



Agenda

RICHLAND PLANNING COMMISSION MEETING NO. 3-2013

Richland City Hall - 505 Swift Boulevard - Council Chamber

WEDNESDAY, March 27, 2013

7:00 p.m.

COMMISSION MEMBERS: Marianne Boring, Chair; James Utz, Vice-Chair; Debbie Berkowitz; Clifford Clark; Stanley Jones; Carol Moser; Kent Madsen, Amanda Wallner and James Wise

LIAISONS: Rick Simon, Planning and Development Services Manager
Jeff Rolph, Senior Planner
Phil Lemley, City Council

Regular Meeting, 7:00 p.m.

Welcome and Roll Call

Approval of the Agenda

Approval of February 27, 2013 Meeting Minutes

Public Comments

Public Hearing Explanation

Unfinished Business – Public Hearings

1. APPLICANT: COLUMBIA BASIN RACQUET CLUB (M2013-100)*

Request: REQUEST FOR REDUCTION IN PARKING BASED ON JOINT USE PARKING AGREEMENT

Location: 1776 TERMINAL DRIVE

New Business – Public Hearings

1. APPLICANT: KADLEC (Z2013-103)

Request: APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN CITY OF RICHLAND AND KADLEC REGIONAL MEDICAL CENTER

Location: THE KADLEC MEDICAL CAMPUS LOCATED NORTH OF SWIFT BOULEVARD, EAST OF STEVENS DRIVE AND WEST OF GILMORE AVENUE.

2. APPLICANT: GREG MARKEL (SUP2013-100)*

Request: APPROVAL OF A SPECIAL USE PERMIT APPLICATION TO CONSTRUCT A RESTAURANT WITH DRIVE-THRU WINDOW SERVICE IN THE CENTRAL BUSINESS DISTRICT

Location: 1020 JADWIN AVENUE



Planning Commission Workshop Meeting, Wednesday, April 10, 2013

Planning Commission Regular Meeting – Wednesday, April 24, 2013

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***Quasi-Judicial Hearing**

Communications

Commission/Staff/Liaison Comments

Adjournment

Planning Commission Workshop Meeting, Wednesday, April 10, 2013

Planning Commission Regular Meeting – Wednesday, April 24, 2013

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MINUTES

RICHLAND PLANNING COMMISSION MEETING No. 2-2013

Richland City Hall – 550 Swift Boulevard – Council Chamber

WEDNESDAY, February 27, 2013

7:00 p.m.

Call to Order:

Chairman Boring called the meeting to order at 7:00 p.m.

Attendance:

Present: Chairman Boring, Commission Members Berkowitz, Clark, Jones, Moser, Wallner and Wise. Also present were City Council Liaison Phil Lemley, Deputy City Manager Bill King, City Engineer Jeff Peters, Planning Manager Rick Simon, Senior Planner Jeff Rolph and Recorder Pam Bykonen.

Approval of Agenda:

Chairman Boring presented the February 27, 2013 meeting agenda for approval.

A motion was made by Commissioner Jones and seconded by Commissioner Clark to postpone New Business Agenda Item 1, Election of Officers, due to the absence of two commissioners.

The motion failed 1-6.

The agenda was approved as originally presented.

Approval of Minutes

Chairman Boring presented the meeting minutes of the January 23, 2013 regular meeting for approval. She noted that her comment under “Communications” was an error and should be removed.

A motion was made by Commissioner Jones and seconded by Commissioner Berkowitz to approve the meeting minutes of the January 23, 2013 regular meeting as amended.

The motion carried, 7-0.

Public Comment

Chairman Boring asked for public comment on any item not on the agenda.

Dr. L.B. “Sandy” Rock, 563 Tanglewood Drive, Richland: Dr. Rock commented that he liked the proposed extension of Duportail and the proposed park near Tanglewood Drive, but disliked the proposed carwash on Duportail and the possible negative impacts it may have on the neighborhood. He encouraged the commissioners to carefully consider the types of businesses allowed near the entrances of residential areas.

Chairman Boring asked if there were any other comments. Seeing none, she closed this portion of the meeting.

PUBLIC HEARING

Public Hearing Explanation: **Ms. Bykonen** explained the public hearing notice and appeal process and asked Commissioners to identify any conflicts of interest, ex-parte contact or any other appearance of fairness issues. Commissioners Berkowitz, Jones, and Moser and Chairman Boring disclosed that they were members of the Columbia Basin Racquet Club and personally knew the applicant but felt their membership would not affect their decision on New Business Agenda Item 2. There were no objections to this disclosure.

New Business

1. RICHLAND SCHOOL DISTRICT (RSD) – Zone change on 12.5 acre parcel near Westcliffe Boulevard/Brantingham Road from PUD to R1-10 (Z2013-102)

Mr. Rolph presented the staff report for a proposed change in zoning of a 12.5-acre parcel located east of Gala Way, west of Brantingham Road, and generally south of Westcliffe Boulevard. The applicant is requesting the zone change to allow for the construction of a school which is allowed in a residential zone (R1-10) but not allowed in a PUD zone. The property is part of the Badger Mountain Village settlement agreement which required various uses around the apartment complex to act as a buffer between the apartments and surrounding neighborhoods. A new agreement was signed by the parties of the settlement who concur that construction of an elementary school with design parameters and a required traffic study was a compatible use for the property. Staff recommends approval of the zone change with conditions outlined in the draft Property Use Agreement. Mr. Rolph noted that an e-mail received during the public comment period that had been inadvertently left out of the meeting packet was distributed prior to the start of the meeting.

Chairman Boring opened the Public Hearing at 7:18 PM and asked if there were any comments from the public on this item. Seeing none, she closed the Public Hearing at 7:19 PM.

Discussion:

Commissioner Wise asked about the timeline for construction of the school. **Mark Panther**, Richland School District, explained that, while the school board had not given specific instructions, the assumption is that design and construction of the elementary school would begin once the sale of the property to RSD was complete. He expects the process to take about two years.

Commissioner Berkowitz asked if construction of the school was part of the bond measure that recently passed. **Mr. Panther** said it was.

Commissioner Moser asked about the possibility that the required traffic study would not align with the Memorandum of Understanding (MOU). **Mr. Peters** explained that the MOU required a traffic study but did not ask for any specific outcomes of the traffic study. RSD and the nearby homeowner associations had agreed upon a collaborative effort to determine the best configuration for parking, student drop-off areas, etc. to minimize impacts to the surrounding neighborhoods.

Commissioner Moser asked staff for clarification regarding the statement made by Michael and Sheila Laudisio via email that Brantingham Road was a county road and the City and RSD would need permission to use the road to allow for ingress and egress. **Mr. Rolph** assured everyone that Brantingham is a city road. **Mr. Peters** added that the property to the east of Brantingham Road was in the county but the road itself was City of Richland.

Using a chain link fence that is currently in place as a geographical reference, **Commissioner Berkowitz** asked for clarification regarding the property boundaries between the school and the apartment complex. **Mr. Panther** explained that the fenced area is being used as a lay-down yard by the apartment developer but is part of the property to be purchased by RSD which extends beyond the fence and ends near the sidewalk.

Chairman Boring expressed her appreciation for the work accomplished by RSD, the City and the homeowners associations prior to the public hearing.

Commissioner Wise noted his appreciation for the MOU which allowed for flexibility in the design for the school.

A motion was made by Commissioner Moser and seconded by Commissioner Jones that the Planning Commission concur with the findings and conclusions set forth in Staff Report Z2013-102 and recommend that the City Council rezone the subject parcel from Planned Unit Development (PUD) to Single-Family Residential (R1-10) subject to the conditions of approval set forth in the draft Property Use and Development Agreement known as Attachment B.

Called for a vote: Commissioner Berkowitz: Yes; Commissioner Clark: Yes; Commissioner Jones: Yes; Commissioner Moser: Yes; Commissioner Wallner: Yes; Commissioner Wise: Yes; Chairman Boring: Yes.

MOTION CARRIED 7-0.

2. COLUMBIA BASIN RACQUET CLUB (CBRC) – Request for reduction in parking based on joint use parking agreement (M2013-100)

Mr. Rolph reviewed the staff report for the request to reduce the required parking at 1776 Terminal Drive. The club is currently undergoing an expansion that would add a leisure pool to the complex that would extend into the existing parking area near the building. Additional parking is available across the street from the racquet club and is owned by CBRC as well as parking areas owned by adjacent businesses that are part of a joint use parking agreement. A reduction in parking of up to 25% with Planning Commission approval is allowed under RMC 23.54.080, Joint Use of Parking Facilities. In addition to the existing parking, CBRC owns an additional adjacent parcel at 1622 Terminal Drive that could be used for parking if needed. CBRC conducted parking studies that determined the parking area did not exceed 80% capacity during peak hours in the summer when the pool would be used.

Staff recommends approval of the 16.75% reduction in parking based on a joint use parking agreement between the properties located at 1622, 1776, 1777 and 1779 Terminal Drive.

Chairman Boring opened the Public Hearing at 7:32 PM and asked if there were any comments from the public on this item.

The architect for the project, **Terence Thornhill**, was available to answer any questions or comments. He spoke briefly about proposed designs for sidewalks that would provide a transition to encourage club members to utilize the auxiliary parking across the street.

Chairman Boring asked if there were any further comments from the public on this item. Seeing none, she closed the Public Hearing at 7:34 PM.

Discussion:

Commissioner Moser asked Mr. Thornhill to show the location of the proposed sidewalks on the map provided by staff which he did. She expressed concern regarding the safety of crossing the street due to the lack of sidewalks, clear paths, crosswalks, proper lighting, high traffic volume, etc. and felt that those items should be addressed if the auxiliary parking is to have an increased use.

Commissioner Clark agreed that the traffic volume was high and suggested installing one or more crosswalks in that area, preferably with flashing lights. **Mr. Thornhill** explained that the development team had proposed adding crosswalks but were cautioned against it by city staff because the location was on a curve with low visibility for pedestrians, plus a crosswalk can give pedestrians a false sense of security. **Commissioner Clark** disagreed saying there were ways to improve visibility of a crosswalk.

Commissioner Jones commented on the high number of cars and high speed of traffic along Terminal Drive. He suggested denial of the application unless increased safety measures for pedestrians were implemented.

Commissioner Wise also expressed his concern for the lack of pedestrian safety.

Commissioner Berkowitz asked one of the owners of CBRC, Fred LaMothe, to respond to the commissioner's concerns. **Mr. LaMothe** explained that some of the areas of the auxiliary parking lot that are difficult to negotiate are actually part of the city right-of-way and he assured the Commission that construction debris blocking a walk through area as well as poor lighting in the parking lot would be dealt with as soon as possible. **Commissioner Moser** added that there was also a lack of proper lighting in the parking lots that were not owned by CBRC but are part of the joint use agreement.

Commissioner Berkowitz noted that traffic visibility during the day was a problem and suggested installing a mirror for pedestrians to have better visibility of oncoming traffic. Noting that two of the businesses that are part of the joint parking agreement were on the market, she asked Mr. LaMothe what would be the outcome of the joint agreement once the sales were complete. **Mr. LaMothe** explained that the agreement was a recorded document that it tied to the land.

Commissioner Berkowitz commented that a crosswalk was needed between the club and the auxiliary parking adding that the presence of the crosswalk would alert drivers to the possibility of pedestrians in the area. She also suggested installing speed bumps if the need met the city's criteria. **Mr. Peters** explained that more information would be needed to determine if the criteria had been met but cautioned against the use of speed bumps/humps because of the adverse effects that accompany their use. He repeated his earlier comments regarding creating a crosswalk in an area that has existing safety issues such as blind corners and higher speed traffic. **Commissioner Berkowitz** disagreed noting that, as a driver, she slows down in areas where there are crosswalks and pedestrians present.

Commissioner Clark commended CBRC for reducing their parking. He questioned the city's recommendation to not include a crosswalk in the parking plan stating that a designated crossing point was better than no designated crossing point. **Commissioner Clark** asked staff to work on a solution to increase pedestrian safety.

Commissioner Wise approved of the reduction in parking. He also gave several design suggestions to reduce traffic speed in the area and aid in a safer crossing for pedestrians.

Commissioner Berkowitz suggested tabling the item to give the applicant and the City an opportunity to bring forward a design that can address the safety concerns of the Commission instead of modifying the motion to contain numerous conditions.

Chairman Boring commented that she had personally observed numerous occasions where pedestrians have entered a crosswalk under unsafe conditions and drivers cited for speeding in clearly marked pedestrian/school zones. She approved of the reduction of parking and suggested the use of speed humps that are marked as a crosswalk, essentially performing two tasks at once: slowing traffic and marking the designated crossing point.

Commissioner Moser noted that tabling the item would delay the decision for a minimum of one month and wanted to be sensitive to the developer's schedule. She suggested a motion that would allow flexibility for the developer and City to resolve the safety issue. **Mr. Thornhill** said that the approval for reduction in parking at this meeting is what is needed most and they will continue to work toward a resolution for safety measures.

Commissioner Jones reiterated his concerns for pedestrian safety and expressed his desire to table the item.

A motion was made by Commissioner Berkowitz and seconded by Commissioner Jones to table New Business Agenda Item 2 (M2013-100) until the March 27, 2013 Planning Commission meeting to allow the City and the applicant to come up with safety measures that would allow the auxiliary parking lots to be used safely.

MOTION CARRIED 7-0.

3. CITY OF RICHLAND – Surplus of approximately .5 acres of City property to make available for private development. (M2013-101)

Bill King, Deputy City Manager, reviewed the staff report for the proposed surplus property which is located on the north side of Swift Boulevard between George Washington Way and Jadwin Avenue. The property is currently used as overflow parking for City Hall and is not needed to meet its off-street parking requirements. No other city uses have been identified for the property prompting staff to declare the property surplus and to be used as part of the Swift Corridor improvements as put forth in the 2011 Swift Corridor Study. Greg Markel, the property owner adjacent to the north side of the parking lot, has expressed interest in redeveloping his property and incorporating the City's parking lot in that redevelopment.

As required by RMC 3.06.030, the Economic Development Committee reviewed the proposal to surplus the property at their February meeting and had no objections to the proposal. The next step is to seek approval from the Planning Commission on the recommendation to surplus the property before it can go before the City Council for final approval.

Chairman Boring opened the Public Hearing at 8:24 PM and asked if there were any comments from the public on this item. Seeing none, she closed the Public Hearing at 8:24 PM.

Discussion:

Although she did not object to the proposal, **Commissioner Berkowitz** expressed her concern regarding trading a parking lot on Swift Boulevard for a parking lot on Jadwin Avenue and having a drive-through in the Central Business District. Both items had been discussed at the February Planning Commission workshop. She did feel that declaring the property surplus and available for redevelopment was a reasonable alternative.

Commissioner Moser agreed that redevelopment of the property was a beneficial alternative and removed the need for visitors to City Hall to cross a busy street. She added that since Mr. Markel had not yet submitted an application for redevelopment it was not possible deny the proposal based on something that has not occurred. **Mr. King** noted that Mr. Markel's use permit would come before the Planning Commission for approval at their next meeting.

Chairman Boring commented that the property is long and narrow and felt that the best way to accomplish redevelopment of the property would be to combine it with an adjoining property.

Commissioner Berkowitz asked about ADA access and parking spots for City Hall. **Mr. King** said there are ADA parking stalls located on the south side of Swift Boulevard with additional ADA parking stalls in the parking lot behind City Hall on George Washington Way.

A motion was made by Commissioner Moser and seconded by Commissioner Wallner that the Planning Commission concur with the findings and conclusions set forth in Staff Report M2013-101 and forward a recommendation to the City Council to adopt a resolution declaring the .5 acres of city property at the northwest corner of Swift Boulevard and George Washington Way surplus to the City's needs and authorizing staff to negotiate a Purchase and Sales Agreement with the abutting land owner (Greg Markel) subject to special conditions of development, as allowed by RMC 3.06.030 and 3.06.040(B) and further subject to the following conditions:

- 1. Site must be developed with a minimum of 12,000 square feet of building fronting on Swift Boulevard.**

2. No drive-thru or auto-oriented uses are permitted.
3. Development must fully conform to all of the CBD design guidelines.
4. City reserves the right to repurchase the property if vertical construction has not begun within 12 months of the sale.

Commissioner Clark asked about the condition of no auto-oriented uses or drive-throughs and how that related to the proposed development. **Chairman Boring** explained the restriction was only for the parcel that is declared surplus by the City.

Called for a vote: Commissioner Berkowitz: Yes; Commissioner Clark: Yes; Commissioner Jones: Yes; Commissioner Moser: Yes; Commissioner Wallner: Yes; Commissioner Wise: Yes; Chairman Boring: Yes.

MOTION CARRIED 7-0.

New Business – Other

1. Election of Officers

A nomination was made by Commissioner Moser and seconded by Commissioner Berkowitz to retain Marianne Boring as Chairman and James Utz as Vice-Chairman of the Richland Planning Commission for 2013.

Called for a vote: Commissioner Berkowitz: Yes; Commissioner Clark: Yes; Commissioner Jones: Yes; Commissioner Moser: Yes; Commissioner Wallner: Yes; Commissioner Wise: Yes; Chairman Boring: Yes.

MOTION CARRIED 7-0.

Communications:

Mr. Simon

- Reminded the commissioners of their workshop on March 13. The shoreline consultants will be at the workshop to work on the Shoreline Master Program update. The SMP Open House will take place on the same date at 5:30PM, before the commission workshop.

Commissioner Berkowitz

- Attended the Economic Development Committee meeting on February 25, 2013. The EDC discussed the surplus property on Swift Boulevard as well as a proposed boutique hotel.

Commissioner Wise

- Offered to help with attending the monthly EDC.

Commissioner Jones

- Offered to help with attending the monthly EDC.

Commissioner Moser

- Commended Chairman Boring on her performance as Chairman.
- Will not be available for the March 13th workshop.
- Liked Chairman Boring's suggestion to use raised crosswalks near CBRC.

Commissioner Clark

- Commented on the City's responsibility to provide safety measures for the citizens.

Chairman Boring

- Expressed appreciation for the commissioners who volunteered to attend the EDC meetings.
- Thanked everyone for their kind words and support of her service as Chairman.

ADJOURNMENT:

The February 27, 2013, Richland Planning Commission Regular Meeting 2-2013 was adjourned at 8:40 PM. The next regular meeting of the Planning Commission will be held on March 27, 2013.

PREPARED BY: Pam Bykonen, Recorder, Planning & Development

REVIEWED BY:

Rick Simon, Secretary
Richland Planning Commission

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: M2013-100(A)

PREPARED BY: JEFF ROLPH
MEETING DATE: MARCH 27, 2013

GENERAL INFORMATION:

APPLICANT: COLUMBIA BASIN RACQUET CLUB (M2013-100)

REQUEST: REQUEST FOR REDUCTION IN REQUIRED
PARKING BASED ON JOINT USE PARKING
AGREEMENT

LOCATION: 1776 TERMINAL DRIVE

REASON FOR REQUEST

Richland Municipal Code (RMC) Section 23.54.080 sets forth provisions for joint use of parking facilities that allows for a reduction in required parking. The applicant is requesting a 16.75% reduction in required parking based on a joint use parking agreement that involves 4 adjoining properties and uses.

BACKGROUND

The Planning Commission conducted a public hearing and review of this item at their February 27th meeting. After discussion the Commission took action to table further action to allow time for the applicant and the City to meet and review potential safety measures that could be included to increase safety for those crossing Terminal Drive to the CBRC facilities.

The attached memorandum from the City's Public Works Department summarizes the results of the meetings. Staff is undertaking a pedestrian crossing study for the location which will include a review of traffic speeds, accident history and road geometric data. This information will be reviewed by Staff in conjunction with the assistance of the Washington Traffic Safety Commission and WSDOT Community Design Assistance Manager to formulate a final recommendation as to any improvements that could be implemented to increase safety.

CBRC has committed to funding safety improvements that are deemed appropriate based on the results of the crossing study. In the interim they will provide additional caution signage in the auxiliary lot to remind their patrons to be careful when crossing Terminal Drive to the club facilities.

RECOMMENDATION

Staff recommends that the Planning Commission approve a 16.75% reduction in overall code required parking based on a joint use parking agreement between the properties located at 1622, 1776, 1777 and 1779 Terminal Drive with the understanding that CBRC will fund pedestrian crossing safety improvements identified as being appropriate as part of the pedestrian crossing engineering study currently being undertaken.

ATTACHMENTS

A - Memorandum from Public Works Department (3-21-13)

MEMORANDUM

PUBLIC WORKS DEPARTMENT ADMINISTRATION & CIVIL ENGINEERING

TO: Planning Commission

FROM: Jeff Peters, Transportation & Development Manager

THROUGH: Pete Rogalsky, Public Works Director

DATE: March 21, 2013

SUBJECT: Columbia Basin Raquet Club (CBRC) Parking Reduction & Pedestrian Safety

At the February 27, 2013 Planning Commission meeting, several Planning Commission members voiced concern over the potential increase in pedestrian crossings on Terminal Drive if the parking reduction was approved. The primary concern is that the area pedestrians cross on Terminal Drive has poor sight distance of oncoming traffic and that pedestrian safety should be addressed more thoroughly before action on the parking reduction is taken.

As a result, Staff met with the architect and ownership group of CBRC on March 8, 2013, and again on March 19, 2013 to go over the pedestrian safety concerns and identify potential safety improvements that were viable. Additionally, Staff has been in contact with both the Washington Traffic Safety Commission and the Washington State Department of Transportation's Community Design Assistance Manager to discuss potential safety improvements for pedestrians crossing Terminal Drive at this location.

This work is still ongoing and a pedestrian crossing study is being performed for this location that will identify and document speed statistics, accident history, geometric data and make a final recommendation for this location. In the meantime, CBRC ownership has indicated that they are in full support of providing safety for their members and will work to encourage their members and staff that utilize the parking lot on the west side of Terminal Drive to be extra cautious when crossing the street. To this effort, CBRC will work with Public Works staff to place additional signage in the westerly parking lot reminding pedestrians to pay attention when crossing Terminal Drive.

CBRC has indicated to Staff that they are willing to fund the recommended improvements identified in the engineering study. Based on this, Staff recommends the Planning Commission address the parking reduction on its own merits, with CBRC installing pedestrian warning signs in the interim, and allow Staff additional time to perform a pedestrian crossing study for final recommendations.

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: Z2013-103

PREPARED BY: RICK SIMON
MEETING DATE: MARCH 27, 2013

GENERAL INFORMATION:

APPLICANT: KADLEC (Z2013-103)

REQUEST: APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF RICHLAND AND KADLEC REGIONAL MEDICAL CENTER

LOCATION: THE KADLEC MEDICAL CAMPUS LOCATED NORTH OF SWIFT BOULEVARD, EAST OF STEVENS DRIVE AND WEST OF GILMORE AVENUE.

REASON FOR REQUEST

Representatives from Kadlec have worked with City staff to draft a development agreement concerning the future development of the Kadlec Healthcare Campus.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the proposed development agreement that would authorize the future expansion of the Kadlec Healthcare Campus (Z2010-113) and submits that:

- 1) State law (RCW 36.70B.120) provides legal authority for the City to enter into a development agreement with private property owners and Kadlec has requested to enter into such an agreement with the City;
- 2) The proposed development agreement would provide approval for Kadlec to construct proposed campus expansions under the City's existing development regulations and would provide for the extension of a pedestrian trail through Sutch Park. Said trail, when fully completed would completely ring the City's Central Business District;
- 3) The proposed development agreement calls for the City to consider the vacation of a portion of Goethals Drive that is classified as a local street under the City's Comprehensive Plan. Given the proximity of north-south arterial streets in the area, the vacation of this section of street would not significantly impact north-south traffic movements throughout Central Richland. The vacation process provides for additional public hearings and consideration of traffic impacts prior to the actual vacation;
- 4) The proposed development agreement would provide for an additional connector street, developed at Kadlec's cost, between Jadwin and Gilmore. Traffic studies indicate that this new connector will provide improved traffic flow as Kadlec continues to expand. The connector will be constructed should the Goethals Drive vacation be approved;

- 5) The proposed expansion of the Kadlec campus represents a substantial investment in the City's Central Business District and is consistent with the City's comprehensive plan goal of revitalizing the Central Business District;
- 6) Based on the above findings and conclusions, approval of the development agreement would be in the best interest of the community of Richland.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (Z2013-103) and recommend to the City Council adoption of the development agreement with Kadlec.

ATTACHMENTS

- A. Supplemental Information
- B. RCW 36.70B.170 – 36.70B.210 concerning development agreements
- C. Public Comment – E-mail from Gwen Richter
- D. Draft Agreement
- E. Street Functional Classification System Plan

SUPPLEMENTAL INFORMATION

BACKGROUND

Kadlec Hospital has developed a plan for their campus, which calls for significant new construction of medical office buildings, the construction of additional floors on the hospital tower, the vacation of a portion of Goethals Drive, the rerouting of traffic in and around the medical campus, the construction of a new street entrance into the campus from Jadwin Avenue, the improvement of Sutch Park and the eventual construction of parking structures. See Exhibit E of the attached draft agreement for a copy of the Kadlec campus plan.

Kadlec representatives wish to pursue the development of their campus plan which will take an undetermined number of years to fully implement. They desire to enter into a development agreement with the City that will provide them assurances that they would be able to fully develop their campus under the existing rules that the City has in place. From the City's perspective, the development agreement provides some assurance that Kadlec will meet its commitments for improvements, such as the development of a new access drive into the campus or the improvement of Sutch Park.

Within the agreement, Kadlec would be obligated to complete the following:

- Purchase the vacated portion of Goethals Drive from the City and construct a new campus roadway connecting to Gilmore Avenue;
- Complete construction of the 60,000 square foot medical office building by the end of the year;
- Develop portions of Sutch Park as detailed in an existing lease agreement;
- Complete a walking path across the Kadlec campus;
- Design and build a new access route from the eastern portion of the Kadlec campus to Jadwin Avenue;
- Design and build a boulevard connecting to Goethals Drive.

The City would be obligated to complete the following:

- Initiate the process to vacate Goethals Drive from the Kadlec emergency room driveway northward to the intersection of Carondelet Drive;

- If the vacation is approved, the City agrees to sell the vacated right-of-way to Kadlec at current market rates;
- The City would continue to maintain the portion of Goethals Drive from the emergency room driveway south to Swift Boulevard and from the intersection of Carondelet Drive north to Williams Boulevard;
- The City will allow the vacated portion of Goethals Drive to be developed with parking and an outdoor plaza subject to approval of a site plan;
- The City will permit Kadlec to modify Goethals drive between the emergency room driveway and Swift Boulevard into a tree-lined boulevard with traffic calming features subject to approval of the City;
- The City will relocate the mid-block cross walk on Jadwin Avenue to align with the urban greenbelt trail across the Kadlec Campus and develop a short trail section to connect the crosswalk to the existing path east of Jadwin;
- The City will accept the dedication of the new boulevard entrance off of Jadwin Avenue when such entrance has been built to City standards.

LEGAL AUTHORITY

State law provides a method by which cities can enter into development agreements with land owners (see attached RCW 26.70B.120) The City has previously used this provision in the law to enter into a development agreement with the owners of the Badger Mountain South Master Planned Community.

Once a development agreement is put in place, both the City and landowner are bound by its provisions. If the City adopts amendments to its zoning code, the new provisions would not apply to the area encompassed in the agreement. Rather, Kadlec would be vested to the applicable rules that are in place at the time that the agreement is signed. However, the City would have the authority to modify its regulations pertaining to the Kadlec property if it finds that there is a serious threat to public health and safety.

If Kadlec desires to modify its plans in some way that would not be permitted under the existing zoning rules or that would otherwise be inconsistent with the agreement, those plans could not be implemented unless the agreement is modified. Proposed modifications to the agreement would be subject to the Planning Commission hearing and review process.

PROCESS

State law provides that the Planning Commission hold a public hearing to consider the draft development agreement and then forward its

recommendations onto the City Council. Council is responsible for making a final decision concerning the development agreement.

PUBLIC COMMENT

The City has received one e-mail comment from a citizen who voiced objections to the vacation of Goethals Drive. A copy is attached.

COMPREHENSIVE PLAN

The Kadlec campus area is designated as part of the Central Business District under the comprehensive plan. The plan contains the following Urban Design Goal and Policy statements that are pertinent to this proposal:

Goal 2: The City will endeavor to revitalize declining commercial areas such as the Central Business District, the Uptown retail area and the Wye area.

Policy 1: The City will work to develop an attractive Central Business District with adequate parking, landscaping and pedestrian access.

Policy 4: The City's design standards should provide consideration for the pedestrian by providing landscaping and shading elements as well as inviting access connections to adjacent developments.

Policy 7: The City will strive to provide continuity among adjacent uses through the use of cohesive landscaping, decorative paving, street furniture, public art and integrated infrastructure elements.

ANALYSIS

The continued expansion of the Kadlec campus is a critical element of the City's efforts to revitalize the Central Business District, which is a key component of the City's long range plan. The number and type of jobs provided by Kadlec are important to both the revitalization effort and the City's continued economic growth. The expansion of Kadlec's medical services and their future plans for expansion meet a critical need not only for Richland residents but the greater Tri-City region as a whole. The importance of Kadlec's continued expansion to the Central Business District and the City's goals for revitalization are valid reasons for the City to enter into this development agreement.

The provisions of the agreement call for the continued expansion of the Kadlec campus and for the City to initiate the process to vacate a portion of Goethals Drive. If the City Council ultimately decides that it is in the City's best interest to vacate this section of Goethals, then several other actions would occur to provide alternate access points into the Kadlec campus. Additionally, the City would be obligated to construct a small section of pedestrian trail and Kadlec would

construct another section of trail through Sutch Park and their campus. These trail improvements are part of a planned trail system that eventually will ring the entire downtown area and will help to implement the City's comprehensive plan.

The portion of Goethals Drive that is proposed for vacation is classified as a local street under the City's Street Functional Classification System. The portion of Goethals Drive that is south of Lee Boulevard is classified as a Neighborhood Collector. (See attached classification system map.) There are a number of streets within Central Richland that provide north-south access including Jadwin Avenue, Stevens Drive and Thayer Drive, which are all classified as minor arterials. Additionally, George Washington Way is a principal arterial that also serves to carry traffic north and south. Given these alternatives, the proposed Goethals vacation would not significantly impair north-south traffic movement. Also, the agreement only calls for the City to undertake the vacation process. Ultimately, the City Council will hold a public hearing and will consider whether portions of Goethals Drive should be vacated or not.

SUMMARY

The proposed development agreement would provide both the City and Kadlec assurances that the Kadlec campus will develop in a manner that is consistent with the City's comprehensive plan and existing zoning regulations and will be instrumental in the revitalization of the Central Business District.

DEVELOPMENT AGREEMENTS

RCW 36.70B.170 Development agreements -- Authorized.

- (1) A local government may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. A city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under chapter [36.70A](#) RCW.
- (2) RCW [36.70B.170](#) through [36.70B.190](#) and section 501, chapter 347, Laws of 1995 do not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on July 23, 1995, or adopted under separate authority, that includes some or all of the development standards provided in subsection (3) of this section.
- (3) For the purposes of this section, "development standards" includes, but is not limited to:
 - (a) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;
 - (b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
 - (c) Mitigation measures, development conditions, and other requirements under chapter [43.21C](#) RCW;
 - (d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;
 - (e) Affordable housing;
 - (f) Parks and open space preservation;
 - (g) Phasing;
 - (h) Review procedures and standards for implementing decisions;
 - (i) A build-out or vesting period for applicable standards; and
 - (j) Any other appropriate development requirement or procedure.
- (4) The execution of a development agreement is a proper exercise of county and city police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety. [1995 c 347 § 502.]

NOTES:

Findings -- Intent -- 1995 c 347 §§ 502-506: "The legislature finds that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment

to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval the project may proceed in accordance with existing policies and regulations, and subject to conditions of approval, all as set forth in a development agreement, will strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development. Further, the lack of public facilities and services is a serious impediment to development of new housing and commercial uses. Project applicants and local governments may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities. It is the intent of the legislature by RCW [36.70B.170](#) through [36.70B.210](#) to allow local governments and owners and developers of real property to enter into development agreements." [1995 c 347 § 501.]

RCW 36.70B.190Development agreements -- Recording -- Parties and successors bound. A development agreement shall be recorded with the real property records of the county in which the property is located. During the term of the development agreement, the agreement is binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property covered by the development agreement.

RCW 36.70B.200Development agreements -- Public hearing. A county or city shall only approve a development agreement by ordinance or resolution after a public hearing. The county or city legislative body or a planning commission, hearing examiner, or other body designated by the legislative body to conduct the public hearing may conduct the hearing. If the development agreement relates to a project permit application, the provisions of chapter [36.70C](#) RCW shall apply to the appeal of the decision on the development agreement

RCW 36.70B.210Development agreements -- Authority to impose fees not extended. Nothing in RCW [36.70B.170](#) through [36.70B.200](#) and section 501, chapter 347, Laws of 1995 is intended to authorize local governments to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of state law. [1995 c 347 § 506.]

RCW 36.70B.180Development agreements -- Effect. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement.

From: Gwen Richter [mailto:gwenrichter@yahoo.com]
Sent: Tuesday, February 12, 2013 11:52 AM
To: Ballew, Gary
Subject: requested change on Goethals street

I heard over the radio that Kadlec Medical Center has requested closing Goethals Street to improve their "campus". As a longtime Richland resident, who uses Goethals very frequently, I object! Goethals is the only straight route through the middle of town. I often jump over on Symons from Jadwin or G. W. Way down to the library, Hapo, the Post Office, Albertson's, Fred Meyer, Tumbleweeds, the County Auditor's office, and even Kadlec (and back, by the way). Recently, transporting a friend has us running up Van Giesen and catching Goethals there to previously mentioned points south. And, just considering the request, I'm guessing lots of other people travel it as well.

I suggest that the City paint 2 or 3 crosswalks across Goethals and lower the speed limit through that section, and perhaps add a flashing yellow light on the approach from the north to Kadlec's "campus".

Here's an idea. How about Kadlec building a skybridge from building to building if they want unimpeded access across the street?

Thanks for your consideration.

Sincerely,

Gwen Richter
511 Blue Street
Richland, WA 99354

HEALTHCARE CAMPUS DEVELOPMENT AGREEMENT

THIS AGREEMENT (“Agreement”) is dated as of the __ day of _____, 20__, and is entered into by and between **Kadlec Regional Medical Center**, a Washington non-profit corporation (“Kadlec”), and the **City of Richland**, a Washington municipality (“City”).

RECITALS

A. Kadlec is a Washington non-profit corporation and is among the fastest growing hospitals in the country. Kadlec’s current campus consists of approximately 11 acres and is legally described in Exhibit A. The vast majority of Kadlec’s growth has occurred on this relatively small campus. Immediately to the east of Kadlec’s current campus are approximately 14 acres, the majority of which was acquired by Kadlec through property acquisitions dating back to 1990 and is legally described in Exhibit B. Separating the 11 acre campus from the acquired 14 acre parcel is Goethals Drive, a secondary north-south arterial currently built at 54 feet in width (two, 20 foot lanes and two six foot sidewalks, except for the segment between the Emergency Room driveway on the west side of Goethals Drive and Carondelet Drive which is only improved with a six foot sidewalk on the east side) within a right of way of 60 feet. Kadlec has plans to develop these additional 14 acres and create a healthcare campus of medical office buildings (east campus) which will support the current Kadlec facilities and create a campus-oriented destination for individuals seeking medical services. The 14 acres will support the development of new medical office buildings and the employment of additional new employees.

B. The City is a Washington municipality which was developed in large part by the US government during World War II. The City’s comprehensive plan land use designations include a category known as the Central Business District (CBD) which is located in an area that was developed by the US government and is currently in a transition phase. This land use designation includes a mix of residential, retail, service, and business uses that provide for the daily convenience needs of on-site and nearby employees and residents. The purpose is to provide for pedestrian and transit-oriented high density employment and cultural uses together with limited complementary retail and higher density residential, and other compatible uses that enhance the CBD. Kadlec’s current campus and east campus are located in the City’s CBD designation of the Comprehensive Land Use Plan, and the Zoning Code. Further, the campus is located within the “Medical District Overlay (MDO) of the CBD zone. The MDO encourages medical-related uses subject to varying site development requirements.

C. Kadlec’s strategic plan anticipates growing demand for medical services with the majority of inpatient care being provided in regional medical centers. As a result, Kadlec envisions attracting patients from the surrounding communities throughout south central Washington and north central Oregon. Due to the demographics of the region Kadlec believes the demand for health care services will create significant business growth. The additional demand at Kadlec could provide a positive impact to the economic health and vitality of the

CBD. Kadlec desires to create a well planned medical center campus that supports the City's vision for a CBD where people live, work, and play and create a more pedestrian-friendly health care campus that will provide a safer and more attractive environment for increased foot traffic between the hospital, the expanded east portion of the campus, and the surrounding neighborhoods.

D. Kadlec and the City entered into a Ground Lease Agreement dated August 21, 2008 (C72-08) for an area owned by the City and known as Sutch Park which in large part abuts Kadlec's current campus and the acquired east campus. In accordance with the Lease, it is the intent of Kadlec, in cooperation with the City, to develop the Sutch Park area with medical and/or office buildings and to incorporate open landscaped areas including a paved pedestrian pathway for usage by the general public.

E. Kadlec and the City wish to work cooperatively to develop Kadlec's medical center campus, incorporating Kadlec's current campus, its east campus, and the development proposed for the property described in the Ground Lease Agreement dated August 21 (C72-08), as amended herein, in conjunction with the vision the City has for the CBD. Kadlec desires predictability and certainty as to the development regulations relating to its development of its medical center campus and the legislature has authorized execution of development agreements between local jurisdictions and entities having ownership or control of real property within its jurisdiction to govern and vest the development, use and mitigation of the development of the real property for the duration specified in the Agreement pursuant to RCW 36.70B.170(1).

AGREEMENT

1. OBLIGATIONS of CITY of RICHLAND.

- A. The City will initiate the process to vacate Goethals Drive from the Kadlec Emergency Room driveway north to the intersection of Carondelet Drive in advance of opening the 1100 Goethals Medical Office Building referenced below in Section 2(B). The City agrees to supply the legal description for the area to be vacated, in a form reasonably acceptable to Kadlec and sufficient to record, within 30 days of the execution of this Agreement and which will be attached as Exhibit C and depicted in Exhibit D to this Agreement.
- B. If the vacation process is successful, the City agrees to sell to Kadlec the vacated portion of Goethals Drive at current market rates after Kadlec records an easement to the City over the vacated portion of Goethals Drive for the ongoing operation, maintenance and repair of city utilities currently located under Goethals Drive. The vacation shall not take effect until Kadlec completes a new campus roadway connection by making site improvements to secure vehicle travel connectivity between Goethals Drive and Gillmore Avenue.

- C. The City will continue to maintain to City of Richland standards the following portions of Goethals Drive: from Swift Boulevard to the intersection with the Kadlec Emergency Room driveway; and Goethals Drive north of the Carondelet Drive to Williams Boulevard as depicted in Exhibit E.
- D. The City will permit Kadlec to develop the vacated portion of Goethals Drive right-of-way as described in Exhibit C and depicted in Exhibit D into parking and an outdoor plaza, subject to approval of a site plan submitted by Kadlec to the City's Public Works Department. Said site plan shall identify parking, vehicular access, plaza locations, utility easements, storm drainage facilities, and landscaping, generally in accordance with Exhibit E.
- E. The City will permit Kadlec to fund and modify Goethals Drive, from Swift Boulevard north to the Emergency Room (ER) drive, into a tree-lined boulevard with a landscaped median, a lighted mid-block crosswalk, and reduce the traffic to a single lane in each direction subject to approval of a site plan by the City's Public Works Department that identifies all proposed changes to the Goethals Drive right-of-way. The traffic calming implemented will not include raised features (e.g., speed bumps or humps), or narrowed travel lanes that could impede emergency vehicle access to the Emergency Room entrance. The final design of any Goethals Drive modifications will be subject to approval by the City Engineer, whose professional judgment regarding public street design standards shall not be constrained by this agreement.
- F. The City will relocate the mid-block cross walk on Jadwin Avenue to align with the Urban Greenbelt Trail across the campus and develop a short trail that connects the crosswalk to the path east of Jadwin Avenue as depicted in Exhibit E.
- G. The City will accept a dedication of a new boulevard entrance/access off of Jadwin Avenue, when said entrance/access is built to City of Richland standards.

2. OBLIGATIONS of KADLEC MEDICAL REGIONAL CENTER.

- A. Kadlec agrees to purchase from the City the vacated portion of Goethals Drive right of way at current market rates and re-direct Goethals Drive from the Kadlec Emergency Room driveway north onto a new campus roadway connecting with Gillmore Avenue (Exhibit E).
- B. Kadlec will construct a 60,000 square foot medical office building at 1100 Goethals. It is anticipated the building will open in late 2013.
- C. Kadlec will develop the portion of Sutch Park that parallels Goethals from the helipad parking lot north to the culvert under Carondelet Drive consistent with the Ground Lease Agreement dated August 21, 2008 (C72-08).

- D. Kadlec further agrees that upon approval of the vacation of Goethals Drive, but prior to demolition of the roadway, that the following shall be completed:
- i. Kadlec will connect Gillmore Avenue and Jadwin Avenue with a new street constructed to City of Richland street standards. In conjunction therewith Kadlec will extend an 8-foot wide walking path from Jadwin to the eastern boundary of the vacated right of way as depicted in Exhibit E. Kadlec will extend the 8-foot wide walking path from the vacated right of way to Sutch Park in conjunction with the site plan submission outlined in Section 1(D) above.
 - ii. Kadlec will design and install the vehicle route from Goethals Drive to the new boulevard entrance/access to allow vehicle travel, and will record a public access easement reserving vehicle connectivity between Goethals Drive and the new boulevard entrance/access. The easement and site design will be subject to review and approval by the City Engineer.
- E. Sutch Park Construction/Further Development.
- i. Kadlec plans to develop a medical office building located on the parking lot in the southeast corner of Sutch Park into a multi-story medical clinic (MOB 2). With the development of MOB 2, Kadlec will expand the Sutch Park development west to Stevens Drive consistent with the Ground Lease Agreement dated August 21, 2008 (C72-08).
 - ii. Kadlec plans to build out the upper four floors of the River Pavilion and complete the development of Sutch Park along Stevens Drive consistent with the Ground Lease Agreement dated August 21, 2008 (C72-08).
 - iii. Kadlec has plans to develop and construct two (2) additional medical office buildings (MOB 3 and 4) that will be developed using surface parking, if possible, with connecting plazas and walking paths to interconnect the east campus and the main medical center campus.
 - iv. Kadlec plans to construct a campus parking structure at a point where surface parking can no longer accommodate further campus development. It is envisioned that the parking structure would be located on the medical center campus and Kadlec would bear responsibility for the parking structure.
 - v. The contingency set forth in Recital D and all contingencies set forth in Section 1.1 of the Ground Lease Agreement dated August 21, 2008 (C72-08) shall be extended for a period of 10 years from the date this Agreement is executed. Except to the extent modified in this Agreement the Ground Lease Agreement dated August 21, 2008 (C72-08) shall remain in full force and effect.

- vi. Prior to further development as outlined in this Section 2(E), Kadlec will engage a consultant to perform a comprehensive campus parking and circulation plan and make recommendation for parking including a recommendation for a parking structure.

3. MUTUAL OBLIGATIONS.

- A. Parking at the George Prout Pool parking lot will be formalized in a lease agreement between the City and Kadlec. The number of spaces is not to exceed 50 spaces and the lot will be time limited. All Kadlec vehicles must be identified and out of the parking lot each day after 4:00 p.m. The term of the lease will not to exceed one year from the signing of this agreement. Payment for parking will be set at \$90.00 a space per year in 2013, and will be adjusted for inflation annually thereafter using an appropriate consumer price index.

4. **CONTINGENCY.** This Agreement is contingent upon the City being successful in vacating Goethals Drive as set forth in Section 1(A) above within 60 months of the execution of this Agreement. If the City is not successful then this Agreement shall terminate and be of no further force and effect.

5. **Vesting.** After the execution of this Agreement, Kadlec shall have a vested right to develop Kadlec properties in accordance with and to the extent permissible under the development regulations, design standards and city ordinances in existence as of the date of the adoption of this Agreement. Provided, however, that pursuant to RCW 36.70B.170(4), the City hereby reserves authority to impose new or different regulations relating to Kadlec properties, to the extent required by a serious threat to public health and safety. Additionally, this Section 5 shall not vest any rights for new construction as outlined in Section 2(E) unless site plan application for such new construction has been made within three (3) years of the execution of this Agreement.

6. **Successors, Assignment and Binding Effect.** All obligations that are not specifically granted solely to Kadlec or City in this Agreement shall be binding upon and inure to the benefit of the successors and assigns of each party hereto. The Parties acknowledge that Kadlec shall have the right to lease, divide, assign, or transfer all or any portion of the interests, rights and obligations under this Agreement to other parties acquiring an interest or estate in the property. Consent by the City shall not be required for any such lease, assignment, transfer or rights pursuant to this Agreement.

7. **Modification.** This Agreement and portions hereof shall not be modified or amended except in writing signed by the City and Kadlec or their respective successors-in-interest. Any modification or amendment of this Agreement must be approved by the Planning Commission for the City of Richland, and by resolution of the City Council following a hearing.

8. Further Good Faith Cooperation. Each party hereto shall cooperate with the other in good faith to achieve the objectives of this Agreement. The Parties shall not unreasonably withhold requests for information, approvals or consents provided for, or implicit, in this Agreement.

9. No Presumption Against Drafter. This Agreement has been reviewed and revised by legal counsel for all Parties and no presumption or rule that an ambiguity shall be construed against the party drafting the clause shall apply to the interpretation or enforcement of this Agreement.

10. Notices. All communications, notices, and demands of any kind which a party under this Agreement is required, or desires to give to any other party, shall be in writing and be either (1) delivered personally, (2) sent by facsimile transmission with an additional copy mailed first class, or (3) deposited in the U.S. mail, certified mail postage prepaid, return receipt requested, and addressed as follows:

City:	City of Richland Community & Development Services Attn: Bill King, Deputy City Manager 505 Swift Blvd Richland WA 99352-3510
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With a Copy to:	Office of the City Attorney City of Richland 505 Swift Blvd Richland WA 99352-3510
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Kadlec:	Kadlec Regional Medical Center Attn: Rand Wortman CEO 888 Swift Blvd Richland WA 99352-3514
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With a Copy to:	Miller, Mertens, Comfort & Kreutz, PLLC Attn: Kenneth A. Miller 1020 N Center Pkwy Ste B Kennewick WA 99336-7161
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Notice by hand delivery or facsimile shall be effective upon receipt. If deposited in the U.S. Mail, notice shall be deemed received 48 hours after deposit. Any party at any time by notice to the other party may designate a different address or person to which such notice shall be given.

11. Waiver. No failure by any of the foregoing parties to insist upon the strict performance of any covenant, duty, agreement, or condition of this Agreement or to exercise any right or

remedy consequent upon a breach thereof shall constitute a waiver of any such breach or any other covenant, agreement, term or condition. Any party hereto, by notice, and only by notice as provided herein may, but shall be under no obligation to, waive any of its rights or any conditions to its obligations hereunder, or any duty, obligation or covenant of any other party hereto. No waiver shall affect or alter this Agreement, and each and every covenant, agreement, term and condition of this Agreement shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

12. Complete Agreement, No Oral Modifications. This agreement represents the complete and integrated agreement of the parties with respect to Kadlec and, except as set forth herein, there are no other agreements, covenants, representations or warranties (express or implied) between the parties with regard to the subject matter contained herein. Nothing in this agreement shall be deemed or construed to create a partnership or joint venture or to create any relationship other than as specified in this agreement. This agreement may not be amended except by a written document signed by the party(ies) to be bound thereby.

13. Governing Law; Rules of Interpretation; Attorney's Fees. This agreement shall be governed by the laws of the State of Washington without regard to conflicts of laws. Without limiting a party's right to bring any action in any other jurisdiction or forum, each party submits itself to the jurisdiction of the federal and local courts sitting in the State of Washington and to venue therein. It is the intent of the parties that this agreement be enforceable to the fullest extent permitted by law. If any provision of this agreement is capable of two or more interpretations or can be reformed so as to comply with applicable law while giving effect to the intent of such provision, then such provision shall be interpreted in the way most likely to be in compliance with applicable law. Although the printed provisions of this agreement were drawn by Kadlec, this agreement shall not be construed either for or against Kadlec or the City. In the event either party resorts to judicial proceedings to enforce any right within this agreement, the party ultimately prevailing in such proceedings shall be entitled to recover from the non-prevailing party the costs of such proceedings, including reasonable attorneys' fees, to the extent permissible under applicable law.

14. Mediation/Arbitration: Claims, disputes or other matters in dispute or question between the parties to this Agreement shall be resolved by arbitration unless the parties mutually agree otherwise. However, prior to any party demanding arbitration the parties agree to enter into up to eight (8) hours of mediation with a mediator jointly named by the parties. The cost of the mediation shall be shared equally by the parties and the parties agree to act in good faith to resolve all issues. Mediation shall be conducted pursuant to RCW Chapter 7.07. If the parties cannot agree to name a mediator, then either party may petition the Benton County Superior Court and the then presiding judge will name the mediator.

If mediation does not result in a complete resolution of any claim, dispute or other matter in dispute or question then such shall be decided in accordance with RCW Chapter 7.04A.

Demand for arbitration shall be filed in writing with the other party to this Agreement. In no event shall the demand for arbitration be made after the date when institution of legal or equitable proceedings based upon such claim, dispute or other matter in question would be barred by the applicable statute of limitations and statute of repose. The arbitrator will be jointly named by the parties. If the parties cannot agree to name an arbitrator, then either party may petition the Benton County Superior Court and the then presiding judge will name the arbitrator. The award rendered by the arbitrator or arbitrators shall be final and judgment may be entered upon it in accordance with applicable law in any court of law. The arbitration hearing shall be held in Benton County, Washington.

15. Federal/State Compliance. Kadlec agrees to abide by all pertinent state and federal laws and regulations including HIPAA in the performance of its obligations hereunder; and represents and warrants that it has not been excluded from or barred from participation in any government health care program, including but not limited to Medicare, Medicaid, CHAMPUS, Tricare, or the retired railway workers benefit program, nor has it received a criminal conviction related to such health care program.

EXECUTED as of the date first above written.

Kadlec Regional Medical Center,
a Washington non-profit corporation

City of Richland
a Washington municipality

By: _____
Title: Chief Executive Officer

By: _____
Title: City Manager

By: _____
Title: Chief Financial Officer

By: _____
Title: City Attorney

STATE OF WASHINGTON)
)
COUNTY OF BENTON_____)

§

On this _____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, personally appeared _____, known to me to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as _____ of the **City of Richland**, to be the free and voluntary act and deed of said municipality for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of
Washington, residing at _____
My appointment expires _____
Print Name _____

STATE OF WASHINGTON)
)
COUNTY OF BENTON_____)

§

On this _____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, personally appeared **Rand Wortman**, known to me to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the Chief Executive Officer of **Kadlec Regional Medical Center** to be the free and voluntary act and deed of said non-profit corporation for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of
Washington, residing at _____
My appointment expires _____
Print Name _____

STATE OF WASHINGTON)
)
COUNTY OF BENTON) §

On this _____ day of _____, 2013, before me, a Notary Public in and for the State of Washington, personally appeared _____, known to me to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the Chief Financial Officer of **Kadlec Regional Medical Center** to be the free and voluntary act and deed of said non-profit corporation for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of
Washington, residing at _____
My appointment expires _____
Print Name: _____

INDEX OF EXHIBITS

EXHIBIT A – Legal description of Kadlec’s current campus

EXHIBIT B – Legal description of 14 acres East of Kadlec’s current campus

EXHIBIT C – Legal description of area to be vacated by City

EXHIBIT D – Depiction of area to be vacated by City

EXHIBIT E – Kadlec’s Site Plan re: vacated area identifying parking, vehicular access, plaza locations, utility easements, storm drainage facilities and landscaping. Also depicting the City’s proposed Jadwin Avenue crosswalk relocation. Also depicting Kadlec’s proposed new campus roadway redirecting Goethals Drive.

f:\healthcare campus development agreement 130113 kam.docx

EXHIBIT A
LEGAL DESCRIPTION

1-1198-201-1868-005

TRACT 1 (LOT 1), SHORT PLAT NO 1868 AS RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 1868, RECORDS OF BENTON COUNTY, WASHINGTON. TOGETHER WITH ALL OF TRACT 2 (LOT 2), SHORT PLAT NO. 1868 AS RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 1868, RECORDS OF BENTON COUNTY, WASHINGTON.

1-1198-202-0613-011

REAL PROPERTY LOCATED IN SECTION 11, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, BEING A PORTION OF BLOCK 613, PLAT OF RICHLAND, AS RECORDED IN VOLUMES 6 AND 7, RECORDS OF BENTON COUNTY, WASHINGTON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 4, SHORT PLAT 1868, AS RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 1868, RECORDS OF BENTON COUNTY; THENCE SOUTH 86°33'59" WEST, 178.82 FEET ALONG THE NORTH LINE OF SAID TRACT 4; THENCE SOUTH 78°20'06" WEST, 70.35 FEET TO THE NORTHWEST CORNER OF SAID TRACT 4; THENCE NORTH 82°47'17" WEST 420.92 FEET ALONG THE NORTH LINE OF TRACT 1 OF SAID SHORT PLAT; THENCE SOUTH 84°01'50" WEST, 144.60 FEET ALONG SAID NORTH LINE; THENCE SOUTH 76°13'27" WEST, 131.23 FEET TO THE NORTHWEST CORNER OF SAID TRACT 1 AND THE EAST LINE OF STEVENS DRIVE; THENCE NORTH 18°00'56" WEST, 98.42 FEET ALONG SAID EAST LINE; THENCE NORTH 71°44'52" EAST, 305.36 FEET; THENCE SOUTH 18°15'08" EAST 117.32 FEET; THENCE SOUTH 82°21'52" EAST 275.00 FEET; THENCE NORTH 81°38'38" EAST, 104.18 FEET TO THE BEGINNING OF A 44.00 FEET RADIUS NONTANGENT CURVE (RADIUS POINT BEARS SOUTH 86°37'08" EAST); THENCE NORTHEASTERLY, 76.02 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 98°59'15"; THENCE LEAVING SAID CURVE NONTANGENTLY NORTH 50°20'50" EAST, 75.32 FEET TO THE BEGINNING OF A 33.50 FEET RADIUS NONTANGENT CURVE (RADIUS POINT BEARS NORTH 80°11'12" EAST); THENCE NORTHEASTERLY, 65.15 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 111°25'53"; THENCE LEAVING SAID CURVE NONTANGENTLY NORTH 44°30'00" EAST, 47.55 FEET; THENCE NORTH 00°46'45" WEST, 43.69 FEET; THENCE NORTH 82°34'14" EAST, 77.71 FEET TO THE WEST LINE OF GOETHALS DRIVE; THENCE SOUTH 00°46'45" EAST, 252.68 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

1-1198-201-1868-003

LOT 3, SHORT PLAT 1868, ACCORDING TO THE SHORT PLAT THEREOF, RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 1868, RECORDS OF BENTON COUNTY, WASHINGTON, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

1-1198-201-1868-004

LOT 4, SHORT PLAT 1868, ACCORDING TO THE SHORT PLAT THEREOF, RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 1868, RECORDS OF BENTON COUNTY, WASHINGTON, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

EXHIBIT B

LEGAL DESCRIPTION

1-1198-202-0615-003

LOT 3, BLOCK 615, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 & 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD.

1-1198-201-1941-003

LOT 3, SHORT PLAT 1941, ACCORDING TO THE SHORT PLAT THEREOF RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 1941, RECORDS OF BENTON COUNTY, WASHINGTON, TOGETHER WITH THAT PORTION VACATED GRIBBLE AVENUE PER ORDINANCE #22-05, SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD

1-1198-202-0616-019

LOT 9, BLOCK 616, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 & 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, TOGETHER WITH THAT PORTION OF VACATED GRIBBLE AVENUE PER ORDINANCE #22-05, SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD

1-1198-202-0616-011

LOT 1, BLOCK 616, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 & 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, TOGETHER WITH THAT PORTION OF VACATED GRIBBLE AVENUE PER ORDINANCE #22-05, SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD

1-1198-201-2466-005

THAT PORTION OF LOT 1, SHORT PLAT 2466, ACCORDING TO THE SHORT PLAT THEREOF RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 2466, RECORDS OF BENTON COUNTY, WASHINGTON, AND THAT PORTION OF LOT 3, BLOCK 616, PLAT OF RICHLAND, AS SHOWN ON THE PLAT THEREOF RECORDED IN VOLUMES 6 AND 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, AND THAT PORTION OF VACATED GRIBBLE AVENUE, AS VACATED UNDER ORDINANCE NUMBER 22-05, RECORDED IN AUDITOR'S FILE NUMBER 2005-022679, RECORDS OF BENTON COUNTY, WASHINGTON, ALL BEING LOCATED IN SECTION 11, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., CITY OF RICHLAND, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 00°46'55" EAST 32.90 FEET ALONG THE WEST LINE OF SAID LOT 1 TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°12'50" EAST 209.52 FEET; THENCE SOUTH 00°47'10" EAST 142.11 FEET; THENCE SOUTH 89°12'50" WEST 209.53 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 00°46'55" WEST 142.11 FEET ALONG SAID WEST LINE TO THE TRUE POINT OF BEGINNING

1-1198-201-2466-002

LOT 2, SHORT PLAT 2466, ACCORDING TO THE SHORT PLAT THEREOF RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 2466, RECORDS OF BENTON COUNTY, WASHINGTON

1-1198-201-2466-003

THAT PORTION OF LOT 1, SHORT PLAT 2466, ACCORDING TO THE SHORT PLAT THEREOF RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 2466, RECORDS OF BENTON COUNTY, WASHINGTON, AND THAT PORTION OF LOTS 2 & 3, BLOCK 616, PLAT OF RICHLAND, AS SHOWN ON THE PLAT THEREOF RECORDED IN VOLUMES 6 AND 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, AND THAT PORTION OF VACATED GRIBBLE AVENUE, AS VACATED UNDER ORDINANCE NUMBER 22-05, RECORDED IN AUDITOR'S FILE NUMBER 2005-022679, RECORDS OF BENTON COUNTY, WASHINGTON, ALL BEING LOCATED IN SECTION 11, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., CITY OF RICHLAND, WASHINGTON; DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89°13'07" EAST 34.86 FEET ALONG THE NORTH LINE OF SAID LOT 1; THENCE NORTH 65°51'58" EAST 144.09 FEET ALONG THE NORTH LINE OF SAID LOT 1 AND ALONG THE NORTHERLY LIMITS OF SAID GRIBBLE AVENUE VACATION TO THE EASTERLY RIGHT OF WAY MARGIN OF GRIBBLE AVENUE; THENCE NORTH 24°08'31" WEST 61.04 FEET ALONG SAID EASTERLY LINE TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE NORTH 65°49'57" EAST 73.77 FEET ALONG THE NORTH LINE OF SAID LOT 3 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 24°10'25" EAST 484.15 FEET ALONG THE EAST LINE OF SAID LOT 3 AND ALONG THE EAST LINE OF SAID LOT 2 TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 65°49'57" WEST 168.56 FEET ALONG THE SOUTH LINE OF SAID LOT 2 AND THE WESTERLY PRODUCTION THEREOF TO A POINT ON THE EASTERLY PRODUCTION OF THE NORTH LINE OF LOT 2, SHORT PLAT 2466; THENCE SOUTH 89°04'23" WEST 248.16 ALONG SAID EASTERLY PRODUCTION AND ALONG SAID NORTH LINE TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 00°46'55" WEST 194.46 FEET ALONG SAID WEST LINE; THENCE NORTH 89°12'50" EAST 209.53 FEET; THENCE NORTH 00°47'10" WEST 142.11 FEET; THENCE SOUTH 89°12'50" WEST 209.52 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 00°46'55" WEST 32.90 FEET ALONG SAID WEST LINE TO THE TRUE POINT OF BEGINNING.

1-1198-202-0616-018

LOT 8, BLOCK 616, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 & 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD

1-1198-202-0616-017

LOT 7, BLOCK 616, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 & 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD

1-1198-201-2466-004

THAT PORTION OF LOT 1, SHORT PLAT 2466, ACCORDING TO THE SHORT PLAT THEREOF RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 2466, RECORDS OF BENTON COUNTY, WASHINGTON, AND THAT PORTION OF VACATED GRIBBLE AVENUE, AS VACATED UNDER ORDINANCE NUMBER 22-05, RECORDED IN AUDITOR'S FILE NUMBER 2005-022679, RECORDS OF BENTON COUNTY, WASHINGTON; ALL BEING LOCATED IN SECTION 11, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., CITY OF RICHLAND, WASHINGTON; DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, SHORT PLAT 2466; THENCE NORTH 00°46'55" WEST 181.50 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE NORTHEAST CORNER THEREOF; THENCE NORTH 89°04'23" EAST 8.16 FEET ALONG THE EASTERLY PRODUCTION OF THE NORTH LINE OF SAID LOT 2 TO A POINT ON THE WESTERLY PRODUCTION OF THE SOUTH LINE OF LOT 2, BLOCK 616, PLAT OF RICHLAND, AS SHOWN ON THE PLAT THEREOF RECORDED IN VOLUMES 6 AND 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE NORTH 65°49'57" EAST 64.52 FEET ALONG SAID WESTERLY PRODUCTION TO THE CENTERLINE OF SAID VACATED GRIBBLE AVENUE; THENCE SOUTH 24°08'31" EAST 225.19 FEET ALONG SAID CENTERLINE TO THE EASTERLY PRODUCTION OF THE SOUTH LINE OF SAID LOT 1; THENCE SOUTH 89°04'23" WEST 132.96 FEET ALONG SAID EASTERLY PRODUCTION AND ALONG SAID SOUTH LINE; THENCE SOUTH 66°05'35" WEST 37.66 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 23°54'25" WEST 15.97 FEET ALONG THE WEST LINE OF SAID LOT 1 TO THE SOUTH LINE OF LOT 2 SHORT PLAT 2466; THENCE NORTH 89°04'23" EAST 17.20 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

1-1198-202-0616-016

LOT 6, BLOCK 616, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 & 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD

1-1198-202-0616-014

LOT 4, BLOCK 616, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 & 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD

1-1198-202-0616-015

LOT 5, BLOCK 616, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 & 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD

EXHIBIT C

LEGAL DESCRIPTION

GOETHALS DRIVE RIGHT OF WAY VACATION

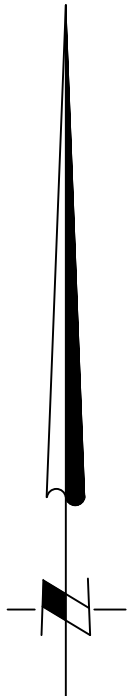
A STRIP OF LAND, 60.00 FEET IN WIDTH, BEING EXISTING RIGHT OF WAY FOR GOETHALS DRIVE, AS SHOWN ON THE PLAT OF RICHLAND, RECORDED IN VOLUMES 6 & 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, AND BEING LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, WITH 30.00 FEET OF SAID WIDTH LYING ON EACH SIDE OF THE FOLLIWNG DESCRIBED LINE:

BEGINNING AT THE BRASS CAP MONUMENT MARKING THE INTERSECTION OF SAID GOETHALS DRIVE AND SWIFT BOULEVARD; THENCE NORTH 00°46'55" WEST 569.33 FEET ALONG THE CENTERLINE OF SAID GOETHALS DRIVE TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING NORTH 00°46'55" WEST 714.11 FEET ALONG SAID CENTERLINE OF GOETHALS DRIVE TO THE TERMINUS OF SAID LINE.

CONTAINS 72,847 SQURE FEET, MORE OR LESS

EXHIBIT D

FOR KADLEC MEDICAL CENTER
LOCATED IN A PORTION OF THE NW 1/4 OF SECTION 11,
TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M.
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON



CARONDELET

PARKING

CORRADO
BUILDING

CORRADO
PARKING

SWIFT BOULEVARD

FND. BRASS CAP
IN MON. CASE

30' 30'

GRIBBLE AVE.
BLOCK 633

PARCEL 'B'

PARCEL 'A'

PARCEL 'B'

ENTRANCE

30' 30'

LOT 2
S.P. NO. 2466

T.P.O.B.

LOT 2
S.P. NO. 1941

LOT 2
BLOCK 615

LOT 1
BLOCK 615

GOETHALS DRIVE
N0°46'55"W 569.33'

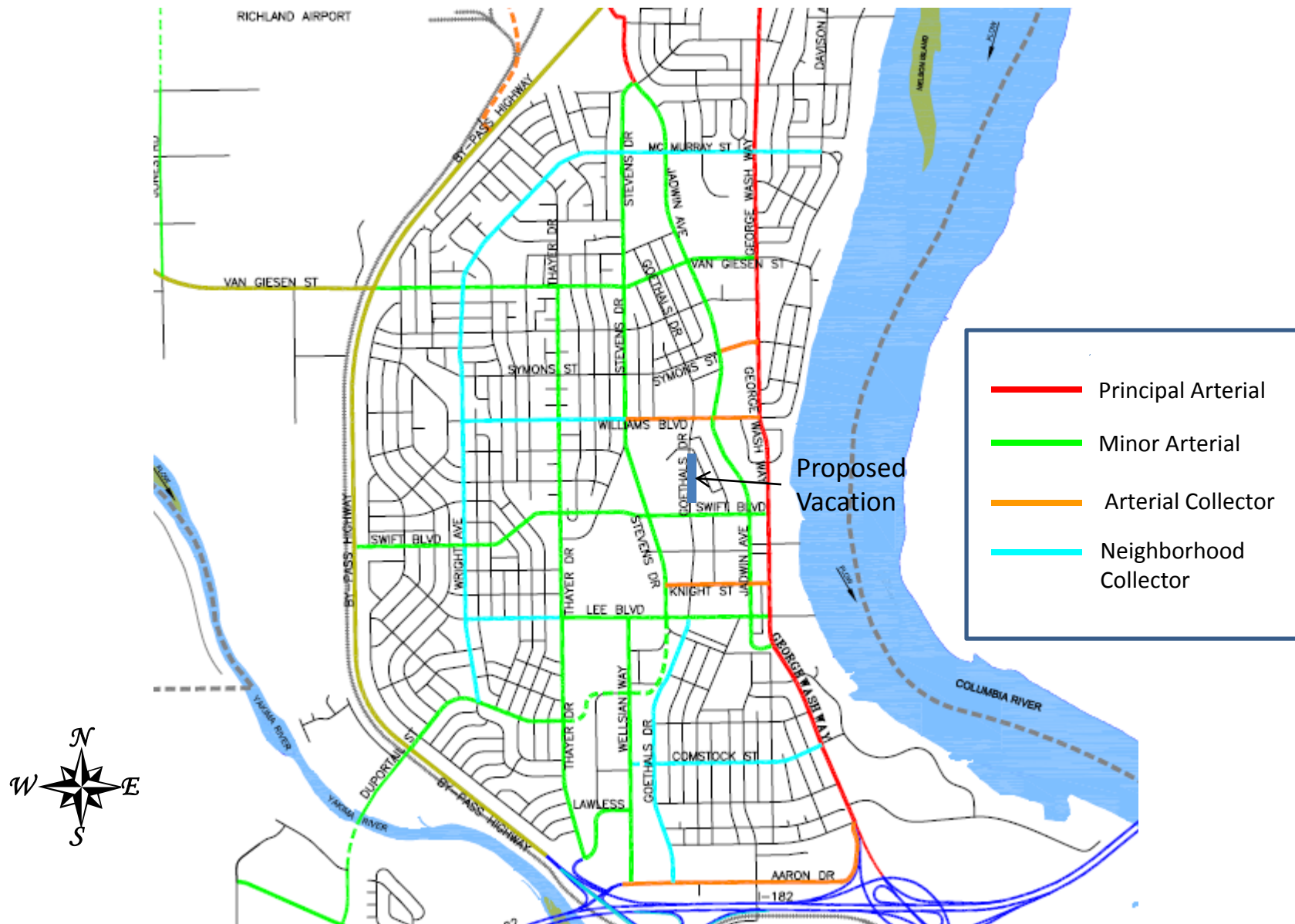
30' 30'

FND. BRASS CAP
IN MON. CASE

05713BASE.DWG 3-15-13



EXHIBIT "E"



STREET FUNCTIONAL CLASSIFICATION PLAN

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: SUP2013-100

PREPARED BY: JEFF ROLPH
MEETING DATE: MARCH 27, 2013

GENERAL INFORMATION:

APPLICANT: JADWIN PLAZA PARTNERSHIP

REQUEST: APPROVAL OF SPECIAL USE PERMIT TO ALLOW FOR DRIVE THROUGH WINDOW SERVICE IN CONJUNCTION WITH A RESTAURANT IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONING DISTRICT.

LOCATION: 1020 JADWIN AVENUE

REASON FOR REQUEST

The applicant is requesting a special use permit to allow for establishment of drive through window service in conjunction with a new restaurant. The restaurant is considered a primary permitted use in the Central Business District (CBD) but drive through window service is only allowed as a special use subject to the criteria in Richland Municipal Code (RMC) Section 23.42.047.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the application for special use permit approval (SUP2013-100) and submits that:

1. The Richland Comprehensive Plan designates the site as a Central Business District land use category, and the property is also zoned Central Business District (CBD).
2. Among other items, the CBD zoning classification is intended to encourage the transformation of the CBD from principally a strip commercial auto-oriented neighborhood to a more compact development pattern with buildings oriented to the fronting street.
3. New development in the CBD zoning district is subject to the design standards set forth in RMC Section 23.22.020(E)(1) and the maximum building setback of 20-feet as set forth in RMC Section 23.22.040.
4. The subject site is currently developed with a strip office and retail building that is not in compliance with the currently required setbacks or design standards of the CBD zoning district.
5. As proposed and conditioned, the new restaurant would comply with the design and development standards of the underlying CBD zoning district.

6. Approval of the request for special use permit would result in the demolition of an existing non-conforming building and development of a new building that conforms to the new setback and design standards of the CBD zoning district.
7. Restaurants with drive through window service are considered special permitted uses in the CBD zoning district requiring review and approval of an application for special use permit by the Planning Commission per the provisions of RMC Chapter 23.46 and the specific criteria set forth in RMC Section 23.42.047.
8. The Planning Commission is empowered to consider the request for special use permit pursuant to RMC Section 23.46.025(A)(3).
9. The proposal demonstrates conformance with the applicable requirements of RMC Section 23.42.047 pertaining to vehicular access and circulation, on-site pedestrian circulation and required vehicle stacking spaces for establishing a restaurant with drive through window service as a special use.
10. The subject site has direct street frontage on Jadwin Avenue a designated minor arterial street.
11. The subject site is located in an area of the CBD that is currently developed with several other restaurants and banks that have established drive through window services.
12. The proposed restaurant with drive through service would not be introducing an auto oriented use into an area of the CBD that auto oriented uses are not already established.
13. Based on the above findings and conclusions, approval of the request for special use permit to allow for a restaurant with drive through window service would be in the best interest of the City of Richland.

RECOMMENDATION

Staff recommends that the Planning Commission concur with the findings and conclusions set forth in Staff Report (SUP2013-100) and approve the request for special use permit to allow for a restaurant with drive through window service in the CBD zoning district subject to the following condition.

1. Building and site design, building setbacks and parking shall be in compliance with the provisions of the CBD zoning district including the building and site design standards set forth in RMC Section 23.22.020(E)(1), the maximum building setbacks set forth in RMC Section 23.22.040 and the parking lot screening requirements of RMC Section 23.22.050(2).

ATTACHMENTS

- A - Supplemental Information
- B - Notice of Public Hearing and Vicinity Map
- C - Special Use Permit Application
- D - RMC Chapter 23.46
- E - RMC Section 23.42.047
- F - RMC Section 23.22.022(E)
- G - Site Plan
- H - Proposed Building Elevations
- I - Aerial Photo

SUPPLEMENTAL INFORMATION

PROPOSED DEVELOPMENT

The proposal is to develop a two tenant building with one of the tenants being a new restaurant with drive through service. The proposed drive through stacking lane would wrap around the east and north sides of the building furthest away from Jadwin Avenue. An existing older multi-tenant retail/office building located on the property would be demolished to provide for the new construction.

SPECIFIC CODE REQUIREMENTS

RMC Section 23.22.030 provides for establishment of drive through window service in conjunction with a restaurant in the Central Business District if a special use permit is issued by the Planning Commission in accordance with the provisions of RMC Chapter 23.46 (Attachment D) and subject to the specific requirements that are set forth in RMC Section 23.42.047 (Attachment E).

RMC Section 23.22.020(E) (Attachment F) sets forth design standards for the CBD.

SITE DATA

Size: Approximately .9-acres.

Physical features: The site is rectangular in shape and developed with an existing approximately 6,400 square foot multi-tenant building. The existing building is almost entirely vacant.

Access: The site currently has direct frontage onto Jadwin Avenue with a cross access easement with adjoining properties to the east connecting to George Washington Way. Future development in conjunction with a potential purchase of the adjoining City owned property to the south would provide a connection to Swift Boulevard.

SURROUNDING ZONING AND LAND USE

NORTH – Property zoned CBD and developed with a bank that has drive through service.

EAST – Property zoned CBD and developed with a retail building and a restaurant with drive through service.

SOUTH – Property zoned CBD which is owned by the City and developed with a parking lot.

WEST – Across Jadwin Avenue is property zoned CBD and developed with a bank that has drive through service.

ANALYSIS

The subject property was rezoned to CBD as part of the large area wide CBD rezone that was approved in March of 2009. Prior to that date, the property had been zoned Retail Business C-2. Restaurants with drive through window service are allowed in the CBD zoning district by special use permit subject to the provisions of Chapter 23.46 Special Use Permits and the specific provisions of RMC Section 23.42.047.

Prior to adoption of the new CBD zoning district all of the restaurants and banks with drive through window service located within what is now the CBD zoning district were considered outright permitted uses under their previous zoning designations. There are a number of existing established drive through restaurants and banks in the CBD, several of which are located in the immediate project vicinity. Approval of the proposed new restaurant with drive through service would not be setting a precedent of use in this particular portion of the CBD.

The proposed building would meet the design guidelines for new buildings locating in the CBD zoning district as those guidelines are set forth in RMC Section 23.22.020(E)(1). If approved the existing older multi-tenant building that does not meet the new guidelines would be demolished. The new building with the drive through would be shifted to the extreme northerly portion of the property away from Swift Boulevard and the Swift/Jadwin intersection. The stacking lane for the drive through would in the easterly portion of the site away from Jadwin Avenue.

The City is also working with the applicant to combine his existing property with the adjoining City owned parking lot to the south to allow for additional development that will front on Swift Boulevard as envisioned by the Swift Corridor Study that was conducted in 2011. That study recognized that it would be difficult to redevelop the City owned parking lot given its narrow dimension, without combining that parcel with the adjoining property to the north owned by the applicant. At their February meeting, the Commission reviewed conceptual plans for the larger combined development in conjunction with the request for recommendation to City Council on the surplussing of the City owned parking lot.

SUMMARY

Approval of the requested special use permit is an important element that would allow the applicant to move forward with the demolition of the existing dated non-conforming office building and began redevelopment of the property with new buildings meeting the more recently adopted CBD design guidelines.

CITY OF RICHLAND

NOTICE OF APPLICATION

AND PUBLIC HEARING (SUP2013-100)

Notice is hereby given that Jadwin Plaza Partnership on February 28, 2013 filed application for a special use permit (SUP2013-100) to allow for construction of a restaurant with drive through window service in the Central Business District (CBD) zoning district. The proposed use would be located at 1020 Jadwin Avenue. Pursuant to Richland Municipal Code (RMC) Section 19.30.030 the City of Richland has determined the application complete for processing on March 1, 2013.

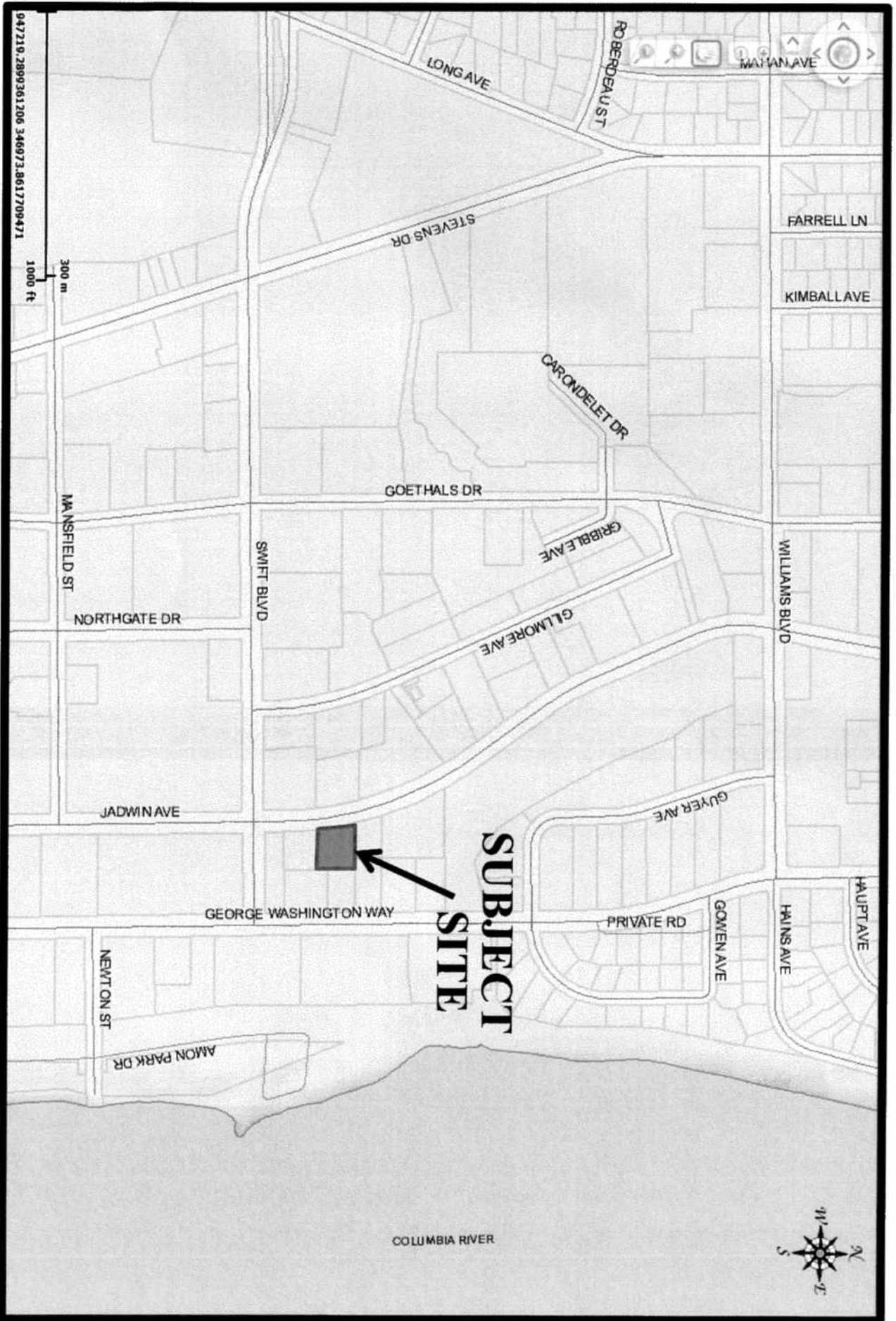
The Richland Planning Commission, on Wednesday March 27, 2013, will conduct a public hearing and review of the application at 7:00 p.m. in the Council Chamber at the Richland City Hall, 505 Swift Boulevard. All interested parties are invited to attend and give testimony at the public hearing.

Any person desiring to express his views or to be notified of any decisions pertaining to the request should notify Rick Simon, Development Services Manager, 840 Northgate Drive, P.O. Box 190, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or e-mailed to rsimon@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on March 21, 2013 to be included in the material that is distributed to the Planning Commission prior to their meeting.

Copies of the staff report and recommendation will be available in the Development Services Division Office, 840 Northgate Drive and the Richland Public Library beginning Friday March 22, 2013. Information related to the request is available for review at the Richland Development Services Division Office.

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

Rick Simon,
Development Services Manager



SUP2013-100

Planning & Development Services Division • Current Planning Section
840 Northgate Drive • Richland, WA 99352
General Information: 509/942-7794 • Fax: 509/942-7764

SPECIAL USE PERMIT APPLICATION

Applicant's Section			
Applicant Jadwin Plaza Partnership - Greg Markel			
Address 8911 W Grandridge Blvd Ste C		City Kennewick	State WA
Zip 99336			
Phone Number (509) 735-2255	Fax Number (509) 735-6964	Other	
Address and/or Location of Property Jadwin Avenue, Richland WA			
Legal Description (including lot, block, and plat) Lot 1, Short Plat No 2104 Parcel No 1-1198-101-2104-001		Present Zoning CBD	
Request to use the above-described property for the following purpose (use this space to identify the intended use involved). Also include the title and section of the Richland Municipal Code under which the special use is sought. A 3,500 sf multi-tenant retail building utilizing an automobile drive-thru window. 23.22.030 commercial use districts permitted land uses & Chapter 23.46 "Special Use Permits"			

Explanation of use. Please complete the information below, selecting the items that apply to the proposed use, in order that the Physical Planning Commission and City Council may ascertain whether the intended use on the proposed site would conform to the stated purposes of Title 23, Zoning, Richland Municipal Code, and be compatible with the permitted uses in the zone.

What are the products resulting from the operations?

Food service and retail sales.

What supplies and materials are to be kept or used on the premises? Raw materials:

All supplies and materials utilized for food service and retail sales shall be pre-packaged for immediate use.

Finished products:

Meals and beverages.

What are the type, amount, and location of storage to be provided? Cold storage utilizing refrigerator and freezer equipment. Dry storage for paper goods. Tenant shall provide product for 3-5 days. All storage shall be indoors.

If any of the materials used and stored in connection with this activity are hazardous, what is the nature of the hazard? N/A
What precautionary means will be employed to provide safety both to employees, customers, and adjoining properties?

How many people will be employed? 6-9 In the manufacture of the product? 2-3

In the sale of the product? 2-3 In any other capacity? 2-3

What do you estimate will be the greatest number of persons on the premises at any one time, excluding employees?

35

What type of volume of trucking is involved? Delivery trucks 3 times per week.

What are the hours of peak loading and unloading? Early morning, before store opening.

What other type and volume of traffic would be generated? Meal time increases of customer traffic.

Would the activity normally attract the public to the premises? Yes ☐ No ☒

Number of visitors daily? N/A Number of patrons daily? +/- 100

Will this activity be carried on outside of daylight working hours? If so, what are the hours? 11:00am-10:00pm

What type of power would be employed? Electric ☒ Gas ☒ Oil ☐ Steam ☐

or Internal Combustion Engine ☐

What type and volume of noise results from operations on premises? Motor vehicle traffic common to food service businesses.

Have you any evidence of the decibel rating of sound emanating from this or similar operations? If so, what is it?

None, other than motor vehicle traffic common to food service businesses.

What odors, fumes, smoke, or dust result from the operations?

Food smells common to food service businesses.

Is there any sewage from the processes involved that would sterilize or overload existing wastewater (sewer) facilities?

Yes ☐ No ☒ What are they? _____

What are the demands of this activity upon available public facilities and utilities?

Electricity HVAC and lighting

Water Cooking and plumbing fixtures

Wastewater (Sewer)Disposal Restrooms

Refuse Disposal Food waste and cardboard

Transportation (railroad and streets) Vehicle traffic from existing streets

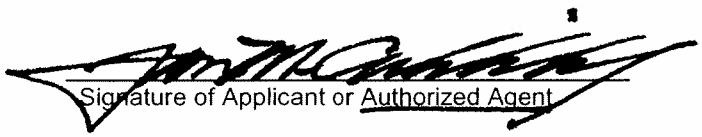
Explain in detail why this particular site is especially suited, if it is, for the intended purpose:

The location is especially suited for food service due to its close proximity to arterial streets and adjacent food service businesses.

Describe how the proposed use and improvements are designed and arranged to fit into the development of adjacent property and the neighborhood:

The proposed use and improvements are designed and arranged as part of a 3-building master site plan that encourages activity on the adjacent streets, shields the central parking areas, and provides a strong urban edge consistent with CBD guidelines.

I have examined and am familiar with the regulations covered in Title 23 of the Richland Municipal Code, as they pertain to the application.


Signature of Applicant or Authorized Agent

Signature of Applicant or Authorized Agent

I have read and consent to the filing of this application as the owner of record of the property for which the Special Use Permit is being requested.

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

ALD Architects-Jason Archibald
Owner's Name (Agent)

Jadwin Plaza Partners-Greg Markel
Owner's Name

660 Symons Street
Address

8911 W Grandridge Blvd Ste C
Address

Richland
City

Kennewick
City

WA 99354
State Zip

WA 99336
State Zip

(509) 946-4189
Phone No. Other No.

(509) 735-2255
Phone No. Other No.


Owner's Signature Agent

Owner's Signature

Rolph, Jeff

From: Jason Archibald <Jasona@aldarchitects.com>
Sent: Thursday, February 28, 2013 3:44 PM
To: Simon, Rick; Rolph, Jeff
Subject: Jadwin Property - Special Use Permit (03-13)

Mr. Simon,

Please see the following statement from property owner, Greg Markel.

Kind regards,

Jason M. Archibald, AIA | President

A L D ARCHITECTS, P.S.

Tel 509.946.4189 | Fax 509.943.1796
JasonA@ALDarchitects.com
www.ALDArchitects.com

660 Symons Street | Richland, WA 99354

This message, including any attachments, may include confidential information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please notify the sender by replying to this message and then delete it.

From: wsic@urx.com [mailto:wsic@urx.com]
Sent: Thursday, February 28, 2013 3:36 PM
To: Jason Archibald
Subject: Re: Jadwin Property - Special Use Permit (03-13)

To whom it may concern:

I have appointed Jason M Archibald, AIA to act as my authorized agent for the Jadwin/Swift/George Washington Way project and any application processes, such as application for a conditional use permit, etc. with the City of Richland.

Thank you,

Greg Markel
Washington Securities & Investment Corp
8911 W. Grandridge Blvd Suite C
Kennewick, WA 99336
(509) 735-2255 Office
(509) 735-6964 Fax
wsic@urx.com Email

Chapter 23.46 SPECIAL USE PERMITS

Sections:

23.46.010	Purpose.
23.46.020	Applications.
23.46.025	Hearing body.
23.46.030	Notice of hearing.
23.46.040	Hearings – Findings – Conditions.
23.46.050	Notification of action.
23.46.060	Commission or board action.
23.46.070	Appeals.
23.46.075	Modification of special use permits.
23.46.080	Resubmission of application.
23.46.090	Change of property ownership.
23.46.100	Existing conditional uses.
23.46.110	Rights conferred.

23.46.010 Purpose.

The purpose of a special use permit is to provide opportunities to accommodate certain uses, which, by nature of use, intensity, or general impact on an area, cannot be considered as a use of right within a zoning district. Where special conditions and regulations can be complied with, and such use is authorized as a special use within the zoning district for which application is made, such uses may be found to be permissible. [Ord. 28-05 § 1.02].

23.46.020 Applications.

Any request for a special use permit shall not be considered by the hearing body unless and until a completed application for a special use permit is submitted indicating the section of this code under which the special use is sought, and further stating the grounds upon which it is requested. Such application shall be accomplished by the following:

A. A title insurance company report showing ownership of record of the property involved, an accurate legal description of the property involved, and a list of the names and addresses of all owners of record of property within a radius of 300 feet of the exterior boundaries of the subject property, or within the distance specified within the appropriate section of this chapter relating to the special use being proposed. In addition, the report shall be accompanied by an accurate key map showing the property involved and delineating the property within 300 feet or other specified distance of the subject property. Each parcel falling wholly or partly within the specified distance shall be numbered to correspond with the ownership report;

B. A plot plan showing the following:

1. Boundaries and dimensions of property;
2. Location and width of boundary streets;

3. Size and location of existing or proposed buildings, structures or activities on the site;
4. Roadways, walkways, off-street parking, loading facilities and emergency vehicle access;
5. Fencing, screening or buffering with reference to location, type, dimension and character;
6. Required setbacks, yards and other open spaces; and
7. Easements, rights-of-way, etc.;

In addition, architect's sketches showing elevations of proposed buildings or structures, complete plans, and any other information needed by the commission or board may also be required;

C. Written assurance from all applicable federal, state or local regulatory agencies indicating that the applicant has complied with at least one of the following requirements:

1. Made initial contact with those agencies having jurisdiction over the proposed project;
2. Applied for the necessary permits and/or licenses from those agencies having jurisdiction over the proposed project;
3. Received the necessary permits and/or licenses from those agencies having jurisdiction over the proposed project;

D. State Environmental Policy Act (SEPA) checklist as required;

E. Standard fee as set forth in RMC 19.80.020. [Ord. 28-05 § 1.02].

23.46.025 Hearing body.

A. The planning commission shall be the hearing body to conduct the review of special use permit applications for the following uses:

1. Outdoor commercial recreation in the AG – agricultural and I-M – medium industrial districts;
2. Dormitories, fraternities, sororities, hotels and motels and residential development in the B-RP – business research park district;
3. Businesses with drive-through window service in the C-1 neighborhood retail and WF – waterfront districts;
4. Landscaping material sales and plant nurseries in the AG – agricultural district;
5. Manufactured home parks in the R-2 – medium-density residential and R-3 – multifamily residential districts;
6. Monopoles and lattice towers in the PPF – parks and public facilities, B-C – business commerce, CBD – central business district, C-2 – retail business, C-3 – general business, B-RP – business research park, I-M – medium industrial and M-2 – heavy manufacturing districts;
7. Recreational vehicle campgrounds and recreational vehicle parks in the AG – agricultural and C-3 – general business districts;
8. Sit down restaurants in the C/R-T – commercial/residential transition district;
9. Parking lots in the NOS – natural open space district;
10. Single retail businesses operating within a building space in excess of 15,000 square feet in area in the C-1 – neighborhood retail business district;
11. Telemarketing services in the B-RP – business research park district;

12. Automobile repair minor, automobile repair specialty shop, automobile service station, auto parts sales, car wash-automatic or self service, vehicle leasing/renting, vehicle sales and restaurant/drive-through in the CBD – central business district.

B. The board of adjustment shall be the hearing body to conduct the review of special use permit applications for the following uses:

1. Animal shelters, commercial kennels and animal clinics in the AG – agricultural, C-2 – central business, C-3 – general business, and I-M – medium industrial districts;

2. Automobile wrecking and the storage or sale of junk, unlicensed autos or salvage materials in the M-2 – heavy manufacturing district;

3. Bed and breakfast facilities in the single-family residential (R-1-12, R-1-10, R-2), SAG – suburban agricultural and AG – agricultural districts;

4. Day care centers in the residential (R-1-12, R-1-10, R-2, R-3), SAG – suburban agricultural, AG – agricultural, I-M – medium industrial and B-RP – business research park districts;

5. The excavating, processing, removal of topsoils, sand, gravel, rock or similar deposits in the AG – agricultural, I-M – medium industrial and M-2 – heavy manufacturing districts;

6. Public stables and riding academies in the FP – floodplain, AG – agricultural and C-3 – general business districts; and

7. Towing and vehicle impound lots in the C-3 – general business district. [Ord. 28-05 § 1.02; Ord. 07-06; Ord. 23-11 § 1.02; Ord. 32-11 § 16].

23.46.030 Notice of hearing.

Written notice of public hearings consistent with the requirements of Chapter 19.40 RMC shall be addressed through the United States mail to the owner of the property of which the special use is sought and to the owners of record of all properties within a radius of 300 feet of the exterior boundaries of the subject property, pursuant to the title insurance company report required by RMC 23.46.020, or within the distance specified within the appropriate section of Chapter 23.42 RMC relating to the special use being proposed. Such notice of hearing shall also be published at least once in the official newspaper of the city. Both published and mailed notices shall be given at least 10 days in advance of the public hearing. [Ord. 28-05 § 1.02].

23.46.040 Hearings – Findings – Conditions.

The hearing body shall conduct an open record public hearing on an application for special use permit as required by RMC Title 19 for a Type III permit application.

A. Any person may appear at the public hearing in person, or by agent or attorney.

B. The hearing body shall make a finding that it is empowered under the section of this code described in the application to consider the application for the special use permit.

C. The hearing body shall approve, approve with conditions or deny an application for a special use permit based on findings of fact with respect to the following criteria:

1. The size and dimensions of the site provide adequate area for the proposed use;

2. The physical conditions of the site, including size, shape, topography, and drainage, are suitable for the proposed development;

3. All required public facilities necessary to serve the project have adequate capacity to serve the proposed project;

4. The applicable requirements of this zoning regulation (RMC Title 23), the city comprehensive plan, the city sensitive area regulations (RMC Title 20), the city shoreline management regulations (RMC Title 26) and the city sign regulations (RMC Title 27) have been met; and

5. Identified impacts on adjacent properties, surrounding uses and public facilities have been adequately mitigated.

D. The hearing body may impose conditions on the approval of a special use permit in addition to or above and beyond those required elsewhere in this title, which are found necessary to ensure the use is compatible with the public interest. These conditions may include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and/or dust;
3. Requiring additional setback areas, lot area and/or lot depth or width;
4. Limiting the building height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design or vehicle access points;
6. Requiring street right-of-way dedication and/or street improvement;
7. Requiring additional landscaping, berms and/or screening of the proposed use and/or its parking or loading areas and designating the required size, height, type and/or location of fencing and landscaping materials;
8. Limiting the number, size, location, height and/or lighting of signs.

E. Violation of any conditions, requirements, and safeguards, when made a part of the terms under which the special use permit is granted, shall be deemed a violation of this code and punishable under RMC 23.70.270.

F. The hearing body may prescribe a time limit within which the action for which the special use permit is required shall be begun and/or completed. Failure to begin and/or complete such action within the time limit set shall void the special use permit. The time limits may be extended by the hearing body for good cause shown. In the event that no specific time limit to begin or complete a special use permit is identified, then the special use permit shall remain valid for a period of two years from the date that the permit was issued. The hearing body may authorize issuance of a special use permit for a specified probationary period of time, at the termination of which the applicant must resubmit a new application in accordance with the provisions of RMC 23.46.020. [Ord. 28-05 § 1.02].

23.46.050 Notification of action.

A. A written notice of action shall be addressed through the United States mail to the applicant within three days after any action by the hearing body on a special use permit application.

B. If the special use permit application is approved, the notice shall contain findings of fact, a list of conditions of approval, if any, that must be complied with prior to special use permit issuance, and a list of requirements which have been made conditions of

special use permit approval and which must be complied with after special permit issuance.

C. If the special use permit is tabled, the notice shall contain a list of requirements or information that must be complied with or provided prior to further consideration by the hearing body.

D. If the special use permit application is denied, the notice shall contain findings of fact that were the basis for the denial. [Ord. 28-05 § 1.02].

23.46.060 Commission or board action.

A decision on a special use permit by the planning commission or board of adjustment shall be by the affirmative vote of not less than a majority of the quorum of the commission or board. The approval shall be a recorded motion which shall incorporate findings of fact and refer expressly to the ordinance, or sections thereof, upon which the commission's or board's actions are based. Approval of a special use permit application shall authorize the administrative official to issue a special use permit. Conditions may be attached to authorization by the commission or board that must be complied with prior to the issuance of the permit. [Ord. 28-05 § 1.02].

23.46.070 Appeals.

Any decision by the hearing body shall be final unless written notice of appeal to the city council, together with such fees as are required by RMC 19.80.020, is filed with the city clerk within 10 days from the date of the order, requirement, decision or determination by the hearing body. Such appeal shall be consistent with the requirements set forth in Chapter 19.70 RMC for appeal of decisions on Type II permit applications. The city council shall review the official record of the special use permit application, including the notice of appeal, and shall consider testimony pertinent to the official record. If new evidence is received that is not part of the official record, the city council shall not use the new evidence as a basis of reversing a decision, but instead shall remand the application to the hearing body for reconsideration. The city council may, so long as such action is in conformity with the terms of this code, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as the city council deems appropriate. [Ord. 28-05 § 1.02].

23.46.075 Modification of special use permits.

A. Major changes to a previously approved special use permit shall be considered as a new application as set forth in RMC 23.46.020. Major changes include the following:

1. An increase in the approved floor area of 10 percent or more for any nonresidential building;
2. An increase in the density of a residential project of 10 percent or more;
3. A reduction of 10 percent or more of the open space area, or required landscaping areas;
4. A reduction of an approved setback of 20 percent or more;
5. A change in the amount of off-street parking of 10 percent or more; or

6. A change in any operational condition specified in the original conditions of approval of the special use permit that the administrative official deems to result in a possible adverse impact to adjacent properties.

B. Any modification to a previously approved special use permit that does not meet the definition of a major modification shall be considered a minor modification. Minor modifications shall be approved, approved with conditions or denied by the administrative official based on the finding that the proposed development complies with all applicable requirements of this title. [Ord. 28-05 § 1.02; amended during 2011 recodification].

23.46.080 Resubmission of application.

A. Except as provided in subsection (B) of this section, any application for issuance of a special use permit which has been disapproved by the hearing body and/or city council shall not be resubmitted to the hearing body for a period of two years from the date of disapproval.

B. The hearing body may waive the two-year waiting period for a previously disapproved application when it can be reasonably demonstrated that conditions in the area of the request have substantially changed since disapproval, or that the nature of the application has changed sufficiently to remedy the reasons for disapproval. In either case, it shall be the burden of the applicant to show such change. [Ord. 28-05 § 1.02].

23.46.090 Change of property ownership.

A. The validity of any special use permit shall be contingent upon exercise of the special use, as granted, and the special use permit shall run with the property regardless of a change in ownership of the property.

B. The hearing body may require, as a condition of approval for granting of the special use, that the special use permit be recorded with the Benton County auditor's office as a special covenant which shall run with the property regardless of a change in ownership of the property.

C. Any change in the special use for which the original permit was issued which is determined to be substantial by the administrative official shall void the original permit and necessitate the submission of a new application. [Ord. 28-05 § 1.02].

23.46.100 Existing conditional uses.

A. Any conditional use lawfully existing prior to December 6, 1976, and/or prior to the effective date of the mandatory ordinance codified in this title shall be considered an existing nonconforming special use, subject to the provisions and requirements of Chapter 23.66 RMC, and further subject to the conditions of issuance of the permit issued for such use.

B. Any such nonconforming special use considered to be terminated by virtue of the requirements specified in Chapter 23.66 RMC shall require the issuance of a special use permit in order to be continued. [Ord. 28-05 § 1.02].

23.46.110 Rights conferred.

Granting of a special use permit confers upon the property only such use or uses specifically enumerated in the approved special use permit, and subject to any and all

conditions, requirements and safeguards established in the approved permit. [Ord. 28-05 § 1.02].

RMC 23.22.020

E. Central Business District. New buildings shall conform to the following design standards:

1. The maximum setback area shall only be improved with pedestrian amenities including but not limited to: landscaping, street furniture, sidewalks, plazas, bicycle racks, and public art.
2. Building facades facing streets shall include:
 - a. Glass fenestration on 50 percent to 80 percent of the ground floor of the building facade. A window display cabinet, work of art, decorative grille or similar treatment may be used to cover an opening for concealment and to meet this standard on those portions of the ground floor facade where the applicant can demonstrate that the intrusion of natural light is detrimental to the ground floor use. Examples of such uses include, but are not limited to, movie theaters, museums, laboratories, and classrooms.
 - b. At least two of the following architectural elements:
 - i. Awnings;
 - ii. Wall plane modulation at a minimum of three feet for every wall more than 50 feet in length;
 - iii. Pilasters or columns;
 - iv. Bays;
 - v. Balconies or building overhangs; or
 - vi. Upper story windows (comprising a minimum of 50 percent of the facade).
3. At least one pedestrian, nonservice entrance into the building will be provided on each street frontage or provided at the building corner.
4. Variation of exterior building material between the ground and upper floors of multi-story buildings.
5. All buildings with a flat roof shall use a modulated height parapet wall for wall lengths greater than 50 feet. The modulation of parapet heights is encouraged to identify building entrances.
6. All new buildings that utilize parapet walls shall include a projecting cornice detail to create a prominent edge.
7. Public street and sidewalk improvements are required per Richland Municipal Code to implement approved street cross-sections. Curb cuts are encouraged to be located adjacent to property lines and shared with adjacent properties, via joint access agreement.
8. Service bays, loading areas, refuse dumpsters, kitchen waste receptacles, outdoor storage locations, and rooftop mechanical equipment shall be located away from public rights-of-way via site planning and screened from view with landscaping, solid screening or combination.

23.42.047 Businesses with drive-through window service.

When permitted in a use district as a special use, restaurants with drive-through window service shall be designed and operated substantially in compliance with the following requirements and conditions in addition to those set forth in Chapter 23.22 RMC:

A. Vehicular Access and Circulation.

1. Design plans shall provide for the safe and efficient movement of vehicles entering, using and exiting the site;

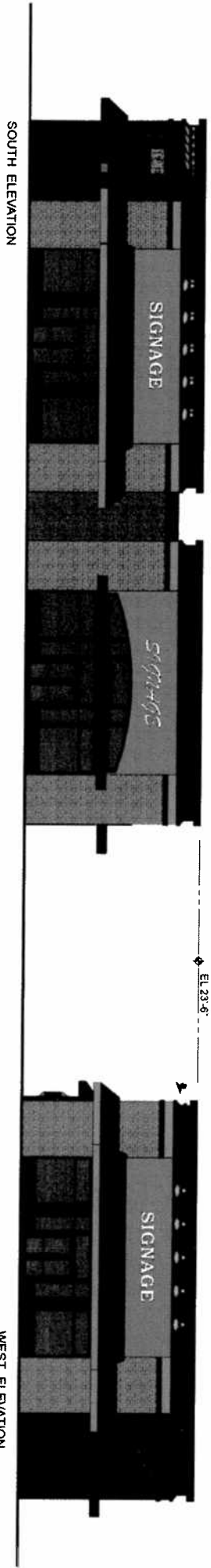
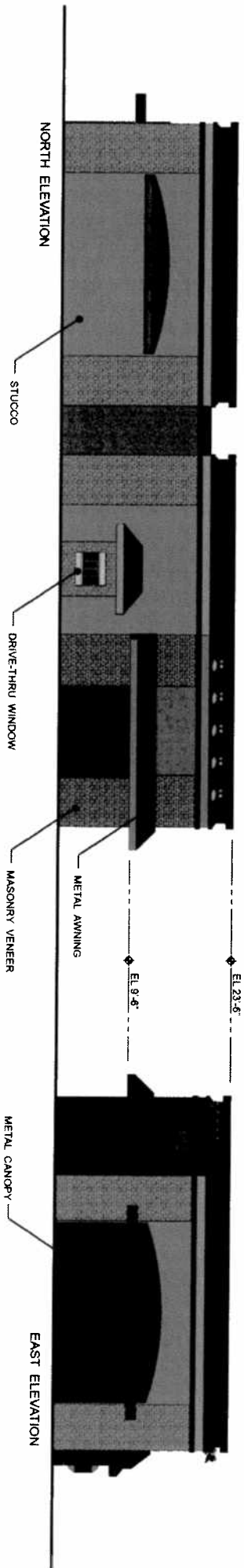
2. The internal circulation on the site shall provide for pedestrian access from parking lots to the lobby entrance(s) without traversing the vehicular stacking lane(s) for the drive-through window service;

B. The drive-through window service vehicular stacking lane(s) shall be of sufficient length to provide for anticipated average monthly peak volumes, and in any case shall meet the minimum requirements set forth in RMC 23.54.020;

C. The design, signage, and operational characteristics of the establishment shall prevent or discourage vehicles from waiting for service on public sidewalks or streets;

D. No communication systems shall exceed a measurement of 55 decibels at any residential property line adjoining the site;

E. Businesses with drive-through window service are not permitted within the parkway district. [Ord. 28-05 § 1.02; Ord. 04-09].



NORTH ELEVATION

SOUTH ELEVATION

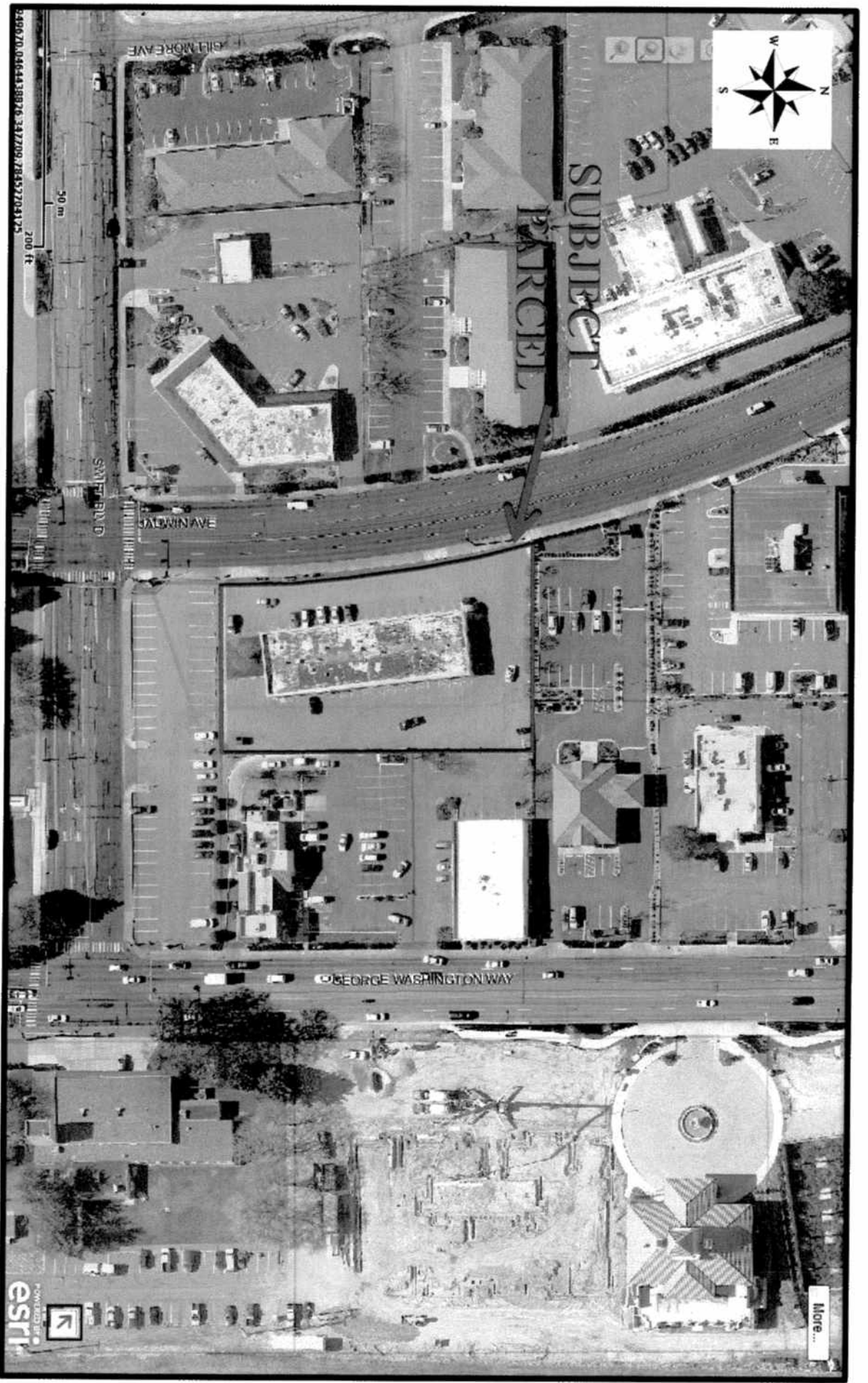
Retail Building - Exterior Elevations

Jackson Avenue
Richland, WA

A.L.D. ARCHITECTS, P.S.



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