



November 20, 2023

PLANNING COMMISSION AGENDA

6:30 p.m.

****HYBRID COUNCIL CHAMBERS & VIRTUAL MEETING PLATFORM****

1. **CALL TO ORDER:**

- a. Roll Call/Pledge of Allegiance

2. **CONSENT AGENDA:** All matters listed within the Consent Agenda have been distributed to each member of the Kennewick Planning Commission for reading and study. They are considered routine and will be enacted by the one motion of the Commission with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the regular agenda by request.

- a. Approval of the Minutes dated October 16, 2023
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. **PUBLIC HEARING:**

- a. Development Code Amendment (DCA) #2023-0003 proposing to amend Kennewick Municipal Code Section 18.12.010B.1 by permitting Espresso Stands, Restaurants, & Fast Food Restaurants as permitted uses in the Commercial Auto Row (CAR) Zoning Districts. Applicant is Marquis Holdings, LLC, 1045 W. Columbia Drive, Kennewick, WA 99336.

4. **VISITORS NOT ON AGENDA:**

5. **OLD BUSINESS:**

- a. City Council Action Updates

6. **NEW BUSINESS:**

7. **REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:**

8. **ADJOURNMENT:**

**KENNEWICK PLANNING COMMISSION
OCTOBER 16, 2023
MEETING MINUTES**

1. CALL TO ORDER

Chairman Morris called the meeting to order at 6:30 p.m.

Chairman Morris led the Pledge of Allegiance.

Community Planning Administrative Assistant Melinda Didier called the roll and found the following present:

PRESENT: Chairman Victor Morris, Commissioners James Hempstead, Tina Gregory, Nikki Griffith, Vice Chair Thomas Helgeson. *(All in person); Commissioner Ken Short (attended remotely).*

ABSENT: Commissioner Lola Franklin *(Excused).*

STAFF: Anthony Muai, AICP Planning Director; Steve Donovan, AICP Development Services Manager; Matt Halitsky, AICP Senior Planner; Alisha Piper Planner (attended remotely); Joseph Laris, Assistant Planner; Melinda Didier, Community Planning Administrative Assistant.

Six commissioners were present and one absent; Ms. Didier declared a quorum was established.

2. CONSENT AGENDA

- a. Approval of the minutes dated October 2, 2023.
- b. Approval of the agenda.
- c. Motion to enter Staff Report(s) into the Record.

MOTION: Commissioner Griffith moved to approve the Consent Agenda; Commissioner Hempstead seconded the motion.

DISCUSSION: None.

VOTE: The motion passed on a unanimous roll call vote.

3. PUBLIC HEARINGS:

Chairman Morris made the following statement:

“Good evening and welcome to the October 16, 2023 Kennewick Planning Commission meeting.

It is important that everyone who wishes to do so has an opportunity to speak. Each person who has either signed-in (in person) or registered (via Zoom) will have one, three-minute opportunity to address the Planning Commission.

If you are attending via Zoom, please confirm your microphone has been unmuted before you begin your comments.

Please state your name and address for the record; once you begin your remarks the countdown timer will start. At the end of your time, please mute your microphone.

The order of the hearings shall be as follows:

1. Planning staff shall provide a staff report; the Commission may ask questions of staff;
2. The Applicant or Applicant's Representative(s) Presentation;
3. Testimony in Favor of the Request;
4. Testimony Either Neutral or Against the Request;
5. Final Applicant Comments;
6. Final Staff Comments;
7. Close the public hearing and discuss the request."

A. CHANGE OF ZONE (COZ) #2023-0007:

Chairman Morris opened the public hearing at 6:35 pm for Change of Zone (COZ) #2023-0007

1. Mr. Halitsky described the application, presented the staff report, and recommended the Planning Commission forward a recommendation for approval of COZ #2023-0007 to City Council.

Planning Commission Questions: Is it the northern half rezoned to RL.

2. Testimony of Applicant/Applicant's Representative: None.
3. Testimony in Favor of the Request: None.
4. Testimony Neutral/Against the Request: None
5. Testimony of Those Registered on Virtual Format: None
6. Applicant/Owner Final Testimony: None
7. Staff Final Comments: None
8. Public Testimony Closed at 6:38 p.m.

MOTION: Vice Chair Helgeson moved to concur with the findings and conclusions in staff report COZ-2023-0007 and recommend City Council APPROVE the request. Commissioner Hempstead seconded the motion.

DISCUSSION: None

VOTE: The motion passed on a unanimous roll call vote.

4. VISITORS NOT ON AGENDA:

- a. None

5. OLD BUSINESS:

- a. The three 2023 Comp Plan Amendments and the ADU amendment will go before the City Council on October 17th.

6. NEW BUSINESS:

- a. None

7. REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

None.

8. ADJOURNMENT: The meeting concluded at 6:41 p.m.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE NO: DCA-2023-0003

Public Hearing Date: November 20, 2023

Summary of Proposal: To amend Kennewick Municipal Code Section 18.12.010 B.1 Non-Residential Uses, by allowing Espresso Stands, Restaurants, and Fast Food Restaurants as permitted uses in the Commercial, Auto Row (CAR) zoning district.

Applicant: Marquis Holdings, LLC

Staff Contact: Alisha Piper, Planner

Background:

On September 15, 2023, the applicant applied to amend KMC Section 18.12.010 B.1.

The City sent the proposed amendments to the Department of Commerce, City of Kennewick Departments, and outside agencies on September 21, 2023. The Department of Commerce issued expedited review on October 9, 2023.

Discussion and Analysis:

The applicant has proposed the following amendments (underlined and in red) to KMC Section 18.12.010.B.1: Non-Residential Use Table:

The following table lists uses allowed by zone and the applicable City review process as follows: Review Process I = Staff review, Review Process II = Conditional Use Permit. If a use is listed with a blank, it shall be prohibited in that zone. For certain categories of uses, additional requirements are also noted:

Nonresidential Uses	RS	RL	RM	RH	RMH	RTP	UMU	CN	CO	CBD	CC	CR	CAR	CG	CM	HMU	BP	IP	IL	IH	JF	PF	OS
Espresso stands							I	I	I	I	I	I	<u>I</u>	I	I	I	I	I	I	I			
Restaurants							I	I	I	I	I	I	<u>I</u>	I	I		I	I	I				
Restaurants, fast food							I		II	I	I	I	<u>I</u>	I	I		I	I	I				

As shown in the above table, the applicant has proposed to permit Espresso stands, Restaurants, and Fast Food Restaurants in the CAR Zone via the Staff Review Process.

Staff Analysis:

The proposed Development Code Amendment (DCA-2023-0003) is a request to allow Espresso Stands, Restaurants, and Fast Food Restaurants as permitted uses in the Commercial, Auto Row (CAR) zoning district. Pursuant to Table 1 of the Comprehensive Plan, the Commercial Auto Row Zoning District is an implementing zoning district of the Commercial Land Use Designation. RCW 36.70A, Growth Management Act, requires that a City's development regulations implement its comprehensive plan.

Per KMC 18.03.040 (12), the purpose of CAR zoning district is as follows:

CAR -The purpose of the CAR district is to provide areas for automobile dealerships and most automobile related uses.

Future development will be limited to only the permitted uses of the CAR Zoning District. Development will be subject to meeting applicable concurrency requirements, which include utility and street improvements.

The proposed findings meet the requirements of KMC 18.51.070(2).

Applicable Goals and Policies of the Comprehensive Plan:

Commercial Goals and Policies:

Goal 2: Sustain and enhance viable commercial areas.

Policy 1 Encourage a mixture of commercial, office, and residential uses within commercial center to support day and evening activities for all ages.

Policy 4 Encourage compatible commercial activities to concentrate near each other.

Regulatory Controls and Policies:

1. Comprehensive Plan – Land Use
2. KMC Title 4 – Administrative Procedures
3. KMC Title 18 – Zoning
4. Washington State Environmental Policy Act

Findings of Fact:

1. The applicant is Marquis Holdings, LLC. PO Box 173 Wenatchee, WA 98807.
2. The application was submitted on September 15, 2023.
3. Notice of the proposed code revision was sent to the Washington State Department of Commerce on September 21, 2023.
4. The City received confirmation of starting the 60-day/ Expedited review period and notice that the City has met the Growth Management Act notice to state agency requirements for the Washington State Department of Commerce on September 25, 2023.
5. The Department of Commerce granted expedited review on October 9, 2023.
6. Notice of the public hearing for this application was published in the Tri-City Herald on November 5, 2023.
7. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-Significance (DNS), ED-2023-0027, on October 10, 2023.

Conclusions of Law:

1. Approval will implement the Comprehensive Plan Land Use Designation of Commercial.
2. Approval will not result in an increase of adverse environmental impacts.
3. Approval will implement Commercial Land Use Goal 2 of the City of Kennewick Comprehensive Plan.
4. Approval will result in the promotion of public necessity, convenience and/or general welfare.
5. The proposed Development Code Amendment complies with KMC 18.51.070(2).

Staff Recommendation:

Staff has reviewed the application and recommends that the Planning Commission concur with the findings and conclusions contained in staff report DCA-2023-0003 and recommend approval to City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in staff report DCA-2023-0003 and recommend approval of the request to City Council.

Exhibits:

1. Staff Report
2. Application, Proposed Amendments and Supporting Information
3. SEPA DNS
4. Zoning Map



Community Planning Department

210 West 6th Avenue

Kennewick, WA 99336

Phone: (509) 585-4280

cedinfo@ci.kennewick.wa.us

REQUEST FOR AMENDMENT TO ZONING OR SUBDIVISION CODE

Applicable Filing Fee and SEPA Review Fee are due at the time of application ([Fee Schedule](#))

Applicant Marquis Holdings, LLCAddress 1045 W. Columbia Drive Kennewick WA 99336Telephone 5098848000 Cell 15096704455 Fax _____ E-mail tcarson@marquisholdings.com

The amendment, if adopted, will not be restricted to the applicant's particular situation, but will apply to any future situation that may fall under the amendment, regardless of location or other circumstances. Therefore, please state how, in your opinion, the requested amendment will be to the best interests of the City. Use additional paper if needed.

Requested Amendment: To allow Coffee Shop in the current CAR zoning

September 12, 2023

Signature _____

Date

Checklist:

X Application & feeX State Environmental Policy Act checklist (SEPA) & fee



Community Planning Department

210 West 6th Avenue

Kennewick, WA 99336

Phone: (509) 585-4280

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DETERMINATION OF NON-SIGNIFICANCE

FILE/PROJECT NUMBER: ED-2023-0027

DESCRIPTION OF PROPOSAL: To amend Kennewick Municipal Code Section 18.12.010 B.1 by permitting Espresso Stands, Restaurants and Fast Food Restaurants as permitted uses in the Commercial Auto Row (CAR) Zoning Districts.

PROPONENT: Marquis Holdings, LLC

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: Not Site Specific

LEAD AGENCY: City of Kennewick

DETERMINATION: The City of Kennewick has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) will not be required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the City. This information is available to the public on request. Application for other required permits may require further review under SEPA procedures.

- ☒ There is no comment period for this DNS.
- ☐ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- ☐ This DNS is issued under 197-11-340(2); the City will not act on this proposal for fifteen days from the date below. Comments must be submitted by ___. After the review period has elapsed, all comments received will be evaluated and the DNS will be retained, modified, or withdrawn as required by SEPA regulations.

RESPONSIBLE OFFICIAL: Anthony Muai, AICP

POSITION/TITLE: Community Planning Director

ADDRESS: 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336

PHONE: (509) 585-4386

- ☐ Changes, modifications and /or additions to the checklist have been made on the attached Environmental Checklist Review.

This DNS is subject to the attached conditions:

- ☒ No conditions.
- ☐ See attached condition(s).

Date: October 10, 2023

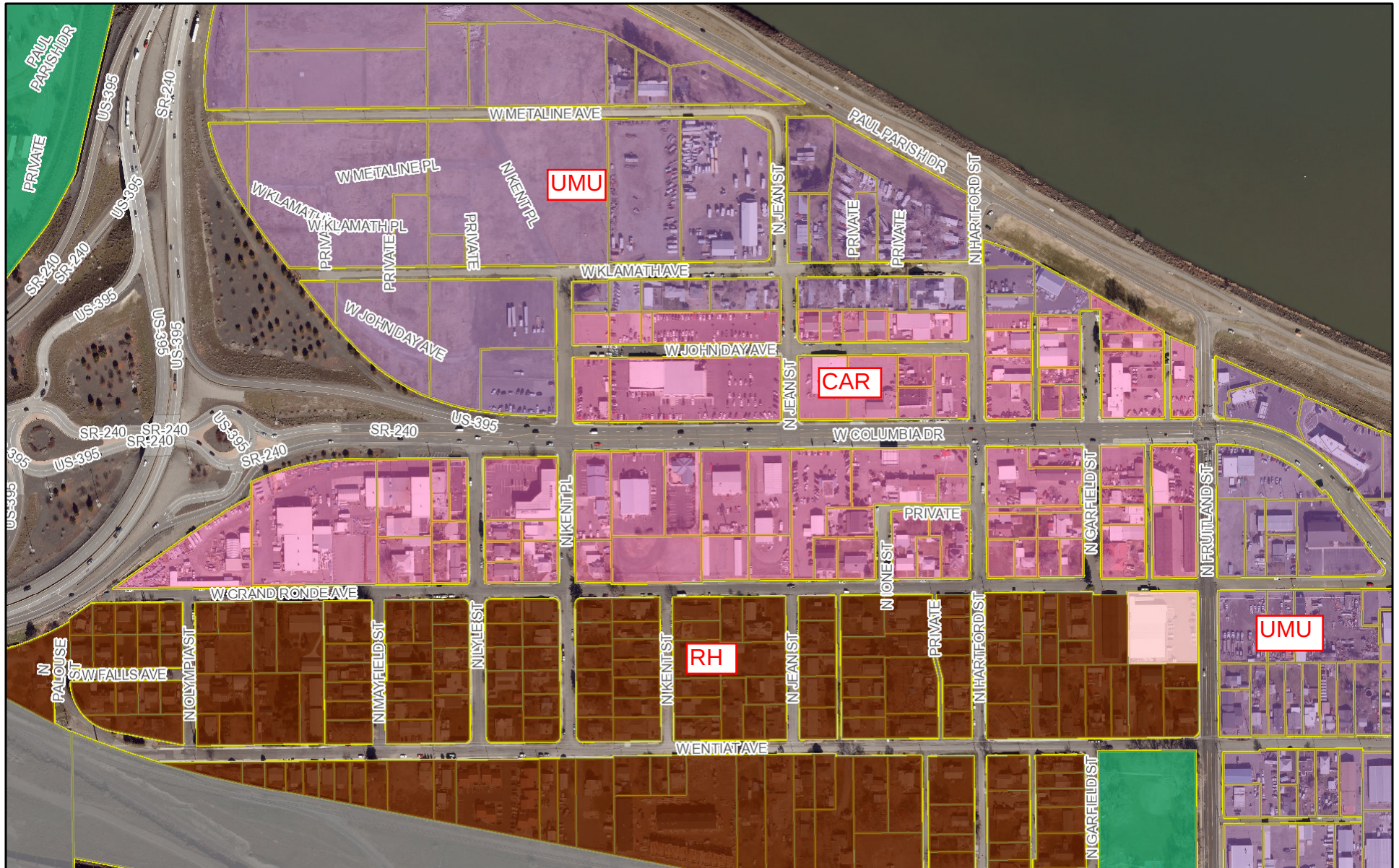
Signature: _____

Appeal: An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City's adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were emailed to Benton Clean Air Authority, Confederated Tribes of Umatilla Indian Reservation, Department of Ecology SEPA Register, Department of Fish & Wildlife, Department of Natural Resources, Washington State Department of Transportation.

Zoning Map

Exhibit 4

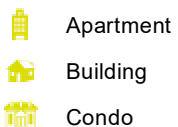


October 26, 2023

This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

StreetName
SurveyAddressPoint

<all other values>



Mobile Home
Parcel

SurveyCityLimits

SV_CI_KENNEWICK_10
SV_CI_RICHLAND_10

SV_CI_COUNTY_1



1 inch = 400 feet

0 0.0375 0.075 0.15 mi

0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp.,

ArcGIS WebApp Builder
City of Kennewick