



## Administrative Decision

Decision Date: January 12, 2018

Application Submittal Date: October 2, 2017      Application Complete Date: October 2, 2017

**To:**    **Frenchie Coffee Roasters LLC - Filip Guzikowski, frenchiecoffee@gmail.com**  
**McGee Development & Const LLC, info@foxfireprevention.com**  
**Interested Parties and Parties of Record**

**RE:**    **Permit Number:** 17-04099  
**Project Name:** Frenchie Coffee  
**Type of Application:** Administrative Conditional Use Permit (ACUP)

### Project Summary:

The Department of Community Development reviewed the applicant's Administrative Conditional Use Permit application to establish a coffee roaster and retail business at 5127 SE Mile Hill Drive in Port Orchard. According to the Assessor's records, the .89-acre parcel is developed with a 2-story, 2,520 square foot commercial building designated as a storage warehouse constructed in 1986. The coffee business will only occupy the first floor of the building and a separate tenant is anticipated on the second floor. The parcel is zoned Rural Commercial (RCO). The property is served by public water and an onsite septic system.

### Decision Summary:

The Administrative Conditional Use Permit for coffee roaster and retailer, Frenchie Coffee, is approved subject to 21 conditions.

**THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.**

The written appeal shall be made on, or attached to, an appeal form found on DCD's website: <http://www.kitsapgov.com/dcd/forms/DocumentLibrary/applications/Appeals.pdf>.

### Project Request:

The applicant is requesting an Administrative Conditional Use Permit for a small batch coffee roaster and retailer. Coffee will be roasted onsite, packaged and sold directly to the customer onsite and online.

**Project Location:**

5127 SE Mile Hill Drive  
Port Orchard, Washington  
South Kitsap County  
Commissioner District 2

**Assessor's Account #:**

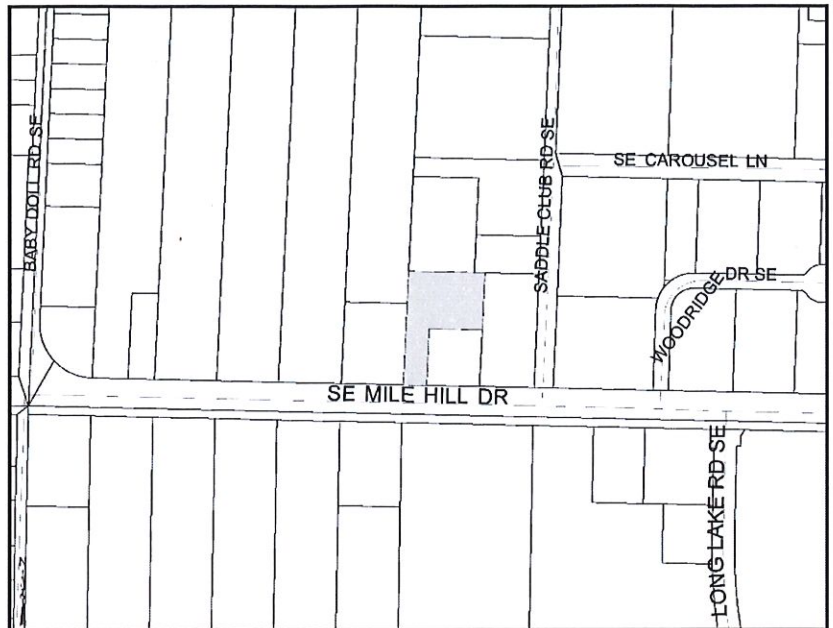
292402-3-066-2008

**Applicant:**

Frenchie Coffee Roasters LLC  
c/o Filip Guzikowski  
3822 Redemption Avenue SE  
Port Orchard, WA 98366

**Owner of Record:**

McGee Development & Const. LLC  
PO Box 594  
Port Orchard, WA 98366



**SEPA (State Environmental Policy Act):**

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated October 16, 2017. A Determination of Nonsignificance (DNS) was issued on December 14, 2017.

The SEPA appeal period expired December 28, 2017. No appeals were filed; therefore, the SEPA determination is final.

**Physical Characteristics:**

The parcel is approximately .89-acres, generally characterized as an upside-down L-shaped lot, and developed with a 2-story, 2,520 square foot commercial building constructed in 1986 that is located near the northeast corner. Parking is located to the west and south of the building. The property is relatively flat, with a slight slope downward from the north to the south. There are trees and shrubs located around a majority of the perimeter of the property.

**Comprehensive Plan Designation and Zoning:**

The Comprehensive Plan and Zoning designations are both Rural Commercial (RCO).

RCO

Minimum Density	None
Base/Maximum Density	None
Maximum Height	35 feet
Maximum Impervious Surface Coverage	85%
Maximum Lot Coverage	None

Setbacks

Minimum Front	20 feet
Maximum Front	Not Applicable
Front	20 feet

Side\* 20 feet or 50 feet when abutting residential

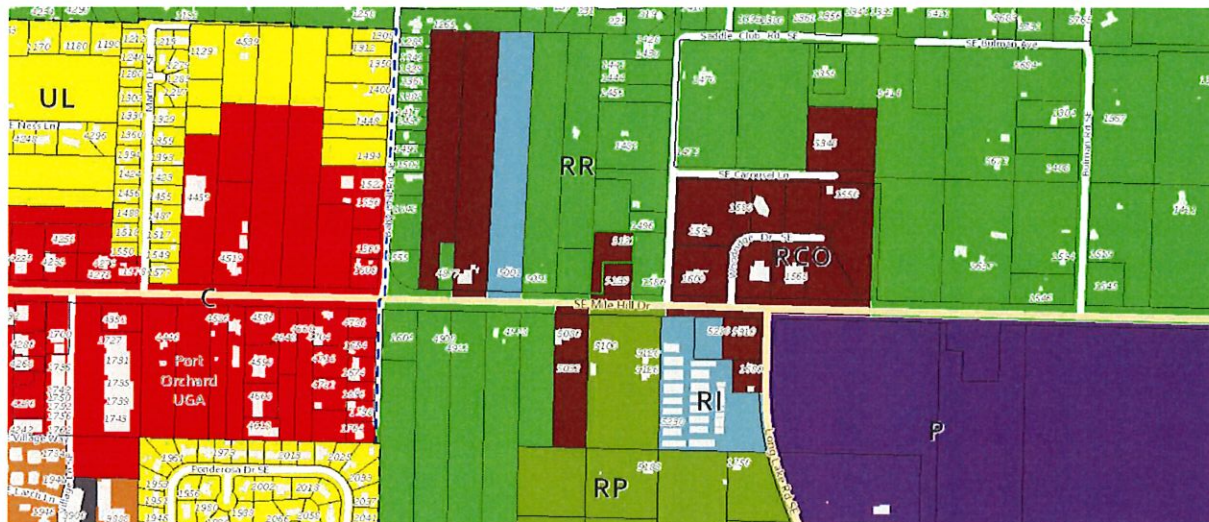
Rear\* 20 feet or 50 feet when abutting residential

\*The subject property abuts a residential zone to the north and west, and partially abuts a residential zone on the east side; it abuts residential on the north half of the east side and RCO on the south half of the east side. Refer to the analysis section and the discussion under setbacks for more details.

**Surrounding Land Use and Zoning:**

The immediate surrounding area is developed with a mix of commercial and industrial buildings and uses such as medical/dental offices, an auto wrecking yard and mini-storage on properties zoned RCO and Rural Industrial (RI) and predominately developed with a single-family residence (SFR) on lots zoned Rural Residential (RR) and Rural Protection (RP). West of Baby Doll Road SE, properties are within the Port Orchard urban growth area (UGA) and the zoning includes Commercial (C) and Urban Low Residential (UL). Some of the C zoned properties are developed with a SFR and others are developed with commercial uses, UL properties are typically developed with a SFR. The Howe Farm is located south of Mile Hill Road SE and east of Long Lake Road SE and is zoned Parks (P).

Zoning Map



**Public Utilities and Services:**

- Water: West Sound Utility District
- Power: Puget Sound Energy
- Sewer: Onsite Septic
- Police: Kitsap County Sheriff
- Fire: Fire District #7
- Schools: South Kitsap School District #402

**Policies and Regulations Applicable to the Subject Proposal:**

The Growth Management Act (GMA) of the State of Washington, Revised Code of Washington (RCW) 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by

development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan  
Adopted June 30, 2016

The following Comprehensive Plan goals and policies are most relevant to this application:

Economic Development

Policy 3

Provide a diverse mix and appropriate range of commercial, industrial and business land uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community.

Policy 7

Encourage full utilization and development of industrially and commercially zoned areas.

Policy 8

Promote revitalization within existing developed industrial and commercial areas.

Policy 34

Support retail sales and local food economy by encouraging locally based food production, distribution, and choice through the support of community gardens, school gardens, farm-to-school programs, farmers or public markets, and other small-scale, collaborative initiatives.

The County's development regulations are contained within the Kitsap County Code (KCC). The following development regulations are most relevant to this application:

Kitsap County Code (KCC)

Title 12 Storm Water Drainage  
Title 13 Water and Sewers  
Title 14 Buildings and Construction  
Title 17 Zoning

Chapter 18.04 State Environmental Policy Act (SEPA)

Chapter 20.04 Transportation Facilities Concurrency Ordinance

Chapter 21.04 Land Use and Development Procedures

**Documents Consulted in the Analysis:**

**Applicant submittals:**

<u>Document</u>	<u>Dated or date stamped</u>
Administrative Conditional Use Permit	October 2, 2017
Concurrency Transportation	October 2, 2017
Floor Plan	October 2, 2017
Health District Concurrent Review	October 2, 2017
Health District Final Approval	January 5, 2018
Landscape Plan	October 2, 2017
Narrative	October 2, 2017
Site Photos	October 2, 2017

Document  
Site Plan

Dated or date stamped  
October 2, 2017

**Staff communication:**

Document  
Fire Marshal email

Dated or date stamped  
December 13, 2017

**Public comments:**

No public comments received for this project.

**Analysis:**

**Land Use and Zoning**

Per Kitsap County Code (KCC) 17.410.040(B) Commercial, Industrial, Parks, and Public Facility Zones, Allowed Uses Table, use 252 General retail merchandise stores – less than 4,000 s.f. (square feet) indicates an Administrative Conditional Use Permit is required for the proposed coffee roasting and retail sales activity in the RCO zone.

The proposed business hours are Monday through Saturday, 9:00 AM to 5:00 PM, but may vary based on demand and seasons.

**Setbacks**

The subject property abuts a residential zone to the north and west, and partially abuts a residential zone on the east side; it abuts residential on the north half of the east side and RCO on the south half of the east side. The building is existing and is presumed to have complied with the code in place at the time of permit approval. At the closest points, the building is approximately 25 feet from the north and east property lines. The building is nonconforming where adjacent to residential zoned property and to current zoning setback requirements of 50 feet from the north and east property lines. According to the Assessor's records the building was constructed in 1986.

**Access, Roads and Traffic**

Access to the project is via SE Mile Hill Drive, a paved county road classified as a minor arterial. Driveway access is existing for the site; however, the approach may need to be improved to meet current standards.

This project is anticipated to have less than a moderate traffic impact. Based on the square footage and proposed use, the anticipated average daily trips (ADT) is approximately 32.

**Off-Street Parking**

Based on the applicant's proposal for a coffee roaster and retail sales of coffee, KCC 17.490.030 requires 1 parking space per 400 square feet of gross floor area for a retail store generating relatively little automobile traffic. The coffee business will occupy the first floor of the building and the tenant space is 1,260 square feet. The required number of parking spaces for the coffee business is 4;  $1,260 \text{ square feet} \div 400 \text{ square feet} = 3.15$  or 4 spaces. The second floor will be occupied by another tenant but is currently unoccupied. The anticipated use for the second floor is a professional office and the area is the same as the first floor, 1,260 square feet. KCC 17.490.030 requires 1 parking space per 300 square feet of gross floor area for a professional office;  $1,260 \text{ square feet} \div 300 \text{ square feet} = 4.20$  or 5 spaces. The total number of parking spaces required for this site is 9; 4 spaces for the retail coffee business + 5

spaces for a professional office = 9 parking spaces total. The site plan shows parking for 9 spaces, which meets the required number of parking spaces. The parking spaces are existing and nonconforming to the setback requirement of 50 feet from the north property line for designated spaces 1-6 and the east line for space 7. Because the spaces are existing they may remain, but no expansion of parking spaces are allowed along or near the north, west and east property lines. Any new parking spaces, if proposed in the future, shall comply with the required 50-foot zoning setback because the parcel is adjacent to property zoned Rural Residential (RR).

### **Landscaping**

A minimum of 15% of the site is required to be landscaped (KCC 17.500.025). Over 40% of the parcel is landscaped with trees, shrubs and grass. The applicant is not proposing any additional landscaping and none is required. Reasonable landscaping is provided around a majority of the perimeter. The landscaping may not be fully sight obscuring or 25-feet in width because this is an existing developed site and the location of development precludes complying with current code requirements.

### **Critical Areas**

There are no known critical areas on the subject property.

### **Water**

Public water is provided to the site by the West Sound Utility District.

### **Sewage Disposal**

The subject property handles sewage through an onsite septic system. The Health District has reviewed this project and has approved the Commercial Building Clearance with conditions.

### **Stormwater**

This is an existing developed site and there is no planned increase or change to impervious surface area. Therefore, this project is not subject to any stormwater mitigation.

### **Solid Waste**

The applicant will be required to provide documentation that they comply with the solid waste provider's requirements for solid waste and recycling storage for the proposed use prior to commercial building permit approval.

### **Signage**

No specific signage has been proposed. Signage will be required to comply with KCC 17.510 Sign Code, in effect at the time of a complete sign permit application.

### **Agency Recommendations**

Development Services and Engineering recommends approval with 19 conditions, of that Engineering recommends approval with 7 conditions, Environmental Review recommends approval with no conditions, and Planning/Zoning recommends approval of this project with 12 conditions. Fire Marshal recommends approval with no conditions. Kitsap Public Health District recommends approval with 2 conditions.

**Findings:**

1. The Department of Community Development and its Director have review authority for this Administrative Conditional Use Permit application under the KCC, Sections 17.540.020 and 21.04.030.
2. The proposal is consistent with the comprehensive plan.
3. The proposal complies with or will comply with requirements of Title 17 and complies with or will comply with all of the other applicable provisions of the KCC and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
4. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity.
5. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

**Decision:**

Based upon the above findings, the Administrative Conditional Use Permit request for Frenchie Coffee is approved, subject to the following 21 conditions:

**Development Services and Engineering**

Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.
3. No outside storage is allowed.
4. Landscaping shall be installed and maintained in conformance with the requirements of Kitsap County Code (KCC) 17.500. Landscaping shall be installed and inspected prior to requesting a final inspection, or guaranteed by means of an assignment of funds or bonded in the amount of 150 percent of the cost of installation.
5. Artificial outdoor lighting shall be arranged so that the lighting is fully recessed or fully shielded from side view and directed downward and away from surrounding properties. No more than one foot-candle of illumination shall leave the property boundary. Lighting shall be the minimum necessary for safety purposes and be compatible with the rural character of the area. Light standards (poles) shall not exceed 20 feet in height.
6. Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.

7. The recipient of any administrative conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the administrative conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.
8. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
9. The decision set forth herein is based upon representations made and exhibits contained in the project application #17-04099 Frenchie Coffee ACUP. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
10. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.
11. This Administrative Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
12. Any violation of the conditions of approval shall be grounds to initiate revocation of this Administrative Conditional Use Permit.

#### Engineering

13. If the project proposal is modified from that shown on the submitted site plan dated October 2, 2017, Development Services and Engineering will require additional review and potentially new conditions.
14. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.



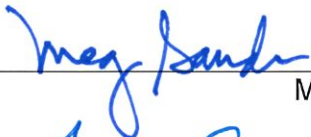
15. The site access shall be constructed in compliance with Kitsap County Road Standards, Figure 4-1. Existing approaches may need to be improved to meet current standards. Prior to requesting Final Inspection for the associated Tenant Improvement permit, applicant shall obtain an acceptable Road Approach inspection.
16. The property owners shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. In addition, Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
17. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the building permit. The need for and scope of bonding will be determined at that time.
18. The solid waste service provider, Waste Management (360) 674-3166, shall be contacted for information on implementing the service provider's solid waste/recycling storage requirements for the proposed activity. Indicate method of waste disposal on the final plans. Documentation shall be provided by the solid waste/recycling service provider that their requirements for this project have been met. The required information shall be submitted with the commercial building permit application.
19. If using a compactor, liquid wastes generated as a result of compaction must not discharge into the stormwater system per BKCBH Ordinance No. 1996-11, Section IV.2.a.

**Kitsap Public Health District**

20. No food waste shall be disposed of in the septic system.
21. Disposable cups shall be used for any tasting activities.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review at the Department of Community Development; if you wish to view the case file or have other questions, please contact [help@kitsap1.com](mailto:help@kitsap1.com) or (360) 337-5777. Please note DCD is open Monday to Thursday from 8:00am to 4:00pm and on Friday from 9:00am to 1:00pm except holidays.

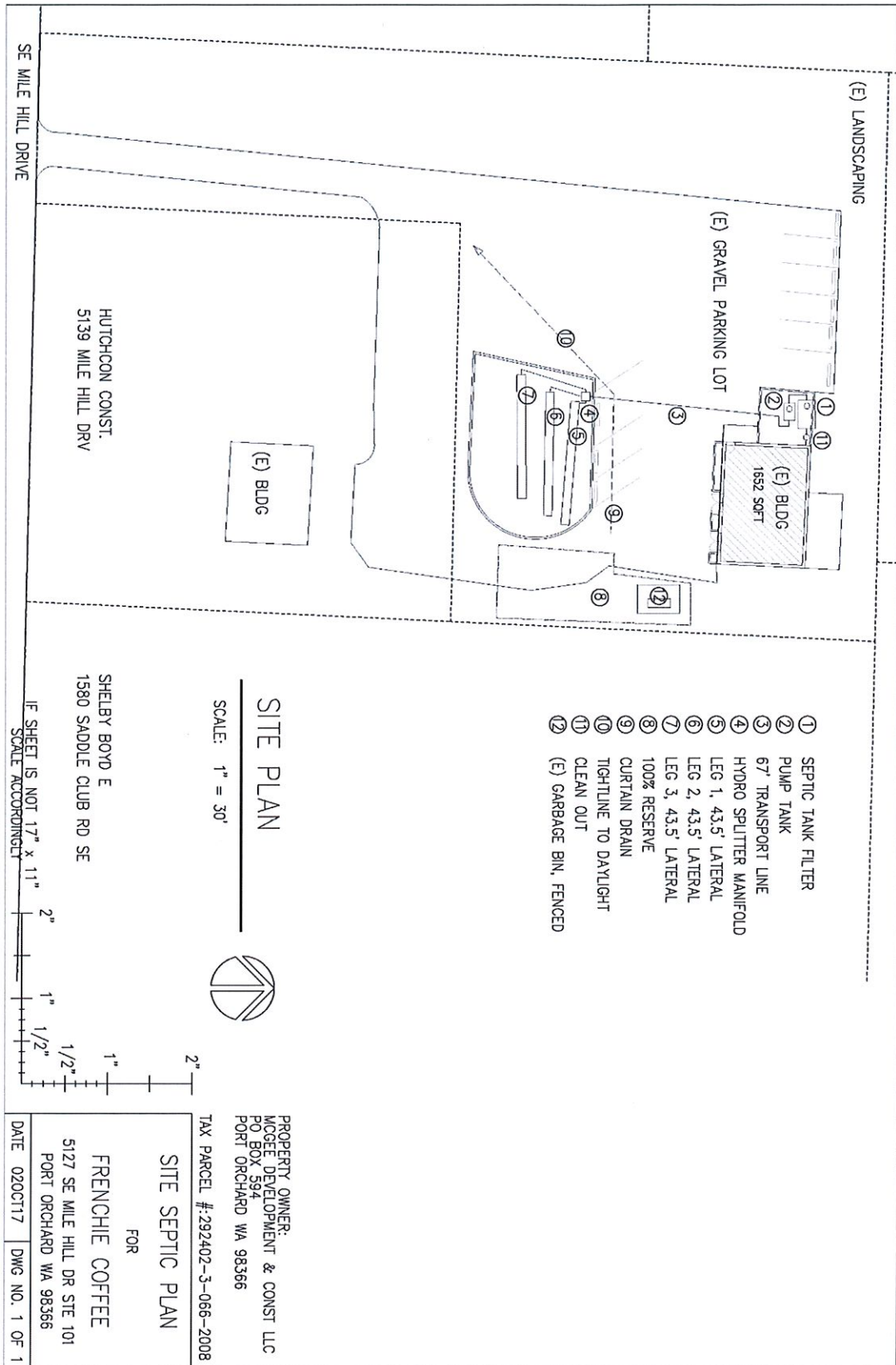
  
\_\_\_\_\_  
Meg Sands, Project Lead

12 JANUARY 2018  
Date

  
\_\_\_\_\_  
Shawn Aire, Development Services and  
Engineering Supervisor

1/12/18  
Date

CC: Interested Party: Paul Davis, 484 Farragut Avenue N, Port Orchard, WA 98366  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Meg Sands  
DCD File 17 04099  
DCD Building Permit File 17-05077



Site Plan