

CITY OF SPOKANE HEARING EXAMINER

Re: Conditional Use Permit Application by) FINDINGS, CONCLUSIONS,
Jack Praxel for property located at) AND DECISION
1507 South Grand Boulevard)
) FILE NO. Z2009-20-CUP

SUMMARY OF PROPOSAL AND DECISION

Proposal: A Conditional Use Permit application by Jack Praxel to allow an existing residential structure at 1507 South Grand Boulevard to be used for office uses. The property is zoned RMF (Residential Multifamily).

Decision: Approval, subject to conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant: Jack Praxel
2922 South Grand Boulevard
Spokane, WA 99203

Represented by: Dwight Hume
9101 North Mountain View Lane
Spokane, WA 99218

Property Address: 1507 South Grand Boulevard in the City of Spokane, Washington.

Property Location: The property is located on the east side of South Grand Boulevard approximately half way between 14th Avenue and 16th Avenue in the City of Spokane Washington.

Legal Description: Block 3, Lot 24, Cooks Third Addition and a 22 ½ foot vacated strip west of and adjacent and a 10 foot vacated strip east of and adjacent to the subject property in the City and County of Spokane, Washington.

Zoning: The property is zoned RMF (Residential Multifamily).

Comprehensive Plan Map Designation: The property is designated Residential 15-30 in the City's 2001 Comprehensive Plan.

Site Description: The subject site is approximately 10,365 square feet in area and contains a 1,032 square foot bungalow style single-family home built in 1929. The rear

yard is accessed by a 10 foot wide driveway off of Grand Boulevard that runs along the south property line. The site is relatively level in front but slopes downward into the backyard and then upward toward the rear property line. The lot also contains several mature trees and other typical residential landscaping.

Surrounding Conditions: The property to the north is all zoned O-35 (Office with a 35-foot height limit) and the property is developed with an office building. To the east the property is zoned RSF (Residential Single Family) and there is a single family home and a church with adjacent parking lot. The lot immediately to the south is zoned RMF, like the subject property and is developed with a single family home. Across Grand Boulevard to the west the property is also zoned RMF and there are multifamily dwelling units on that side of Grand Boulevard. Grand Boulevard is designated as a principal arterial in the City's Arterial Street Plan.

Project Description: The applicant is proposing to convert the existing single family home on site into an office for his insurance business. He will also develop the site with additional landscaping and five onsite parking spaces.

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code Sections 17C.110, Table 17C.110-1, 17C.110.110, 17C.120, 17C.320.080, 17G.060 and 17G.060.170.

Hearing Date: July 16, 2009

Notices: Mailed: February 23, and June 25, 2009
Posted: February 23, and June 25, 2009

Site Visit: July 19, 2009

SEPA: This proposal is categorically exempt under SEPA.

Testimony:

Kathleen Weinand
City of Spokane Planning Services
808 West Spokane Falls Boulevard
Spokane, WA 99201

Dwight Hume
9101 North Mountain View Lane
Spokane, WA 99218

Exhibits:

1. Planning Services Staff Report
2. Application, including:
 - 2A General Application

- 2B Conditional Use Permit
- 2C Application for Notification Map
- 2D Site Plans
- 2E Conditional Use Permit Counter Complete Checklist
- 3. Spokane Plan Commission Findings and Conclusions
- 4. Fire Department comments
- 5. Engineering Services comments
- 6. Traffic Engineering comments
- 7. Spokane Tribe of Indians comments
- 8. Northwest Pipeline comments
- 9. Notice map with parcel listing
- 10. Notices
- 11. Affidavit of mailing February 23, and June 25, 2009
- 12. Affidavit of posting February 23, and June 25, 2009
- 13. Community Meeting notes
- 14. Praxel Picture Narrative
- 15. Hearing File Preparation Checklist
- 16. Email dated 02-18-09 to Dave Compton from Dwight Hume
re: planner assignment
- 17. Letter dated 02-20-09 to Dwight Hume from Dave Compton
re: community meeting instructions
- 18. Letter dated 05-14-09 to Interested Parties from Kathleen Weinand
re: request for comments
- 19. Letter dated 06-08-09 to Dwight Hume from Kathleen Weinand
re: request for comments
- 20. Letter dated 06-10-09 to Kathleen Weinand from Dwight Hume
re: response to request for comments
- 21. Email dated 06-10-09 to/from Kathleen Weinand and Dwight Hume
re: response to request for comments
- 22. Letter dated 06-11-09 to Dwight Hume from Kathleen Weinand
re: notice of public hearing instructions

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 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.

In the table found in SMC 17C.110-1, office uses are listed as being allowed by conditional use in the RMF zone. This use, as an insurance office, qualifies as an office use. Certain standards set forth in SMC 17C.320.080 must be met and that compliance

will be addressed later in this decision.

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

The Hearing Examiner finds that this criterion has been met and in so doing hereby adopts and incorporates the findings set forth in the Planning Services Staff Report Exhibit #1, page 5.

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

Staff has circulated the application to all applicable City departments and agencies with jurisdiction over concurrency requirements. There were no adverse comments regarding concurrency and therefore the Hearing Examiner finds that concurrency can be achieved with this permit.

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 Hearing Examiner finds that this criterion has been met and in so doing hereby adopts and incorporates the findings set forth in the Planning Services Staff Report Exhibit #1, page 6.

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 of neighboring property or the surrounding area, considering the design and intensity of the proposed use.

The Hearing Examiner finds that this criterion has been met and in so doing hereby adopts and incorporates the findings set forth in the Planning Services Staff Report Exhibit #1, page 6 and 7.

6. The proposal meets the additional conditional use criteria listed in SMC 17C.320.080(J) for office use in the RMF zone

The Hearing Examiner finds that this criterion has been met and in so doing hereby adopts and incorporates the findings set forth in the Planning Services Staff Report Exhibit #1, page 3 and 4.

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 single family residential structure at 1507 South Grand Boulevard to be converted to office uses. The conversion will be substantially as set forth in the application and on the site plan which is in the record as Exhibit #2D. Any proposed changes are to be submitted to Planning Services for review. If Planning Services finds those proposed changes to be substantial, they will be forwarded to the Hearing Examiner for review.
2. The applicant shall submit a detailed landscaping plan signed by a licensed landscape architect, registered in the State of Washington showing compliance with requirements of SMC 71C.200.
3. Any proposed outdoor lighting shall be shielded from producing off-site glare, either through exterior shields or through optical design inside the fixture, so that the direction of the light is downward.
4. Compliance with SMC 17D.060 "Storm-water Facilities" for storm-water will be reviewed during the Construction Permit review process by Engineering Services.
5. Parking and maneuvering areas shall be paved, a barrier free space provided and an accessible route of travel shall connect the accessible spaces to the primary accessible entrance and to the public pedestrian way.
6. All new driveways shall be reviewed and approved by the Traffic Department, prior to permit issuance. Unused driveways shall be removed and replaced with then necessary curb and sidewalk to match adjacent. Commercial driveways shall not be less than 24 feet wide.
7. Any signage must comply with City's Sign Code.
8. The applicant shall use best efforts to avoid disruption to the neighborhood. The Hearing Examiner retains the right to rehear this proposal if significant complaints are received by the City of Spokane regarding the methods of operation, parking, traffic congestion, excessive noise or other related nuisance issues. This conditional use permit may be revoked by the Hearing Examiner upon a showing of just cause at a public hearing.
9. This approval does not waive the applicant's obligation to comply with all of the 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.

10. Spokane Municipal Code section 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.

11. 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.

12. 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 22nd day of July 2009.



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 22nd day of July 2009. **THE DATE OF THE LAST DAY TO APPEAL IS THE 12th DAY OF AUGUST 2009 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.