

Zoning Variance Application Narrative

INTRODUCTION

The subject property is located adjacent to the east side of the Exit 70 interchange along I-90 with frontage along W Sparks Road. The General Commercial zoning of the property typically has no limitations restricting the maximum lot coverage or building floor area that can be developed. However, the site is located in a Local Area of More Intense Rural Development (LAMIRD) overlay zone, which identifies some additional criteria for permitted uses and development regulations that are intended to assist in retaining the community's rural character.

Due to unique physical characteristics of the property, the site is more significantly impacted by two code criteria of the LAMIRD that relates to this proposed development. These are 1) limiting impervious area for lots greater than 1 acre to 1/3 of the total lot area, and 2) limiting general retail sales to enclosed building areas of 4,000 SF.

The proposed project uses have been identified and the proposed building square footage indicated on the Site Plan. The parking areas supporting the proposed uses have also been shown on the Site Plan.

IMPERVIOUS AREA

The project proposes to exceed the maximum impervious area percentage specified in this Type 3 LAMIRD. The LAMIRD limits impervious surfaces on lots that are greater than one acre to one-third (33%) of the property area. This project proposes to utilize 69% total impervious area.

GENERAL RETAIL LIMITATION ON BUILDING AREA

General Retail is permitted in enclosed buildings that do not exceed 4,000 SF in area. The project proposes fuel sales with exterior canopies and a general retail building with a floor area of approximately 8,500 square feet.

LAMIRD CODE SECTIONS SUBJECT TO THIS VARIANCE REQUEST

17.15.070 Allowed Uses in Rural LAMIRD Lands

Note to Reader: All allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot.

Referring to General Retail, Note 48 of the 17.15.070.1 Rural LAMIRD Use Table states:

*Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.**

CODE VARIANCE

A. Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography.

UNUSUAL CIRCUMSTANCES OR CONDITIONS

The subject LAMIRD is identified more specifically as Type 3, Rural Employment Center (KCC 17.15.070). The property is located along W. Sparks Road and affects properties of varying size, location and configuration. The large parcel size (16.51 acres) and specific location (fronting the center of I-90 interchange) of the subject property creates unusual circumstances and conditions that do not apply generally to other General Commercial property in the same LAMIRD.

Property Size: Nearby parcels also zoned as General Commercial within this LAMIRD are 0.26 acre, 0.44 acre, 0.64 ac, 1.24 ac, 1.94 ac, 2.23 ac, 2.61 ac, 4.19 ac, 4.66 ac, and 10.68 acres in area. It may be considered reasonable use of property to have 4,000 SF of general retail on a 0.26 acre parcel. However, for a large parcel such as this, restricting the maximum square footage to 4,000 SF, which is less than 1% of the property area, results in an excessive limitation on the use of the property. It appears that this aspect of the LAMIRD code was not considering this type of situation. Given the size of the property, difficult access and more highly restricted visibility (both due to the significantly lower site topography), the development of this large parcel is much less desirable than the neighboring properties.

Adjacency to Interchange and existing traffic conditions: The immediate adjacency of the property to the existing interchange results in a volume of traffic, turning movements, and access concerns that are unique to this immediate location. The location of this property makes it uniquely impacted in a manner that is not experienced by other properties. Likewise, the location of the property also enables this site to uniquely capture and serve the existing vehicle and driver needs in a manner that is not possible by other properties in this LAMIRD. As noted by the site plan, since this site is directly across from the interchange access road, vehicles and truck are able to travel directly into the site without otherwise impacting the W Sparks Road corridor.

Exit 70 is the last exit off of I-90 for westbound vehicles to put on chains in the winter and is also the last exit for westbound trucks and vehicles to stop or turn around when Snoqualmie Pass is closed to through traffic. In accordance with the *2022 Washington State Freight System Plan Update, Appendix H: Washington Truck Parking Assessment*, there is an existing traffic hazard that exists on I-90 before and after Exit 70 that is associated with weather and the need for cars to prepare for crossing over Snoqualmie Pass. This results in a high volume of traffic utilizing this interchange immediately adjacent to the frontage of the subject property.

Topography

The project site sits lower in elevation than the adjacent interchange and Sparks Road. The adjacent trees and low elevation create a situation that is not conducive to small general retail, particularly when the predominant traffic is large semi-trucks. Drivers of these trucks would not be comfortable entering a site that has restricted turning area typically associated with small retail and that would result from the restriction on impervious area in the LAMIRD. This results in the site being difficult to develop in accordance with the identified General Commercial zoning of the Comprehensive Plan unless relief is provided from the identified code sections. It should also be noted that given the location of the LAMIRD, zoning of the 16.59 acre site, and the lack of local

traffic to support the identified use, that approval of this variance request in a manner that allows General Commercial service for the drivers and passengers associated with I-90 seems appropriate.

Since the Comprehensive Plan and Zoning code intend to see this property developed as General Commercial (with the rural character anticipated by the LAMIRD) it appears to be in the best interest of the public and the Comprehensive Plan goals to identify how the existing urgent needs associated with traffic along the I-90 corridor can be accommodated in the general conformance with the intent of this Rural Type 3 LAMIRD. Maintaining rural character is proposed to be accomplished through the site layout design, visual and noise buffering, utilizing the lower site grades to the benefit of site screening, the retention of trees along Sparks Road, new landscaping and through rural character architectural design.

B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity.

Property rights are maintained by allowing property owners to develop land in accordance with the Comprehensive Plan and applicable codes, except when those codes become unduly burdensome. The property has been designated as a Local Area of More Intense Rural Development, or a LAMIRD, which retains the community's rural character and limits higher-density development. From WAC 365-196-425: Type 3 LAMIRDS - Small-scale businesses and cottage industries, we understand that the County may allow isolated small-scale businesses and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites. It is the intent of this code variance request to allow the development of this property in a manner that addresses the unique characteristics and constraints of the site in a manner addresses the transportation and parking related needs of the I-90 corridor while maintaining the intent of the code to the extent practical.

Proportionate enjoyment - The size of property is 16.51 acres, which is much larger than the neighboring properties of the same zoning (immediately adjacent to the south).

The neighboring property areas are: 0.26 ac; 0.44 ac; 0.64 ac; 2.61 ac; 0.24 ac; 4.66 ac; 4.19 ac; 10.68; 1.24; 1.94; 2.23 in the LAMIRD. As compared to the subject property, these nearby General Commercial zoned properties are also in the LAMIRD and are allowed: 1) a much higher percentage of the property to be developed for the General Commercial use, 2) to have a proportionately larger building for general retail sales, and 3) to have a much higher percentage of impervious area.

Retail Sales Square Footage

As noted previously, the Kittitas County code places a restriction of general retail sales within the Type 3 LAMIRD to 4,000 SF in an enclosed building. For the neighboring 0.26 acre property, this allows more than 35% of the site area to be see used as a retail building. For the subject property, 35% of the site area used for general retail buildings would result in approximately 250,000 SF of general retail broken into 63 individual 4,000 SF buildings. For this property, a greater allowable floor area for general retail would reduce the disparity that results from the application of the subject code on a large acreage parcel. We also understand that to meet the general retail fueling needs, that covered outdoor fuel sales are needed. To comply with the intent of the LAMIRD in maintaining the rural character, it is proposed that on-site outdoor fuel sales have screening provided through the use of either topographic elevation difference and/or the use of a vegetative buffer.

Impervious Area

The impervious area limitation makes the use of this property difficult for the servicing of trucks and vehicles. We understand that the intent of the code is to promote smaller parking areas as a means of maintaining the rural character of the area as viewed from W. Sparks Road. To maintain the surrounding rural character, the project proposes to retain the existing evergreen trees along the Sparks Road frontage, which will screen the view of the on-site impervious areas, helping to limit the view of impervious areas to an amount equal to 1/3 of the total parcel area.

It should also be noted that the rural character within the LAMIRD is currently adversely affected by unauthorized parking along local roads and the interchange ramps.

C. That authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Public Welfare

As identified by the *2022 Washington State Freight System Plan Update*, public welfare will be served through reducing the hazards experienced by drivers utilizing the highway right-of-way to chain up before approaching Snoqualmie Pass. This proposed development will provide relief for the drivers experiencing the hazards identified in WSDOT's Parking Assessment.

This property is situated adjacent to Exit 70 in the location that would best serve the public well-being through the provision of fuel sales, general retail sale, a vehicle/truck service and repair shop, and a restaurant.

All on-site and off-site improvements will be constructed in accordance with applicable state and local development standards. Public welfare will also be improved through the proposed development providing services that will reduce the existing unauthorized parking along local roads and the adjacent interchange ramps.

Property in the Vicinity

The rights of adjacent properties would not be undermined through the development of this property as proposed. In fact, the development of this property as proposed would allow the higher volume traffic to be received and serviced in a manner that would protect the rural character of other properties along W. Sparks road and would not preclude those smaller properties from developing in a manner consistent with the LAMIRD codes and their specific zoning.

Protection of Rural Character

To maintain the rural character of the area as viewed from W. Sparks Road, the existing evergreen trees are proposed to remain along Sparks Road at the site frontage. This will serve to screen the view of the on-site developed areas from the roadway. The natural grade of the site is also much lower than Sparks Road, which is a distinct disadvantage for the property except when allowed to develop the property in a manner that takes advantage of the unique parcel size and allows servicing the predominant and existing retail and service needs nearby.

D. That the granting of such variance will not adversely affect the realization of the comprehensive development pattern.

The proposed development will have a positive impact on the realization of the comprehensive development pattern. Development of General Commercial in a manner that promotes the rural character of the LAMIRD will provide services consistent with the Comprehensive Plan and promote further development of adjacent General Commercial properties within this LAMIRD. This proposal will have a positive effect with regards to local services, utility infrastructure, and local rural employment.

Intensity of Use

The comprehensive development pattern transitions from higher intensity development adjacent to the interchange to less intense development farther from the interchange. This project would receive vehicles and trucks at the location where the traffic volume is the highest and immediately provide parking and services onsite, thereby reducing the tendency for these high intensity uses to spread farther away from the interchange.

The project proposes to include visual and noise buffering and to develop the architecture in a manner that is consistent with maintaining the rural character of the area.

Water Reservoir

As a result of this project, we understand that the applicants will fully or partially fund and construct a new water reservoir nearby, which is another indirect benefit of the project. This will assist the community by improving the County infrastructure and the availability of resources for current and future projects.

Employment

The proposed development is expected to provide local employment for 20 individuals.