

Application No: PP2019-18

APN: 018-331-28

Applicant: Richard Kojak

Hearing Date: January 19, 2021

SPECIAL USE PERMIT FINDINGS (WMC § 14-12.513)

The purpose of the Special Use Permit is to ensure the proper integration of uses which, because of their special nature, may be suitable only in certain locations or zoning districts or only provided that such uses are arranged or designed in a particular manner. WMC § 14-12.500. This special review shall be for the purpose of determining that the proposed use is, and will continue to be, compatible with surrounding, existing, or planned uses; and for the further purpose of establishing such special conditions as may be necessary to ensure the harmonious integration and compatibility of uses in the neighborhood and with the surrounding area. WMC § 14-12.501.

The Planning Commission in recommending, and the City Council in making a final decision, shall render its decision based on making findings in WMC Section 14-12.513 and conditions necessary to make the use compatible with surrounding uses. If the appropriateness of the use cannot be assured at the proposed location, the application for a Special Use Permit shall be denied as being incompatible with existing uses or uses permitted by right in the district. WMC § 14-12.510.

Two of the basic criteria guiding the Planning Commission in discharging its function are the "compatibility between the proposed development and adjacent development and neighborhoods" and "protection of the health, safety and general welfare of the citizens of the City." WMC § 14-10.800.

The concept of public welfare is broad and inclusive. Were the Planning Commission in recommending, and the City Council in making the final decision to determine, based on substantial evidence, that it could not make the finding that the project is compatible with adjacent development or protects public health, safety and welfare, it could not support approval of the project. The failure to find this or any one of the required findings would cause denial of the requested Special Use Permit.

- g. The proposed special use will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity.**

Non-Supportive Evidence

The project involves the establishment of a propane storage and transfer facility on land designated for industrial development. Propane is an explosive petroleum-based fuel and the project is located in an industrial zone with other existing facilities that produce, store and/or wholesale large quantities of petroleum

products. A manufacturing plant that produces approximately 65,000 gallons of biodiesel a day is located approximately 300 feet away. Its proximity to the project site presents a potential safety hazard. In the case of an accidental release from or failure of the proposed propane storage tank(s) that results in a fire or explosion, this in turn might result in a larger and more catastrophic fire and property damage and/or loss of life were it to spread to the nearby biodiesel plant. Under this scenario, the proposed project would be considered an incompatible land use as it would be detrimental to the public health, safety and welfare.

DESIGN REVIEW FINDINGS (WMC § 14-12.403)

- g. The proposed development will not be materially detrimental to the public health, safety, convenience and welfare or result in material damage or prejudice to other property in the vicinity.**

Non-Supportive Evidence

The project involves the establishment of a propane storage and transfer facility on land designated for industrial development. Propane is an explosive petroleum-based fuel and the project is located in an industrial zone with other existing facilities that produce, store and/or wholesale large quantities of petroleum products. A manufacturing plant that produces approximately 65,000 gallons of biodiesel a day is located approximately 300 feet away. Its proximity to the project site presents a potential safety hazard. In the case of an accidental release from or failure of the proposed propane storage tank(s) that results in a fire or explosion, this in turn might result in a larger and more catastrophic fire and property damage and/or loss of life were it to spread to the nearby biodiesel plant. Under this scenario, the proposed project would be considered an incompatible land use as it would be detrimental to the public health, safety and welfare.