



COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

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**FOR THE
RECORD / FILE**

NOTIFICATION OF HEARING EXAMINER'S DECISION

February 10, 2014

On February 6, 2014 the City of Yakima Hearing Examiner rendered his decision on **CL3#003-13, ADJ#006-13 (SEPA#020-13)**. The application submitted by **David Hoeger** is a land use approval request for a residential mini-storage facility at 8102 West Nob Hill Blvd, Yakima, WA. The application was reviewed at an open record public hearing held on January 23, 2014.

Enclosed is a copy of the Hearing Examiner's Findings and Decision. Any part of the Hearing Examiner's decision may be appealed to the Yakima City Council. Appeals shall be filed within fourteen (14) days following the date of mailing of this notice and shall be in writing on forms provided by the Planning Division. The appeal fee of \$340 must accompany the appeal application.

For further information or assistance you may contact Jeff Peters, Supervising Planner at (509) 575-6163 or e-mail: jeff.peters@yakimawa.gov

Jeff Peters
Supervising Planner

Date of Mailing: February 10, 2014

Enclosures: Hearing Examiner's Decision



City of Yakima, Washington
Hearing Examiner's Decision

February 6, 2014

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In the Matter of Application for a Class)
(3) Use and an Administrative)
Adjustment Submitted by:)
David Hoeger)
For a Residential Mini-Storage Facility)
At 8102 W. Nob Hill Blvd. in the B-2 Zone)

CL3 #003-13
ADJ #006-13
SEPA #020-13

A. **Introduction.** The introductory findings relative to the hearing process for this application are as follows:

(1) The comprehensive 19-page staff report presented by Supervising Planner Jeff Peters recommended approval of the application subject to conditions. (*Exhibit A-1*).

(2) Testimony in favor of the application was presented by David Hoeger, Teresa Donovan, Bill Hordan and Wayne Parsley. (*Exhibit F-8*). Letters favoring a residential mini-storage facility at the proposed location were submitted by John M. Iasella, John H. (Jack) Stewart, Steven T. Kitts, Tim Sattler, Thia Spearing, Patty Pruiett and Elizabeth Gehlsen. (*Exhibits G-1 to G-7*).

(3) No other testimony and no other written comments from the public were presented at the 3-hour-long hearing. This decision has been issued within ten business days of the hearing.

B. **Summary of Decision.** The Hearing Examiner approves this application subject to conditions.

David Hoeger
Residential Mini-Storage Facility
8102 West Nob Hill Boulevard
CL3 #003-13; ADJ #006-13

C. **Basis for Decision.** Based upon the Hearing Examiner's view of the site with no one else present on January 20, 2014; his consideration of the staff report, exhibits, testimony and other evidence presented at the open record public hearing on January 23, 2014; and his review of both the Yakima Urban Area Comprehensive Plan and the Yakima Urban Area Zoning Ordinance; the Hearing Examiner makes the following:

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FINDINGS

I. **Property Owner/Applicant/Applicant's Representative.** The property owner is NEI Investors LLC, P.O. Box 821336, Vancouver, Washington 98682. The applicant is a purchaser of the property, David Hoeger, 610 South 24th Avenue, Yakima, Washington 98902. The applicant's representative is Bill Hordan of Hordan Planning Services, 410 North Second Street, Yakima, Washington 98901. (*Exhibit E-3*).

II. **Location.** The location of the proposed residential mini-storage facility is 8102 West Nob Hill Boulevard, Yakima, Washington. The Assessor's tax parcel numbers for the site are 181330-41001 and 181330-41002. (*Exhibit A-1, page 1*).

III. **Application.** On September 30, 2013, the City's Department of Community and Economic Development received an application for a Type 3, Administrative Adjustment and State Environmental Policy Act Review. Processing was delayed until December 3, 2013, at the request of the applicant to submit a revised site plan with minor changes which was received on November 26, 2013. The application requests approval to construct a residential mini-storage complex containing about 55,800 square feet of

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building space in the B-2 Local Business zoning district on a 2.8-acre parcel. It also requests an Administrative Adjustment of the building setback standard from an abutting residential district from 20 feet to 5 feet for about 55 feet of the westernmost portion of the southernmost building. The proposed residential mini-storage facility would have a total of 550 storage units in 11 buildings to be built in 2 phases at the southwest corner of South 80th Avenue and West Nob Hill Boulevard. (*Exhibit A-1, page 1; Exhibits B-1, B-2 and B-3; Exhibit E-3*).

IV. Notices. Notices of the public hearing were provided in the following manner:

Mailing of hearing notice to property owners within 300 feet:	December 3, 2013
Publishing of hearing notice in Yakima Herald-Republic:	December 3, 2013
Posting of hearing notice on the property:	December 5, 2013

(*Exhibits F-3a, F-3b and F-3c; Exhibit F-4*).

V. Environmental Review. The proposal is subject to review under the State Environmental Policy Act because it exceeds the City's flexible threshold for SEPA set forth in Section 6.88.070 of the Yakima Municipal Code. A Determination of Non-significance (DNS) was issued on December 30, 2013. The appeal period for the DNS expired on January 13, 2014, without an appeal being filed. (*Exhibit F-5*).

VI. Transportation Capacity Management Ordinance. Traffic Concurrency Review which was completed on October 21, 2013, concluded that this development will not exceed the PM peak hour capacity of the City's arterial street system and that reserve capacity will exist on all impacted arterial streets. (*Exhibit F-1*).

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apply to this proposed development and in part include the following:

(1) South 80th Avenue is classified as a Collector Arterial and is deficient in right-of-way requiring 40 feet of right-of-way from centerline along this development.

(2) Nob Hill Boulevard is designated in the West Valley Neighborhood Plan as a Minor Arterial and is currently deficient in right-of-way, requiring dedication of 40 feet of right-of-way from the frontage of this development.

(3) Frontage improvements, stormwater facilities and domestic water required by YMC Title 12 Development Standards are required conditions of this development.

(4) The applicant's site plan identifies the appropriate amount of right-of-way to be dedicated for both Nob Hill Boulevard and South 80th Avenue. In addition, with the exception of the required curb, gutter and sidewalk turned down Nob Hill Boulevard and street light installation, the applicant's site plan shows the required frontage improvements and required amount of dedicated right-of-way.

(Exhibit A-1, page 11).

VIII. Zoning and Land Uses. The zoning of the subject property is Local Business (B-2) and the current land use is a single-family residence that will be demolished. Properties adjacent to the subject property have the following characteristics:

<u>Location</u>	<u>Zoning</u>	<u>Land Use</u>
North	B-2, Local Business	Single-Family Homes
South	R-1, Single-Family Residential	Single-Family Homes
South	B-2, Local Business	Single-Family Homes
West	R-1, Single-Family Residential	Single-Family Homes
East	R-3, Multi-Family Residential	Mobile Home Park

(Exhibit A-1, page 10).

IX. Review Criteria for Class (3) Uses. The findings and conclusions of the Hearing

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Examiner are required to set forth specific reasons and ordinance provisions demonstrating that his decision satisfies the following requirements set forth in YMC 15.04.020(C) and 15.15.040(E) of the Yakima Urban Area Zoning Ordinance which is Title 15 of the Yakima Municipal Code (YMC):

(1) Compliance and Compatibility with the Objectives and Development Criteria of the Comprehensive Plan. The 2006 Yakima Urban Area Comprehensive Plan designates the subject property as Neighborhood Commercial. Page III-14 thereof describes the intended uses for this designation as small scale, neighborhood convenience commercial uses and services primarily for residences of the adjacent neighborhood. The proposed residential mini-storage facility would be compliant and compatible with the following Comprehensive Plan goals and policies which are intended to guide development decisions:

GOAL 3.8: Make commercial areas a desirable place to work and shop.

Policies:

3.8.2: Allow and encourage transitional uses or development, such as office, multi-family or buffer areas, such as open spaces.

3.8.3: Avoid placing land uses that create excessive noise, unless the noise level can be mitigated, in locations that are close to residences or other noise-sensitive land uses.

GOAL 3.12: Provide small scale, neighborhood convenience commercial uses and services, primarily serving residents of adjacent neighborhoods.

Policies:

3.12.1: A Neighborhood Commercial center will provide land uses for businesses such as grocery stores, convenience stores, drug stores, restaurants and small retail stores.

3.12.2: The typical size of a Neighborhood Commercial development is three to ten acres and serves a population of 3,000 - 40,000 people.

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3.12.3: Neighborhood Commercial uses shall be located at the intersection of a principal arterial, minor arterial or collector arterial.

3.12.4: Neighborhood Commercial may be allowed when water and sewer service, street improvements, traffic control devices, municipal services and other development-related improvements are in place.

3.12.7: Neighborhood Commercial uses shall be located in areas that will enhance, rather than hinder, the stability of residential areas.

(Exhibit A-1, pages 11, 16 and 17).

(2) Compliance and Compatibility with the Intent and Character of the Local Business (B-2) Zoning District. The proposal is also compliant and compatible with the intent and character of the B-2 zoning district expressed in YMC 15.03.020(F) to provide areas for commercial activities that meet the small retail shopping and service needs of the community and accommodate small-scale commercial uses that need a higher level of visibility and easy access to major arterials. *(Exhibit A-1, page 9).*

(3) Compliance with the Provisions Established in the Zoning Ordinance. Standards noted as a result of the Development Services Team meeting held for this proposal on November 12, 2013 are as follows:

(a) Codes comments were as follows:

(i) Since the main entrance to the proposed mini-storage unit is from 80th Avenue, the proposed address for this project is 1102 South 80th Avenue.

(ii) The applicant shall show an additional fire hydrant installed in a location approved by the City of Yakima Fire Department prior to approval of the final site plan.

(b) Engineering comments were as follows:

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- (i) This development is subject to Title 12 development standards which include, but are not limited to, YMC Chapters 12.01, 12.02, 12.03, 12.04, 12.05, 12.06 and 8.64.
- (ii) Curb, gutter and sidewalk are required to be constructed along 80th Avenue in accordance with YMC Chapters 12.05 and 12.06.
- (iii) South 80th Avenue is classified as a Collector Arterial requiring 40 feet of right-of-way from centerline on this development's side of the street.
- (iv) Nob Hill Boulevard is designated in the West Valley Neighborhood Plan as a Minor Arterial which is currently deficient in right-of-way, and requires dedication of 40 feet of right-of-way from the frontage of this development (depicted on the applicant's November 26, 2013, site plan).
- (v) Upon approval of this development, the applicant shall submit engineering plans which meet the design standards of YMC 12.06.030 for Collector Arterials, for the construction of 80th Avenue which includes road improvements and curb, gutter and sidewalk that will be turned to meet the future alignment and dedicated width of Nob Hill Boulevard.
- (vi) A streetlight will need to be installed in an approved location at the corner of 80th Avenue and Nob Hill Boulevard.
- (vii) All proposed driveways shall be constructed per YMC Chapter 8.64 and the City of Yakima Standard Detail R4-Driveway Approaches.

(c) Stormwater comments were as follows:

- (i) As this project involves clearing or grading one acre or more, a Stormwater Site Plan shall be required from the applicant.
- (ii) Grading and/or building permits shall not be issued without an approved Stormwater Site Plan.
- (iii) Complete stormwater design plans, specifications, and runoff/storage calculations supporting the stormwater design are required

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pursuant to the Eastern Washington Stormwater Manual and City of Yakima standards. These plans and control measures must be completed by a licensed Professional Engineer prior to construction.

(iv) UIC Registration – Stormwater: In accordance with Chapter 2 Section 2.4 of the December 2006 edition of the Department of Ecology's Guidance for UIC Wells that Manage Stormwater, Publication Number 05-10-067, Underground Injection Control (UIC) wells constructed on or after February 3, 2006, are considered new and must be registered with the Department of Ecology (DOE) prior to construction. Therefore, if UIC wells are used in the drainage design, the UIC wells must be registered with DOE and a copy of the DOE UIC well registration form with a Professional Engineer's stamp and signature for each well shall be delivered to the City's Surface Water Engineer prior to permit issuance.

(d) Water comments were to the effect that this area lies within the service area of Nob Hill Water.

(e) Wastewater comments were to the effect that sewer is not required to be extended into these two parcels because there are no sanitary facilities of any kind in this development.

(f) Streets and Traffic comments were to the effect that there are no specific traffic issues and that frontage improvements are required per the Engineering Department's direction.

(Exhibit A-1, pages 3-4; Exhibits D-1 to D-9).

(4) Compliance with the Standards Established in the Zoning Ordinance. The standards established in the zoning ordinance that are applicable to the proposed mini-storage facility are as follows:

(a) Structure Setbacks: YMC 15.05.020(D) states that structure setbacks are the minimum structure setbacks permitted with Type (1) Review. In the commercial districts, building setbacks provide visual clearance along streets and areas for sitescreening and landscaping. Table 5-1 in YMC Chapter 15.05 specifies the following front, side and rear setbacks in the B-2 zoning district:

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(i) Front yard from a Collector Arterial street: 30 feet from the centerline of the abutting street.

(ii) Rear yard from an abutting residential district: 20 feet from the property line.

(iii) Side yard from an abutting residential district: 20 feet from the property line.

(iv) Side yard setback from a Minor Arterial: 30 feet from centerline of abutting street.

(b) Maximum Lot Coverage: YMC 15.05.020(C) states that maximum lot coverage is the percentage of net land area of a site that can be covered with structures and other impervious surfaces. In the commercial districts, maximum lot coverage requirements are intended to promote development consistent with the character of the district, protect setbacks and provide the opportunity to integrate open space and landscaping plans into the design and placement of structures and off-street parking. Table 5-1 in YMC Chapter 15.05 states that the maximum lot coverage in the B-2 zone is 80%.

(c) Maximum Building Height: YMC 15.05.020(F) states that maximum building height is intended to maintain building heights compatible with the character and intent of the district. The maximum building height in the B-2 zoning district is 35 feet.

(d) Street Right-of-Way Dedication: YMC 15.05.050 states that all new development shall dedicate, where necessary, street right-of-way in conformance with the standards in the County/City Subdivision Ordinance and the Arterial Street Plan adopted in the Yakima Urban Area Comprehensive Plan.

(e) Parking Lots: YMC 15.06.100 states that lighting shall be provided to illuminate any off-street parking or loading space used at night. When provided, lighting shall be directed to reflect away from adjacent and abutting properties. YMC 15.06.110(A) provides that all off-street parking lots or vehicle storage areas having a capacity of three or more vehicles shall be paved with two-inch-thick asphaltic surfacing on an aggregate base, or an equivalent surfacing acceptable to the administrative official.

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(f) Sitescreening: The purpose of YMC Chapter 15.07 is to establish 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, water run-off, buildings or parking areas. Provisions in YMC Chapter 15.07 provide the following site-screening standards for the proposed development within the B-2 zoning district based upon the existing surrounding uses and the proposed use:

(i) North and east sides: sitescreening standard "A" consisting of a 10-foot-wide landscaped planting strip with trees at 20-foot to 30-foot centers, which includes shrubs and groundcover (per YMC 15.07.060 entitled "Sitescreening along streets").

(ii) South and west sides: sitescreening standard "C" consisting of a 6-foot-high, view-obscuring fence, made of wood, masonry block, concrete, or slatted chain link material. (Table 7-1, including the Residential Mini-Storage example).

(g) Additional or Increased Development Standards: YMC 15.10.030, YMC 15.04.020(C), YMC 15.15.040(E) and YMC 15.02.020 provide that additional or increased development standards may be required to insure or promote compatibility with neighboring land uses and Comprehensive Plan policies and to adequately resolve difficulties related thereto.

(Exhibit A-1, pages 5-6).

X. Whether the Review Criteria for Class (3) Uses Allow a Modified Sitescreening Standard to be Required to Promote the Compatibility of the Proposed Facility.

The applicant and Planning Division disagree as to what type of sitescreening should be required along three sides of the proposed mini-storage facility. The findings relative to this disagreement are as follows:

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(1) Sitescreening Options Recommended by the Planning Division. The site-screening options recommended by the Planning Division were intended to allow a choice between several sitescreening alternatives that exceed the sitescreening standards prescribed by YMC Chapter 15.07 to be required in order to promote the compatibility requirement for the proposed mini-storage use. The options are described as follows in the Planning Division's recommended conditions of approval:

A. North property line:

- a. The applicant shall: 1) reorder the construction of Phase 1 to include buildings "H, K, I, and J" to provide an enclosed compound as suggested in the applicants narrative, 2) provide site screening "A" along the N. property line, and 3) provide a decorative façade along the backs of the buildings and roof which shields these metal features from the view of the abutting residential uses; or
- b. 1) Provide a six-foot high decorative masonry, stone, or stucco wall along the N. property line, and 2) install a decorative façade along the back and sides of the proposed mini-storage building shielding the metal features from view of the abutting residential uses; or
- c. Install a dense vegetative screen made of arborvitae or other evergreen plants which obscures the mini-storage units from view of the abutting residential uses.

B. South property line:

- a. The applicant shall: 1) reorder the construction of Phase 1 to include buildings "H, K, I, and J" to provide an enclosed compound as suggested in the applicants narrative, and 2) provide a decorative façade along the back of the buildings and roof which shields these metal features from the view of the abutting residential uses; or
- b. 1) Provide a six-foot high decorative masonry, stone, or stucco wall along the property line, and 2) install a decorative façade along the

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backs and sides of the proposed mini-storage building shielding the metal features from view of the abutting residential uses; or

- c. 1) Install a 6-foot high view obscuring fence meeting site screening "C", and 2) Install additional vegetation to create a dense vegetative screen made of arborvitae or other evergreen plants which obscures the backs of the mini-storage units from view of the abutting residential uses.

C. West property line:

- a. The applicant shall: 1) reorder the construction of Phase 1 to include buildings "H, K, I, and J" to provide an enclosed compound as suggested in the applicants narrative, and 2) provide a decorative façade along the back of the buildings and roof which shields these metal features from the view of the abutting residential uses; or
- b. Provide a six-foot high decorative masonry, stone, or stucco wall along the property line, and 2) install a decorative façade along the backs and sides of the proposed mini-storage building shielding the metal features from view of the abutting residential uses; or
- c. Install a 6-foot high view obscuring fence meeting site screening "C", and 2) Install additional vegetation to create a dense vegetative screen made of arborvitae or other evergreen plants which obscures the backs of the mini-storage units from view of the abutting residential uses.

(Exhibit A-1, pages 18-19).

(2) Planning Division's Authority for Recommending Sitescreening Options.

The Planning Division cited the following authority for requiring its recommended sitescreening options:

- (a) Class (3) use review criteria set forth in YMC 15.04.020(C) authorize the Hearing Examiner to approve, deny or impose conditions on the proposed land use and site improvements to promote compatibility with the intent and character of the district and the policies and development criteria of the Yakima Urban Area Comprehensive Plan.

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(b) Class (3) use review criteria set forth in YMC 15.15.040(E) provide in part that the Hearing Examiner's findings shall demonstrate that the decision complies with the objectives of the Yakima Urban Area Comprehensive Plan.

(c) The definition of a Class (3) use in YMC 15.02.020 states in pertinent part that such uses are generally incompatible with adjacent and abutting property because of their size, neighborhood character or for other reasons, but that they may be compatible with other uses in the district if they are properly sited and designed and may be permitted by the Hearing Examiner when he determines that difficulties related to the compatibility and the Yakima Urban Area Comprehensive Plan policies have been adequately resolved.

(d) Compatibility is defined in YMC 15.02.020 as meaning the characteristics of different uses or developments that permit them to be located near each other in harmony, with or without special mitigation measures.

(e) YMC 15.10.030 entitled "Special Conditions of Approval Authorized" states that the development standards and other conditions for approval specified in this Title are not a limitation on the authority of a reviewing official to impose additional or greater requirements as conditions of approval on any use, development or modification being reviewed. Except as otherwise expressly provided, any reviewing official may impose conditions to:

- (i) Accomplish the objective and intent of any development standard or criteria for approval set forth in this Title;
- (ii) Mitigate any identified specific or general negative impacts of the development, whether environmental or otherwise;
- (iii) Insure compatibility of the development with existing neighboring land uses;
- (iv) Assure consistency with the intent and character of the zoning district involved; or
- (v) Achieve and further the expressed intent, goals, objectives, and policies of the Yakima Urban Area Comprehensive Plan and the Yakima Urban Area Zoning Ordinance.

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(f) The Planning Division's position is that the recommended sitescreening options must be implemented in order for the proposed mini-storage facility to comply with the following Comprehensive Plan policies:

(i) Policy 3.8.1: Commercial uses and developments should be designed to be compatible with surrounding land uses, especially to avoid encroachment into residential areas.

(ii) Policy 3.8.5: Ensure compatibility between commercial structures and adjoining residential uses. Require commercial structures to use building scale, roof style, and building materials similar to, or compatible with, the adjoining residential structures.

(iii) Policy 3.8.6: Commercial uses adjacent to residential areas should use effective landscape buffers with living plant vegetation such as evergreen trees, bushes, open space or other design controls to minimize noise, glare, and other impacts associated with commercial land use to ensure that their location will not adversely affect the residential areas.

(iv) Policy 3.12.5: Adequate buffering shall be provided between adjacent residential land uses.

(v) Policy 3.12.8: The predominant uses of Neighborhood Commercial shall be small-scale business that will not have significant adverse impacts on adjacent neighborhoods.

(g) The Planning Division recommends that absent sitescreening in accordance with the options it describes, the application should be denied.

(Exhibit A-1, pages 4, 5, 7, 9, 10, 12, 16 and 17).

(3) Applicant's Arguments in Opposition to Planning Division's Recommended Sitescreening Options. The applicant opposed the Planning Division's recommended sitescreening options as strenuously as the Planning Division recommended them. The applicant's contentions may be summarized as follows:

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(a) The purpose and design of the proposed mini-storage facility is compatible with the area. The business model for the proposed facility is to take care of people. The applicant worked hard with Mr. Peters to revise the site plan and talked with most neighbors. The neighbors approve. There will be little noise and little traffic. The existing residence on the property will be demolished. The number of proposed storage units was reduced in order to comply with the 20-foot rear setback standard. There will be 11 separate buildings. (*Exhibit B-3*). The kiosk will be open 24/7 and the storage units themselves from 7 a.m. until 8 p.m. There are 17 security lights shown on the site plan. They will be mounted at a height of about 10 to 12 feet and the lighting will be directed downward. (*Exhibit H-2*). The clock tower will have a height of about 22 feet and the rest of the buildings a height of about 12 to 15 feet with roofs that will pitch to the outside. There will be no office. Any temporary outdoor vehicle storage will be on the requisite paved surface.

(b) The mobile home park across South 80th Avenue east of the proposed site is not completely sitedcreened with arborvitae. Arborvitae screening for the north property line of the mobile home park is lacking in places along Nob Hill Boulevard east of South 80th Avenue. (*Exhibit H-1, 1 photo entitled "View SOUTH on 80th Ave" and 2 photos entitled "EAST Mobile Home Park"*). Arborvitae screening for the west property line of the mobile home park along South 80th Avenue is also lacking in places south of the proposed site. (*Exhibit H-1, 1 photo entitled "View NORTH on 80th Ave" and 5 photos entitled "EAST Mobile Home Park"*). The mobile home park is completely sitedcreened with arborvitae directly across South 80th Avenue to the east of the proposed site. (*Exhibit H-1, 1 photo entitled "EAST Mobile Home Park"*).

(c) The site plan showing a 10-foot-wide gravel/drain rock drainage swale on the north side of the proposed facility along Nob Hill Boulevard would not conflict with the landscaping plan for standard "A" sitedcreening in that location as indicated in the staff report. (*Exhibit A-1, page 13, item #1*). The intent was to provide in that area a 10-foot-wide area combining a gravel/drain rock drainage swale with the standard "A" sitedcreening described section 10 on page 6 of the staff report. Examples of that type of standard "A" sitedcreening exist in various locations within the City of Yakima. (*Exhibit H-1, 12 photos entitled "Combination landscaping/drainage example" and 1 photo entitled "Evergreen sitedcreening example"*). Subsequently, at the hearing, the applicant proposed

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using sitescreeing standard "B" without sitescreeing "A" in that location even though it will eventually be adjacent to Nob Hill Boulevard when that street is extended westward from South 80th Avenue. Specifically, sitescreeing standard "B" would be used next to the back walls of buildings "H" and "K" on the north side of the site which would be included in Phase 1 in addition to buildings "A," "B," "C" and "D." Standard "B" next to the back walls of the two buildings would consist of a 3-foot-wide planting strip that will create a living evergreen screen that is at least 6 feet in height within 3 years. There would be landscape rock without any plantings in the 10-foot-wide drainage swale north of that adjacent to the future extension of Nob Hill Boulevard. That sitescreeing would not immediately obscure the mini-storage units from view as recommended by the Planning Division or include any sitescreeing standard "A" plantings in the 10-foot-wide landscape rock drainage swale. Such plantings are required by YMC 15.07.060 along a collector or local access street and are recommended by the Planning Division in the landscape rock drainage swale that will someday be along the future extension of Nob Hill Boulevard in this area. (*Exhibit A-1, page 18, subsection 2(A)(c)*).

(d) The applicant will provide sitescreeing standard "A" on the east side of the site along South 80th Avenue which is the prescribed standard for that location and is acceptable to the Planning Division with the decorative retail-type façades there, the least amount of "mass" there, and the aesthetically pleasing design of the buildings along that side. (*Exhibit B-3; Exhibit E-3, section B of Class 3 Review Narrative*).

(e) The applicant proposes to provide sitescreeing standard "C" consisting of slatted chain link fencing along the west and south property lines with additional standard "B" sitescreeing inside the fence along the west 70 or so feet of the south property line where the building setback from the adjacent R-1 zoning district would be 5 feet rather than 20 feet per the requested Administrative Adjustment. The additional standard "B" sitescreeing for that approximate 70 feet would consist of a 3-foot-wide living evergreen screen that would be at least 6 feet in height within 3 years. (*Exhibit B-3, two large site plans*).

(f) There is no neighborhood objection to the proposed mini-storage facility. Single-family residences are Class (3) uses in the Local Business (B-2)

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zoning district. The residence to the south of the proposed site is 220 feet from the site. (*Exhibit H-1, 2 photos entitled "View SOUTH of Property"*).

(g) The proposed residential mini-storage facility will comply with all the Comprehensive Plan policies. It will be compatible with surrounding land uses per Policy 3.8.1, will have building materials similar to adjoining residential structures per Policy 3.8.5 and will have effective and adequate buffering from residential uses per Policy 3.8.6 and 3.12.5 as shown by 10 photographs of surrounding buildings that have metal roofs and/or walls. (*Exhibit H-1, 10 photos, 3 entitled "SOUTH Neighbor," 2 entitled "WEST Neighbor," 2 entitled "NORTH Neighbor," and 3 entitled "EAST Mobile Home Park"*). It will not have significant adverse impacts on adjacent neighborhoods as shown by 4 photographs of commercial buildings at South 80th Avenue and Wide Hollow Road and 2 photographs of commercial buildings in the greater neighborhood. (*Exhibit H-1, 4 photographs entitled "Neighboring Businesses," 1 photograph entitled "Example of metal used in commercial construction (HAPO)" and 1 photograph entitled "Example of metal used in commercial construction (Walmart)"*).

(h) Phase 2 would be constructed as needed. It will take 2 years to complete Phase 1 and an additional 5 years to complete Phase 2.

(4) Hearing Examiner's Findings Relative to Sitescreening Issues Presented at the Hearing. The Hearing Examiner makes the following findings relative to the sitescreening disagreements involved in this matter:

(a) The City Council adopted the City's zoning ordinance which classifies residential mini-storage facilities as Class (3) uses in the Local Business (B-2) zoning district. In adopting the zoning ordinance, it declared such Class (3) uses to be generally incompatible with adjacent and abutting property because of their size or other reasons. It further required that difficulties related to their compatibility and Comprehensive Plan policies be adequately resolved before they are approved. These provisions in the definition of Class (3) uses in YMC 15.02.020 create a presumption or an inference which requires an applicant to adequately resolve difficulties that are related to compatibility or Comprehensive Plan policies due to the size of a Class (3) use. Along the same lines, YMC 15.04.020(C) allows said uses to either be denied or conditioned to promote

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compatibility with the character of the district and Comprehensive Plan policies. The definition of "compatibility" in YMC 15.02.020 also states that special mitigation measures may be imposed. YMC 15.10.030 states that development standards specified in the zoning ordinance are not a limitation on the authority of a reviewing official to impose additional or greater requirements as conditions of approval of any use or development. That section states that such additional or greater requirements may be imposed to accomplish the intent of any development standard, to mitigate any specific or general environmental or other negative impacts of a development, to insure compatibility of the development with existing neighboring land uses, and to further policies of the Comprehensive Plan.

(b) Even though the residences on nearby properties are generally of lower quality construction and architectural design, their residents are entitled to the same compatibility and Comprehensive Plan protections as residents of new residences and owners of new commercial uses that will be constructed on the nearby properties in the future.

(c) The size of the proposed facility raises at least a concern about its compatibility with other uses nearby, especially existing or future new residential uses which are now present or could be built in the future. The size of the solid walls of the facility would be about 11 feet high and a total of 335 feet long on the north, 275 feet long on the west and 350 feet long on the south. These type of walls create a solid mass that are not broken up by the type of decorative façades or design features which make the east side of the facility compatible with its surroundings and with Comprehensive Plan policies through the use of standard "A" sitescreening. A 10-foot-wide landscaped planting strip with trees at 20-foot to 30-foot centers, which includes shrubs and groundcover, will be effective sitescreening along the east side of the facility because of the design of the buildings along that side.

(d) The Planning Division's concern for compatibility with existing and future residential and commercial uses near the proposed facility is understandable and justified for the north, west and south sides of the proposed facility. None of the nearby uses have such long metal walls with the unbroken metal mass that the proposed walls will have. Those walls will be unique in the immediate area. They cannot be improved in appearance without decorative façades or evergreen plantings as tall as the walls. Six-foot-high chain link fencing with slats

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(sitescreening standard "C") would not obscure the mass and the expanse of those walls. It would merely create another long uninterrupted mass or expanse that would not be attractive, especially if painted with graffiti, and would only screen about one-half the height of the walls. On the other hand, evergreen plantings near the walls could within several years completely obscure the walls and dispense with the need for slatted cyclone fencing to be installed for sitescreening or security purposes. As a practical matter, it would take several years to achieve the desired effect because the evidence at the hearing was to the effect that arborvitae in excess of 4 feet in height cannot be obtained, especially in the number needed for this proposal. The evidence was also to the effect that arborvitae grow about 1 to 1½ feet per year. Since none of the current neighbors expressed concern about the proposed sitescreening, allowing several years for arborvitae or other evergreen plantings that are initially 4 feet in height to completely obscure the walls on the north, west and south sides should adequately protect the interests of the present and future residents of the area relative to the visual impacts of the large walls. The building walls themselves would serve to keep the facility secure. The evergreen plantings next to the walls would obscure them by means of a type of sitescreening that would not likely be painted with graffiti. The effectiveness of sitescreening by means of evergreen plantings rather than by means of a 6-foot-high cyclone fence with slats can be seen in the applicant's photographs. (*Exhibit H-1, 2 photos entitled "Evergreen sitescreening example" and 1 photo entitled "EAST Mobile Home Park" showing the arborvitae directly east of the site across South 80th Avenue*). The difference in the effectiveness of these two types of sitescreening for a mini-storage facility can also be seen in the greater neighborhood where mini-storage facilities at Tieton Drive and South 76th Avenue and on South 96th Avenue between Walnut and Chestnut Avenues utilize both types of sitescreening.

(e) It is not possible to approve the mini-storage complex application conditioned upon its having a building scale similar to adjoining residential structures per Comprehensive Plan Policy 3.8.5. But it is possible to approve the application conditioned upon mitigating the visual impacts of its building scale by means of effective landscape buffers with living plant vegetation such as evergreen trees to minimize those visual impacts per Comprehensive Plan Policy 3.8.6. The Planning Division's recommended options for sitescreening the long solid walls of the large complex on three sides would mitigate visual impacts

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resulting from the size and design of the three walls and further other Comprehensive Plan policies in the absence of any better alternatives.

(f) At the hearing, the Hearing Examiner suggested that the buildings around the outside of the complex be built as part of Phase 1. Those are buildings "A," "B," "H," "K," "I" and "J." They comprise 15,525 square feet which is less than the 16,700 square feet initially proposed for Phase 1 that would result from constructing buildings "A," "B," "C" and "D." That way the complex would be self-contained and the walls themselves could serve security functions without a need for any fencing for security or sitescreening purposes. Sitescreening of the large expanse of the walls on three sides could be achieved by arborvitae or other evergreen plantings at least 4 feet tall when planted next to the buildings on the north, west and south sides. They could be allowed to grow to the roof over a number of years. This would save the expense of slatted cyclone fencing at any location along the north, west or south sides of the site. The reaction to that suggestion was that the buildings could not be redesigned to achieve the variety of building sizes initially needed for a successful operation by taking that approach.

(g) Recognizing that a mixture of building widths in Phase 1 would be desirable to provide storage unit size choices needed for an economically viable project, the Hearing Examiner notes that the identical mixture of different building widths and square footage as was proposed by the applicant at the hearing could be achieved by switching the location of building "C" with building "G" and constructing the easterly and the northernmost buildings first with the use of temporary, slatted cyclone construction fencing for security and sitescreening purposes that could be moved southward as the construction progressed. Some driveways and buildings would have to be moved 5 feet north for that purpose, but the identical mix of different building widths as proposed at the hearing by including buildings "A," "B," "C," "D," "H" and "K" totaling 20,050 square feet in Phase 1 would result from including buildings "A," "B," "H," "K," "C" (in the location shown as building "G" on the site plan) and "F" totaling 20,050 square feet in Phase 1. If for some reason the location of those buildings could not be switched, constructing the east and northernmost buildings shown on the site plan in Phase 1 would also result in a mixture of building widths that would total 21,525 square feet for buildings "A," "B," "H," "K," "G" and "F."

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(h) Evidence was not presented at the hearing as to whether permanent cyclone fencing around the west and south sides of the property would make the site more secure during construction than temporary construction fencing. Members of the general public who rent storage units will have access to the area that is within either type of fencing. Utilizing an alternative for security other than permanent cyclone fencing around the west and south sides of the property prior to completion of the complex would ultimately result in the type of compound described in the application. The finished complex would have 11-foot-high walls rather than 6-foot-high fencing for security and would have arborvitae next to the back of the north, west and south walls to serve as graffiti-free visual sitescreeing of the expansive walls without the need for any permanent cyclone fencing at any location on those sides. If for some reason temporary slatted cyclone construction fencing or another method of securing the construction site could not be utilized and permanent cyclone fencing around the entire west and south sides would be needed for security, then it would be that need for security rather than the need for effective sitescreeing that would require the applicant to incur that expense for cyclone fencing in addition to the expense of effective sitescreeing measures.

(h) There may be other alternatives for phasing, design or construction that better serve the needs of the applicant while providing the type of effective sitescreeing for the uniquely expansive walls which the Planning Division recommends be addressed for this proposal. For that reason, this decision will leave room for other mutually agreeable sitescreeing and/or phasing alternatives to be included in a development agreement without the necessity of returning to the Hearing Examiner for approval of those details.

(i) Absent agreement otherwise, the Hearing Examiner prescribes the following additional sitescreeing option for the north side of the proposed residential mini-storage facility in addition to those recommended by the Planning Division: d. Install a dense vegetative screen made of arborvitae or other evergreen plants which are initially at least 4 feet in height near the back wall of the two mini-storage buildings promptly after they are completed and which are allowed to grow to a height that obscures the wall of the buildings from view of the abutting residential uses, and include plantings acceptable to the Planning Division in the 10-foot-wide landscape rock drainage swale prior to approval of the building permit for the final building or promptly upon the extension and

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improvement of Nob Hill Boulevard to City standards along the site if that occurs prior to issuance of the final building permit.

(j) Absent agreement otherwise, the Hearing Examiner prescribes the following additional sitescreeing option for both the west and south sides of the proposed residential mini-storage facility in addition to those recommended by the Planning Division: d. Install a dense vegetative screen made of arborvitae or other evergreen plants which are initially at least 4 feet in height near the back wall of the mini-storage building promptly after it is completed and which are allowed to grow to a height that obscures the wall of the building from view of the abutting residential uses.

(k) If the applicant and Planning Division mutually agree to a greater number of buildings in Phase 1 than proposed before or during the hearing, a time period longer than 2 years may be prescribed in the development agreement for completion of Phase 1 without returning to the Hearing Examiner for approval of that detail.

XI. Administrative Adjustment. YMC 15.10.020 provides flexibility by allowing certain development standards in YMC Chapters 15.05 through 15.08 to be administratively adjusted. A particular standard may be reduced or modified so long as the reviewing official determines that the adjustment is consistent with the purpose of the zoning ordinance, is consistent with the intent and purpose for the standard and will accomplish one or more of five objectives. The five criteria listed in YMC 15.10.020 apply, or do not apply, to the proposal in the following ways:

(1) Allow buildings to be sited in a manner that maximizes solar access: This criterion does not apply. It is not the purpose of the proposed residential mini-storage facility to maximize solar access to the facility or to any other building.

(2) Allow zero lot line or common wall construction in conformance with the provisions of this title: This criterion does not apply since no zero lot line construction is proposed.

(3) Coordinate development with adjacent land uses and physical features:

The requested side setback adjustment along the western portion of the south property line which abuts R-1 zoned property would coordinate development with adjacent land uses by providing increased landscaping that is acceptable to the City Planning Division and by allowing the mini-storage building to be constructed in a straight line along the south property line. This would prevent a 20-foot jog to the north in the building which would create a 20-foot-wide strip of property behind the building about 55 feet in length that would require regular maintenance in an area that would be difficult to access. The total length of the adjustment would be about 70 to 75 feet from the west property line even though no building is proposed for the westernmost 20-foot rear setback area. Allowing the adjustment would allow construction of the proposed self-contained design which would direct all negative impacts inward and would buffer the proposed facility from surrounding uses along that portion of the south property line by means of an effective type of sitescreening.

(4) Permit flexibility of design and placement of structures and other site improvements: The requested side setback adjustment would permit flexibility of design and structures because the location of the building anywhere but within the setback area would result in a break in the buffer that the proposed building would otherwise provide. A 20-foot jog to the north in the southernmost building would also create a severe internal design problem for the interior buildings and driveways which serve the majority of the facility.

(5) Allow development consistent with a specific sub-area plan: This criterion does not apply since the purpose of this requested side setback adjustment is not to comply with a provision of a sub-area plan.

Therefore, the requested south side setback reduction from 20 feet to 5 feet along the western portion of the south property line which abuts the R-1 zoning district should be allowed because it would be consistent with the purpose of the B-2 zoning district set forth in YMC 15.05.020(F) to allow commercial activities that meet the service needs of the community. Allowing the requested adjustment would also be consistent with those purposes of setback requirements detailed in YMC 15.05.020(D) for the B-2 zoning district because it would not interfere with visual clearance along streets and would still

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allow areas for sitescreening and landscaping. Finally, as noted above, allowing the requested adjustment would accomplish two of the five listed objectives for an Administrative Adjustment even though only one of those objectives must be served in order to allow the adjustment.

(Exhibit A-1, pages 3 and 16; Exhibit E-3).

XII. Consistency of the Proposed Use with Development Regulations and the Comprehensive Plan. Compliance with the consistency criteria in Section 16.06.020B of the Yakima Municipal Code is determined by consideration of the following factors:

(1) **The types of land uses permitted at the site.** The proposed residential mini-storage facility is a Class (3) use in the B-2 zoning district which is permitted at the site if the criteria for approval of a Class (3) use with the requested setback Administrative Adjustment are satisfied, which is the case here if the conditions of approval required by this decision are satisfied.

(2) **The density of residential development or the level of development such as units per acre or other measures of density.** Residential density is not being increased and the proposed residential mini-storage facility will be otherwise consistent with density regulations for the B-2 zoning district since the Administrative Adjustment criteria are satisfied for the requested setback adjustment.

(3) **The availability and adequacy of infrastructure and public facilities.** Infrastructure and public facilities are available and adequate for the proposed residential mini-storage facility.

(4) **The characteristics of the development relative to applicable development regulations.** Since the criteria are satisfied for approval of the requested setback adjustment, the proposed residential mini-storage facility, as conditioned, would be consistent with applicable development regulations.

CONCLUSIONS

Based upon the foregoing Findings, the Hearing Examiner concludes as follows:

David Hoeger
Residential Mini-Storage Facility
8102 West Nob Hill Boulevard
CL3 #003-13; ADJ #006-13

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(1) The Hearing Examiner has jurisdiction to approve Class (3) use applications and Administrative Adjustments under the circumstances prescribed by the zoning ordinance, which circumstances warrant approval of this application with a setback Administrative Adjustment, subject to the conditions set forth below.

(2) Public notice requirements have been satisfied.

(3) A Determination of Nonsignificance was issued on December 30, 2013, which became final without an appeal.

(4) Transportation Concurrency review under YMC Chapter 12.08 found that the proposal will not exceed the PM Peak Hour capacity of the City's arterial street system and that reserve capacity will exist on all impacted arterial streets.

(5) The proposed residential mini-storage facility with a setback Administrative Adjustment to the west 70 or so feet of the south property line which abuts the R-1 zoning district can be adequately conditioned by the conditions set forth below so as to ensure compatibility, compliance and consistency with the policies, objectives and standards of the Comprehensive Plan and with the intent, the character, the provisions and the development standards of the zoning district and of the zoning ordinance, including the Administrative Adjustment provisions thereof.

(6) This decision entitles the applicant to a Certificate of Zoning Review subject to time limitations for completion of both phases prescribed by this decision or prescribed otherwise in agreed provisions of a development agreement.

(7) This decision may be appealed to the Yakima City Council within the time and in the manner required by applicable City ordinances.

DECISION

The proposed residential mini-storage facility with the requested Administrative Adjustment to allow a 5-foot rather than 20-foot setback for the 70 or so feet along the Single-Family Residential (R-1) zoning district abutting the site on the south as described

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in Class (3) use application CL3 #003-13, in ADJ #006-13 and in SEPA #020-13 is **APPROVED**, subject to the following conditions:

(1) The applicant shall satisfy all applicable Urban Area Zoning Ordinance, building code and fire code requirements.

(2) In order to resolve difficulties involved in approving a use that is generally considered to be incompatible at its proposed location, particularly a use that would have a much larger building scale and much longer metal walls than single-family residences on neighboring properties, one of the following sitescreeing options shall be shown for each of the three sides of the proposed complex on a revised site plan and described in detail in either a landscaping plan or a sitescreeing plan or a combination of both, whichever is applicable, in a manner that is acceptable to the Planning Division:

A. North property line:

- a. The applicant shall: 1) reorder the construction of Phase 1 to include buildings "H," "K," "I" and "J" to provide an enclosed compound as suggested in the applicant's narrative, 2) provide site screening "A" along the north property line, and 3) provide a decorative façade along the backs of the buildings and roof which shields these metal features from the view of the abutting residential uses; or
- b. Provide a six-foot high decorative masonry, stone, or stucco wall along the north property line, and 2) install a decorative façade along the back and sides of the proposed mini-storage building shielding the metal features from view of the abutting residential uses; or
- c. Install a dense vegetative screen made of arborvitae or other evergreen plants which obscures the mini-storage units from view of the abutting residential uses; or
- d. Install a dense vegetative screen made of arborvitae or other evergreen plants which are initially at least 4 feet in height near the back wall of the two mini-storage buildings promptly after they are completed and which are allowed to grow to a height that obscures the wall of the buildings from view of the abutting residential uses, and include plantings acceptable to the Planning Division in the 10-foot-wide landscape rock drainage swale prior

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to approval of the building permit for the final building or promptly upon the extension and improvement of Nob Hill Boulevard to City standards along the site if that occurs prior to issuance of the final building permit.

B. South property line:

- a. The applicant shall: 1) reorder the construction of Phase 1 to include buildings "H," "K," "I" and "J" to provide an enclosed compound as suggested in the applicant's narrative, and 2) provide a decorative façade along the back of the buildings and roof which shields these metal features from the view of the abutting residential uses; or
- b. 1) Provide a six-foot high decorative masonry, stone, or stucco wall along the property line, and 2) install a decorative façade along the backs and sides of the proposed mini-storage building shielding the metal features from view of the abutting residential uses; or
- c. 1) Install a six-foot high view obscuring fence meeting site screening "C", and 2) Install additional vegetation to create a dense vegetative screen made of arborvitae or other evergreen plants which obscures the backs of the mini-storage units from view of the abutting residential uses; or
- d. Install a dense vegetative screen made of arborvitae or other evergreen plants which are initially at least 4 feet in height near the back wall of the mini-storage building promptly after it is completed and which are allowed to grow to a height that obscures the wall of the building from view of the abutting residential uses.

C. West property line:

- a. The applicant shall: 1) reorder the construction of Phase 1 to include buildings "H," "K," "I," and "J" to provide an enclosed compound as suggested in the applicant's narrative, and 2) provide a decorative façade along the back of the buildings and roof which shields these metal features from the view of the abutting residential uses; or
- b. 1) Provide a six-foot high decorative masonry, stone, or stucco wall along the property line, and 2) install a decorative façade along the backs and sides of the proposed mini-storage building shielding the metal features from view of the abutting residential uses; or

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- c. 1) Install a 6-foot high view obscuring fence meeting site screening "C", and 2) Install additional vegetation to create a dense vegetative screen made of arborvitae or other evergreen plants which obscures the backs of the mini-storage units from view of the abutting residential uses; or
- d. Install a dense vegetative screen made of arborvitae or other evergreen plants which are initially at least 4 feet in height near the back wall of the mini-storage building promptly after it is completed and which are allowed to grow to a height that obscures the wall of the building from view of the abutting residential uses.

(3) In the event that false windows are used, they shall be incorporated with a black background rather than traditional white, and a lighting plan detailing the lighting that will be utilized in a manner acceptable to the Planning Division shall be submitted.

(4) In the event the temporary vehicle storage is still sought, the vehicle storage shall only be allowed upon paved portions of the proposed mini-storage development.

(5) Access to the kiosk for the facility may be allowed 24 hours per day every day of the week. Access to the storage units themselves may only be allowed during hours prescribed by the owner that are between 7 a.m. and 8 p.m. every day of the week.

(6) Complete stormwater design plans, specifications and runoff/storage calculations supporting the stormwater design are required pursuant to the Eastern Washington Stormwater Manual and City of Yakima standards. A stormwater site plan shall be submitted to the City of Yakima Surface Water Engineer prior to permit issuance.

(7) Prior to permit issuance, the applicant shall revise the submitted site plan to correctly incorporate all required Title 12 development and fire access requirements which include without limitation curb, gutter, sidewalk, street lighting, the required type of pavement for the fire access lane and the required or agreed type of sitescreening for the facility.

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(8) Prior to permit issuance the applicant shall dedicate the required right-of-way for Nob Hill Boulevard and South 80th Avenue to the City of Yakima as directed by the City of Yakima Engineering Division.

(9) A final site plan shall be submitted to the Planning Division prior to issuance of any development permits which incorporates all conditions that are stated herein or are otherwise established by mutual agreement of the applicant and Planning Division.

(10) Phase 1 of this development shall be completed within two (2) years from the date of issuance of the Certificate of Zoning Review for this proposal, and Phase 2 of this development shall be completed within five (5) additional years thereafter, or within a total of seven (7) years from the date of issuance of the Certificate of Zoning Review for this proposal. If the applicant and Planning Division mutually agree to a greater number of buildings in Phase 1 than proposed before or during the hearing, a time period longer than two (2) years may be prescribed in the development agreement for completion of Phase 1 without returning to the Hearing Examiner for approval of a different time period. The approval and authority for any construction not completed within the prescribed time periods shall expire and be of no further force and effect unless the City within its sole and absolute discretion approves one or more extensions prior to the expiration of either time period.

(11) The applicant shall enter into a development agreement with the City of Yakima detailing conditions of approval; provisions of applicable building, zoning and other city codes; phasing details for the buildings in the development project; and any additional mutually agreeable requirements applicable to the development. The development agreement may include revisions to the conditions prescribed by this decision if those revisions are mutually agreed to by the City of Yakima and by the applicant. Absent such agreement, the conditions herein prescribed shall be included in the development agreement.

DATED this 6th day of February, 2014.



Gary M. Cuillier, Hearing Examiner