

Ordinance No. _____

AN ORDINANCE RELATING TO APPLICATION FILE Z20-207COMP AND AMENDING MAP LU 1, LAND USE PLAN MAP, OF THE CITY'S COMPREHENSIVE PLAN FROM "RESIDENTIAL 4-10" TO "GENERAL COMMERCIAL" FOR APPROXIMATELY 0.16 ACRES LOCATED AT 1015 W MONTGOMERY AVENUE (PARCEL 35073.2505) AND AMENDING THE ZONING MAP FROM "RESIDENTIAL SINGLE FAMILY (RSF)" TO "CENTERS AND CORRIDORS TYPE 2, DISTRICT CENTER (CC2-DC)".

WHEREAS, pursuant to Resolution 2021-0023, the City Council included land use amendment application Z20-207COMP (the "Application") in the City's 2021 Annual Comprehensive Plan Work Program; and

WHEREAS, the Application seeks to amend the Land Use Plan Map of the City's Comprehensive Plan for 0.16 acres from "Residential 4-10" to "General Commercial"; if approved, the implementing zoning destination requested is "Centers and Corridors Type 2, District Center (CC2-DC)"; and

WHEREAS, following extensive public notice and participation, on October 13, 2021, the Spokane Plan Commission held a public hearing on the Application; and

WHEREAS, at the close of the hearing, after considering the public testimony, public comments, and the staff report, the Spokane Plan Commission concluded that the Application is consistent with and implements the Comprehensive Plan, and that it is consistent with the review criteria for Comprehensive Plan Amendments set forth in Spokane Municipal Code 17G.020.030; and

WHEREAS, the Spokane Plan Commission voted 8 to 0 to recommend approval of the Application; and

WHEREAS, by virtue of the public process outlined in the Plan Commission Findings of Fact, Conclusions, and Recommendation (Exhibit F), the public has had extensive opportunities to participate throughout the 2021 Annual Comprehensive Plan Work Program and all persons desiring to comment on the Application were given a full and complete opportunity to be heard; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Planning Services Staff Report and the City of Spokane Plan Commission for the same purposes; --

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of the Application. Application Z20-207COMP is approved.

2. Amendment of the Land Use Map. The Spokane Comprehensive Plan Map LU 1, Land Use Plan Map, is amended from “Residential 4-10” to “General Commercial” for 0.16 acres, as shown in Exhibits A and B.
3. Amendment of the Zoning Map. The City of Spokane Zoning Map is amended from “Residential Single Family” to “Centers and Corridors Type 2, District Center (CC2-DC),” as shown in Exhibits C and D.

PASSED BY THE CITY COUNCIL ON _____, 2021.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



Z20-207COMP (1015 W Montgomery)

Concerning parcel(s) in the Emerson Garfield Neighborhood of Spokane

2020/2021 Comprehensive Plan Amendment Proposals

Drawn: 1/15/2021
THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

EXHIBIT A: Existing Land Use Plan Map

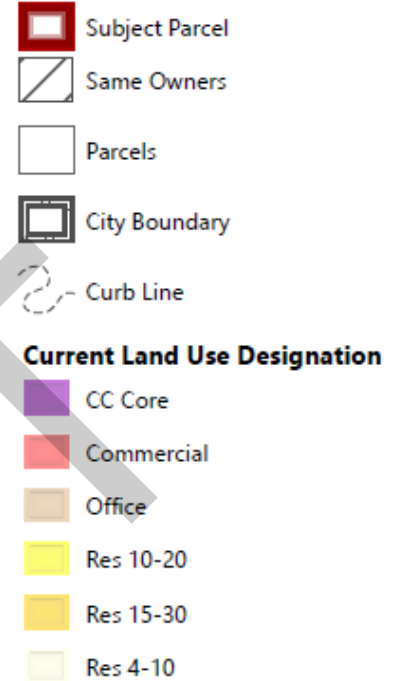
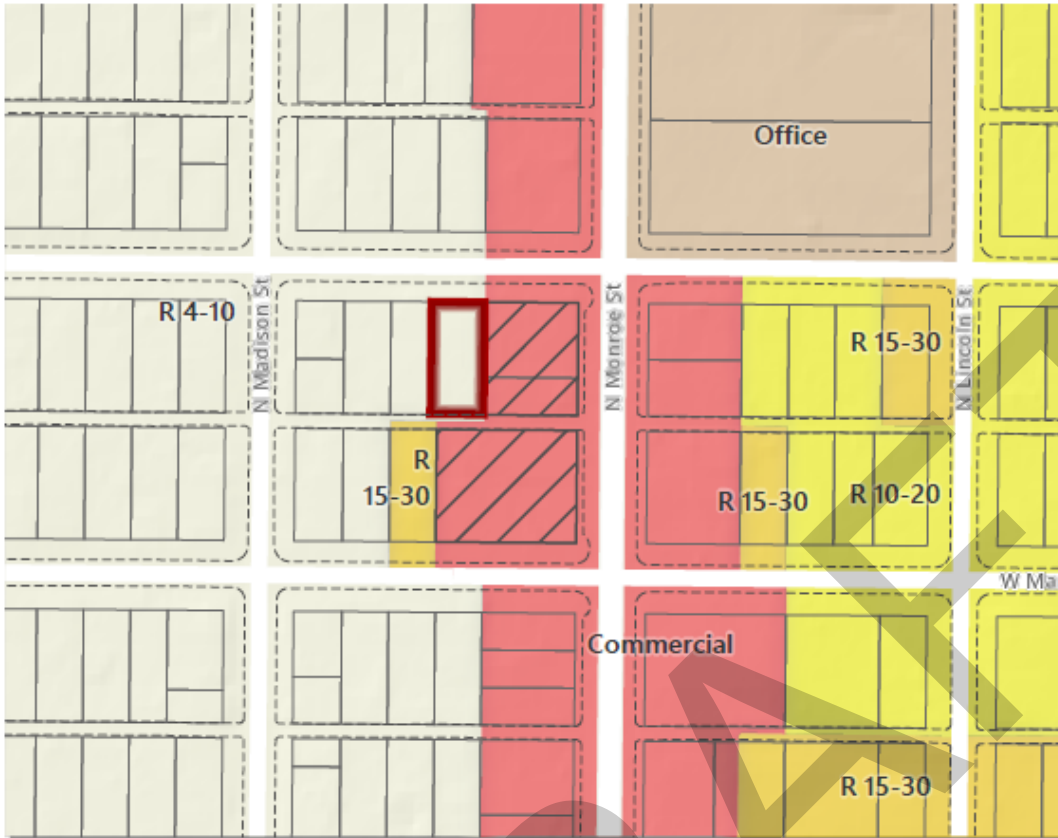
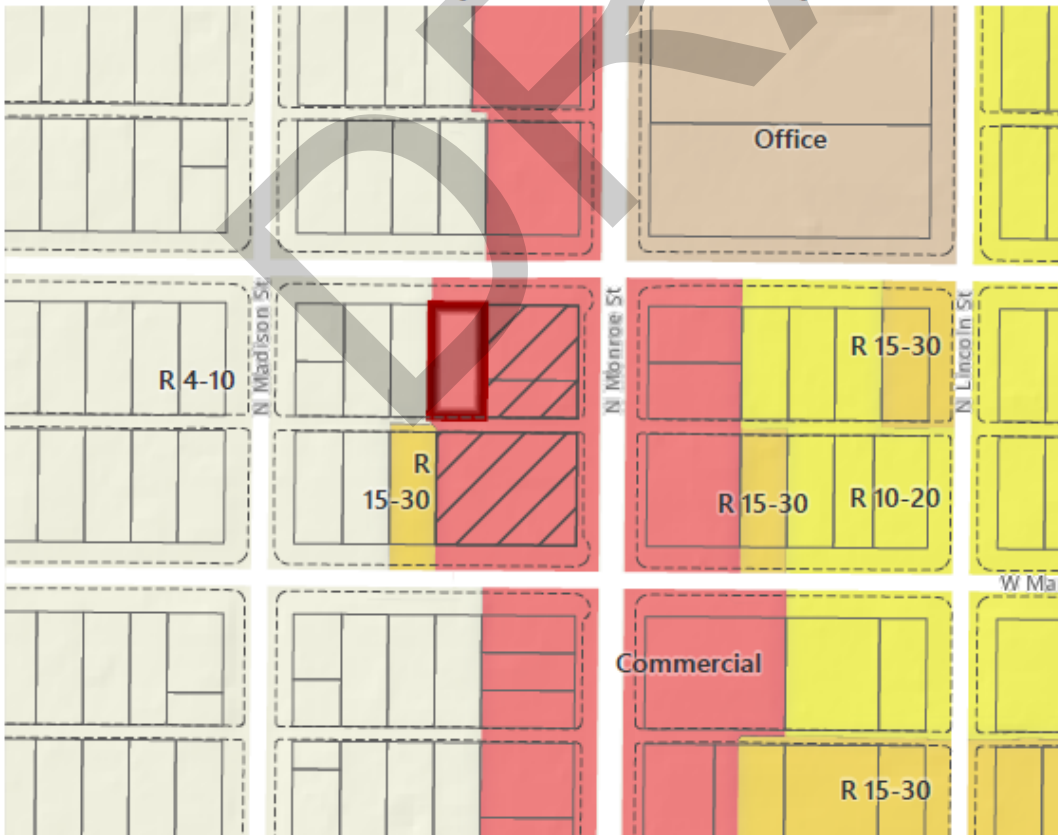


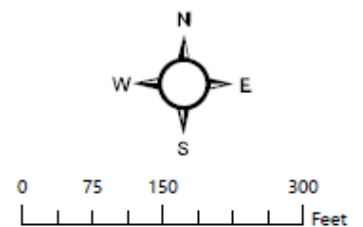
EXHIBIT B: Proposed Land Use Plan Map



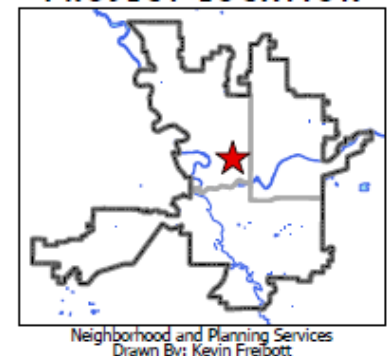
Parcel(s): 35073.2505

Approximate Area: 0.16 acres

Same Ownership: 0.69 acres



PROJECT LOCATION





Z20-207COMP (1015 W Montgomery)

Concerning parcel(s) in the Emerson Garfield Neighborhood of Spokane

2020/2021 Comprehensive Plan Amendment Proposals

Drawn: 1/15/2021

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EXHIBIT C: Existing Zoning

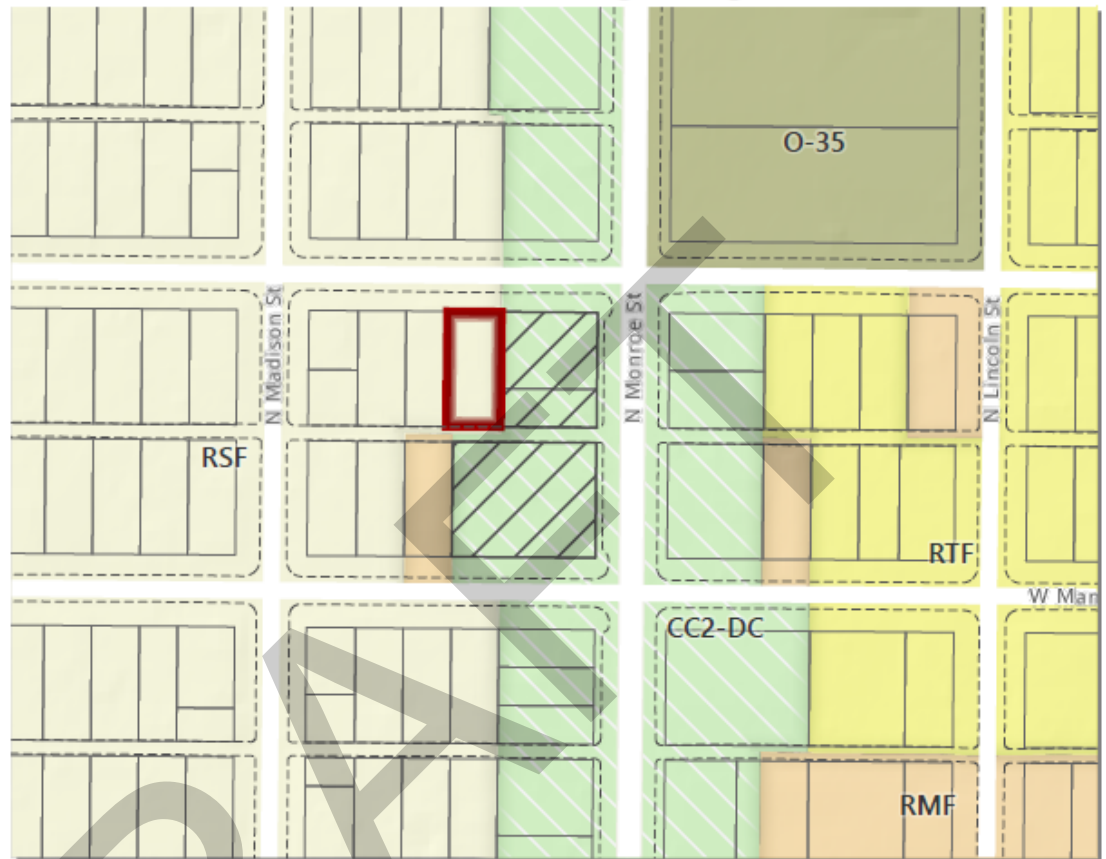
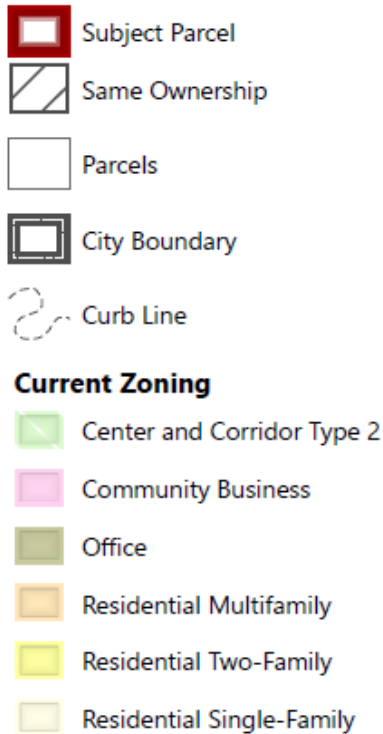


EXHIBIT D: Proposed Zoning

Parcel(s): 35073.2505

Approximate Area: 0.16 acres

Same Ownership: 0.69 acres



0 75 150 300 Feet

PROJECT LOCATION



Neighborhood and Planning Services
Drawn By: Kevin Freibott



Exhibit E: Legal Description

Lot 4, Block 25, Moore's Addition, 07-25-43 SW in the City of Spokane, Spokane County, Washington State.

DRAFT



2020/2021 Comprehensive Plan Amendments

PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS ON COMPREHENSIVE PLAN AMENDMENT FILE Z20-207COMP

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Comprehensive Plan Amendment application seeking to amend the land use plan map designation from “Residential 4-10” to “General Commercial” for a 0.16-acre area located at 1015 W Montgomery. The implementing zoning designation recommended is “Centers and Corridors Type 2, District Center (CC2-DC)”.

FINDINGS OF FACT:

- A. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act (GMA).
- B. Under GMA, comprehensive plans generally may be amended no more frequently than once a year, and all amendment proposals must be considered concurrently in order to evaluate for their cumulative effect.
- C. Amendment application Z20-207COMP (the “Application”) was submitted in a timely manner for review during the City’s 2020/2021 amendment cycle.
- D. The Application seeks to amend the land use plan map designation for a 0.16-acre area located at 1015 W Montgomery (the “Property”) from “Residential 4-10” to “General Commercial” with a corresponding change in zoning from “Residential Single Family (RSF)” to “Centers and Corridors Type 2, District Center (CC2-DC)”.
- E. The owner of the Property also owns an interest in the parcels immediately to the east and southeast of the property.
- F. Annual amendment applications were subject to a threshold review process to determine whether the applications will be included in the City’s Annual Comprehensive Plan Amendment Work Program.
- G. On February 17, 2021, an Ad Hoc City Council Committee reviewed the applications that had been timely submitted and forwarded its recommendation to City Council regarding the applications.
- H. On April 26, 2021, the City Council adopted Resolution RES 2021-0023 establishing the 2021 Comprehensive Plan Amendment Work Program and included the Application in the Work Program.
- I. Thereafter, on May 19, 2021, staff requested comments from agencies, departments, and neighborhood councils. The City received one comment letter regarding the Application from the City Engineering Department noting that site-specific comments would be issued at the building permit review stage.

- J. On May 20, 2021, the Land Use Subcommittee of the Community Assembly received a presentation regarding the 2020 Comprehensive Plan Amendment Work Program, including the Application.
- K. A Notice of Application was published on June 21, 2021 in the Spokesman Review and was mailed to all properties and owners within a 400-foot radius of the subject Properties and any adjacent properties with the same ownership. Signs were also placed on the subject Properties in plain view of the public. The Notice of Application initiated a 60-day public comment period from June 21 to August 20, 2021, during which no comments were received.
- L. On June 23, 2021, the Spokane City Plan Commission held a workshop to study the Application.
- M. On August 5, 2021, the Community Assembly received a presentation regarding the 2021 Comprehensive Plan Amendment Work Program and the Application and was provided with information regarding the dates of Plan Commission workshops and hearings.
- N. On September 20, 2021, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- O. On September 26 and October 6, 2021, notice was published in the Spokesman Review providing notice of a SEPA Determination of Non-Significance and notice of the Plan Commission Public Hearing.
- P. On September 28, 2021, staff published a report addressing SEPA and providing staff's analysis of the merits of the Application, copies of which were circulated as prescribed by SMC 17G.020.060B.8. Staff's analysis of the Application recommended approval of the Application.
- Q. On September 29, 2021, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were issued for the Application. The deadline to appeal the SEPA determination was September 14, 2020. No comments on the SEPA determination were received.
 - 1. Notice of the SEPA Determination for the Application was published in the Official Gazette on September 29 and October 6, 2021.
- R. On September 29, 2021, Notice of Public Hearing and SEPA Determination was posted on the Property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four-hundred-foot radius of any portion of the boundary of the subject Properties.
- S. On October 13, 2021, the Plan Commission held a public hearing on the Application, including the taking of verbal testimony, closed the verbal record, closed the written record as of Monday, October 25, and postponing deliberations until the following hearing date.
 - 1. No public testimony was provided at the hearing, save for a presentation by the applicant.
- T. On October 27, 2021, the Plan Commission conducted its deliberations on this application and voted to recommend the City Council approve this application.

- U. As a result of the City's efforts, pursuant to the requirements of SMC 17G.020.070, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to do so.
- V. Except as otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Application (the "Staff Report").
- W. The Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan, most specifically the policies under Goal LU 3, Centers and Corridors, concerning the establishment of Center-Type land uses in the City.
- X. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), SEPA review, agency and public comments received, and public testimony presented regarding application File No. Z20-207COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

1. The Application was submitted in a timely manner and added to the 2021 Annual Comprehensive Plan Amendment Work Program, and the final review application was submitted as provided in SMC 17G.020.050(D).
2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
3. The Application is consistent with the goals and purposes of GMA.
4. Any potential infrastructure implications associated with the Application will either be mitigated through projects reflected in the City's relevant six-year capital improvement plans or through enforcement of the City's development regulations at time of development.
5. As outlined in above in the Findings of Fact, the Application is internally consistent as it pertains to the Comprehensive Plan, as described in SMC 17G.020.030.E.
6. The Application is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
7. The Application has been considered simultaneously with the other proposals included in the 2021 Annual Comprehensive Plan Amendment Work Program in order to evaluate the cumulative effect of all the proposals.
8. SEPA review was completed for the Application.

9. The Application will not adversely affect the City's ability to provide the full range of urban public facilities and services citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.
10. The Application proposes a land use designation that is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
11. The proposed map amendment and site is suitable for the proposed designation.
12. The map amendment would implement applicable comprehensive plan policies better than the current map designation.

RECOMMENDATIONS:

In the matter of Z20-207COMP, a request by Dwight Hume of Land Use Solutions and Entitlement on behalf of the Ten Talents LLC to change the land use plan designation on 0.16 acres of land from "Residential 4-10" to "General Commercial" with a corresponding change of the implementing zoning to "Centers and Corridors Type 2, District Center" (CC2-DC), based upon the above listed findings and conclusions, by a vote of **8 to 0**, the Spokane Plan Commission recommends City Council **APPROVE** the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan with corresponding amendment to the City's Zoning Map, and authorizes the President to prepare and sign on the Commission's behalf a written decision setting forth the Commission's findings, conclusions, and recommendation on the application.



Todd Beyreuther, President
Spokane Plan Commission
November ⁰⁸, 2021