

CITY OF SPOKANE HEARING EXAMINER

Re: Conditional Use Permit Application by) FINDINGS, CONCLUSIONS,
Sonderen Packaging for property) AND DECISION
located at 2906 North Crestline Street)
) FILE NO. Z2007-30-CUP

SUMMARY OF PROPOSAL AND DECISION

Proposal: A Conditional Use Permit application by Sonderen Packaging, to allow a 45,000 square foot addition to be placed on its building. They have also added a 2,903 square foot interior mezzanine section to the existing building. A conditional use permit is required because of a size limit for industrial buildings in the General Commercial Zone.

Decision: Approval, subject to conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant: Sonderen Packaging
2906 North Crestline Street
Spokane, WA 99207

Represented by: Dwight Hume
D.J. Hume Company
9101 North Mt. View Lane
Spokane, WA 99218

Property Address: 2906 North Crestline Street in the City of Spokane, Washington.

Property Location: The property is located east of Crestline Street, North of Cleveland Avenue and west of Stone Street in the City of Spokane Washington.

Legal Description: A full legal description is in the record attached to Exhibit #2B.

Zoning: The property is currently zoned GC-70 (General Commercial with a 70 foot height limitation).

Comprehensive Plan Map Designation: The property is designated "Commercial" in the City's 2001 Comprehensive Plan.

Site Description: The site is shaped like a trapezoid and contains approximately 5.2 acres in area. There is a slight slope downwards toward Cleveland on the south. Most of

the side is developed with the Sonderen Packaging building and associated parking and loading areas. On the east side of the site, where the addition is to be built, the site is vacant and used for outdoor storage.

Surrounding Conditions: To the west, north and northeast, the zoning is General Commercial and the property is developed with commercial uses including a sign shop, small engine repair and storage facilities. Directly to the east there are residential uses including several duplexes and a single-family home. To the south is a church and some single-family residential uses. Zoning to the east and south is RSF (Residential Single Family). The site is adjacent to Crestline Street which is designated as a minor arterial in the City's Arterial Street Plan.

Project Description: The applicant seeks a conditional use permit to allow the construction of a 45,000 square foot addition to its existing building. There will also be 16 new parking stalls added to the site. In addition, the truck loading and unloading area will be reconfigured in order to allow better maneuverability of those vehicles. Some screening and landscaping will also be accomplished.

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code Sections 17C.120, 17C.120.110, 17C.200, 17G.060, and 17G.060.170.

Hearing Date: September 20, 2007

Notices: Mailed: April 27th, July 23rd and September 4, 2007
Posted: April 27th, July 23rd and September 4, 2007

Site Visit: September 19, 2007

SEPA: A Determination of Nonsignificance was issued by the City on August 23, 2007.

Testimony:

Tirrell Black
City of Spokane Planning Services
808 West Spokane Falls Boulevard
Spokane, WA 99201

Mike Britton
City of Spokane Traffic Engineering
808 West Spokane Falls Boulevard
Spokane, WA 99201

Dwight Hume
D.J. Hume Company
9101 North Mt. View Lane
Spokane, WA 99218

Exhibits:

1. Planning Services Staff Report
 - 1A. Staff Report received 09-11-07
 - 1B. Revised Staff Report dated 09-18-07
2. Application, including:
 - 2A. General application
 - 2B. Conditional Use Permit application
 - 2C. Application for notification map
 - 2D. Site plan
 - 2E. Zoning Map
 - 2F. Arial view of area
 - 2G. Conditional Use Permit Counter Complete Checklist
3. Predevelopment Conference Notes
4. Fire Department comments
5. Solid Waste Department comments
6. Urban Design comments
7. Engineering Services comments
8. Traffic Engineering comments
9. WCE Trip Distribution Letter
10. Spokane Regional Clean Air Agency comments
11. Department of Ecology comments
12. SRTC comments
13. Notice map
14. Title Company Certification and Notice parcel listing
15. Notices
16. Affidavit of Mailing dated 04-27, 07-23 and 09-04-07
17. Affidavits of Posting dated 04-27, 07-23 and 09-04-07
18. Affidavits of Sign Removal dated 05-05 and 08-28-07
19. SEPA Determination of Nonsignificance
20. Environmental Checklist
21. Community Meeting Sign in sheet
22. Community Meeting Minutes
23. Hearing File Preparation Checklist
24. Letter dated 05-28-07 to Eric Coles from Dwight Hume
re: CUP application including Exhibit "B"
25. Letter dated 04-23-07 to Dwight Hume from Tirrell Black
re: community meeting instructions
26. Letter dated 06-13-07 to Interested Parties from Tirrell Black
re: requesting comments
27. Letter dated 07-03-07 to Dwight Hume from Tirrell Black
re: notice of application instructions
28. Email dated 08-03-07 to Tirrell Black from Dwight Hume
re: comments and information

29. Letter and email dated 08-23-07 to Dwight Hume from Tirrell Black
re: notice of public hearing instructions
30. Email dated 08-30-07 to Dwight Hume from Tirrell Black
re: resetting of hearing date
31. Letter and email dated 08-23-07 to Dwight Hume from Tirrell Black
re: notice of public hearing instructions resetting of hearing date
32. Email dated 09-07-07 to Mike Britton from Tirrell Black
re: sidewalk issue
33. Undated letter received from John Geile
re: opposing project
34. Emails to/from Tirrell Black and Garry Bernardo
re: building permit issuance and increased square footage
35. Email dated 09-18-07 to Greg Smith from Tirrell Black
re: change to staff report

FINDINGS AND CONCLUSIONS

To be approved, the proposed conditional use permit must comply with the criteria set forth in Spokane Municipal Code Section 17G.060.170. The Hearing Examiner has reviewed the proposed conditional use permit application and the evidence of record with regard to this section and makes the following findings and conclusions:

1. The proposal is allowed under the provisions of the land use code.

Staff has characterized the use as a warehouse and freight movement use under the industrial categories of the land use code. See SMC 17C.120.100. That use is allowed in the General Commercial Zone under certain conditions. Those conditions are that the building not exceed 50,000 square feet in floor area unless use receives a Conditional Use Permit which allows them a larger sized building. The other condition is a limitation on outdoor display and storage. In this case, the building already exceeded 50,000 square feet and the proposed expansion will allow considerably more. The applicant did have some outdoor storage but that will be eliminated by the proposed expansion. Therefore, the proposal is allowed under the provisions of the Land Use Code, but subject to a Conditional Use Permit.

2. The proposal is consistent with the Comprehensive Plan designation and goals, objectives, and policies for the property.

The Comprehensive Land Use Plan designates the area as Commercial which is consistent with the GC-70 Zoning. The addition is a continuation of an existing use which is allowed by the Zoning Code and not prohibited by any language in the Comprehensive Plan. No evidence was submitted to show that the proposal is not consistent with the provisions of the Comprehensive Plan.

3. The proposal meets the concurrency requirements of Chapter 17D.010.

The application was circulated amongst all City departments and there were no departments who reported that concurrency could not be achieved.

4. If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to: size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water, and the existence of natural, historic, or cultural features.

The site plan was submitted and it will receive further review as the permitting process proceeds. The site does appear suitable for the addition as there are no site characteristics which would inhibit this development. There was also no evidence submitted regarding natural, historic, or cultural features on site which would interfere with this expansion.

5. The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary, conditions can be placed on the proposal to avoid significant effect or interference with the use or neighboring property or the surrounding area, considering the design and intensity of the proposed use.

The Hearing Examiner finds this criterion has been met and, in so doing, hereby adopts and incorporates the Planning Services Department Findings on this criterion, set forth in the Planning Services Staff Report, Exhibit #1B, pages 5 and 6.

DECISION

Based on the findings and conclusions above, it is the decision of the Hearing Examiner to approve the proposed conditional use permit subject to the following conditions:

1. Approval is for a conditional use permit to allow the expansion of the building occupied by Sonderen Packaging by adding a 45,000 square foot addition. The addition of 16 parking stalls is also approved. The site is to be developed substantially in accordance with the site plan which is in the record as Exhibit #2D. Any proposed changes to that site plan shall be submitted to Planning Services for review and approval. If Planning Services finds those proposed changes to be substantial, then they shall be forwarded to the Hearing Examiner for review and approval.

2. A Boundary Line Adjustment (BLA) must be completed to aggregate all separate parcels within this proposal prior to receiving any building permits.

3. Compliance with SMC 17D.060, Storm-water Facilities for storm-water will be reviewed during the Construction Permit process. The submitted conceptual plans satisfy storm-water concurrency for this proposal.

4. A fire hydrant shall be no farther than 150 feet from the Fire Department connections for the building. Hydrant spacing shall not be more than 500 feet, unobstructed. Fire hydrants need to be within 400 feet of all points around the building. The access to the north shall be reviewed by the Fire Department to determine if an additional fire hydrant may be needed.
5. If the building exceeds 30 feet in height, which is proposed, it will be required to have a Fire Aerial Access lane of 26 feet wide along at least one side of each building. Cleveland Avenue serves this purpose. Minimum width for fire access roads is 20 feet, unobstructed. Fire apparatus turning radius is 50 feet external, 28 feet internal. Dead end roads longer than 150 feet need approved fire apparatus turn-arounds.
6. Screening of all garbage collection areas and recycling bins, current and proposed, must be completed in compliance with SMC 17C.120.250, Commercial Zone, Screening and SMC 17C.230, Landscaping and Screening.
7. The building addition must adhere to the transitional height standards as set forth in SMC 17C.120.220 where the commercial zoning abuts residential zoning.
8. This approval does not waive the applicant's obligation to comply with all other requirements of the Spokane Municipal Code, including the Uniform Codes, as well as requirements of City Departments and outside agencies with jurisdiction over land development.
9. Spokane Municipal Code 17G.060.240 regulates the expiration of this approval, and Table 17G.060-3 sets forth the time frame for the expiration of all approvals.
10. Prior to the issuance of any building or occupancy permits, the applicant shall submit evidence to this file that the property owner has signed and caused the following statement to be recorded with the Spokane County Auditor's Office:

COVENANT

Development of this property is subject to certain conditions on file with the City of Spokane Planning Department and the Office of the City of Spokane Hearing Examiner. The property may not be developed except in accordance with these conditions. A copy of these conditions is attached to this Covenant.

This statement shall be identified as a Covenant. The owner's signature shall be notarized.

11. This approval is subject to the above-stated conditions. By accepting this approval the applicant acknowledges that these conditions are reasonable and agrees to comply with them. The filing of the above required covenant constitutes the applicant's written agreement to comply with all conditions of approval. The property may not be developed except in accordance with these conditions and failure to comply with them may result in the revocation of this approval.

DATED this 21st day of September 2007.



Greg Smith
City of Spokane Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Appeals of decisions by the Hearing Examiner are governed by Spokane Municipal Code 17G.060.210 and 17G.050.

Decisions by the Hearing Examiner regarding conditional use permits are final. They may be appealed by any party of record by filing a Land Use Petition with the Superior Court of Spokane County. **THE LAND USE PETITION MUST BE FILED AND THE CITY OF SPOKANE MUST BE SERVED WITHIN TWENTY-ONE (21) CALENDAR DAYS OF THE DATE OF THE DECISION SET OUT ABOVE.** The date of the decision is the 21st day of September 2007. **THE DATE OF THE LAST DAY TO APPEAL IS THE 12th DAY OF OCTOBER 2007 AT 5:00 P.M.**

In addition to paying any Court costs to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing a verbatim transcript and otherwise preparing a full record for the Court.

Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.