



PLANNING & DEVELOPMENT
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January 22, 2020

Kris Jeske
1203 W Riverside
Spokane, WA 99201

Re: Glover Middle School Conditional Use Permit
File No. # Z19-531CUP2

Dear Mr. Jeske:

In accordance with the provisions of the Spokane Municipal Code 17C.110.110 (G), Spokane Public Schools is hereby granted an Administrative Conditional Use Permit, subject to conditions, for the construction of the new Glover Middle School and associated uses, located at 2404 W Longfellow Ave.

Approval, subject to conditions of the above mentioned project shall be substantially in conformance with the plans and application on file in the Planning & Development Department. This Conditional Use Permit shall become effective on **February 6, 2020**, unless an appeal is filed by this date. This permit shall expire on **January 22, 2023**, if a building permit has not been issued by the City of Spokane Building Department for this work.

This is not a construction permit. Any permits required by the Development Services 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 conditional use 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) 625-6637 or ddebit@spokanecity.org, if you have any further questions related to this matter.

Sincerely,

Donna deBit, Assistant Planner II
Planning and Development

**DECISION ON
CONDITIONAL USE PERMIT APPLICATION
FILE NO. Z19-531CUP2**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL: The applicant has requested approval of an Administrative Conditional Use Permit (Type II) from the Planning Director to allow the replacement of Glover Middle School on its existing site. Work proposed includes the demolition of the existing middle school, replaced with a 135,000 square foot partial two-story building, with new parking lots, playfields, and landscaping.

Recommendation: Staff recommends approval of this application, with conditions.

II. GENERAL INFORMATION:

- | | | |
|----|----------------------------|--|
| A. | Applicant: | Spokane Public Schools
2815 E Garland Ave
Spokane, WA 99207 |
| B. | Property Owner: | Same as Applicant |
| C. | Agent: | NAC Architecture
c/o Kris Jeske
1203 W Riverside
Spokane, WA 99201 |
| D. | Location of Proposal: | 2404 W Longfellow Ave. – Parcel No. 25012.0002 |
| E. | Existing Zoning: | Residential Single Family (RSF) |
| F. | Land Use Plan Designation: | Residential (4-10 units) |
| G. | SEPA Status: | DNS, issued June 13, 2019 |
| H. | Enabling Zoning: | SMC 17C.110 Residential Zones |
| I. | Staff Contact: | Donna deBit, Assistant Planner, 625-6637
ddebit@spokanecity.org |
| J. | Date of Recommendation: | January 22, 2020 |

III. FINDINGS OF FACT:

- A. **Site Description:** The site has been home to Glover School since the 1958, and takes up an entire half block in the Audubon/Downriver neighborhood. Currently the site consists of the Glover Middle School Campus with the education buildings, playfields, and parking. The Shadle Shopping Center is separated from the north of the school by an embankment with slopes around 22%. The site slope is to the west with a low point in the southwest corner and a high point along the eastern boundary. There are no known erosion constraints.



- B. **Project Description:** The scope of the proposal includes the construction of a new 135,000 square foot, two story building in the playfield east of the existing building; and once complete, demolishing the existing 1958 Glover Middle School. This school will have 46 teaching spaces to accommodate approximately 750 students, grades 6, 7 and 8. A gymnasium, commons/cafe, band and choir, and other support spaces will be included. New on-site parking and additional playfield space will be added once the existing school is demolished. Site work will consist of grading and preparation for the new school and the construction of on-site parking, a bus loop, outdoor playfields, service and delivery space, a mechanical yard, and associated hardscape. Approximately 115 on-site parking stalls will be included in the design to accommodate staff, visitor and parent parking.
- C. **Surrounding Zoning:** The surrounding zoning is residential single family (RSF).
- E. **Adjacent Land Use:** The surrounding land use designation is Residential 4-10.
- F. **Applicable Zoning Regulations:** Spokane Municipal Code (SMC) 17C.110, Residential Zones
- G. **Procedural Requirements:**
- A Community Meeting was held on September 19, 2019;
 - Application was submitted on December 9, 2019;
 - A Request for Comments notice was sent to Departments and Agencies on December 9, 2019
 - The applicant was notified on December 24, 2019 that the application was technically complete;
 - A Notice of Application was mailed and posted on the subject property on December 30, 2019 which began the 15-day public comment period; and

- The Public Comment Period closed on January 15, 2020.

IV. DEPARTMENT REPORTS:

Notice of this proposal was sent to City departments and outside agencies for their review and comments on December 9, 2019. Their comments are included with the file and are made part of this application by reference.

V. PUBLIC COMMENT:

Staff received one public comment with concerns about the traffic coming and going from the new visitor parking lot. Staff coordinated with the architect to form a response back to the citizen. (See attached email Re: New Glover School, from Kris Jeske 1/16/2020)

VI. CONCLUSIONS:

SMC 17C.320.080 Decision Criteria

1. *The proposal is allowed under the provisions of the land use codes. SMC 17G.060.170(C)(1)*

Relevant Facts:

In the Residential Single Family (RSF) zone, new school buildings are allowed through a Type II Conditional Use Permit. See SMC 17C.110.110.G

Staff finds this criterion is met.

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property. SMC 17G.060.170(C)(2)*

Relevant Facts:

In Chapter 3 Land Use, and 4 Transportation of the City's Comprehensive Plan:

**Goal LU5 Development Character states: Promote development in a manner that is attractive, complementary, and compatible with other land uses.*

**Policy LU 5.5 Compatible Development states: Ensure that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types.*

**Policy LU 6.5 Schools as a Neighborhood Focus states: encourage school officials to retain existing neighborhood school sites and structures because of the importance of the school in maintaining a strong, healthy neighborhood.*

**Goal TR 3 Transportation and Land Use states: Recognize the key relationship between where people live, work, and shop and their need to have access to these places*

Staff finds that this criterion is met.

3. *The proposal meets the concurrency requirements of chapter 17D.010 SMC. (SMC 17G.060.170(C)(3))*

Relevant Facts: The application was circulated on December 9, 2019 amongst all City departments and outside agencies with jurisdiction and there were no departments or agencies that reported that concurrency could not be achieved. Staff only received comments from the Department of Ecology, Avista Utilities, and the City of Spokane Engineering Department (Inga Note). All comments received are included in this record.

Staff finds this criterion is met.

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. SMC 17G.060.170(C)(4)

Relevant Facts: The property is currently used as a middle school. The new site design will move the new school to the east side of the property, which will result in the playfields being consolidated and locating them closer to private residences across Longfellow. The site will be maximized by relocating the playfields at a consistent elevation and constructing a partial two-story building. The bus loading will also be moved from the street, which will provide for a safer transport of students without congesting the neighborhood with traffic. All storm water will be retained on site and will easily infiltrate into the native, sandy soil.

This site is located within the Aquifer Sensitive Area and the Aquifer Critical Area Recharge Zone and must comply with SMC Chapter 17E.010 Critical Aquifer Recharge Areas-Aquifer Protection.

Staff finds that this criterion is met.

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 Determination of Non-significance (DNS) was issued on June 13, 2019 by Spokane Public Schools as the lead agency.

Staff Comment: As outlined in the SEPA Determination of Non-Significance and the Environmental Checklist, the project will not have significant adverse effects on the environment and surrounding neighborhood.

The applicant will be required to meet the standards set out in SMC 17C.110.500 through SMC 17C.110.575, Institutional Design Standards in Residential Zones at time of building permit review.

The applicant received a recommendation of approval from the Design Review Board on January 15, 2020. The plans that were submitted for the Recommendation Meeting were approved as submitted.

Staff received a public comment on January 13, 2020 with concerns about how busy the area will be during school hours (traffic wise) and ongoing car headlights shining into the homes across the street from the parking lot and its exit. Staff worked with the architect to prepare a response that explained the measures that were being incorporated into the design to minimize negative impacts to the surrounding residences.

Staff finds that this criterion is met.

Additional Decision Criteria for Institutional and Other Uses in Residential Zones are described in SMC 17C.320.080(F), what follows is a review of these criteria.

Chapter 17C.320.080 (F) Decision Criteria for Institutional and Other Uses in Residential Zones. These approval criteria apply to all conditional uses in RA through RHD zones. The approval criteria allow institutional uses (including expansions of existing facilities), allow increases to the maximum occupancy of group living, and permit other non-residential household living uses in a residential zone. These types of uses must maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

1. *Proportion of Residential Household Living Uses.*

The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the residential household living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the residential household living category and is specifically based on the:

- a. number, size and location of other uses not in the residential household living category in the residential; and*
- b. intensity and scale of the proposed use and of existing residential household living uses and other uses.*

Relevant Facts:

The proposal is a renovation of a use that has been in existence since 1958 in this location. The renovation is anticipated to offset the increase in the student body that will eventually take place (moving 6th grade to middle school). With the increase of the school square footage, exceptional design (approved by the Design Review Board) and improved parking and bus areas, staff believes that the proposal will improve to overall appearance and function of the surrounding area.

Staff finds this criterion is met.

2. *Physical Compatibility.*

- a. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks and landscaping; or*
- b. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping and other design features.*

Relevant Facts:

The applicant will be required to integrate Institutional Design Standards in Residential Zones, SMC 17C.110.500, and apply any recommendations given by the City of Spokane Design Review Board.

Staff finds this criterion is met.

3. *Livability.*

The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

- a. noise, glare from lights, late-night operations, odors and litter; and*
- b. Privacy and safety issues.*

Relevant Facts:

- Noise: No additional noise is anticipated.
- Glare from lights: Overhead lighting is required to be contained on the site per SMC 17C.110.520 Lighting.
- Late Night Operations: None associated with this institutional use.
- Odor and litter: No odor is anticipated. Refuse produced will continue to have its weekly pick up services

Staff finds this criterion is met.

4. *Public Services.*
 - a. *The proposed use is in conformance with the street designations of the transportation element of the Comprehensive Plan.*
 - b. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:*
 - a) *street capacity, level of service and other performance measures;*
 - b) *access to arterials;*
 - c) *connectivity;*
 - d) *transit availability;*
 - e) *on-street parking impacts;*
 - f) *access restrictions;*
 - g) *neighborhood impacts;*
 - h) *impacts on pedestrian, bicycle and transit circulation;*
 - i) *safety for all modes; and*
 - j) *adequate transportation demand management strategies.*
 - c. *Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems concept are acceptable to the engineering services department.*

Relevant Facts: The proposal does not decrease the level of service on any adjacent street. The site has access to all City of Spokane public services, and will not require any additions to be made in order to fully accommodate the proposed site development.

Staff finds this criterion is met.**VI. RECOMMENDATION**

TO APPROVE the Conditional Use Permit to allow the construction of a the new Glover Middle School and associated uses, located at 2404 W Longfellow Ave.; substantially in conformance with the plans and application on file in Planning and Development, and the following conditions of approval:

1. The project will be developed in substantial conformance with SMC 17C.110.500, Land Use Standards, Residential Zones, Institutional Design Standards, to maintain compatibility with, and limit the negative impacts on surrounding residential areas.
2. A Notice of Construction and Application for Approval is required to be submitted to Spokane Regional Clean Air Agency and approved by Spokane Clean Air prior to the construction, installation, or establishment of an air pollution source and Notice of Intent must be submitted to Spokane Clean air prior to any demolition project or asbestos project.
3. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the City of Spokane Planning & Development Services shall be immediately notified and the work in the immediate area cease. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources. RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from the Washington State Department of Archaeology & Historic Preservation before excavating, removing or altering Native American human remains or Archaeological resources in Washington.

4. Prior to the issuance of building permits for the construction contemplated in this conditional use permit application, the applicant shall submit evidence to this file that the property owner has signed and caused the "Conditional Use Permit Agreement" to be recorded with the Spokane County Auditor's Office.
5. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County Washington State, and any Federal agency.
6. This approval does not waive the applicant's obligation to comply with all of the requirements of City Departments and outside agencies with jurisdiction over land development.

Time Limitation.

*A CUP (Type I or Type II) application automatically expires and becomes void if the applicant fails to apply for a building permit within **three years** of the effective date of the CUP.*

NOTICE OF RIGHT TO APPEAL

Appeals or requests for reconsideration of decisions by the Planning Director are governed by Spokane Municipal Code 17G.060.210 – Appeals. Decisions of the Planning Director regarding Type I or II applications are final unless appealed to the City of Spokane Hearing Examiner. All appeals must be filed with the Planning and Development Services Department within fourteen (14) calendar days of the date of the decision. All requests for reconsideration must be filed with Planning and Development Services within seven (7) days of the date of the decision. The date of the decision is January 22, 2020. **THE DATE OF THE LAST DAY TO APPEAL IS February 4, 2020 AT 5:00 P.M.** In addition to paying the appeal fee (\$250) to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing any required transcripts.

Sincerely,



Louis Meuler
City of Spokane
Interim Planning Director

By: Donna deBit, Assistant Planner II
Planning and Development

RETURN TO:
City of Spokane
Planning & Development
Attn: Donna deBit
808 West Spokane Falls Boulevard
Spokane, WA 99201-3329

CONDITIONAL USE PERMIT AGREEMENT

1-22-20

File No. Z19-531CUP2

Grantor: City of Spokane

Grantee: Spokane Public Schools

Site Address: 2404 W Longfellow Ave.

Assessor's Parcel Number(s): 25012.0002

Legal Description: 01-25-42: 012542PT OF GOV L2-3-4 OF NW1/4 OF SEC 1 LYG S OF LN DR
N760FT S OF S LN OF WELLESLEY A VE&N OF N LN OF LONGFELLOWAVE

Situated in the City of Spokane, County of Spokane, State of Washington.

The development of this property is subject to certain conditions on file with the City of Spokane Planning Department. The property may not be developed except in accordance with these conditions. By accepting this approval, the applicant acknowledges that these conditions are reasonable and agrees to comply with them, and that failure to comply with them may result in the revocation of this approval. A copy of these conditions is attached to this agreement (Attachment "A").

Authorized signature Spokane School District

Date

ACKNOWLEDGMENT

STATE OF WASHINGTON)
COUNTY OF SPOKANE) ss.

On this day personally appeared before me _____ known to be the individual described herein and who executed the within and foregoing instrument, and acknowledged that he/she signed the same as _____ free and voluntary act and deed, for uses and purposes therein mentioned.

Given my hand and official seal this _____ day of _____, 2020.

Notary Public in and for the State of Washington,
residing in _____

My commission expires

ATTACHMENT "A"

1. The project will be developed in substantial conformance with SMC 17C.110.500, Land Use Standards, Residential Zones, Institutional Design Standards, to maintain compatibility with, and limit the negative impacts on surrounding residential areas.
2. A Notice of Construction and Application for Approval is required to be submitted to Spokane Regional Clean Air Agency and approved by Spokane Clean Air prior to the construction, installation, or establishment of an air pollution source and Notice of Intent must be submitted to Spokane Clean air prior to any demolition project or asbestos project.
3. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the City of Spokane Planning & Development Services shall be immediately notified and the work in the immediate area cease. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources. RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from the Washington State Department of Archaeology & Historic Preservation before excavating, removing or altering Native American human remains or Archaeological resources in Washington.
4. Prior to the issuance of building permits for the construction contemplated in this conditional use permit application, the applicant shall submit evidence to this file that the property owner has signed and caused the "Conditional Use Permit Agreement" to be recorded with the Spokane County Auditor's Office.
5. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County Washington State, and any Federal agency.
6. This approval does not waive the applicant's obligation to comply with all of the requirements of City Departments and outside agencies with jurisdiction over land development.

COVENANT

Development of this property is subject to certain conditions on file with the City of Spokane Planning Department. 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.

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 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.