

# Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

Attorneys at Law

Post Office Box 1088, 201 West Seventh Avenue, Ellensburg, WA 98926

F. Steven Lathrop, P.S.  
John P. Winbauer  
Susan K. Harrel  
Jeff Slothower  
James T. Denison, Jr.  
Douglas W. Nicholson

F. Steven Lathrop  
steve@lwbsd.com  
Direct Telephone (509) 925-5622  
Direct Fax (866) 213-1548  
Main Office Telephone (509) 925-6916

September 27, 2013

City Council  
City of Ellensburg  
501 N. Anderson St.  
Ellensburg WA 98926

Re: Comments on Draft Ellensburg Land Development Code Sections Pertaining to Regional Retail Commercial

Dear Members of the Council:

I represent a client presently in contract for certain property in the vicinity of the South interchange, the consummation of which is expressly contingent upon the approval of a master site plan for regional retail commercial, yet to be applied for. The present and prior drafts of the proposed changes to the Ellensburg land development code have been closely followed and review by my client and potential users with respect to possible implications for the proposed site. On behalf of my client, I am enclosing proposed revisions to the current proposal.

These revisions are necessary to the viability of regional retail. The enclosed changes are not site or potential user specific and are equally applicable to both areas identified as appropriate for such projects in the city's comprehensive plan. They consist primarily of clarifications and the removal of inconsistencies, but there is a procedural issue which is fundamental if the city is to actually attract a regional retail project: A consolidated process must be available wherein neither the city nor the developer (or the land in question) is bound to any particular agreement or requirement absent the full and final issuance of all approvals and permits necessary for such project.

As presently drafted, ECC 15.380.010, dealing with development agreements, reaches the heart of the problem. The city comprehensive plan identifies two areas where regional retail could be located, each of which includes property that may need to be annexed. It is highly unlikely that a commitment to annex would be given without a concurrent assurance that the proposed project

RECEIVED  
SEP 27 2013  
COMMUNITY DEVELOPMENT  
DFD

RECEIVED  
SEP 27 2013  
COMMUNITY DEVELOPMENT  
DFD

11

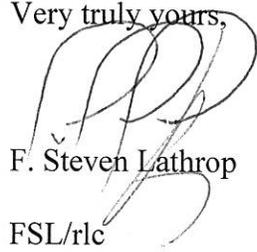
could, in fact, be undertaken as planned. This reality is the very basis for RCW 36.70B.170(1) of the Growth Management Act:

"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." (Emphasis added)

Directly related are changes to ECC 15.210.020(B) and 15.250.070(C)(1), the later being a new subsection also dealing with consolidation. A consolidated process is, of course, required under RCW 36.70B.060. Additional comments provide necessary clarification to the uses permitted and development standards applicable to regional retail.

Please accept the enclosed changes to the proposed land development code to confirm the city's continuing commitment to provide a realistic opportunity for a regional retail type development to be located in this community.

Very truly yours,



F. Steven Lathrop

FSL/rlc

Enclosures

cc: Client

## Comments on City of Ellensburg Land Development Code Update September 11, 2013 Draft

Track changes in September 11, 2013 draft are "accepted" and comments are shown in Redline/Strikeout.

### 15.130.180 R definitions.

**Regional retail commercial.** "Regional retail commercial" means any use which involves the display and sale of retail consumer goods and also includes personal, professional, household services, and general grocery sales. Regional retail commercial developments contain a minimum of 100,000 square feet of enclosed gross floor area of commercial uses; provided, that at least 50,000 square feet must be constructed for and used by one retailer; there is no maximum square footage of gross floor area in a single regional retail commercial development or in a single regional retail commercial building. As used in this LDC, "regional retail commercial" uses are subject to special location and design provisions (see ECC 15.250.070). "Regional retail commercial" development may also include other uses provided they are permitted in the relevant zone in which such development is located.

### 15.210.020 Determination of proper permit review process type.

\* \* \*

**B. Optional consolidated project permit application processing.** Except for applications submitted pursuant to ECC 15.250 where the applicant requests the review process to be combined with that of ECC 15.260, ECC 15.380 and/or ECC 15.360, in which case consolidation shall be allowed, consolidation of a legislative action, such as a Type V comprehensive plan amendment, shall not be consolidated with a project permit application. All project approvals that involve 2 or more project permit application procedures may, at the applicant's written request, be processed collectively under the highest numbered Type procedure required for any part of the application or may be processed individually under each of the procedures identified by the code. If the application is processed under the individual procedures option, the highest numbered Type procedure must be processed prior to the subsequent lower numbered procedure.

### 15.250.070 Master site plans for regional retail commercial projects – Special review process.

\* \* \*

**C. Procedures.** Master site plans for regional retail commercial projects are exempt from ECC 15.210 but, except as specifically provided in this Section to the contrary, shall be Type

III and Type IV processes as otherwise provided in Sections 15.210.040, .050(C) & (D), and .060, and also subject to the following: Master site plans for regional retail commercial projects follow the general Type IV review process although they are exempt from the project permit timeline requirements in ECC 15.210.010(B) and are instead subject to the following provisions:

- ~~1. Recommendation. The landmarks and design commission will review the project at a public meeting as defined in ECC 15.130.160 and make a recommendation to the city council. In making its recommendation, the landmarks and design commission shall review the design features of the project against the regional retail design standards set forth in ECC 15.280.~~
1. Consolidation. The review and approval process for master site plan applications for regional retail commercial projects shall, at the request of the applicant, be consolidated any or all of the following: development agreements under ECC 15.380, annexation under ECC 15.360, a pre-annexation agreement, building permit, or any other City approval process or permit applicable to the project.

\* \* \*

**D. Decision criteria.** Applicants proposing a regional retail commercial master site plan shall demonstrate that the site plan application is able to satisfy all of the applicable code requirements. The regional retail commercial master site plan may only be approved if the city finds that all applicable code requirements are met, and that all of the following are satisfied:

1. Where permitted:
  - a. ECC Table 15.310.020 sets forth the zones that regional retail commercial master site plans are allowed ~~permitted~~ as a conditional use; ~~provided,~~ as long as the property is specifically designated for general commercial or regional retail commercial land uses in the city's comprehensive land ~~plan use map,~~ regional retail commercial shall be a use permitted as of right.

\* \* \*

2. The site access, proposed on-site circulation and off-street parking meets all public works development standards, regional retail commercial design standards in ECC 15.280.120, and makes adequate provision for roads, streets, alleys and other public ways. All streets, roads, sidewalks and other amenities shall be constructed as required by the city's public works development standards. The streets and sidewalks shall be suitable and adequate to handle anticipated traffic within the proposed regional retail commercial master site plan and in the vicinity of the development. Adequate access shall include at least 3 points of entrance onto the 40-acre project site, one of which

must be from an arterial street, and 2 must be from different compass directions or sides of the property, or at least one street connection to each neighboring parcel;

\* \* \*

8. All land within an approved regional retail commercial master site plan is subject to the regulations of the underlying zone as set forth in ECC Article 3, except as specifically modified by the provisions of this chapter. In the event of any irreconcilable differences between the provisions of this chapter and the underlying zone or any other chapter, the provisions of this chapter shall apply;
9. Types of uses and development permitted. Uses defined as “regional retail commercial” development in ECC 15.130.180. In addition, the uses allowed outright in the C-T zone are allowed in a regional retail commercial development located in the C-T zone. The uses allowed outright in the C-H zone are allowed in a regional retail commercial development located in the C-H zone. Notwithstanding any provision of Chapter 15.300 and Chapter 15.310 to the contrary, small, medium, large and super scale retail shall be uses permitted outright as part of a regional retail commercial project; and
10. The regional retail commercial master site plan and subsequent development shall comply with applicable project design provisions of ECC 15.280.120~~Article 5~~. Where there is a conflict between the provisions of ECC 15.280.120~~Article 5~~ and this section, the provisions of this section shall apply.

**15.280.120 Design standards for reviews of ~~certificates of approvals and for regional retail commercial master site plan applications.~~**

In lieu of addition to the design standards set forth in ECC Articles 4 and 5 below, this section establishes specific design standards for site improvements, landscaping, and architectural improvements to be used as the criteria for the preparation, review and action on applications for ~~certificates of approvals and regional retail commercial master site plan applications.~~ Architectural style is not restricted. Approval of projects shall be based upon the appropriateness of a project’s design and its relationship to its surroundings, as reflected in the language and direction contained in these standards. The following design standards shall serve as the sole guiding criteria for the submittal, approval and construction of all regional retail commercial master site plan applications~~reviewable landmarks and design projects:~~

\* \* \*

~~**AF. Regional Retail Commercial.**~~ [This section now consists solely of what was 15.280.120(F) and will need to be renumbered]

1. Site Planning.
  - a. Responding to the Site Characteristics.

- i. Develop the site plan in response to specific site characteristics, including natural features, vegetation, topography, or existing amenities and location within the community.

Design techniques:

Commercial development should enhance valued neighborhood amenities such as stream corridors, trees and natural areas; and

Siting should acknowledge and reinforce desirable existing spatial patterns of the neighborhood.

- ii. Coordinate adequate public services and utilities in the design phase to serve the proposed uses.
- b. Transitions to Surrounding Neighborhoods. Link proposed development to walkways, trails, and bicycle systems in the surrounding area by connecting and lining up directly to existing linkages, closing gaps and treating crossings of barriers on development site with special design treatment, minimizing barriers, designing with consistent materials, widths and locations, and providing safe, easy and clearly identifiable access to and along the linkages. Safe, convenient and attractive connections to downtown linkages should be provided.

- c. Streetscape Compatibility. Develop the site plan in response to safety, interaction/activity, informal surveillance.

Design techniques:

- i. Ensure shared access and coordination of internal driveways and parking areas; and
- ii. Cooperate in a welcoming gateway to the city from interstate highways and incorporate directional signage to historic downtown and Central Washington University (subject to federal, state and local ordinances).

- d. Transitions to Sidewalks, Streets and Buildings.

- i. Design of building massing, height, and scale should provide a sensitive transition to adjoining residential neighborhoods; and
- ii. New commercial developments, whose bulk and scale may negatively impact adjacent residential areas, should mitigate the effect through careful site planning and architectural design.

Design techniques: Possible mitigation techniques include

Locating open space on the site's edge to further separate the building from less intensive uses;

Stepping down the massing of the building along the site's edge;

Limiting length of, or articulating building facades to reflect adjacent residential patterns; and

Creative use of landscaping.

e. Orientation.

- i. Orient the building toward the principal street frontage, and face the primary entrance toward that frontage.

Design techniques:

Commercial architecture in Ellensburg has traditionally maintained a strong relationship to the street;

Buildings in the mixed use retail and office park areas should abut the sidewalks on at least one side;

Orienting the building's formal facade and primary entrance toward the principal street frontage creates pedestrian interaction, minimizes automobile dominance, and results in a lively streetscape; and

Avoid facing buildings to the side with the resultant erosion of the streetscape.

- ii. Site entrances shall be emphasized with landscape treatments to strongly indicate the pedestrian orientation of these areas;
- iii. Consideration should be given to the relationship between buildings and adjacent open space areas. All design should appear as an integrated part of an overall site plan; and
- iv. Roadways should be designed to reduce the visual impact of pavement area through siting of structures, berms and landscaping.

f. Human Activity.

- i. Design the project to human scale in order to provide pedestrian interest and facilitate pedestrian activity.

Design techniques may include:

Use setback areas for pedestrian activities such as outdoor seating or dining, for a plaza or recessed entry, or for landscaping.

Arcades, colonnades, or awnings at ground floor level provide pedestrian interest and can provide protection.

Create clear and safe pedestrian pathways from the sidewalks to the building's entrance

Include public gathering spaces throughout the site, locating smaller retail buildings close to streets, and developing quality landscaping along street frontages.

Appropriate pedestrian amenities could include benches, planters, decorative paving, artwork, lighting, and/or bicycle racks.

- ii. The design should provide for a sense of enclosure and safety along commercial streets including the provision of sidewalks, benches, public transportation and a clear pedestrian and bicycle access to all buildings including both internal connections and linkages to city's planned and existing sidewalk and trail network.
  - iii. Column and bay spacing along street fronts should be provided at intervals no greater than 36 feet apart in order to maintain a pedestrian-oriented scale and rhythm.
- g. Respect for Adjacent Sites. Structures should be scaled to other structures and spaces. (see subsection (F)(5)(b)(v) of this section).
- h. Phased Developments.
- i. Future development pads shall be designed to relate to the rest of the project's architecture and will provide pedestrian-scale exterior features.
  - ii. Each phase of the development shall be designed to be consistent with, but not necessarily the same as, the balance of the project architecture, including materials, colors, and general style.
- i. Transition Between Uses and Streetscape.
- i. Use open spaces to assist in the organization of architectural elements.
  - ii. Provide common garden elements and/or human activity focus points.
  - iii. Lessen the impact of parking by creating a prominent street front which is desirable for development attractiveness, public safety and pedestrian access.
2. Landscaping.
- a. Reinforcing Design Continuity with Neighboring and Adjacent Sites.
- i. Select plant materials that are suitable to the site and to Ellensburg's climate zone, and provide a viable stationary irrigation system.  
 Design techniques:  
 Choice of plant materials and their placement on the site are critical to the valley's windy, semi-arid climate.  
 Install a stationary irrigation system that provides full coverage of the landscaped area.
  - ii. Building entries, primary vehicular entries and building perimeters should be enhanced with landscaping which could include ornamental vines, groundcovers, shrubs and/or trees selected for their screening, canopy, spatial enclosure and seasonal variation.

- iii. Benches, kiosks, signs, bollards, waste receptacles, street vending carts, water fountains, lighting standards, perch walls, sidewalks, pathways, trails and special water features should be designed to be compatible elements of like materials and design.
- iv. Streetscape plantings should be simplified to allow adequate visibility from automobiles to businesses.
- v. The use of potted plants and flowers as well as street trees are encouraged, but should not impede pedestrian traffic.vi. The landscape design character of Ellensburg should be reinforced by using:

Design techniques:

Street trees – Ellensburg has a long-term “Tree City” designation. If a street has a uniform planting of street trees, or an area of distinctive species, plant additional street trees that match the planting pattern or species.

Similar plant materials – When many lots on a block feature similar landscape materials, emphasis on these materials will help a new project fit into the local context.

Similar construction materials textures, colors or elements – Extending a low brick wall, using paving similar to a neighboring use or employing similar stairway construction are ways to achieve design continuity.

- vii. Use landscaping to integrate the commercial development with the community, through the establishment of sidewalks, street trees per City of Ellensburg Street Tree List, and street lighting.

Design techniques:

Plant regularly spaced trees to shade the sidewalk and street, and consider the use of planters to create a safety barrier between street and sidewalk, or between sidewalk and setback.

Utilize the City of Ellensburg’s Street Tree List (see Appendix B attached to the Design Standards of the City of Ellensburg) to select climate-appropriate species.

Street lighting designs should reflect the scale of the neighborhood.

- viii. Provide landscaping of appropriate scale in the area of the required setbacks, in conformance with city code.

Design techniques:

Incorporate landscape materials into the design of setbacks to help define pedestrian spaces, circulation, and building access.

Landscaping can be effectively used to denote property edges and to accent architectural elements of street facades.

Use landscaping to soften the effect of blank walls.

b. Landscaping to Enhance a Large Commercial Building and/or Site.

i. Enhance the site with landscaping.

Design techniques:

Techniques that may be used to enhance the site might include:

Softening the form of the building by screening blank walls, terracing retaining walls, etc.;

Providing a framework such as a trellis or arbor for plants to grow on;

Incorporating a planter guard or low planter wall as part of the architecture;

Distinctively landscaping open areas created by building modulation;

Incorporating upper story planter boxes or roof planters;

Including a special feature such as a courtyard, fountain or pool;

Emphasizing entries with special planting in conjunction with decorative paving and/or lighting; and

Screening a building from view by its neighbors, or an existing use from the new building.

ii. Screen dumpsters, utilities, and service areas from view with landscaping.

Design techniques:

Where service elements cannot be located away from the street front, they should be screened from view and not encroach upon the pedestrian right-of-way.

Use an effective combination of landscape materials with fencing to screen the service area, and locate its opening away from the sidewalk.

c. Landscaping to Address Special Site Conditions.

i. High Bank Front Yard. Where the building's ground floor is elevated above a sidewalk pedestrian's eye level, landscaping can help make the transition between grades.

Design techniques:

Rockerries with floral displays, live ground cover or shrubs;

Terraces with floral displays, ground covers or shrubs;

Low retaining walls with raised planting strips; and

Stone or brick masonry walls with vines or shrubs.

ii. Barrier-Free Access. Where wheelchair ramps must be provided on a street front, the ramp structure might include a planting strip on the sidewalk side of the elevated portions of the ramp.

- iii. Steep Banks or Stream Bed Topography. Special plantings or erosion control measures may be necessary to prevent site destabilization and/or to enhance the visual qualities of the site in connection with neighboring improvement programs.
  - iv. Boulevards. Incorporate landscaping which reflects and reinforces the sense of streetscape.
  - v. Greenbelt or Other Natural Setting. Protect or preserve greenbelts and other settings by:
    - Design techniques:
      - Minimizing the removal of significant trees;
      - Replacing trees that were removed with new trees;
      - Emphasizing naturalized or native landscape materials;
      - Retaining natural greenbelt vegetation that contributes to greenbelt preservation; and
      - Selecting colors that are more appropriate to the natural setting.
3. Parking Lots and Structures. Reduce the visual impact of parking lots and parking structures.
- a. Parking – Surface.
    - i. Where possible, break-up or divide large parking lots. Employee and overflow parking may be located behind buildings and away from areas of high public visibility. Handicap stalls should be located throughout the development.
      - Design techniques:
        - The relationship of building facade to the street, and safe pedestrian access to the building entrances, are of primary consideration in commercial development; parking must not dominate the street front.
    - ii. Parking areas should include landscape areas. The size and location of parking areas should be minimized and related to the group of buildings served.
      - Design techniques:
        - All parking lots visible from public rights-of-way, or located within 20 feet of residential property, should be screened using a combination of trees, shrubs, walls, and/or trellis structures with plants.
        - Screening need not be sight-obscuring, and need not be uniform along the property frontage.
    - iii. Minimize long, straight, monotonous rows and effect of large paved areas by visually breaking up the parking lot with landscaped islands. Landscape islands or

nodes are in addition to the required 15 percent landscaping and shall be distributed throughout the parking lot at a rate of 24 square feet per stall.

- iv. Landscaping shall be provided to screen surface parking areas and provide transition between the project and surrounding areas. Landscape and screen surface parking areas visible to the public.
- v. Pedestrian access from parking areas and vehicle circulation through parking areas should be safe and clearly defined.
- vi. Landscaped medians are encouraged where access and traffic allow.
- vii. Open space and landscaping should be coordinated and linked wherever possible, particularly in relation to public areas and the pedestrian system.
- viii. Design and locate parking areas in a manner that will break up large areas of parking and provide for shared parking among businesses.
- ix. For retail buildings less than 5,000 square feet, locate off-street parking to the rear or side of the building, whenever possible.

Design techniques:

The site plan should minimize the number and width of driveways and curb cuts along the street ~~and should consider alleyway access.~~

Various parking lot configurations may be possible, depending upon site constraints; ~~large lots may be broken into several smaller lots.~~

- x. Minimize the visual impact of parking surface run-off treatments, and incorporate them into landscaping where possible.
- xi. Allow surface parking in front of large retail structures and anchor retailers but reduce visibility of parking from public streets with landscaping and the location of smaller structures.

b. Parking Structures.

- i. The presence and appearance of garage or large door entrances should be minimized so that they do not dominate the street or building frontage.

Design techniques:

Recess the portion of the facade where the entry is located to help conceal it.

Extend portions of the structure over the garage entry to help conceal it.

Emphasize other elements of the facade to reduce the visual prominence of the garage entry.

- ii. Structured parking should be designed to avoid undifferentiated planes. The scale of parking structures should be modulated by interruptions of the facades, setbacks, and lowering the first level below the existing grade (where the water table allows) to reduce total height.

- iii. Facades of parking structures should include a landscape treatment in addition to architectural screening.

Design techniques:

Parking structures should have landscaping around the ground level perimeter and the top floor which will correspond to adjacent land uses and activities. Landscaping should include, but not be limited to, a combination of shade trees, evergreen trees, shrubs, groundcovers, deciduous native and ornamental shrubs, and vines to further screen the structures.

- iv. Provide walkways in parking floors with barriers to protect pedestrians from vehicles.

Design techniques:

For security, pedestrian routes should be visible and avoid enclosed, hidden areas. Emergency call boxes should be available.

- v. Parking structures should be enclosed with retail or office uses on the exterior or where this enclosure is not feasible, the visual impact should be softened with landscaping or screening.

#### 4. Exterior Lighting.

- a. An exterior lighting plan for the development area shall be provided and approved.

Design Techniques:

The plan should encourage nighttime pedestrian movement through and around the development area.

Street lighting should relate in scale to the pedestrian characters of the area.

The design of the light standards and luminaries should enhance the design theme.

Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.

- b. In order to direct light downward and minimize the amount of light spilled into the dark night sky, all lighting fixtures shall be full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).
- c. Fixtures used to accent architectural features, materials, colors, styles of buildings or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded so as to minimize light spill into the dark night sky.

Design techniques:

Lighting fixtures shall not generate excessive light levels, cause glare or direct light beyond the facade onto neighboring property, streets or the night sky.

Flags of the United States or Washington State may be illuminated from below provided such lighting is focused primarily on the individual flag or flags so as to limit light trespass and spill into the dark night sky.

- d. Illumination of landscaping shall utilize diffused or muted lighting, avoid glare, and minimize light trespass and escape beyond landscaping onto neighboring property, streets, or the night sky.

Design techniques:

Select plants that will not overgrow security lighting.

Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting and minimizes possible entrapment spaces.

- e. Fuel service station and truck stop exterior lighting levels should be adequate to facilitate only the activities taking place in such locations.

Design techniques:

Canopy light shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent properties. Lights shall not be mounted on the top or sides of the canopy.

Lighting shall not be used to attract attention to the business.

- f. Security lighting should be designed and used to discourage crime and undesirable activity.

Design techniques:

Install full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).

Use the lowest possible illumination to effectively allow surveillance.

Use sensor technologies, timers or other means to activate lighting during times when it will be needed to conserve energy, provide safety, and promote compatibility between different land uses.

Aim lighting fixtures so that illumination is directed to the designated areas.

## 5. Architectural Design.

### a. Building Height, Bulk and Scale.

- i. The height, bulk and scale of buildings should be compatible with one another in the development and with neighboring property buildings. ~~Compatibility could be accomplished by:~~

Design techniques:

Architectural context – the use of architectural style, details (such as roof lines or fenestration), color or materials that derive from neighboring uses should be considered.

The creative use of landscaping or other screening.

The location of features on-site to facilitate transition, such as locating required open space or the most compatible uses on the edge of the development area.

Treating topographic conditions in ways that minimize impacts on neighboring development, such as by using a rockery rather than a retaining wall to give a more human scale to a project, or stepping a project down a hillside.

b. Architectural Elements and Materials.

- i. The building as an individual structure or as part of a series of buildings should respect architectural context of the development area.

Design techniques may include: ~~This can be done through~~

Facade articulation;

Building scale and proportion;

Complementary architectural style;

Roof forms;

Building details and fenestration patterns;

Complementary materials.

- ii. ~~Design~~ Roof lines should be designed to reflect ~~traditional~~ commercial roof configurations.

Design techniques:

~~Commercial architecture in Ellensburg has traditionally included various roof forms, most often characterized by a decorative parapet wall.~~

Various roof configurations such as gabled, flat, or shed ~~are possible behind the parapet~~ should be considered ~~wall; however, mansard~~ Mansard roofs are ~~not traditionally found in Ellensburg and their use is discouraged.~~

Avoid roof configurations which overly mimic residential styles.

- iii. Rooftop utilities and mechanical systems should not be visible from the street. Regional retail commercial project buildings have a building height limit of 50 feet which includes any building mechanical equipment.
- iv. The roofline of buildings should be modulated to avoid the appearance of large areas of flat roof and should include interesting architectural features. Consideration should be given to the appearance.
- v. The scale of all structures in relationship to other structures and spaces is important. Multiple stories or the appearance of multiple stories may be used up to the maximum height limit. Some variation in heights contributes to the variety and complexity of the environmental experience, and is encouraged.

~~Design techniques:~~

~~Consider from among a wide range of wall treatments derived from traditional commercial architecture such as: pediments, cornice molding, cresting, or a stepped false front design should be considered.~~

- vi. ~~Organize m~~Multi-story commercial building facades should be organized with three-part horizontal division and vertical column division.
- vii. The ground floor of buildings should provide pedestrian interest and activity (see subsection (F)(1)(f) of this section, Human Activity).
- viii. ~~Use traditional s~~Storefront components and proportions should be used on the ground-floor levels of street-facing facades.
- ix. Facade designs should include ~~some contemporary translations of traditional commercial facade elements, such as:~~

Design techniques:

Recessed entries;

Kick plates as bases;

Plate glass display windows, commercial in scale;

Transoms;

Canopies, marquees, and awnings.

- x. ~~Include w~~Windows should be included on the second-floor levels of street-facing facades.

Design techniques:

Second-story windows create an important rhythm of solid-to-void.

Alignment, proportions, and groupings of second-floor windows should relate to first-floor building elements.

~~Provide s~~Second-story windows with architectural detailing of appropriate scale should be provided.

- xi. Modulate, or break up, blank street-facing walls over 40 feet in width with windows, artwork, recesses, columns, bands, textural treatment, landscaping, color or a combination of these techniques.
- xii. Avoid design features of incompatible scale such as:
  - ~~Design techniques:~~
  - Residential design features, such as wood-frame porches;
  - Blank second-story walls;
  - ~~Box-like design, especially on large buildings;~~

c. Architectural Features.

- i. Give special architectural treatment to primary building entrances and corner entrances. Special attention should be given to architectural features, fenestration patterns, and the building's proportions.

Design techniques:

Recessed entry;

Roof line emphasis;

Windows above entry;

Canopy, marquee, or awning above entry;

Head molding or decorative lintel above doorway;

Contrasting, decorative finish materials;

Beveling;

Roof accentuation or height increase;

Sculptural relief;

Landscape emphasis;

Other architectural features or methods.

- ii. ~~Create a~~ Building articulation by ~~should include:~~

~~Design techniques:~~

~~Modulating the facade by stepping back or extending forward a portion of the facade;~~

~~Repeating the window patterns at an interval that equals the articulation interval;~~

~~Providing features such as a marquee, patio, deck or covered entry;~~

~~Providing a balcony or bay window for each interval;~~

~~Changing the roofline by alternating dormers, stepped roofs, gables or other roof elements to reinforce the modulation or articulation interval;~~

~~Changing the materials or color with a change in the building plane; and~~

~~Providing a lighting fixture, trellis, tree or other landscape feature with each interval;~~

~~Other architectural features or methods.~~

- iii. Maintain a consistent architectural concept that reflects a human scale by:

Design techniques may include:

Articulating the building's facades vertically and horizontally ~~in intervals that conform to an existing structural pattern;~~

Utilizing recessed spaces at ground level;

Reducing the bulk of the main building by building upper floors;

Grouping in a campus setting;

Limiting the length of, or otherwise modifying facades, to imply a group of smaller scale buildings; ~~and~~

Reducing or varying the height of the structure to imply a smaller scale building; and

Other architectural features or methods.

d. Exterior Finish Material.

i. Building exteriors should be constructed of durable and maintainable materials that are typically commercial in character. Exterior should be attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

ii. ~~Acceptable c~~Commercial building materials and exterior finish ~~typical to Ellensburg~~ include the following:

~~Design techniques:~~

~~Clear or painted wooden storefront ornamentation/fenestration;~~

~~Architectural m~~Metal beaming and columns, decorative iron or visible metal exterior support structure ~~which is incorporated into the building facade;~~

~~Brick work with pattern articulation, simple corbelling and accent materials;~~

~~Stone columns, fenestration, and accent combined with brick;~~

~~Cement work that has embossed ornamentation, architectural accent or structural column division;~~

~~Ceramic and terra cotta (pattern/ relief molded), tile ornamentation or decorative panels; and~~

~~Brick, stone, stone veneer, clay tile, and stucco/Dryvit, Exterior Insulated Finish System (EIFS), concrete masonry units (CMU), architectural masonry and concrete.~~

~~Also acceptable are concrete, dryvit, and wood.~~

Varying patterns, textures, and combinations of materials and colors encouraged.

iii. An earth-tone color palette that complements the surrounding development is encouraged. Select exterior color schemes that are appropriate for large scale development and fall within a traditional commercial range (see color notebook on file at city).

- iv. Building design ~~must~~should relate in material, colors, scale and form, which are harmonious with the surrounding environment.
  - v. Buildings should be constructed of materials that minimize light reflection and glare.
  - vi. Green building practices or environmentally sensitive and innovative design and materials are encouraged and should comply with Leadership in Energy and Environmental Design (LEED) standards.
6. ~~Commercial Signage. A sign plan shall be submitted with the design review application. The plan at a minimum shall show locations, dimensions and designs of the proposed signs. (Please refer to ECC Chapter 15.560, Signage, for sign regulations in the C-T and C-H zones and the Washington State Department of Transportation for State Highway sign regulations.~~

**15.300.050 Non-Residential and mixed-use zones.**

\* \* \*

**B. Commercial tourist zone (C-T).**

The C-T zone is intended to encourage suitable areas for commercial lodging, service stations, eating and amusement places, and other establishments primarily servicing Interstate 90 and U.S. Highway 97 travelers. In addition, specific areas of the C-T zone which have a comprehensive plan designation of general commercial may have regional retail commercial uses if special development criteria in ECC Chapter 15.2350.070 are met. These purposes are accomplished by:

- 1. Allowing commercial uses that serve the traveling public;
- 2. Providing the opportunity for regional retail uses in specific areas deemed appropriate for such uses; and
- 3. Providing standards and guidelines that enhance the appearance and function of commercial-tourist uses and their compatibility with surrounding uses;
- 4. Use of this zone is appropriate for:
  - a. Areas designated Tourist Commercial and General Commercial in the comprehensive plan; and
  - b. Areas located within one-half mile of an Interstate 90 interchange.

**C. Commercial highway zone (C-H).**

The C-H zone is intended to accommodate diversified commercial establishments. These purposes are accomplished by:

- 1. Allowing a broad range of commercial uses that serve the community including retail, personal and general services, and office uses;

2. Allowing small to large scale retail uses in all areas in the zone and super scale retail uses in areas included in a master site plan for regional retail commercial projects as provided in ECC Chapter 15.250.070, but excluding super scale retail (over 60,000 square feet of floor area), which are more desirable in other zones; and
3. Providing standards and guidelines that enhance the appearance and function of commercial highway uses and their compatibility with surrounding uses;
4. Use of this zone is appropriate for:
  - a. Areas designated corridor neighborhood commercial, general commercial, or tourist commercial in the comprehensive plan; and
  - b. Areas adjacent to, or with good access to, arterial streets and highways.

\* \* \*

### 15.310.040 Use tables.

\* \* \*

Table 15.310.040 Non-residential uses.

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-CII	I-L	I-H	P-R
<b>RETAIL</b>													
Auto sales, new & used							P <sup>1</sup>	P	P <sup>2</sup>	P			
Commercial use providing drive-through service							P	P		P			
Farmers markets*						P			P	P			
Fruit stands*	P	P	P	P	P	P	P	P	P	P	P		
Heavy retail (ECC 15.310.060)								P <sup>10</sup>	P <sup>2</sup>	P		P	
Nurseries & greenhouses that are ancillary to a retail use*	P							P	P <sup>2</sup>	P	P	P	
Restaurants, bars, and brewpubs*			P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P	P	P	P	P	P <sup>11</sup>		A <sup>9</sup>
Coffee house, espresso bar	P <sup>8</sup>		P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P	P	P	P	P	P <sup>11</sup>		A <sup>9</sup>
Retail, small scale (<2,000sf floor area)	P <sup>8</sup>		P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P	P	P	P	P			A <sup>9</sup>

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-CII	I-L	I-H	P-R
Retail, medium scale (2,000-20,000sf floor area)						P		P	P	P			A <sup>9</sup>
Retail, large scale (20,001-60,000sf floor area)						p <sup>4</sup>		P	P	P			
Retail, super scale (>60,000sf floor area)									C	C			
Outlet center								P					
Regional retail commercial projects* (ECC 15.250.070)							<u>PC</u> <sup>13</sup> <u>C</u>	<u>PC</u> <sup>13</sup> <u>C</u>	C	C			
<b>PERSONAL AND GENERAL SERVICE</b>													
Day care I facilities*	P	P	P	P	P	P		P	P	P	P		A <sup>9</sup>
Day care II facilities*	C	C	C	C	P	P		P	P	P			A <sup>9</sup>
General service establishments (ECC 15.310.060)						p <sup>5</sup>	p <sup>6</sup>	P	p <sup>2</sup>	P	P		
Heavy services (see Heavy retail and services definition in ECC 15.130.080)*								p <sup>10</sup>	p <sup>2</sup>	P		P	
Hospitals*	C	C	C		P				C	P			P <sup>9</sup>
Offices, medical*	p <sup>8</sup>				P	P		P	P	P			P/A <sup>9</sup>
Kennels *								P		P	P		
Nursing homes*	C	C	C	P	P				P	P			P/A <sup>9</sup>
Personal service establishments*	p <sup>8</sup>		p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	P	P	P	P	P			A <sup>9</sup>
Places of assembly*	C	C	C	C	P	P			P	P	C		A <sup>9</sup>
Radio station (commercial)		C						C			C	C	A <sup>9</sup>
<b>BUSINESS SERVICE</b>													
Conference center*								P	P	P	P		A <sup>9</sup>

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-CII	I-L	I-H	P-R
Offices, business or professional*, small scale (<2,000sf floor area)	P <sup>8</sup>					P	P	P	P	P	P <sup>7</sup>		P/A <sup>9</sup>
Offices, business or professional*, medium scale (2,000-20,000sf floor area)	P <sup>8</sup>						P	P	P	P	P		P/A <sup>9</sup>
Offices, business or professional*, large scale (20,001-60,000sf floor area)								P	P	P	P		P/A <sup>9</sup>
Miniwarehouse facility*			C					C			P	P	
<b>INDUSTRIAL</b>													
Light industry (ECC 15.130.120)									P <sup>2,11</sup>	P <sup>2,11</sup>	P	P	
Hazardous waste treatment (off-site)(see definition of "off-site" in ECC 15.130.150)											C	C	
Hazardous waste treatment (on-site) (see definition of "on-site" in ECC 15.130.150)							C	C	C	C	C	C	A <sup>9</sup>
Heavy industry (ECC 15.310.060)												C	

Development conditions:

1. Sales of used vehicles in this zone is limited to uses that include sales of new vehicles as the primary use.
2. Use must be enclosed entirely within a building.
3. Use is permitted if located adjacent to a street corner and within a mixed-use building or within a live-work dwelling. Such uses shall be subject to Secondary Street frontage standards as set forth in EMC 15.510.060.
4. Grocery stores shall be the only retail uses permitted with more than 20,000 square feet of gross floor area.

5. Except for gas service stations, the use must be enclosed entirely within a building.
6. Includes gas service stations with truck stop facilities only. No other general service uses are permitted.
7. Except for office uses that are accessory to a permitted use, office uses may be permitted through the purchase of transferable development rights, subject to the adoption of a TDR program by the city.
8. Subject non-residential uses may be permitted in the RS zone subject to the following conditions:
  - a. The location for planned non-residential uses shall be designated on the plat.
  - b. Non-residential uses may be integrated into subdivisions provided the subdivision encompasses at least 5 acres in gross land area and the planned uses are at least 1,200 feet from an existing C-N zone or commercial use.
  - c. Non-residential uses shall not be located adjacent to existing single family dwellings, except where such uses were approved on an individual plat.
  - d. For the purpose of identifying appropriate site orientation standards for future non-residential development, the plat shall indicate the street frontage type designation for streets fronting planned non-residential uses as either Storefront, Secondary, or Landscaped Street (see ECC Chapter 15.510).
9. All uses permitted in the P-R zone must be either outright permitted and operated as a primary public use or must be an accessory use to that primary public use. See ECC 15.010.050.
10. Home retail uses are limited to 60,000 square feet of floor area.
11. Includes light industrial activities that result in the production of goods placed for on-site retail sale. Special restrictions:
  - a. No power tools or equipment are allowed which by their decibel, frequency, and/or other feature of their operation would negatively impact the surrounding area by reason of decibel levels, light (see Chapter 15.58 for standards), dust or other physical effect; and
  - b. Production or manufacturing activity shall not occur between the hours of 10:00 p.m. and 6:00 a.m.
12. Subject use is permitted in the district only when accessory to a permitted use (see accessory use definition in ECC 15.130.010).
13. Regional retail commercial projects are permitted, subject to the requirements of ECC 15.250.070, provided the property is specifically designated for general commercial or regional retail commercial land uses in the city's comprehensive land use map.

### **15.380.010 Authority.**

The city may enter into a development agreement with a person having ownership or control of real property within the city limits. The city may also enter a development agreement for real property outside of the city limits but within the urban growth area (UGA) as part of a proposed annexation or a service agreement pursuant to RCW 36.70B.170(1), ~~however, as a condition of entering into the development agreement, the annexation proceeding must be completed and the property annexed prior to approval of the development agreement.~~

### **15.400.020 Applicability and compliance.**

The community design provisions in this article generally apply to the following development within the city:

- A. All street improvements. See Section 3 (Street Standards) of the city's public works development standards for details on the types of developments that are subject to street improvements.
- B. All subdivisions, including binding site plans.
- C. All other development within the city. However, the provisions herein largely focus on large site development (where new street connections may be required with new development) or parks or design components of subdivisions; provided, that the provisions of this chapter shall not apply to regional retail commercial projects governed by ECC 15.250.070.

These standards are intended to supplement other provisions of Title 15 and other existing city codes applicable to developments. Where there is a conflict between the provisions of this article and other codes, the provisions herein shall apply.

### **15.510.020 Applicability.**

The provisions of this chapter shall apply to all non-residential and multifamily development; provided, that the provisions of this chapter shall not apply to regional retail commercial projects governed by ECC 15.250.070.