

September 2, 2021

Whipple Consulting Engineers, Inc.
c/o Todd Whipple, P.E.
21 S. Pines Road
Spokane Valley, WA 99206

Re: 53rd and Regal Preliminary Binding Site Plan – File No. Z21-118PBSP

Dear Mr. Whipple:

In accordance with the provisions of the Spokane Municipal Code 17G.080.060, the 53rd and Regal Binding Site Plan application is hereby granted an Administrative Approval, subject to conditions, to divide one parcel comprising approximately 8.628 acres into 4 commercial lots. A final binding site plan shall be submitted that is substantially in conformance with the approved preliminary binding site plan and will be processed per SMC 17G.080.040(G).

This Preliminary Binding Site Plan Permit shall become effective on **September 16, 2021**, unless an appeal is filed by this date. This permit shall expire on **September 2, 2026** if a final binding site plan application has not been submitted or an extension prior to the expiration date has not been requested.

This is not a construction permit. Any permits required by the Development Services Center or Engineering Services Department or other City/County departments for any construction must be obtained from the proper agency before proceeding with work.

Enclosed are the decision and a copy of the covenant that must be signed by the property owner(s) and **filled with the Spokane County Auditor's Office** in order to fulfill the requirements of the approval given for the preliminary binding site plan permit application for the above property. A conformed copy of that agreement must be filed with this office prior to the issuance of building permits.

Please feel free to contact me at (509) 625-6157, if you have any further questions related to this matter.

Sincerely,

Jami Palmquist

Tami Palmquist, AICP
Principal Planner

CC: Eldon Brown, City of Spokane Engineer
Barry Green, Spokane County Public Works

**CITY OF SPOKANE PLANNING DIRECTOR'S FINDINGS OF FACT,
CONCLUSIONS, AND DECISION**

Todd Whipple of Whipple Consulting Engineers, on behalf of Vaughns 57th Avenue, LLC has requested an Administrative Preliminary Binding Site Plan Permit to divide one parcel of approximately 8.62 acres into four (4) parcels for future commercial uses located west of Regal Street, south of 53rd Avenue, east of Fiske Street and north of 55th Avenue (parcel 34032.0494) in Spokane, WA. (*Section 03, Township 24N, Range 43 East Willamette Meridian*)

FINDINGS OF FACT

1. Todd Whipple of Whipple Consulting Engineers, on behalf of Vaughns 57th Avenue, LLC has requested an Administrative Preliminary Binding Site Plan Permit to divide one parcel of approximately 8.62 acres into four (4) parcels for future commercial uses located west of Regal Street, south of 53rd Avenue, east of Fiske Street and north of 55th Avenue (parcel 34032.0494) in Spokane, WA.
2. The subject property is located in the CC2-DC Zone. Binding Site Plans are a permit process allowed in Center and Corridor zones. The uses and development pattern proposed are permitted in this zone per SMC 17C.122.
3. The area in which the property is located is designated Center and Corridor according to the City of Spokane's Comprehensive Plan, adopted by the City Council, June 2017.
4. The application materials regarding the Administrative Preliminary Binding Site Plan Permit were first distributed to City Departments and other agencies with jurisdiction for comment on July 12, 2021. These comments are on record with the Planning and Development Department. No additional information was requested, and the application was deemed technically complete on August 4th, 2021 thus allowing Notice of Application to be generated.
5. Notices of the Binding Site Plan Permit application were posted on the site on August 12, 2021. Notices were also mailed to surrounding property owners, taxpayers, and residents within 400 feet of the subject property. Staff did not receive any public comment on this proposal.

CONCLUSIONS AND DECISION CRITERIA –BINDING SITE PLAN

SMC Chapter 17G.080.060

The intent of Chapter 17G.080 Subdivision SMC is to implement the provisions of chapter 36.70A RCW, ensure consistency with the City's Comprehensive Plan and regulate the subdivision of land in a manner which promotes the public health, safety and general welfare in accordance with the provisions of chapter 58.17 RCW, and to provide for the expeditious review and approval of proposed subdivisions, short subdivisions and binding site plans which conform to the City's zoning and development regulations and the policies of the City's Comprehensive Plan. A binding site plan permit may be granted only if the following facts and conditions are found to exist, as per SMC 17G.060.170(C):

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

Relevant Facts: The proposal has been reviewed for preliminary compliance with the standards of the unified development code. More detailed review will take place at the time of the final binding site plan and future building permit reviews for any new proposed uses.

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

Relevant Facts:

LU 3.1 Coordinated and Efficient Land Use

Encourage coordinated and efficient growth and development through infrastructure financing and construction programs, tax and regulatory incentives, and by focusing growth in areas where adequate services and facilities exist or can be economically extended.

Discussion: Future growth should be directed to locations where adequate services and facilities are available. Otherwise, services and facilities should be extended or upgraded only when it is economically feasible to do so. The Centers and Corridors designated on the Land Use Plan Map are the areas of the city where incentives and other tools should be used to encourage infill development, redevelopment and new development.

LU 3.2 Centers and Corridors

Designate Centers and Corridors (neighborhood scale, community or district scale, and regional scale) on the Land Use Plan Map that encourage a mix of uses and activities around which growth is focused.

LU 3.5 Mix of Uses in Centers

Achieve a proportion of uses in Centers that will stimulate pedestrian activity and create mutually reinforcing land uses.

LU 5.5 Compatible Development

Ensure that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types.

The proposal is consistent with this language.

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

Relevant Facts: All applicable city departments and agencies had the opportunity to review this proposal with no one denying concurrency subject to conditions.

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.*

Relevant Facts: The PBSP is proposing to subdivide 1 parcel into 4 commercial lots. At this time there is one known building proposed on Lot 4, an assisted living complex. The area is zoned CC2-DC and the regulations encourage the mix of commercial and residential uses that are proposed.

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

Relevant Facts: A SEPA checklist was processed with the PBSP application. A Mitigated Determination of Non-significance (MDNS) was issued on September 2, 2021 along with this decision; the mitigation is also called out in the conditions of this decision.

It is not anticipated that this proposal will have a significant negative impact on the environment or surrounding properties.

Other Applicable Development Code Regulations:

17G.060.170 (D)(4) Plat, Short Plat and Binding Site Plan.

The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for:

- a. public health, safety and welfare;
Relevant Facts: All departments have had an opportunity to comment and none have found the proposal will negatively impact public health, safety or welfare.
- b. open spaces;
Relevant Facts: Open space is not required for center and corridor zoned property.
- c. drainage ways;
Relevant Facts: All storm water and surface drainage generated on-site shall be stored and released at an allotted, controlled rate into the Hazel's Creek stormwater system.
- d. streets, roads, alleys and other public ways;
Relevant Facts: The City Engineering Department and Spokane County Public Works Department have reviewed the preliminary street plans. The plans will go through a formal engineering review when submitted for construction. The proposal is subject to the conditions of approval for transportation measures listed at the end of this report.
- e. transit stops;
Relevant Facts: No anticipated impacts to the existing transit stops in this area.
- f. potable water supplies;
Relevant Facts: No anticipated impacts to potable water supplies.
- g. sanitary wastes;
Relevant Facts: No anticipated impacts to sanitary waste.
- h. parks, recreation and playgrounds;
Relevant Facts: The proposal will not have an impact on parks located nearby.
- i. schools and school grounds; and
Relevant Facts: The nature of the residential uses included in the proposal will not have an impact on the school system.
- j. sidewalks, pathways and other features that assure safe walking conditions.
Relevant Facts: All new streets throughout the BSP will have separated sidewalks with street trees in planting strips contributing to a safe pedestrian experience.

Any new development would be required to meet the City of Spokane's development standards for pedestrian connectivity found in 17C.120.260.

DECISION

TO APPROVE the Preliminary Binding Site Plan, subject to conditions, substantially in conformance with the application on file in the Current Planning Section of the Development Services Center, subject to SMC 17G.060.230, and the following conditions of approval:

1. Per the SEPA determination, a Mitigated Determination of Non-significance has been issued and Spokane County would request the development at 53rd and Regal install a rapid flashing beacon at the crosswalk crossing Regal, at 55th Ave to mitigate increased pedestrian activity from the development. This will be required to be installed and operational prior to approval of Certificates of Occupancy for the commercial development proposed on Lots 1, 2 and 3 of the Binding Site Plan.
2. All lots are subject to the Center and Corridor Design Standards and will be reviewed for compliance at the time of building permit. The preliminary site plan is a representation of future potential pad sites however final site design must meet applicable codes and design regulations.
3. CC&R's for the binding site plan must be reviewed and for concurrence by Developer Services prior to the City Engineer signing the final binding site plan.
 - a. The CC&Rs shall address operation, maintenance, repair, and replacement of the private sewer, water, and stormwater facilities. Sinking fund calculations shall be included for the operation, maintenance, and replacement of these facilities.
 - b. The following language should be added to the face of the Final BSP: The 53rd & Regal Final Binding Site Plan shall be subject to all of the requirements and conditions of the Declaration of Easements, Covenants, Conditions, and Restrictions for the 53rd & Regal Final Binding Site Plan, which is recorded under Spokane County Auditor's No. _____.
 - c. A Stormwater Operation and Maintenance Manual to perpetuate the drainage systems in this Binding Site Plan must be prepared and referenced in the Dedication and the CC&R's. The O&M manual will need to be submitted for review to Developer Services prior to the BSP being finalized.
4. The on-site sewer, water, and stormwater facilities shall be operated and maintained by the Business Owners Association established for this Binding Site Plan. The following language shall be added to the face of the final BSP: *"The 53rd & Regal Binding Site Plan Business Owners Association was created by document filed on the __ day of __, 20xx under Secretary of State U.B.I. Number _____."*
5. A stormwater connection and service agreement for connection to the Hazel's Creek Regional Stormwater System shall be completed for use of this system.
6. Frontage improvements required along Regal St. and 53rd Ave are City Standard curb, separated sidewalk with street trees, new City Standard driveway approaches, curb ramp at the intersection, and asphalt paving to the curb line matching street drainage designed if needed. 55th Ave will need be coordinated

with Spokane County for frontage improvement requirements - Gary Nyberg is the point of contact at (509) 477-7257.

7. New alleys shall have a paved width of at least twelve feet with a 4' buffer on each side and a clear width of at least twenty feet. The twenty-foot width shall not be obstructed in any manner, including the parking of vehicles, fences or utility structures. The buffer strips may be paved, grassed, or graveled and be used for utilities but must be kept free of all vertical obstructions. Fences may not be placed in the buffer strip.
8. The parking lot must be striped to current standards and the accessible barrier free parking spaces and aisles must comply with the City of Spokane Standard Plan G-54 & B-80A. An accessible route of travel connecting to the nearest accessible entrances and to the public sidewalk is required with a marked accessible route of travel. All barrier free spaces and aisles must be drawn and reference these standard plans and must be added as details on the plans. Note on the site plan the van-accessible stalls and the sign locations.
9. Adequate access and maneuvering for refuse/emergency vehicles is required per City Standards and must be maintained during construction.
10. It appears that a portion of the public sidewalks at 53rd & Regal and 55th & Regal fall on private property. Additional RW must be dedicated for this and for the sidewalks along Fiske that are shown on private property.
11. Any new or modified driveway access locations must be reviewed and approved by City of Spokane Developer Services prior to permit issuance. All unused driveways must be removed and replaced with City standard curb and sidewalk.
12. *The City shall collect impact fees, based on the schedules in SMC 17D.075.180, or an independent fee calculation provided for in SMC17D.075.050, from any applicant seeking development approval from the City.* A transportation impact fee will be assessed for this new 143 unit Assisted Living service (\$206.94/bed) in the Northeast Service Area. The estimated fee is \$29,592.42 + \$887.77 admin fee = **\$30,480.19**. This fee must be paid with the other permit fees prior to issuance of the building permit.
13. All easements, existing or proposed, will need to be shown on the face of the final BSP. If blanket in nature they must be referenced in a Surveyor's Note. Any existing utilities crossing parcel lines must be protected by an easement.
14. An address change to 5407 S Regal is recommended. New addresses need to be created, must be completed prior to permit submittal and can be applied for from a Permit Specialist at addressing@spokanecity.org.
15. An easement for shared access and stormwater must be recorded and referenced on the face of the BSP.
16. Applicable dedicatory statements listed in SMC Section 17G.080.070 and 17D.060.060 must be included on the face of the Final BSP and will be reviewed by Engineering during Final BSP review.
17. The Spokane Tribes of Indians has requested that an Inadvertent Discovery plan be part of the scope of work.
18. Avista requests the following dedication language:
 - a. "Easements for "Dry" utilities (electric, gas, phone, fiber, cable TV) as shown hereon are hereby granted over the rights-of-way for the private

streets and adjoining said streets to the City of Spokane and its permitted serving utilities for the construction, reconstruction, maintenance, protection, inspection and operation of their respective facilities, together with the right to prohibit changes in grade over installed underground facilities and the right to prohibit, trim and/or remove trees, bushes, landscaping, without compensation and to prohibit brick, rock or masonry structures that may interfere with the construction, reconstruction, reliability, maintenance, and safe operation of same. Storm drain dry wells and Water Meter boxes shall not be placed within the "Dry" easements; however, lateral crossings by storm drain, water and sewer lines are permitted."

19. All parking, maneuvering areas, and driveways shall be hard surfaced.

Time Limitations:

The plat is authorized for a period of five years from the Date of Approval of this Preliminary Binding Site Plan permit to prepare and submit the Final "53rd and Regal" Binding Site Plan to the Planning Department for their and other Department's review and approval. A one year extension may be granted if applied for in writing prior to the expiration date. All Conditions of Approval shall be incorporated into the proposed Final Binding Site Plan.

Procedures for Final Plat or Binding Site Plan Submission:

A Final Binding Site Plan shall be prepared by a registered Land Surveyor licensed by the State of Washington. Submission of a Final Binding Site Plan shall include; the filing fee, the General Application, the Final Plat Application, one electronic copy of the proposed Final Binding Site Plan, and a plat certificate (Title Report) less than thirty days old.

After review and approval, or corrections if necessary, of the Proposed Final Binding Site Plan by the City, the plat, or their agent, shall obtain the required signatures on the face of the Final Binding Site Plan. The last signature obtained prior to filing the Mylar with the County Auditor shall be that of the Planning Director.

The plat, or their agent, shall then, within thirty days of the signing of the Final Binding Site Plan by the Planning Director, complete these steps in the following order:

1. Plat or Agent shall take two (2) copies (after approval of proposed Final Plat or Binding Site Plan from the Planning Department) to the Spokane County Auditor's Office for recording.
2. Auditor keeps and records one copy of the final plat.
3. The Spokane County Auditor will, as time allows conform the 2nd copy of the proposed Final Plat or Binding Site Plan.

Seven (7) paper copies and one (1) Mylar copy of the recorded Final Binding Site Plan are then turned into the Planner in the Current Planning Department who worked on the Final Plat or Binding Site Plan.

NOTICE OF RIGHT TO APPEAL

Appeals of the Planning Director's decision are governed by Spokane Municipal Code 17G.060.210. Any party of record may file an appeal of this decision. Decisions of the

Planning Director regarding administrative binding site plan permits are final. They may be appealed to the City of Spokane Hearing Examiner within fourteen (14) calendar days of the date of this decision. The date of this decision is of September 2, 2021.

The date of the last day to appeal is the 16th day of September 2021 at 5:00 P.M.

The appeal fee (\$250.00) must be paid in full at the time the appeal is made. The form for filing an appeal is available from the Planning Services Department.

Dated this 2nd day of September 2021.

Please contact Tami Palmquist at (509) 625-6157 if you have further questions related to procedures or if you need further assistance.

Sincerely,

Louis Meuler

Louis Meuler (Sep 2, 2021 15:42 PDT)

Louis Meuler, Interim Planning Director
Planning and Development Services

By: Tami Palmquist, Principal Planner
Planning and Development

53rd and Regal PBSP Decision

Final Audit Report

2021-09-02

Created:	2021-09-02
By:	Jackie Churchill (jchurchill@spokanecity.org)
Status:	Signed
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"53rd and Regal PBSP Decision" History

-  Document created by Jackie Churchill (jchurchill@spokanecity.org)
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-  Email viewed by Louis Meuler (lmeuler@spokanecity.org)
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-  Document e-signed by Louis Meuler (lmeuler@spokanecity.org)
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