanded, or altered other than by subsequent public process applicable to ordinance amendments (rezones) and land use processes.

2. Site plan. Any and all uses of the subject property shall be consistent with the Site Plan attached hereto as Exhibit B. Any material modification or alteration to the Site plan shall require public review in accordance with applicable procedures relating to ordinance amendments (rezones) and use review and approvals. The use of the property is expressly conditioned upon reconfiguration of the property (including property and access) in a manner consistent with the referenced Site Plan.

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(a) Exterior of Home. There shall be no material alteration of the exterior appearance of the home. It is the intent of Simpson to preserve the historic character of the property and any material modification shall be allowed for purposes of complying with applicable codes and regulations or enhancing or preserving the historic character of the property.

(b) Landscaping. The property shall be landscaped and maintained in a manner consistent with the current appearance of the property. Additional landscaping and vegetative buffer have been or shall be planted along the north boundary of the property for purposes of view and noise abatement.

(c) Exit/Caution Signs. Signs shall be placed on the property at the exit point to 32nd Avenue, encouraging left-hand (southbound) turning movement onto 32nd Avenue and cautioning for pedestrians.

3. Adjoining Roadways. Simpson, the City, and neighbors acknowledge and agree that the proposed usage of the property does not require the expansion or widening of 32nd Avenue. Neighbors and Simpson further express and agree that any expansion of 32nd Avenue would have adverse impact upon both the subject property and adjoining residences and neighborhood. All private parties strongly urge the preservation of 32nd Avenue at its current width and configuration.

(a) Prohibition on Parking. On-street parking shall be prohibited on the east side of the 400 block of S. 32nd Avenue north of Tieton Drive for a distance to be determined by the City based on the preferences of the owners of properties north of the Subject Property on the east side of the 400 block of S. 32nd Avenue. The parking prohibition was requested by neighbors and agreed to by Simpson and the City.

(b) Traffic Calming Devices. Simpson supports the installation of traffic calming devices on 32nd Avenue, including but not limited to four-way stop signs at 32nd Avenue and Chestnut.

(c) Memorial Parking Area. Upon agreement with Memorial Hospital, Simpson shall be entitled to utilize the parking area owned by Memorial Hospital and located on the corner of 31st Avenue and Tieton Drive. The additional parking area shall be available to provide off-street overflow parking for activities such as gatherings. The use of the parking area, however, shall be further conditioned upon traffic channelization devices or signage allowing right-turn only exits from the parking area. It is the intent of all parties to minimize (if not eliminate) exiting movements which would result in northbound travel on 31st Avenue.

4. Approved and Permitted Uses/Occupancies. Simpson shall be authorized and permitted to conduct only the following uses of the subject property:

(a) Coffee Shop. A sit-down style coffee house may be located on the main floor of the existing structure. There will be no chef or commercial kitchen facility. Most food items will be prepared off-site, such as muffins, scones and dessert items. The coffee house shall be subject to limitations more particularly set forth in Section 5 hereof.

(b) Professional Office. ~~One professional office for a food-ingredient brokerage firm~~ may be maintained ~~on the second floor of in~~ the existing structure. No retail business shall be permitted and any conferences/meetings will be by appointment only.

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(c) Hair Salon. A single-seat, appointment-only hair salon shall be allowed and located in the garage, ~~and operated by Theresa Campbell-Simpson~~. The salon activity may include an esthetician or masseuse, which shall be located on the second floor.

(d) Tutoring. A part-time one-on-one tutoring center shall be authorized in a portion of the basement of the existing structure.

(e) Receptions. The existing structure may also be utilized for receptions or private gatherings on an appointment basis and subject to limitations set forth in Section 5 hereof.

5. Limitations on Use. The coffee house and reception uses shall be limited as follows:

(a) All outdoor receptions and coffee house activities shall terminate at 10 p.m. No public sale of alcohol shall be permitted on the premises.

(b) Outdoor amplified music, live or recorded, is prohibited, except that background music which may be provided in the coffee house may be conveyed to outdoor coffee house patios at a volume no louder than that occurring inside.

(c) Outside gatherings shall be limited to 45 persons. Any outside catering or food service shall be located in the front yard area of the premises (i.e., between the house and Tieton Drive). Any outside lighting shall be directed downward and shielded from glare.

(d) Any modifications to the project which result in intensification of any approved use shall require amendment of this Development Agreement and a public hearing.

(e) A single wooden sign with ground-based lighting shall be allowed at the location shown on the Site Plan.

6. ~~Nonassignability of Agreement. The approved uses and this Development Agreement are personal to Bruce Simpson and Theresa Campbell-Simpson, or their family or beneficiaries specific to the subject property, and are not transferrable or assignable without a public hearing and amendment to this Development Agreement. In the event that the Simpson (or their family) cease to utilize the property cease to be utilized in accordance with this agreement, the following shall occur:~~ **Assignment of Interests, Rights and Obligations.** This Agreement shall be binding and inure to the benefit of the parties. No party may assign its rights under this Agreement without the written consent of the other party. This Agreement shall be binding upon and shall inure to the benefit of the heirs, successors, and assigns of Simpson and the City. This Any assignment shall be valid for a term of 25 years contain a specific term for continuation of this Agreement, a termination clause, and other modifications deemed necessary to properly assign this Agreement.

(a) Reversion to Single Family Zoning. Upon termination of use and occupancy by Simpson (or their family or beneficiaries), the zoning of the property shall revert to single family (R-1) zoning.

(b) Comprehensive Plan. Simpson and their family or beneficiaries further agree that the land use designation contained in the Yakima Urban Area Comprehensive Plan may return to Low Density Residential upon compliance with applicable procedures and processes with respect thereto.

7. Modification/Amendment. Any material modification, expansion or alteration of uses as outlines in this Development Agreement shall require a new public hearing.

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# C-6

8. Reservation of Authority. Pursuant to RCW 36.70B.170(4), the city reserves authority to impose new or different regulations affecting the subject Property to the extent required by a serious threat to public health and safety.

9. Recordation/Binding Effect. Pursuant to the provisions of RCW 36.70B.170(4), this Development Agreement shall be recorded with the real property records maintained by the Auditor of Yakima County, Washington. This Agreement is binding on the City, and Simpson, and Simpson family or beneficiaries. Persons or parties other than Simpson, and Simpson's family or beneficiaries shall have no right to any of the approvals related to this Development Agreement or the ordinance by which it is authorized without public hearing and passage of an ordinance providing them with such approvals unless this Agreement is assigned pursuant to the terms and conditions herein.

10. Notices and Demands. Any notice or demand which either party hereto is required or desires to give to or make upon the other shall be in writing and delivered or mailed by United States registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

In the case of the City of Yakima to:  
City of Yakima  
c/o City Manager  
129 North Second Street  
Yakima, WA 98901

In the case of Simpson to:  
Bruce Simpson and/or  
~~Theresa Campbell-Simpson~~  
3111 Tieton Drive  
Yakima, WA 98902

11. Effective Date. This Development Agreement shall become effective when the ordinance approving the requested rezone and other uses and by which it is authorized becomes effective.

12. Incorporation of Recitals. The Recitals contained in this Development Agreement are hereby incorporated into this Agreement as if fully set forth herein.

13. Other Necessary Acts. The City and Simpson shall each execute and deliver to the other all other further instruments and documents that are reasonably necessary to carry out and implement the rezone and land use approvals and that are otherwise reasonable or necessary to provide the full and complete enjoyment of rights and privileges under this Agreement.

14. Covenants Running with the Land. All of the provisions contained in this Agreement shall be enforceable and equitable servitudes and shall constitute covenants running with the land pursuant to Washington law. Each covenant herein to act or refrain from- acting, including the limitation of approvals to Simpson, their family and beneficiaries, is for the benefit of or burden upon the Subject Property as appropriate, runs with the Subject Property, and is binding upon each successive owner or occupant of the property.

15. Covenant of Good Faith and Fair Dealing. The City and Simpson shall use their best efforts and take and employ all necessary actions to ensure that the rights secured through this Agreement can be enjoyed, and neither party shall take any action that will deprive the other of enjoyment of the rights secured through this Agreement.

16. Venue and Applicable Law. The City and Simpson agree that venue of any action hereon shall be laid in Yakima County, Yakima, Washington, and that this Agreement shall be construed according to the laws of the state of Washington.

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EXHIBIT A

LEGAL DESCRIPTION

THE WEST 186.4 FEET OF THE SOUTH 208 FEET OF THE WEST 1/2 OF THE  
SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23,  
TOWNSHIP 13 NORTH, RANGE 18 E.W.M.;

EXCEPT THE WEST 20 FEET;

AND EXCEPT THE SOUTH 30 FEET;

AND EXCEPT A TRIANGLE IN THE SOUTHWEST CORNER CONVEYED TO THE CITY OF  
YAKIMA, UNDER AUDITOR'S FILE NOS. 2001308 AND 2001309;

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF YAKIMA, UNDER AUDITOR'S  
FILE NO. 2957528.

SITUATED IN YAKIMA COUNTY, STATE OF WASHINGTON.

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# C-6



RECEIVED

APR 30 2020

CITY OF YAKIMA  
PLANNING DIV.

Re: Amendment to Development Agreement on 3111 Tieton Drive, Yakima WA. 98902

Concerning Allowed and Permitted Uses.

We are looking to continue the current B-1 zoning on this property. Now it is being used as a multiple use property. The property was approved for the use as a Coffee House. It has not operated as a Coffee House and that is not our intended use of the property.

We would like to have the zoning B-1. The primary use should be for business offices, Medical, Dental, or Law offices.

Changes from the original Development Agreement are that the property will have the permanent zoning of B-1. It will not be tied to a right of survivorship.

The property has been used this way for the last nineteen years and it has worked well for everyone.

In the previous ten plus years prior to our ownership it was a Bed and Breakfast having guests and receptions.

We are not asking to change the coverage of the property with more buildings. The footprint is the same with adequate landscaping.

This property is architecturally significant. It is landscaped and offers mature landscaping that is aesthetically pleasing.

The utility locations and use, as well as the ingress and egress will be the same as they have been for the last thirty plus years.

This property is not in the 100-year floodplain.

The property is bordered on two sides by streets, the property on the West across 32<sup>nd</sup> Ave is zoned R-2, the property to the North is zoned R-1, the property to the East is zoned R-1, but in fact is a parking lot. East of this Memorial Parking lot is Memorial Hospital property. South across Tieton Drive the property is R-1.

The property is landscaped, screened from all directions with either a 6-foot wooden fence, arborvitaes or other mature existing trees and scrubs.

This proposed amendment does not intensify the use of the property, in fact decreases the allowable intensity by removing the coffee house use. It is basically keeping the same use what has been used for the last nineteen years.

While looking for a B-1 zone designation, it is not going to be a strip mall or retail property. We are asking for a balance of parking spaces and ingress and egress with the footprint of the building. In doing so we are asking consideration of the Architecture of the building and current landscaping. This property has used the parking, ingress and egress as it is now for years. This has worked very well, and we are asking to keep it the same.

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# C-5



REQUIRED ATTACHMENT:

# SITE PLAN

Note: Producing the site plan from this template is preferred, however, the template can be substituted for your own medium (computer aided is acceptable).

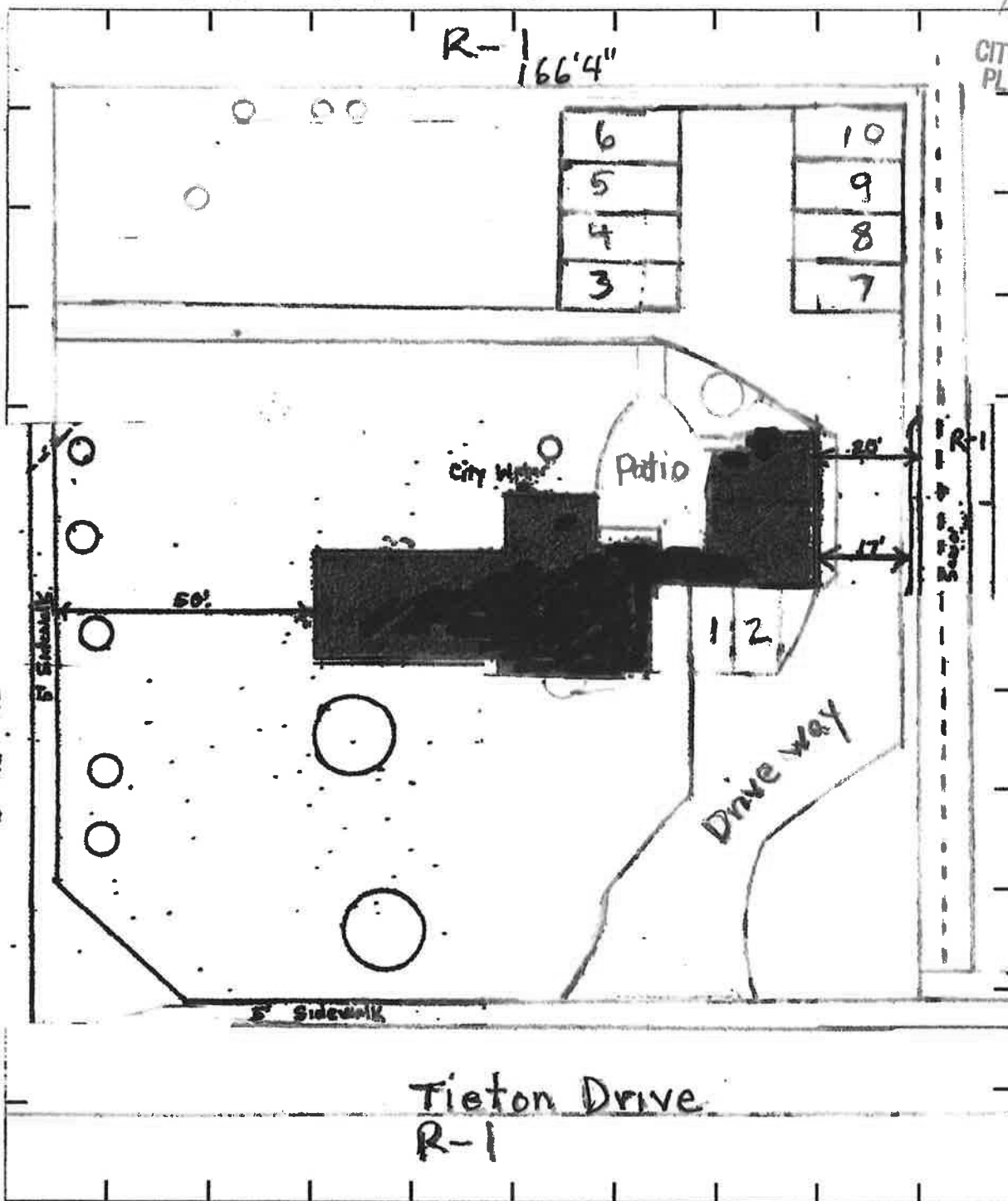
RECEIVED

APR 30 2020

CITY OF YAKIMA  
PLANNING DIV.

R-2

32nd Ave.



Parking Lot

R-1

Tieton Drive  
R-1

### LOT COVERAGE CALCULATION

a) Footprint(s) of existing structure(s)	2318	SQ FT
b) Building addition/new structure(s) footprint(s)		SQ FT
c) Existing paved area(s) (driveways, walkways, patios, etc.) TOTAL	8200	SQ FT
d) Proposed paved area(s)		SQ FT
e) Total Impervious Surface (a+b+c+d = e)	11,118	SQ FT
f) Lot Size	29137	SQ FT
g) Lot coverage (e/f x 100 = g)	38%	%

### PARKING CALCULATION (Reference Table 6-1 in YMC 15.06.040)

Spaces required: \_\_\_\_\_  
Spaces provided: 12

### LOT INFORMATION

Parcel #(s): 181323-33003  
Site Address: 3111 Tieton Dr. Yakima WA  
Zoning: R-1  
Legal Description (brief):

### MAP SCALE (check one)

- Preferred Scale: 1 inch on the map = 20 ft on the ground
  - Custom Scale: 1 inch = \_\_\_\_\_
- \*Template tie marks are 1 inch apart

Created by: \_\_\_\_\_ Date: \_\_\_\_\_

### NORTH ARROW



(Indicate North)

### BACKGROUND INFORMATION

Applicant Name: Bruce Simpson  
Mailing Address: 3111 Tieton Dr. #300 Yakima, WA 98901  
Contact Person: Bruce Simpson  
Contact Phone: (509) 249-9555  
Applicant Signature: [Signature] Date: APR 27, 2020

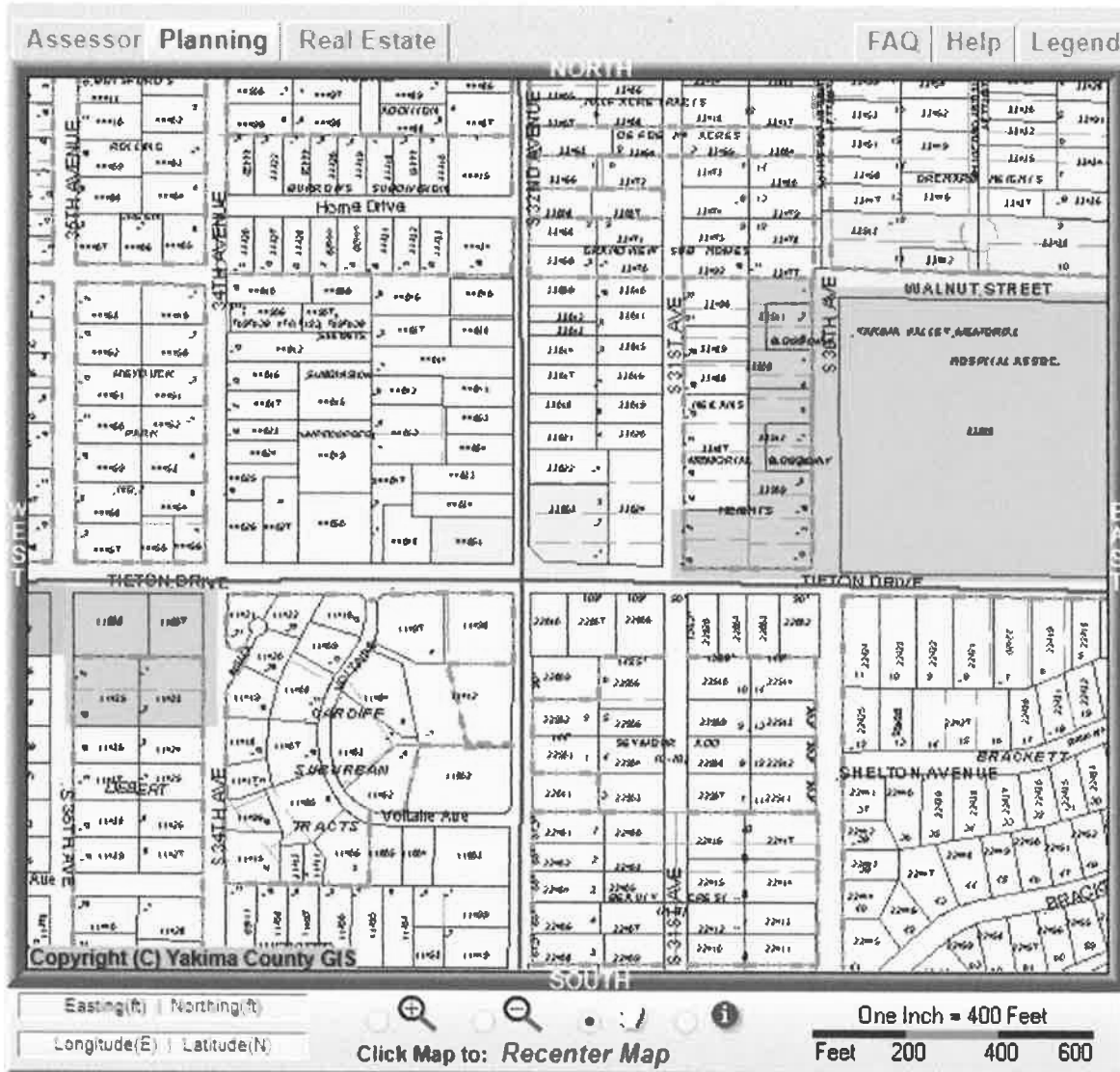
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APR 27, 2020

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RECEIVED  
 APR 30 2020  
 CITY OF YAKIMA  
 PLANNING DIV.

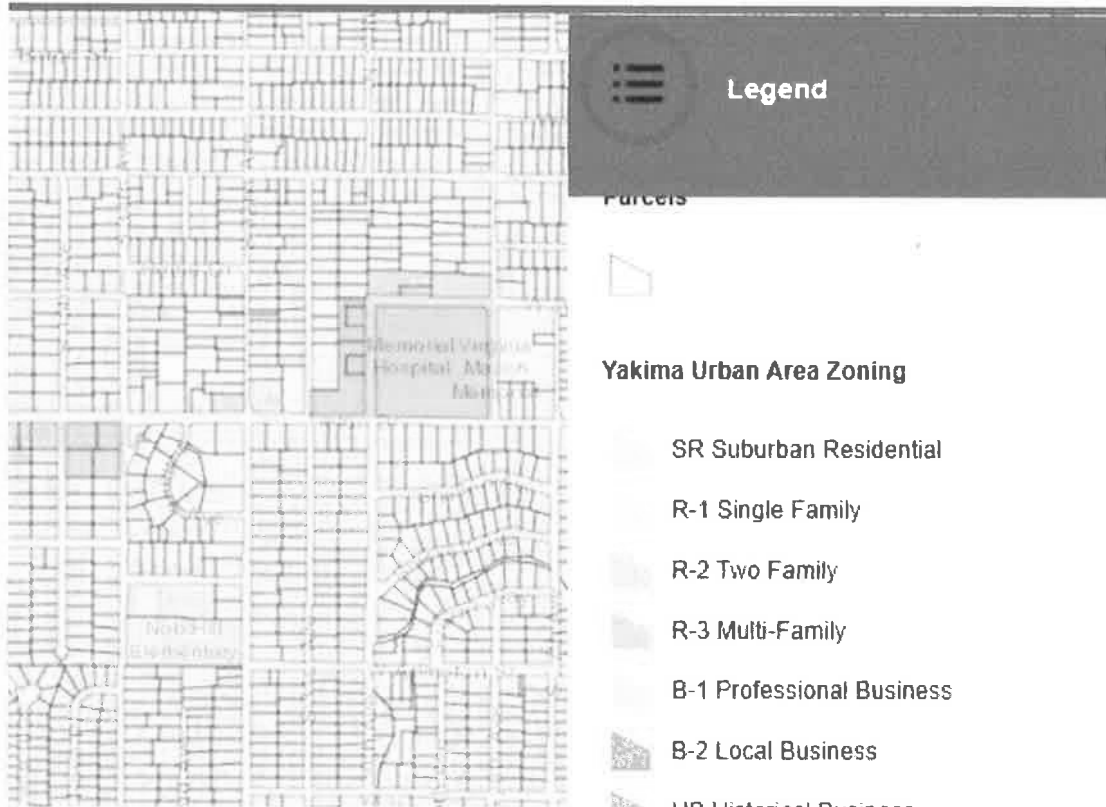


DOC.  
 INDEX  
 # C-3

RECEIVED

APR 30 2020

CITY OF YAKIMA  
PLANNING DIV.



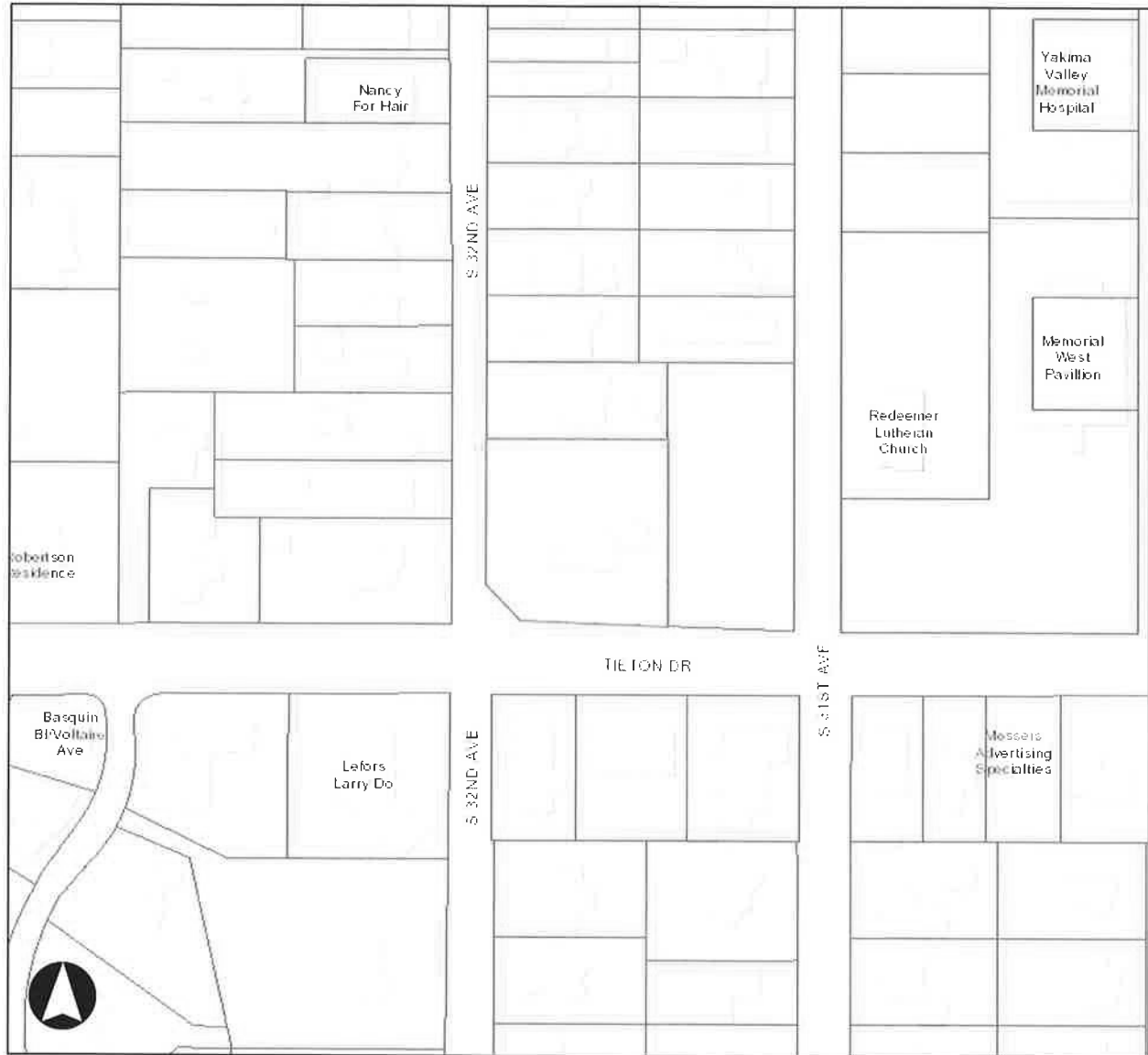
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# C-3

# VICINITY MAP



**File Number:** DEV#002-20  
**Project Name:** BONA TERRA 16 LLC  
**Site Address:** 3111 TIETON DR



**Proposal:** Proposal to modify an existing Development Agreement to remove the stipulation that the zoning of the property be associated with a right of survivorship. The property would retain its current zoning of Professional Business (B-1) zoning district.

Contact the City of Yakima Planning Division at (509) 575-6183

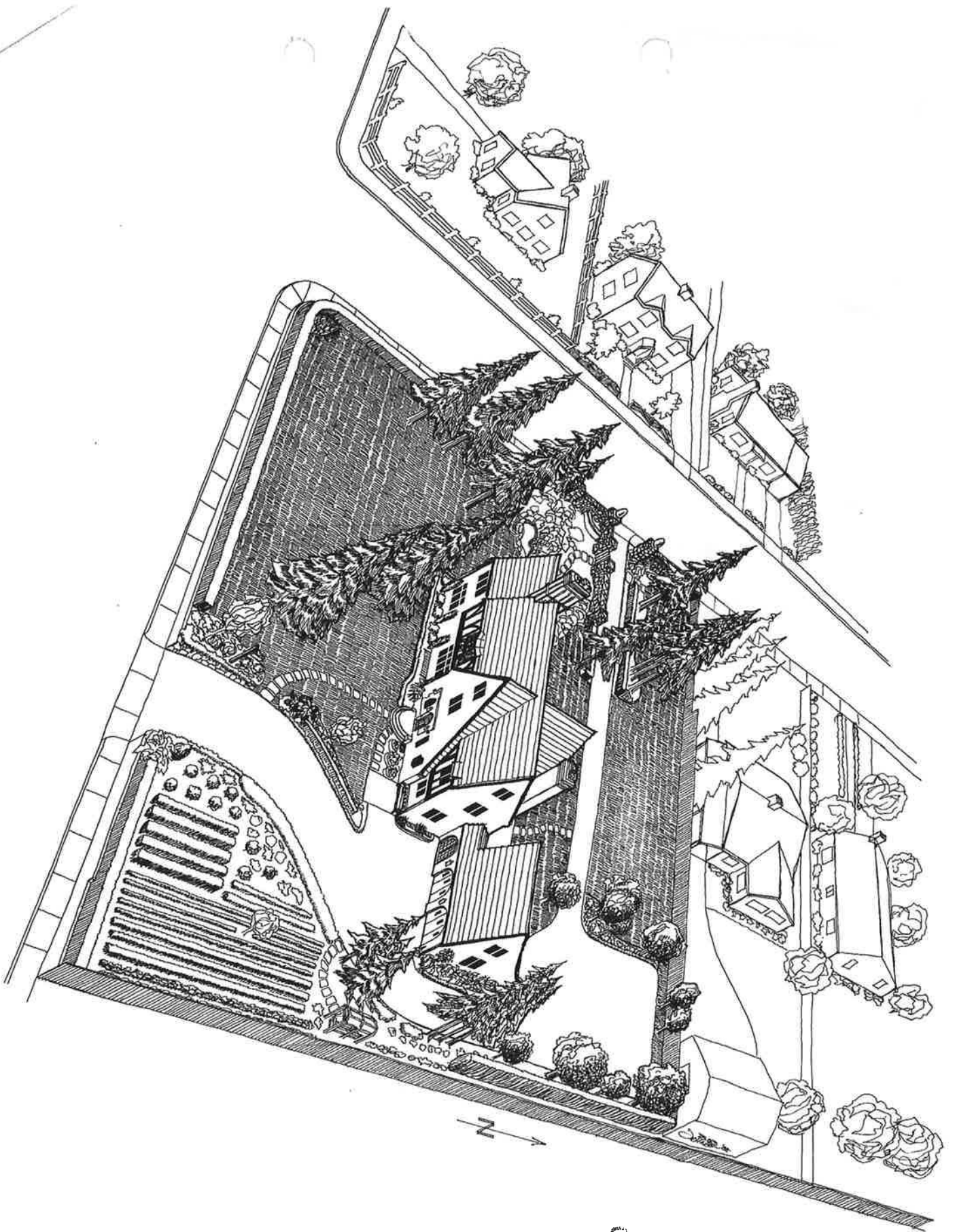
Map Disclaimer: Information shown on this map is for planning and illustration purposes only. The City of Yakima assumes no liability for any errors, omissions, or inaccuracies in the information provided or for any action taken, or action not taken by the user in reliance upon any maps or information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

Date Created: 6/25/2020



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**# C-3**



APR 30 2020  
CITY OF YAKIMA  
PLANNING DIV.

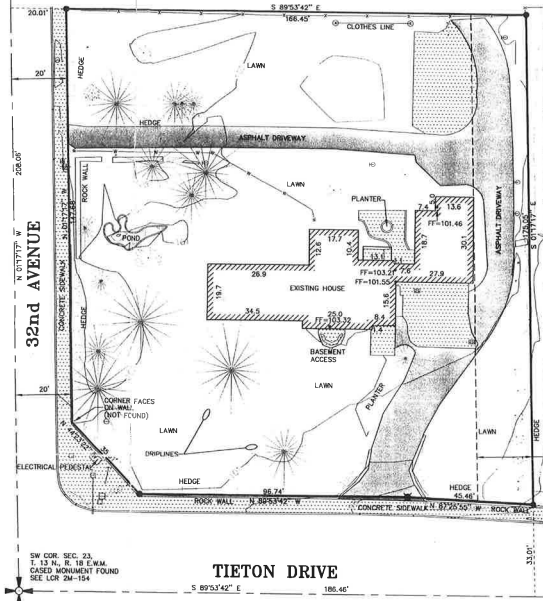
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# C-2



**LEGEND**

- EXISTING IRRIGATION VALVE
- EXISTING WATER VALVE
- EXISTING WATER METER
- EXISTING SANITARY SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING SIGN
- EXISTING ANCHOR POLE
- EXISTING PULL BOX
- EXISTING UTILITY POLE
- EXISTING TRAFFIC SIGNAL
- EXISTING STEEL POST
- EXISTING HOSE BIB
- EXISTING FENCE
- EXISTING WATER LINE
- EXISTING DECIDUOUS TREE
- EXISTING EVERGREEN TREE
- ▨ ASPHALT AREAS
- ▨ GRASS AREAS



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**Hilbregtse, Lonman Associates, Inc.**  
CIVIL ENGINEERING • LAND SURVEYING • PLANNING  
801 North 39th Avenue • Yakima, WA 98902  
(509) 968-7000 • FAX (509) 968-3800

**TOPOGRAPHIC SURVEY**  
**for BRUCE SIMPSON**  
CITY OF YAKIMA, YAKIMA COUNTY, WASHINGTON

**NOTES**

1. THE BENCHMARK FOR THIS TOPOGRAPHIC SURVEY IS AN ASSUMED ELEVATION FOR H.A. PK. NAL #1. ELEVATION 100.00'.
2. FOR BOUNDARY INFORMATION SEE R.O.S. 7207712.
3. LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED ON FIELD LOCATION OF ALL VISIBLE STRUCTURES AND COMPILING INFORMATION FROM PLANS SUPPLIED BY VARIOUS UTILITY COMPANIES. ALL CONTRACTORS SHOULD CALL 509-248-0202 OR 1-800-424-5555 PRIOR TO ANY EXCAVATION WORK.

**LEGEND**

THE WEST 186.4 FEET OF THE SOUTH 208 FEET OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 13 NORTH, RANGE 18 E. 41W.  
EXCEPT THE WEST 20 FEET;  
AND EXCEPT THE SOUTH 30 FEET;  
AND EXCEPT A TRIANGLE IN THE SOUTHWEST CORNER CONVEYED TO THE CITY OF YAKIMA, UNDER AUDITOR'S FILE NOS. 2001308 AND 2001309.  
AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF YAKIMA, UNDER AUDITOR'S FILE NO. 2957528.  
SITUATED IN YAKIMA COUNTY, STATE OF WASHINGTON.

DATE OF FIELD SURVEY: FEB 20, 2004  
FIELD BOOK: YAK #3  
JOB NO: 01033  
FILE NAME: 01033.dwg  
DRAWN BY: TDP  
DATE: MARCH 10, 2004  
CHECKED BY: BTH  
DATE: MARCH 10, 2004



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TISH, R. IRE, W.M.  
SHEET 1 of 1

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