

December 16, 2019

Chick-fil-A, Inc.
C/O Don Ikeler
15635 Alton Parkway, Suite 350
Irvine, CA 92618



DEVELOPMENT SERVICES CENTER
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3329
509.625.6300
FAX 509.625.6822
My.SpokaneCity.org

Re: Chick-fil-A Preliminary Binding Site Plan – File No. Z19-458PBSP

Dear Mr. Ikeler:

In accordance with the provisions of the Spokane Municipal Code 17G.080.060, the Chick-fil-A Binding Site Plan application is hereby granted an Administrative Approval, subject to conditions, to subdivide 3.243 acres of land into two parcels for commercial use including the development of a Chick-fil-A Restaurant with drive-thru and one additional commercial development site/lot located at 9304 N. Newport Hwy. 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 **January 2, 2020**, unless an appeal is filed by this date. This permit shall expire on **December 16, 2024** 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, approval with conditions, and elements to be included as part of a final binding site plan submittal for the above property.

Please feel free to contact me at (509) 625-6063, if you have any further questions related to this matter.

Sincerely,

Melissa Owen
Assistant Planner II

CC: Dermott Murphy, Building Department
Mike Nilsson, Engineering Services
Patty Kells, Engineering Services
John Sawyers, Engineering Services
Bill Peacock, Wastewater Management
Dave Kokot, Fire Department
Greg Figg and Char Kay, WSDOT
Randy Myhre, Avista
Melanie Kincheloe, WA State Dept of Ecology

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

Don Ikeler, on behalf of Chick-fil-A, Inc., has requested an Administrative Preliminary Binding Site Plan Permit to divide one (1) parcel consisting of 3.243 acres of land into two parcels two (2) parcels for future development located at 9304 N. Newport Hwy., Spokane, WA. (N/W ¼ Section 20 – Township 26N – Range 43 E.W.M.)

FINDINGS OF FACT

1. Don Ikeler, on behalf of Chick-fil-A, Inc., has requested an Administrative Preliminary Binding Site Plan Permit to divide one (1) parcel consisting of 3.243 acres of land into two parcels two (2) parcels for future development located at 9304 N. Newport Hwy., Spokane, WA.
2. The subject property is located in the General Commercial (GC-70) Zone. Binding Site Plans are a permit process allowed for commercial zones. The uses and development pattern proposed are permitted in this zone per SMC 17C.120.
3. The area in which the property is located is designated General Commercial according to the City of Spokane's Comprehensive Plan, adopted by the City Council.
4. The application materials regarding the Administrative Preliminary Binding Site Plan Permit were distributed to City Departments and other agencies with jurisdiction for comment on October 16, 2019. These comments are on record with the Planning and Development Department. The application was deemed technically complete on November 6, 2019 thus allowing Notice of Application to be generated.
5. Notices of the Binding Site Plan Permit application were posted on the site, City Hall, the Downtown and North Spokane County Libraries, and online at <https://my.spokanecity.org/projects/chick-fil-a-preliminary-binding-site-plan/> on November 22, 2019. Notices were also mailed to surrounding property owners, taxpayers, and occupants within 400 feet of the subject property. Staff received one written comment. This comment and response are included in the record.



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: Per LU 1.8 of Chapter 3 Land Use, of the City's Comprehensive Plan;

General Commercial areas provide locations for a wide range of commercial uses. Typical development in these areas includes freestanding business sites and larger grouped businesses (shopping centers). Commercial uses that are auto-oriented and include outdoor sales and warehousing are also allowed in this designation. Land designated for General Commercial use is usually located at the intersection of or in strips along principal arterial streets.

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. Infrastructure for the site is already in place and/or will be provided as part of the development of the site. Consistent with conditions of approval for this binding site plan, the proposal is not anticipated to negatively impact available and planned capacity of services below minimum service levels.

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 size and shape of the subject lots will allow for future development which would be subject to the standards of the unified development code current at the time of development. As discussed previously, the location has been designated in the Comprehensive Plan for this kind of development. The site has been previously developed, the surrounding area is developed by similar uses, and the soil type, slope and drainage characteristics have been found suitable for development. No evidence of water features or significant, natural, historic or cultural features have been found on the site.

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: The subject proposal was reviewed under the requirements of the State Environmental Policy Act and SMC Chapter 17E.050. A Determination of Non-significance (MDNS) was issued on August 7, 2019 by the City of Spokane (lead Agency).

It is not anticipated that this proposal will have significant negative impacts on the surrounding uses as the site has been previously developed and this proposal is similar to surround development.

Other Applicable Development Code Regulations:

17G.060.170 (D)(5) 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 general commercial zoned property.

- c. drainage ways

Relevant Facts: All storm water and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Storm water Facilities" and as per the Project Engineer's recommendations, an approved Drainage Report with supporting geotechnical information will be required for the development of this property.

- d. streets, roads, alleys and other public ways

Relevant Facts: The City Engineering Department and WSDOT have accepted the proposal subject to the conditions of approval for transportation measures listed at the end of this report.

- e. transit stops

Relevant Facts: N. Newport Hwy., located adjacent to this parcel (western property line), is identified as part of STA's Bus Route 25 (Division). Division Street is a major Spokane Transit Authority corridor. Bus stops (north- and south-bound) are located just south of the intersection of N. Newport Hwy. and E. Hoerner Ave. Another south-bound stop is located to the north of this site at the intersection of N. Newport Highway and E. Holland Avenue.

- f. potable water supplies

Relevant Facts: Water is available.

- g. sanitary wastes

Relevant Facts: Sewer is available.

- h. parks, recreation and playgrounds

Relevant Facts: No residential development is proposed as part of this development. The area is zoned general commercial.

- i. schools and school grounds

Relevant Facts: This use will not impact school service levels.

- j. sidewalks, pathways and other features that assure safe walking conditions.

Relevant Facts: Sidewalks will be widened across the property adjacent to N. Newport Highway and E. Hoerner Avenue in order to meet current standards. In addition, parking lots containing more than thirty stalls shall include clearly defined pedestrian connections between the public right of way and building entrances and between parking lots and building entrances as found in 17C.120.260 – Commercial Zones, Pedestrian Standards. Pedestrian connections will be reviewed in more detail at time of building permit application.

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. Reciprocal access is required for all lots within this BSP. A copy of the recorded reciprocal access agreement is required prior to issuance of building permits and/or final binding site plan. Please reference the recorded agreement on the face of the final plat.
2. An agreement for shared access, stormwater, or other facilities must be recorded and referenced on the face of the BSP.
3. 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.
4. Traffic impacts, access and parking will be evaluated for each parcel of the Binding Site Plan based on the proposed use and plans submitted.
5. The sewer plan accepted for permit B1915103BLDC is sufficient for the proposed Chick-fil-A development. Sewer service to the remaining parcel will need to be evaluated as permit applications are submitted. For both sewer services, the following applies:
 - a. The developer and/or builder will be responsible for all costs associated with constructing sewer improvements necessary to serve the proposed pads and structures within the binding site plan. Plan review, permit, General Facilities Charges (GFCs), and inspection fees are applicable.

- b. Any pavement cuts and patching within the public right-of-way associated with new extensions or services must be accomplished in accordance with the Regional Pavement Cut Policy.
 - c. Only City sanitary sewers shall serve the binding site plan; the use of individual on-site sanitary waste disposal systems is prohibited. It shall be so stated on the face of the final binding site plan.
- 6. The water plan accepted for B1915103BLDC is sufficient for the proposed Chick-fil-A development. Water service to the remaining parcel will need to be evaluated as permit applications are submitted. For both water services, the following applies:
 - a. The developer and/or builder will be responsible for all costs associated with constructing water improvements necessary to serve the proposed pads and structures within the binding site plan. Plan review, permit, General Facilities Charges (GFCs), and inspection fees are applicable.
 - b. Any pavement cuts and patching within the public right-of-way associated with new extensions or services must be accomplished in accordance with the Regional Pavement Cut Policy.
 - c. Only City water shall serve the binding site plan; the use of individual on-site wells is prohibited. It shall be so stated on the face of the final binding site plan.
 - d. Any existing water services currently installed into the subject property that are no longer used must be physically disconnected from the City of Spokane water system.
- 7. The stormwater plan accepted for B1915103BLDC is sufficient for the proposed Chick-fil-A development. Stormwater plans for the remaining parcel will need to be evaluated as permit applications are submitted. For both lots within the BSP, the following applies:
 - a. All stormwater and surface drainage generated on this proposed binding site plan must be disposed of in accordance with SMC 17D.060 "Storm water Facilities" as per the Project Engineer's recommendations.
 - b. The design should include all hard and impervious surfaces including roof run-off, and all calculations for existing and proposed conditions must be noted on the drainage plan.
 - c. A grading and drainage plan showing finished 1-foot contours and supporting calculations must be submitted to Development Services Center for review and acceptance. Show all existing drainage structures in use on the site as well as any new structures necessary to contain the storm water on site. Any required landscaping cannot impede or encroach with the drainage design.
 - d. Any roof materials directly connected to the infiltration galleries must be Non-Pollution Generating Impervious Surfaces (NPGIS) by the definition in Section 6.4 of the Spokane Regional Stormwater Manual.
 - e. The developer will be responsible for all costs associated with constructing stormwater improvements necessary to serve this proposed binding site plan.
 - f. Stormwater facilities that serve only one lot can be the responsibility of that individual property owner.
 - g. All stormwater facilities necessary to serve the proposed binding site plan shall be designed and constructed in accordance with City Standards.
 - h. All swales and ponds shall be maintained with a permanent live cover of lawn turf, with optional shrubbery and/or trees that do not obstruct the flow and percolation of runoff in the drainage swale.

- i. An erosion and sediment control plan, detailing how dust and runoff will be handled during and after construction of each phase (if applicable), shall be submitted to City of Spokane Development Services Center for review and acceptance.
8. Further comments regarding the design of the access, sewer, water, stormwater, sidewalk, curb/gutter, etc., will be addressed outside of this Preliminary Binding Site Plan.
9. Addresses for each lot (along with square footage) shall be shown on the final binding site plan. The applicant can obtain address permits from the Development Services Center at (509) 625-6300.
10. The City assesses Transportation Impact Fees – the fee will be charged as each building comes in for permitting.
11. Multi-tenant Signage – we are in possession of multi-tenant sign language included in your lease agreement (language included below). We will work with you to determine an appropriate statement to be included on the face of the Final Binding Site Plan that will address multi-tenant signage associated with proposed and future development of land within the Binding Site Plan.
12. Missing preliminary binding site plan map requirements and/or inaccurate information may be corrected as part of the final binding site plan process. Please refer to the complete application letter dated November 7, 2019.
13. Comments regarding landscaping, screenings, parking calculations, etc., will be addressed outside of this Preliminary Binding Site Plan.
14. The BSP is subject to the compliance will all applicable codes and requirements, including building height, setbacks, site coverage and the commercial design standards. Please reference all of the accompanying comments received and supplied to you. In particular please reference dedicatory language to be included on the face of the final binding site plan, WSDOT requirements for screening of drive through headlights, and comment letters from Avista and Washington State Department of Ecology.

Time Limitations:

The platlor 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 “Chick-fil-A” 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 of the 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, **nine (9) paper copies and one electronic copy** of the proposed Final Binding Site Plan, and a **plat certificate (Title Report) less than thirty days old.**

After review, approval and corrections if necessary, of the Proposed Final Binding Site Plan by the City, the platlor, 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 platlor, 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:

PROCEDURES FOR OBTAINING CONFORMED COPIES OF RECORDED PLATS AND BINDING SITE PLANS

1. Platlor 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.
4. Nine (9) 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 December 16, 2019.

The date of the last day to appeal is the 2nd day of January, 2020 at 4:00 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 16th day of December, 2019.

Please contact Melissa Owen at (509) 625-6063 if you have further questions related to procedures or if you need further assistance.

Sincerely,



Louis Meuler, Acting Director, Office of Neighborhood and Planning Services

By: Melissa Owen, Assistant Planner
Planning and Development