



Richland

CITY OF RICHLAND

NOTICE OF APPLICATION AND PUBLIC HEARING (PLN-T2-2025-00012)

Notice is hereby given that RPS Planning Consulting LLC on Behalf of Keene Road LLC, has applied for a major variance, requesting relief from the minimum setback requirements in the Neighborhood Retail Business (C-1 zone) district. This request would allow the construction of a multi-tenant commercial building within 35' of the fronting street boundary (Englewood Drive), rather than 45' as required in Richland Municipal Code Title 23.22. Additional information can be found on this webpage <https://www.ci.richland.wa.us/departments/development-services/planning/land-use>.

Project Site: The project site is located at 466 Keene Road (APN 1-26982013402002).

Public Hearing: The Richland Board of Adjustment will conduct a public hearing and review of the application at 6:00 p.m., Thursday, April 17, 2025 at City Hall, 625 Swift Boulevard. All interested parties are invited to participate in the public hearing.

Environmental Review: The proposal is not subject to environmental review.

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Kyle Hendricks, Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may be emailed to planning@ci.richland.wa.us.

Comment Period Begins: March 19, 2025

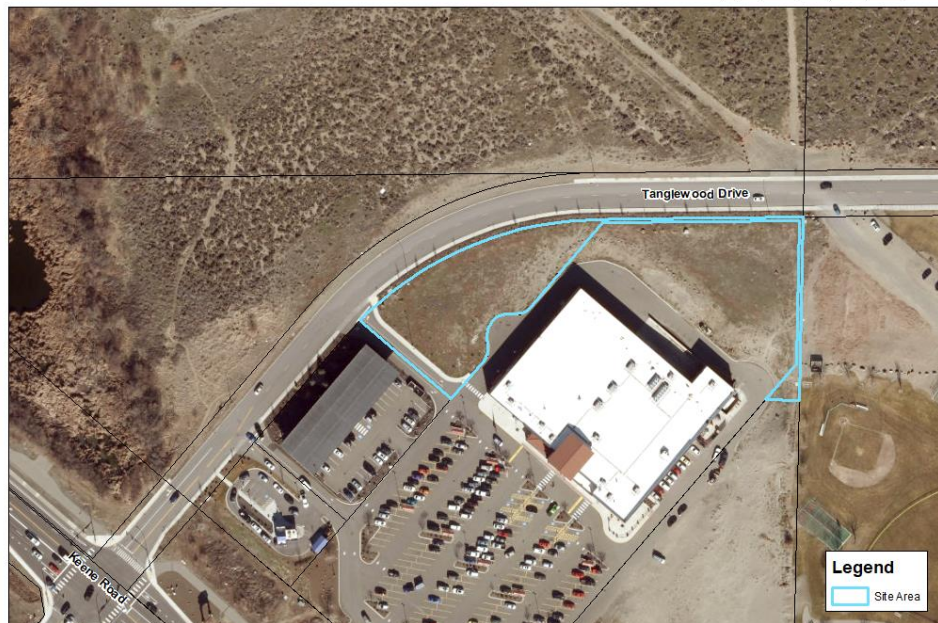
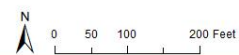
Comment Period Ends: April 9, 2025

Written comments must be received no later than 5:00 p.m. on Wednesday, April 9th, 2025, to be incorporated into the staff report. Comments received after that time will be entered into the record during the hearing.

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

Vicinity Map

Item: 466 Keene Road Variance
Applicant: RPS Planning Consulting
File #: PLN-T2-2025-00012





City of Richland
625 Swift Blvd
Richland WA 99352
(509) 942-7794

Plan Snapshot Report

Plan Type: Type 2	Plan #: PLN-T2-2025-00012	App Date: 02/21/2025
Work Class: T2 - Major Variance	District: City of Richland	Exp Date: 06/21/2025
Status: In Review		Completed: NOT COMPLETED
Description: Variance from 45' front yard setback requirement in the C-1 zone to permit a commercial building with a 35' setback		Approval Expire Date:

Parcel: 126982013402002	Main	Address: 460 Keene Rd Richland, WA 99352	Zone:
		466 Keene Rd Richland, WA 99352	Main
Contractor Knutzen Engineering 5401 Ridgeline Drive Ridgeline DR Ste 160 Ste 160 Kennewick, WA 99338 Business: (509) 222-0959 Mobile: (509) 440-1817	Applicant Rick Simon 98402 N HARRINGTON RD WEST RICHLAND, WA 99353-8722 Home: (509) 531-0142 Business: (509) 531-0142 Mobile: (509) 531-0142	Property Owner Chad Leinback Home: (509) 380-4031 Business: (509) 380-4031	

Plan Custom Fields

What unusual conditions exist on your property.	The site is generally a triangular shaped parcel that measures less than an acre in size but contains 372 feet of usable frontage along Englewood Drive. caused in part by the curvature of Englewood Drive, the siting of the Yoke's Grocery Store and the odd configuration of the lot when the short plat was originally created in 2013. About 48% of the usable portions of the lot are taken up by the 45 foot front setback requirement,	Were these conditions caused directly by you.	The applicant is not responsible for the configuration of the property boundaries within the commercial center. The existing setback on the adjacent building, which is located within both the same commercial center and within the same C-1 zoning district led the applicants to a reasonable presumption that similar setbacks from Englewood Drive would apply to their project	How does code deprive you rights enjoyed by others	The usable portion of the project site is severely restricted by the imposition of the 45 foot setback requirement. Forty-eight percent of the usable portions of the lot or 16,740 square feet is not available for building placement. By comparison, the adjacent lot to the south only loses 27% of its area to the 45 foot front yard setback requirement.
Does this variance create a special privilege.	No special privilege would be granted by the applicant through the approval of this variance application. Rather, the variance requests a setback variance of only 10 feet (45' setback is required and the setback proposed is 35'). The adjacent building is out of compliance with this required setback standards by 21'.	Other considerations.	<ul style="list-style-type: none">The proposed building setback exceeds that of the adjacent commercial building and so would not result in any visual impairment of traffic travelling by the building or in entering or exiting onto the private access drive;The land across Englewood Drive west of the site is included within the same C-1 zone that applies to the project site. So, there is no need to		separate differing land uses through the front yard setback requirement in this instance; <ul style="list-style-type: none">The proposed building would exceed any requirements for separation of buildings and uses than any requirement imposed by the city for fire safety or other public safety standards; andThe project is consistent with the city's landscaping standards

and both the scale and height of the proposed building is consistent with the adjacent commercial building.



SITE PLAN

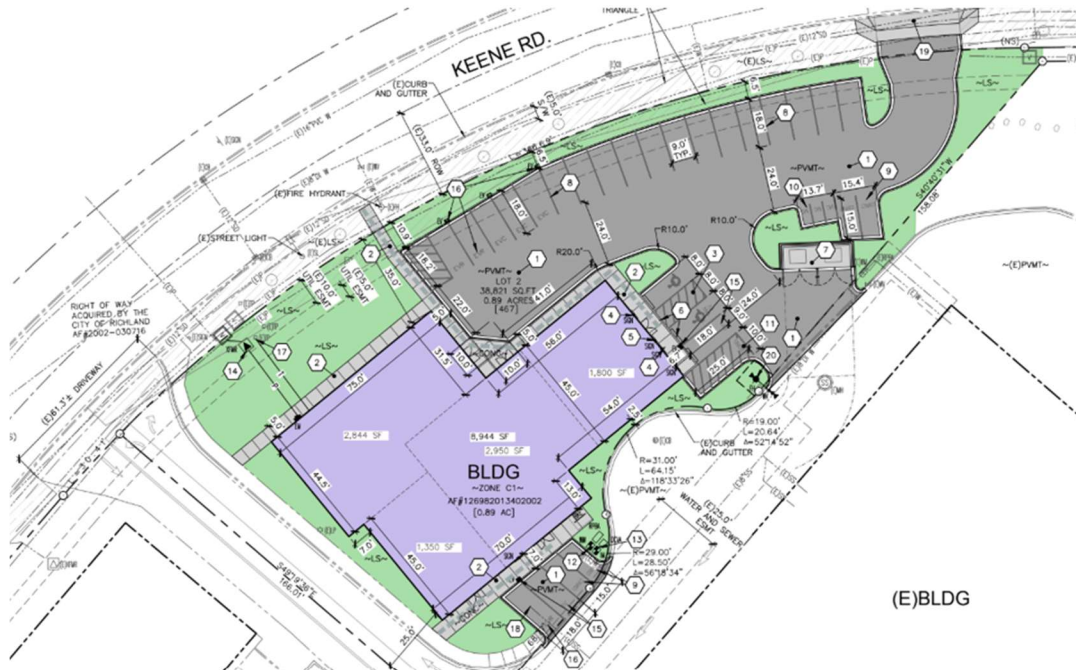
Project Description Keene Road LLC Variance Request:

The applicant, Croskrey Ventures, LLC proposes to construct a commercial building known as the “Englewood Plaza” located at 460 Keene Road, Richland. The site is within the commercial center anchored by Yokes Fresh Market, located just north and east of the intersection of Keene Road and Englewood Drive. The site itself is located adjacent to the northeasterly driveway that provides access to the commercial center From Englewood Drive. It is immediately west of Yoke’s Grocery Store and north of an existing commercial strip center at 480 Keene Road that contains the Badger Mountain Dental Offices. The site itself is an irregularly shaped parcel that contains approximately 650 feet of frontage along Englewood Drive, that includes a long thin strip of property that wraps around the back of the Yoke’s Grocery Store. The usable portion of the parcel includes approximately 372 feet of Englewood Drive frontage. The eastern boundary of the site also includes a cul-de-sac bulb that serves the adjacent Yoke’s pharmacy.



Slide 1: Englewood Plaza Vicinity Map

The proposed commercial building would total 8,994 square feet in area and contain spaces for four separate businesses and off-street parking to accommodate 27 cars on a parcel measuring .89 acres or 38,768 square feet. Access to the site would be provided from the interior existing access driveway that forms the eastern boundary of the site. A new driveway would be extended onto Englewood Drive from the northeast corner of the site.



Slide 2: Site Plan for Englewood Plaza

The site is located within the C-1 Neighborhood Retail district. The Richland Municipal Code (Section 23.22.040) typically requires a setback of 45 feet from the public right-of-way; however, there is a footnote that includes the following provision:

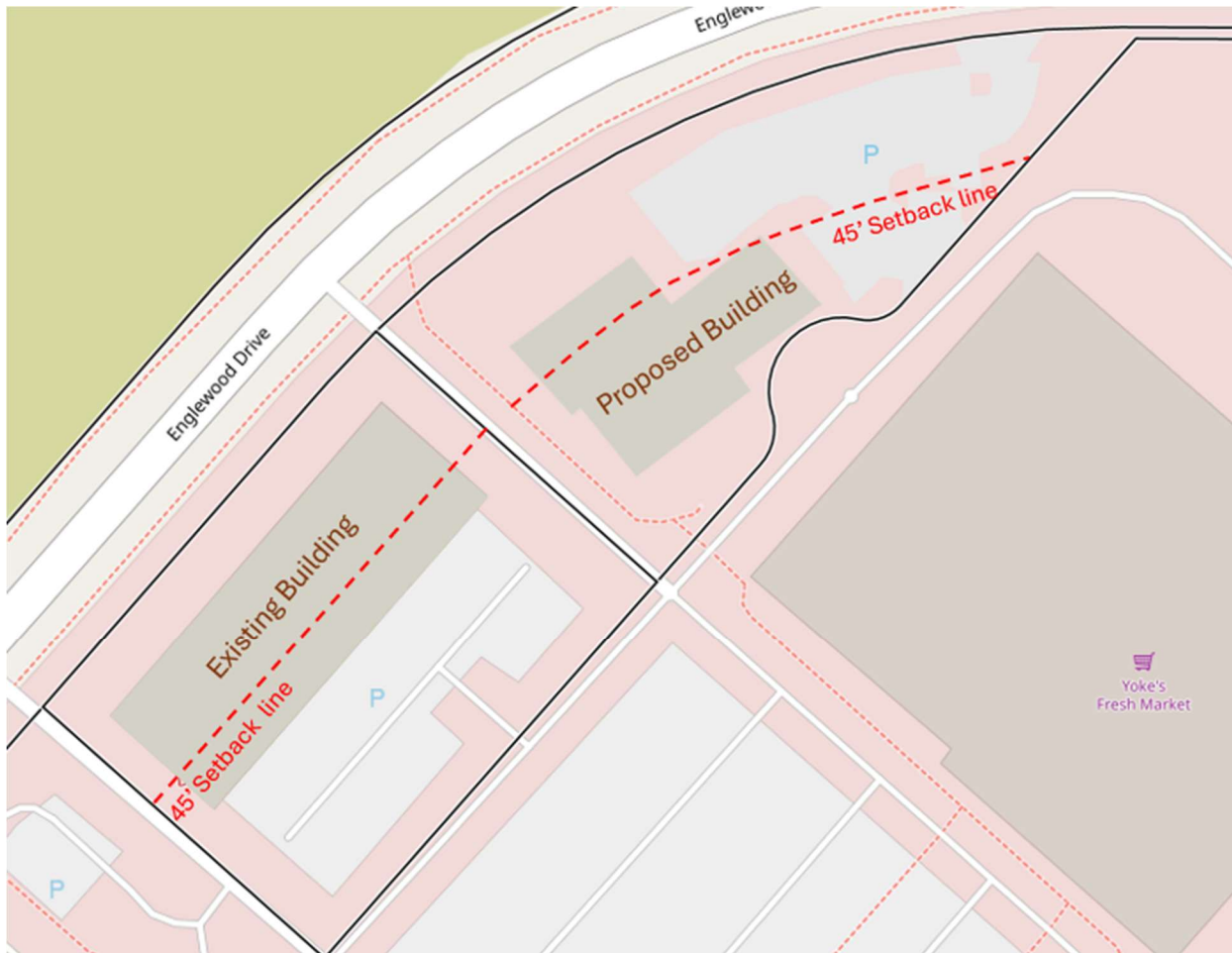
"each lot shall have a front yard 45 feet deep or equal to the front yards of existing buildings in the same C-1 district and within the same block."

The condition qualifying for this reduced setback is in fact present. The adjacent building (480 Keene Road) is located only 23 feet from Englewood Drive. The proposed building setback is 35 feet.

	480 Keene Road	Project Site
Lot Size	37,026 sq. ft.	38,768 sq. ft.
Building Size	7,343 sq. ft.	8,944 sq. ft.
Building Coverage (in percent)	20%	23%
Building Setback	24 feet	35 feet proposed
Usable Lot frontage on Englewood Drive	223 feet	372 feet
Area within lot consumed by front yard setback area	10,035 sq. ft or 27% of lot area	16,740 sq. ft. or 48% of lot area
Portion of building located within 45' of right-of-way	4,048 square feet 55% of building	750 sq. ft. 8% of building

Data Source: Benton County Assessor Property Maps

Table 1



Slide 3: Comparison Between Site and Adjacent Lot

Rationale for Variance Request:

In order to approve a variance request, the Board of Adjustment needs to find that the circumstances and conditions as set forth in RMC 23.70.110 are met. Below the four criteria are listed along with a response detailing how this application meets those criteria:

- A. *That special conditions and circumstances exist which are peculiar to the land, structures, or building involved and which are not applicable to other lands, structures, or buildings in the same district.*

Response: The configuration of the parcel represents a peculiar circumstance that justifies the issuance of a variance. The site is generally a triangular shaped parcel that measures less than an acre in size but contains 372 feet of usable frontage along Englewood Drive. (Total amount of Englewood Drive frontage extends approximately 650 feet.) This excessive amount of frontage along a public street is

caused in part by the curvature of Englewood Drive, the siting of the Yoke's Grocery Store and the odd configuration of the lot when the short plat was originally created in 2013. About 48% of the usable portions of the lot are taken up by the 45 foot front setback requirement, severely limiting the development potential of the lot. Another 10% of the lot is given over to the unusable narrow strip of property that wraps around the Yoke's Grocery Store property. (Refer to Slide 1 above.) As a point of comparison, the adjacent parcel, which is roughly the same size, only includes 223 feet of frontage along Englewood Drive. The standard setback of 45' applied to this lot consumes only 27% of this parcel.

The configuration of the parcel also includes a cul-se-sac bulb along the eastern boundary of the site that further reduces the buildable area of the property.

Note that the actual building setback of the 480 Keene Property is approximately 24 feet from Englewood Drive. Apparently, at the time the building was originally constructed in 2017, setbacks were determined for the entire commercial center, not for individual buildings. The original development of Yoke's shopping center provided for a large common parking area directly in front (south) of the retail grocery building, with two access points into the site from Englewood Drive. No direct access from Keene Road was provided (except for a shared driveway that served both the adjacent city park and the easternmost pad site of the commercial center.) Building setbacks from Keene Road and the Keene Road trail corridor are well in excess of 100 feet. Pad sites are located along the perimeter of the center, including both the site and the adjacent strip center. Both the existing strip center and the proposed development of the site are oriented towards the interior of the center and the shared parking area. Building entrances and signage are both oriented towards the interior parking lot, not Englewood Drive. The proposed development would follow this same pattern and maintain an even greater setback from Englewood Drive than the adjacent building. In viewing the entire commercial center as a single entity, the proposed building and its setback is entirely appropriate. The development proposal represents the completion of the commercial center and follows the previously established development pattern.

However, the City's current setback determination is that the proposed project must maintain the original 45 foot setback requirement, in spite of the previous development pattern. Therefore, this variance application has been submitted for the Board's consideration.

- B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.*

Response: As delineated in Table 1 above, the usable portion of the project site is severely restricted by the imposition of the 45 foot setback requirement. Forty-eight percent of the usable portions of the lot or 16,740 square feet is not available for building placement. By comparison, the adjacent lot to the south only loses 27% of its area to the 45 foot front yard setback requirement. The actual setback of the adjacent building at approximately 24 feet encumbers a significantly smaller portion of the lot. Only about 14% of the lot area of the adjacent parcel is used for the front yard setback. Holding the applicant to the 45 foot setback standard would deprive the applicant of the development rights granted to the adjoining property owner. Even with the requested variance, the setback of the proposed building would be 11 feet greater than that of the adjacent building.

- C. *That the special conditions and circumstances do not result from the actions of the applicant.*

Response: The applicant is not responsible for the configuration of the property boundaries within the commercial center. The existing setback on the adjacent building, which is located within both the same commercial center and within the same C-1 zoning district led the applicants to a reasonable presumption that similar setbacks from Englewood Drive would apply to their project. Granting the requested variance does not confer any special privilege to the applicant. Rather, it grants a similar privilege to those already enjoyed by the adjacent landowner.

- D. *That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.*

Response: No special privilege would be granted by the applicant through the approval of this variance application. Rather, the variance requests a setback variance of only 10 feet (45' setback is required and the setback proposed is 35'). The adjacent building is out of compliance with this required setback standards by 21'.

Finally, it is worthwhile noting that the requested variance application is consistent with the overall intent of the zoning code. Section 23.04.020 of the code states that the purpose of the zoning code is to "protect and promote the public health, safety, morals and general welfare." Building setbacks from public streets are in place for a variety of reasons. Among them: to ensure that sight distance along public streets is maintained for the safety of the travelling public; to provide for the separation of differing land uses; to ensure adequate space remains between buildings to provide fire safety, adequate light, air and ventilation; to provide space for landscaping and for the overall aesthetic appeal of buildings when viewed from the public right-of-way. If there are other reasons for commercial building setbacks we are not aware of them. The requested variance is consistent with these purposes as follows:

- The proposed building setback exceeds that of the adjacent commercial building and would not result in any visual impairment of traffic travelling by the building or in entering or exiting onto the private access drive;
- The land across Englewood Drive west of the site is included within the same C-1 zone that applies to the project site. So, there is no need to separate differing land uses through the front yard setback requirement in this instance;
- The proposed building would exceed any requirements for separation of buildings and uses than any requirement imposed by the city for fire safety or other public safety standards; and
- The project is consistent with the city's landscaping standards and both the scale and height of the proposed building is consistent with the adjacent commercial building.

KEENE ROAD LLC – MAJOR VARIANCE APPLICATION

LEGAL DESCRIPTION

Parcel # / Geo ID	126982013402002		
Use Code	59 Retail - Other		
Township	09	Section	26
Range	28	Legal Acres	0.89
Neighborhood	61000	Subdivision / Section	-
Land Size Acres	0.8900	Land Size Sq Foot	38,768
Legal Description	SECTION 26, TOWNSHIP 9 NORTH, RANGE 28 EAST, QUARTER NW: SHORT PLAT #3402, LOT 2 RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 3402, RECORDS OF BENTON COUNTY, WASHINGTON. AF#2013-027568, 8/08/2013.		
Taxing District	R3	Exemption	None

Transaction Identification Data for reference only:

Issuing Agent: **Benton Franklin Title Company**
Issuing Office:
Issuing Office's ALTA® Registry ID: **1072211**
Issuing Office File Number: **BF19018**
Property Address: **Vacant Land, Richland, WA 99352**

SCHEDULE A

Name and Address of Title Insurance Company:

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
1408 North Westshore Blvd., Suite 900, Tampa, FL 33607
Policy No.: **OX-14543972**

Amount of Insurance: **\$500,000.00**Premium: **\$1,307.00**Date of Policy: **March 22, 2024, at 11:56AM**

1. The Insured is:
Mathew Croskrey, Nathan Croskrey and Chad Leinback
2. The estate or interest in the Land insured by this policy is:
Fee Simple
3. Title is vested in:
Mathew Croskrey, Nathan Croskrey and Chad Leinback
4. The Land referred to in this policy is described as follows:
Lot 2, [SHORT PLAT NO. 3402](#), according to the survey thereof recorded under Auditor's File No. 2013-027568, records of Benton County, Washington.
5. This policy incorporates by reference the endorsements designated below, adopted by the as of the date of Policy.
.

SCHEDULE BPolicy No.: **OX-14543972****EXCEPTIONS FROM COVERAGE**

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This policy treats any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document are excepted from coverage.

This policy does not insure against loss or damage and the Company will not pay costs, attorneys' fees, or expenses resulting from the terms and conditions of any lease or easement identified in Schedule A, and the following matters:

STANDARD EXCEPTIONS:

- A. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records
- B. Any facts, rights, interests, or claims that are not shown by the Public Records at Date of Policy but that could be (a) ascertained by an inspection of the Land, or (b) asserted by persons or parties in possession of the Land.
- C. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records at Date of Policy.
- D. Any encroachment, encumbrance, violation, variation, easement, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records at Date of Policy.
- E. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; (d) Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements and equitable servitudes, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records
- F. Any lien or right to a lien for services, labor, material or equipment unless such lien is shown by the Public Records at Date of Policy.
- G. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records or are shown in Schedule B..

END OF SCHEDULE B SECTION I STANDARD EXCEPTIONS

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SPECIAL EXCEPTIONS:

1. **LAST HALF OF GENERAL TAXES FOR 2024 OWING IN THE SUM OF \$3,198.87. TAX ACCOUNT NO. 1-2698-201-3402-002. (FULL YEAR GENERAL TAXES WERE IN THE AMOUNT OF \$6,397.78) FIRST HALF TAXES ARE DELINQUENT MAY 1; LAST HALF TAXES ARE DELINQUENT NOVEMBER 1.**

2. **LIABILITY TO FUTURE ASSESSMENT BY KENNEWICK IRRIGATION DISTRICT.**

3. **EASEMENT AND COVENANTS CONTAINED AND RESERVED IN DEED THROUGH WHICH TITLE IS CLAIMED, EXECUTED BY NORTHERN PACIFIC IRRIGATION COMPANY UNDER AUDITOR'S FILE NO. 183100, AS FOLLOWS:**

RIGHT OF WAY FOR THE CONSTRUCTION AND MAINTENANCE OF LATERALS, FLUMES AND WASTE DITCHES OF THE NORTHERN PACIFIC IRRIGATION COMPANY HERETOFORE CONSTRUCTION OR HEREAFTER CONSTRUCTED OVER AND ACROSS SAID LANDS TO SURVEY, LOCATE, CONSTRUCT, ENLARGE AND REPAIR THE SAME. NO IRRIGATION WATER SHALL BE ALLOWED TO RUN TO USELESS WASTE UPON SAID LANDS AND THERE SHALL BE CONSTRUCTED AND MAINTAINED AT THE COST OF THE OWNER SUCH CANALS AS MAY BE NECESSARY TO CARRY ANY SURPLUS WATER BY GRAVITY FLOW BACK TO SUCH POINT AS THE IRRIGATION COMPANY MAY DESIGNATE WITHIN A DISTANCE OF 660 FEET FROM SAID LAND. THE OWNER WAIVES ANY AND ALL CLAIMS FOR LOSS OR DAMAGE BY REASON OF ANY BREAK, LEAKAGE OR OVERFLOW OF CANALS OR LATERALS.

4. **CONTRACT BETWEEN UNITED STATES AND NEIL KLEYN AND EILEEN M. KLEYN, AND THE TERMS AND CONDITIONS THEREOF, RECORDED MARCH 25, 1977, UNDER AUDITOR'S FILE NO. 370141.**

5. **EXCEPTIONS AND RESERVATIONS CONTAINED IN DEED FOR OILS, GASES, COAL, ORES, MINERALS, FOSSILS, ETC., AND VARIOUS RIGHT-OF WAYS;
FROM: THE STATE OF WASHINGTON
RECORDING NO.: 394895**

6. **RIGHT OF WAY CONTRACT, AND THE TERMS, COVENANTS, AND CONDITIONS THEREOF;
RECORDED: MARCH 18, 1960
RECORDING NO.: 433724
TO: CASCADE NATIONAL GAS CORPORATION
FOR: OIL/GAS PIPELINE**

7. **LICENSE AND THE TERMS AND CONDITIONS THEREOF;
GRANTOR: STAPLES AND SON FRUIT COMPANY, INC.
GRANTEE: CITY OF RICHLAND
DATED: MAY 24, 1971
RECORDED: JUNE 17, 1971
RECORDING NO.: 622682**

RELINQUISHMENT RECORDED UNDER AUDITOR'S FILE NO. [2014-001533](#).

8. COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT;
RECORDED: February 22, 2013
AUDITOR'S FILE NO.: [2013-005918](#)
9. AGREEMENT AND THE TERMS AND CONDITIONS THEREOF:
BETWEEN: KEENE ROAD INVESTMENTS, LLC, ET AL.
REGARDING: COMMON AREA MAINTENANCE
RECORDED: February 22, 2013
AUDITOR'S FILE NO.: [2013-005919](#)
10. MATTERS SHOWN ON RECORD SURVEY NO. [5222](#).
11. EASEMENTS DELINEATED ON THE FACE OF SAID SHORT PLAT.
12. NOTES AS CONTAINED ON THE FACE OF SAID SHORT PLAT.
13. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:
GRANTEE: CITY OF RICHLAND
PURPOSE: SEWER AND WATER
RECORDED: October 15, 2013
AUDITOR'S FILE NO.: [2013-034904](#)
AREA AFFECTED: SEE INSTRUMENT
14. AGREEMENT AND THE TERMS AND CONDITIONS THEREOF:
BETWEEN: KEENE ROAD INVESTMENTS, LLC
AND: SKANN CO, LLC
RECORDED: March 09, 2015
AUDITOR'S FILE NO.: [2015-006358](#)

END OF SCHEDULE B - SECTION I SPECIAL EXCEPTIONS