

City of Prosser, WA
601 7th Street
Prosser, WA 99350

**CITY OF PROSSER, WASHINGTON
BOARD OF ADJUSTMENT MEETING
AGENDA
6:00 P.M.
THURSDAY, May 7, 2015**

1. **Call to Order by Chair**
2. **Roll Call**
3. **Minutes for April 16, 2015**
ACTION: Approve or deny or make changes
4. **Public Hearing for Variance request at 335 Wine Country Road**

SEE HEARING TYPE BELOW

ACTION: Take public testimony. Approve, Deny, or make changes.
ATTACHMENTS: Site Plan, Application

5. **Adjournment**

Hearing Type: Quasi-Judicial

This is a quasi-judicial hearing. This means that the hearing must not only be fair but appear to be fair. If you have had any ex parte contact with the applicant or anyone, other than City Staff, then you must disclose that contact and the nature of that contact. In the event that you have already made up your mind regarding the subject of this hearing and cannot rely on the evidence presented to make that decision, then you must disclose that fact. In the event that conflicts would prevent a quorum from making a decision in this matter, then, under the doctrine of necessity, you would be able to hear this matter notwithstanding any conflicts. Do you have any conflicts? Does any member of the public believe that any member has a conflict?



Project # _____
Deposit \$500

VARIANCE REQUEST

CITY OF PROSSER, WASHINGTON
Supplemental to Land Use application LUA-1

Applicant Name: MOO SUNG KANG Date 4-12-15

Project Name WINE COUNTRY PLAZA

Project Location 335 WINE COUNTRY RD. - Parcel # 102842000006000

Description of variance: WE RESPECTFULLY REQUEST A VARIANCE
FOR THE SIDE & REAR YARD SETBACK FROM 10 FEET TO 5 FEET
WE ARE ZONED CT AND THIS IS THE ONLY COMMERCIAL
ZONING WITH 10 FOOT SIDE & REAR YARD SETBACKS

INSTRUCTIONS

A variance may be approved when all of the following are found and explained in PMC 18.75.080 (see reverse). **Please write your responses to the following conditions on a separate piece of paper and include with the application.** Be as clear and accurate as possible to avoid misinterpretation of your request.

- A. Special privilege is not being granted, and why.
 - B. The variance is necessary because of special circumstances, and why.
 - C. The granting of the variance will not be materially detrimental to the public welfare, and why.
3. State Environmental Policy Act (SEPA) checklist is required if there is a change in density.

April 7, 2015

CITY OF PROSSER
VARIANCE REQUEST ATTACHMENT

- 1) As mentioned on the application we would like to be able to use as much of the property as the other commercial zoned properties in the City of Prosser. In fact we are only asking for a reduction from 10 feet to 5 feet for the rear & side yard setbacks.
- 2) Since the lot had the property added to the north and the utility easement did not move with the lot line adjustment the owner would like to be closer to the rear and south side lot lines. Also this is the only commercial zone in the City of Prosser which requires a 10 foot rear and 10 foot side yard setback. The project will be in full compliance with all the other requirements of the Prosser Municipal Code.
- 3) The granting of the variance would allow the site to be constructed more in line with the other commercial zoning requirements in the City of Prosser. There is no known detrimental effects to any of the surrounding properties or the City of Prosser.

Along with the variance request we are submitting a SEPA and Site Plan Review. We appreciate the City of Prosser for considering our request to develop the property more in line with the other commercial zoning requirements.

Moo Sung Kang and sons



LAND USE ZONING & PERMIT APPLICATION CITY OF PROSSER, WASHINGTON

APPLICANT'S NAME MOO SUNG KANG & Sons

PROJECT NAME MUSTANG PLAZA

PARCEL INFORMATION (Include all parcel(s) information. Attach additional sheets, if necessary.)

Project Address: 335 WINE Country Rd.
(Leave blank if not assigned)

Parcel Number (Property Tax Account Number): 102842000006000

Legal Description: See attached

PROPERTY OWNER INFORMATION

Name: MOO SUNG KANG

Address: 500 Euclid Rd City: Grandview State: WA Zip: 98930

Phone: 509-882-3139 Cell Phone: 509-270-5353

Email: _____ (email will not be used for transmittal of official findings)

OWNERS AUTHORIZED AGENT: Lower Valley Drafting & Design (SIGN Storms
MIKE Storms)

Address: 1808 Beacon Rd. City: Grandview State: WA Zip: 98930

Phone: 509-882-0882 Cell Phone: 509-521-6722

Email: lowervalleydnd@gmail.com (email will not be used for transmittal of official findings)

PROJECT INFORMATION

- Site Review
- Annexation
- Change of Zone
- Accessory Dwelling Unit
- Overlay Zone
- Right-of-Way Use Permit
- Other
- Conditional Use (requires Conditional Use form LUA-S1)
- Variance (requires Variance request form LUA-S2)
- Similar Use
- Encroachment
- Adult Family Home
- Continuation and/or Minor Alteration of Non-Conforming Use
- SEPA

PROJECT DESCRIPTION Develop .98 acres with a 6000 sq ft building (4175 sq. ft. Convenience store - kitchen - storage - office). Construct a 1200 sq. ft canopy with 4 dual pump islands & 25000 gal dbl wall tank. Along with a 4000 sq. ft multi-tenant (1 to 4) building along with parking & landscaping

PLEASE ATTACH THE REQUIRED VICINITY MAP

ESTIMATED PROJECT VALUATION: \$ 1.15 mil

CONTRACTOR INFORMATION

Company Name: 3 Nails Construction Email: _____
Contact Person: J. Guadalupe Artega Contact Phone: 509-830-4849
Address: 380 S. Outlook Rd. City: Outlook State: WA Zip: 98738
Contractor's Registration No.: 3NAILNC899CB Expiration Date: 02/26/2017

I, the undersigned, do hereby certify that, to the best of my knowledge, the information on this application and other submitted information is true and correct. In addition, I understand that acceptance of this application and fees does not constitute submittal of a valid application until so informed by the City. I have attached, enclosed, or submitted the applicable fees for this application.

M. [Signature] 4.12.2015 [Signature] 4/13/2015
Applicant Signature Date Owner Signature Date

If the property owner is other than an individual such as a corporation, partnership or agency, please provide proof of signatory authorization.

SITE REVIEW

Application must include the following.

1. Critical Areas Worksheet
2. Proof of Legal Lot
3. Proof of ownership or authority
4. 25 year Storm Water Calculations stamped by an engineer
5. Site Plan Drawing which shows....
 - All existing and proposed lot lines.
 - The location of all existing structures to remain and the location of all proposed structures.
 - The location of all utilities proposed to be used.
 - The proposed number and location of water meters.
 - The location of all solid waste receptacle areas.
 - The method of handling storm water removal.
 - All easements and right-of-ways.
 - All off-street parking and loading areas.
 - All driveway locations.
 - All landscaping, outdoor lighting and fencing..
 - A north arrow.
 - Scale of drawing

Deposits are required at the time an application is submitted. You will still get a monthly bill for actual costs incurred. Your deposit will not be refunded until the project has closed.

SITE REVIEW	\$500.00 Deposit
VARIANCE	\$500.00 Deposit
SITE REVIEW	\$500.00 Deposit
SEPA	\$500.00 Deposit
ANNEXATION	\$500.00 Deposit
ZONE CHANGE	\$1000.00 Deposit
CONDITIONAL USE	\$500.00 Deposit

CITY USE ONLY

RECIEVED BY _____ DATE _____

APPROVED BY _____ DATE _____

RETURNED BY _____ DATE _____

**Bill Spencer, Assessor
Benton County, Washington**

335 WWC Country Rd.

Summary

**Parcel Info
Summary**

Parcel ID
102842000006000

Address
SR 12, PROSSER, WA, 99350, USA

Index Order
Parcel ID

Summary
Property Location SR 12, PROSSER, WA, 99350, US
Land Use 459 459 Other retail trade
Neighborhood 640250
Acres 0.989

Number of Stories
Finished Square Footage 0
Year Built
Total Rooms 0
Full Bathrooms
Half Bathrooms
Foundation

**Search By
Parcel ID**

Legal Description
Property Information
SECTION 2 TOWNSHIP 8 NORTH RANGE 24: PORTION OF LOT 3, NORTHEASTERLY OF HIGHWAY, DEFINED AS FOLLOWS: BEGINNING AT A POINT OF INTERSECTION OF A LINE 20 FEET WEST OF THE EAST LINE OF SAID GOVERNMENTLO

Site Functions

Property Search
Customize
Print
Full Report
Assessment
Map

Owner Information
Owner Information
KANG MOONSUN

Mail Information
8919 LAS MONTANAS AVE, LAS VEGAS, NV, 89147

Assessment Info

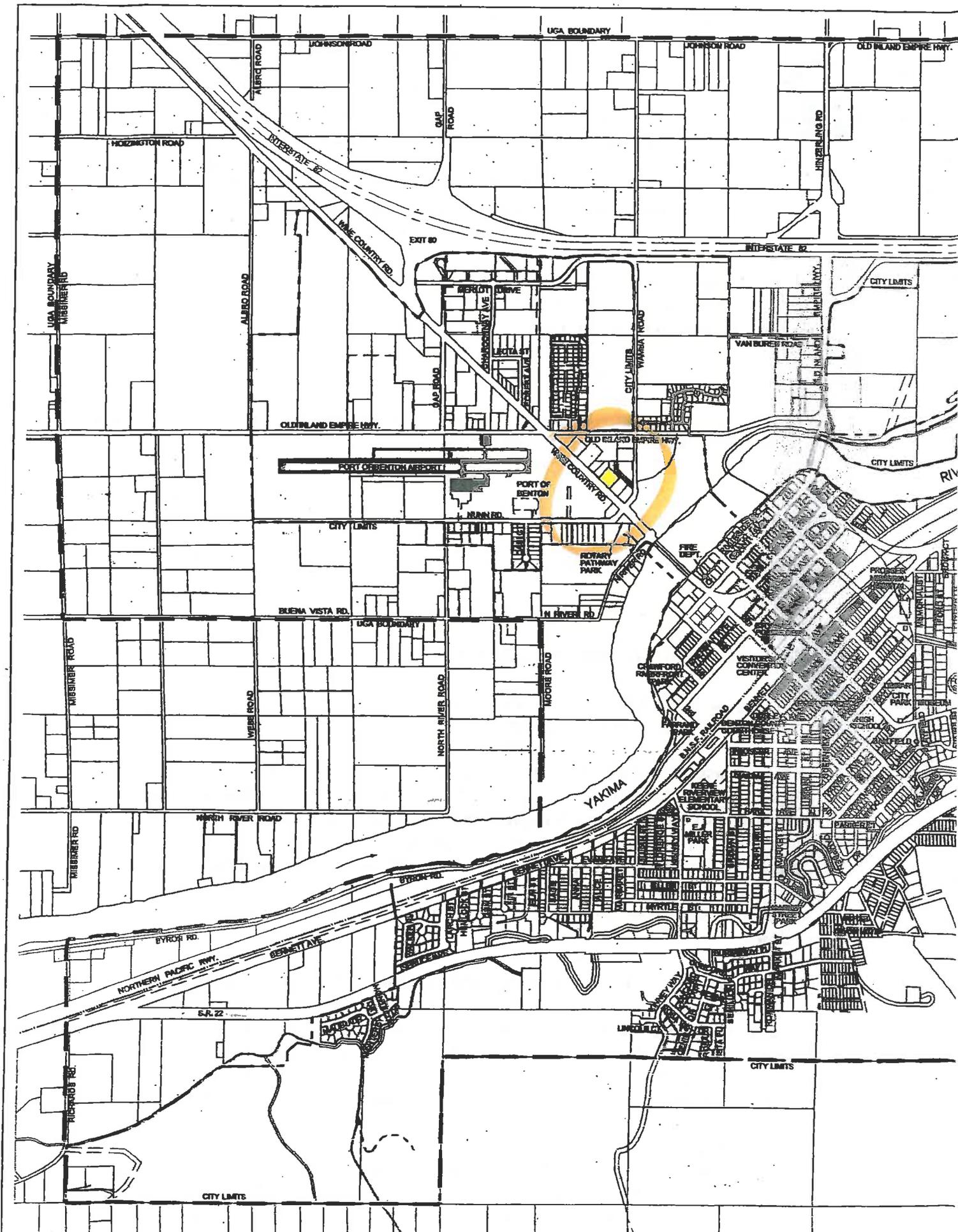
Mkt. Land \$99,970
Mkt. Improvement \$0
Total \$99,970

Most Recent Sale
Sale Amount \$120,000

Sale Date 1/28/2015
Excise Number 15K00393

For additional property information regarding property in Benton County call 1-509-786-2046.

10' Barry
786-8210





CITY OF PROSSER, WASHINGTON
NOTICE OF COMPLETE APPLICATION AND
OPTIONAL MITIGATED DETERMINATION OF NONSIGNIFICANCE [MDNS]

Notice of Application and Optional Determination of Non-significance posted
April 22, 2015

Type of Application: SEPA, Site Review, Variance

Date of Application: April 16, 2015

Name of Applicant: Moo Kang

Location of Project: 335 Wine Country Road, commonly known as the empty lot between Bonnie's Vine and Gift and Dave Martin Auto Sales.

Description of proposed project: Applicant has proposed a phased development consisting of two new buildings (10,000 sq ft) and a new gas station and underground fuel storage.

Other permits:

The following additional permits are associated with this application: Building Permit

The following studies have been required pursuant to RCW 36.70B.070:NA

Preliminary determination of consistency:

The City has determined that this application is consistent with the City's Development Regulations and Comprehensive Plan.

Environmental Review: The City is using the optional process contained in Washington Administrative Code (WAC) Section 197-11-355 to make its threshold determination. The City expects to issue a **Mitigated Determination of Non-significance (DNS)** for this project. This may be your only opportunity to comment on the environmental impacts of the proposed project. A copy of the subsequent Threshold Determination for the project may be obtained upon request. The lead agency, the City of Prosser, will not act on this proposal for 14 days from the published date below. Proposed mitigation is as follows.

1. A Storm Water Drainage Retention Plan (Erosion Sediment control Plan) is needed for all construction sites as required by the State Department of Ecology. A City approved storm drain plan should retain storm water on site. Erosion control measures must be in place prior to any clearing, grading or construction. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by storm water runoff. Said retention and disposal may require the installation and maintenance of oil/water separators. Storm water runoff calculations and drainage facilities sizing calculations must be prepared by a Washington Registered Professional Engineer and be submitted to the City for review and approval prior to construction. A National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit may be required if there

is a potential for storm water discharges from a construction site larger than one acre. Obtaining a permit is at least a 38 day process. Please submit a permit application to the State Department of Ecology or contact Ray Latham, of the Washington State Department of Ecology at (509) 575-2807. Please provide the City with a copy of the State permit if required.

2. Ingress and egress from the parking lot must meet all requirements of the City of Prosser and the requirements of the Prosser Municipal Code.
3. The property shall submit plans for lighting fixtures that will reduce glare and light onto neighboring properties. All lighting must be directed away from adjoining properties and be installed in such a manner as to minimize light scatter onto adjacent properties and roadways. Lighting plans must be approved by the City and meet Prosser Municipal Code. Additional shrouding or changes in placement may be required after completion of the project.
4. Fire hydrants may be required to be installed as per the requirements of the City Fire Chief and or Prosser Municipal Code and or under Development Requirements.
5. Any and all signage on the property will need to comply with the State Scenic Vistas Act of 1971 and the Prosser Municipal Code.
6. All solid waste receptacles must be surrounded on at least three sides by a minimum five-foot high sight-obscuring fence or wall. Such enclosures and receptacles are not permitted within required street frontage areas.
7. All permits required by Benton County Clean Air Authority and the Washington State Department of Ecology shall be acquired prior to issuance of the building permit.
8. Landscaping adjacent to Wine Country Road is required. A landscaping plan must be submitted and approved by the City of Prosser prior to instillation.

City of Prosser Contact: Prosser City Clerk.

Comments: The public is invited to comment on the application and environmental review. The public comment period shall be **15-days and will begin April 22, 2015**. All public comments received on the Notice of Application must be received by the City of Prosser **no later than 5:00 pm, May 7, 2015**. Comments may be mailed or personally delivered to the;

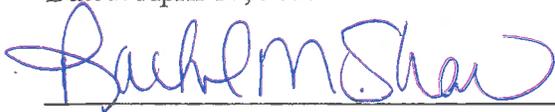
Attn: Prosser City Clerk
601 7th Street,
Prosser, Washington, 99350

All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th St, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays, or may be viewed at www.cityofprosser.com.

The person(s) receiving this notice may request a copy of the final decision in this matter.

The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

Dated: April 17, 2015



Rachel Shaw, CMC
City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: April 22, 2015



City of Prosser NOTICE OF PUBLIC HEARING

PROJECT NAME: Variance for setbacks
Address: 335 Wine Country Road
Parcel # 102842000006000
Applicant: Moo Kang.
Application Date: April 16, 2015

NOTICE IS HEREBY GIVEN by the undersigned City Clerk of the City of Prosser, Washington, that the Board of Adjustment will hold a Public Hearing on May 7, 2015 at 6:00 p.m., or as soon thereafter as possible, in the City Council Chambers, City Hall, 601 7th Street, Prosser, Washington, for the purpose of receiving public comment on variance request for setbacks at 335 Wine Country Road. The City Hall Council Chambers is wheelchair accessible. American with Disabilities Act (ADA) accommodations are available upon request to the City Clerk at least 2 days in advance by calling (509) 786-2332.

The public is encouraged to comment and or attend the hearing. All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th Street, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays or may be viewed at www.cityofprosser.com. All interested persons may appear and provide testimony or provide written testimony at the public hearing or prior to the public hearing. Comments must be received by May 7, 2015 5:00 p.m.

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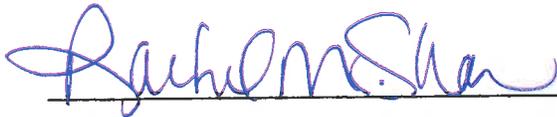
A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided at the city's cost or may be viewed online at www.cityofprosser.com

Contact:

Steve Zetz
Prosser City Planner
601 7th Street, Prosser, WA 99350
Phone: 786-2332
szetz@cityofprosser.com

Variance Details

Applicant is requesting a variance for side and rear setbacks in a Commercial Thoroughfare (CT) Zone. Applicant is requesting a reduction of 5 feet for side setbacks, changing it from 10 feet to 5 feet and a reduction of 5 feet for rear setbacks, changing it from 10 feet to 5 feet.



Rachel Shaw, CMC
City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: April 22, 2015

FILE COPY

Notice

City of Prosser
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Prosser City Planner
601 7th Street, Prosser, WA 99350
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Published April 22, 2015

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON } ss.
County of Benton

Rebecca D. Fink

_____ , being
first duly sworn on oath, deposes and says that he is the

Production

_____ of the
PROSSER RECORD-BULLETIN, weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a weekly newspaper in Prosser, Benton County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That

annexed is a true copy of Notice of Public

Hearing - Variance

City of Prosser

as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive weeks

commencing April 22, 20 15

ending April 22, 20 15

both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee

charged for the foregoing publication is the sum of \$ 57.00, which amount has been paid in full.

Rebecca D. Fink

Subscribed and sworn to before me this _____

day of April 23, 20 15

[Signature]
Notary Public in and for the State of Washington, residing at Prosser, Washington

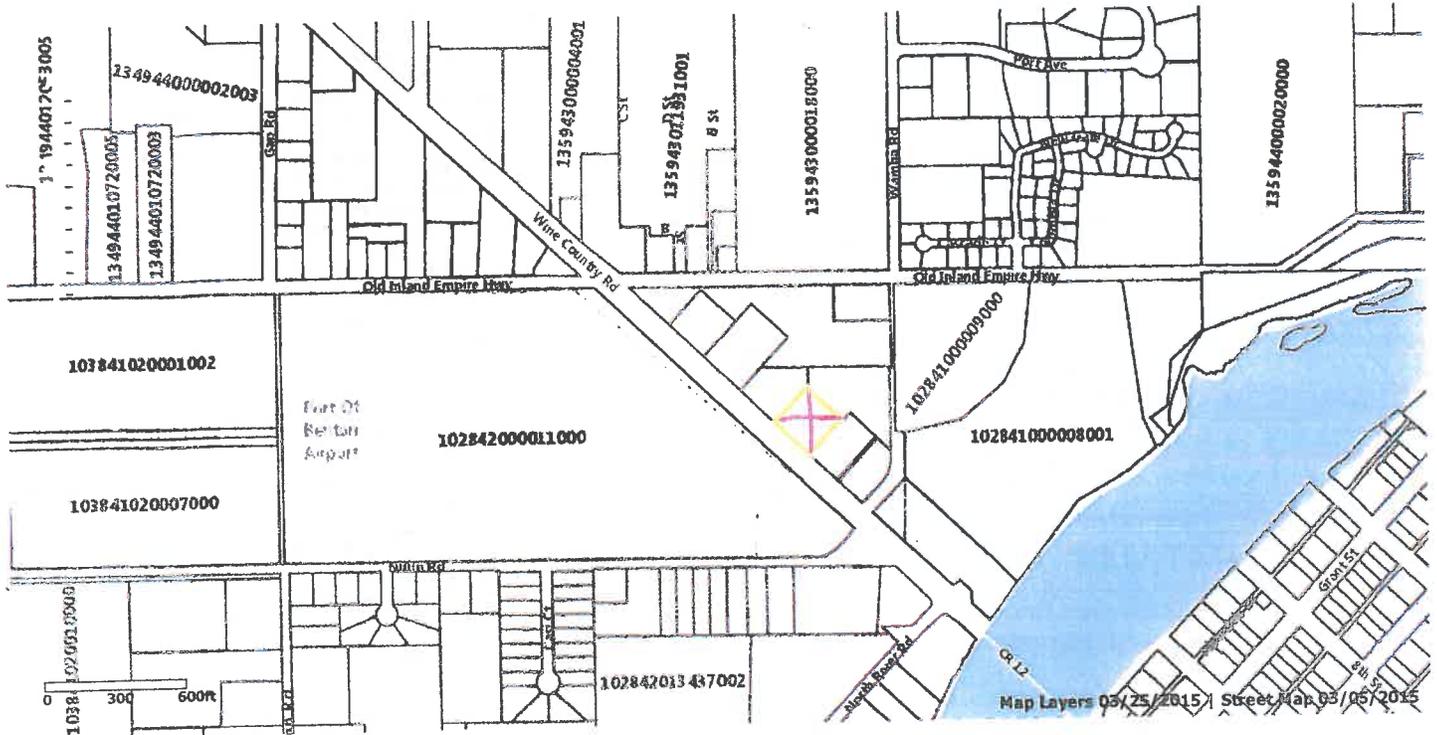


Bill Spencer, Assessor
Benton County, Washington



Home

Aerial Photos | Map Layers





Home

Aerial Photos

Map Layers



