

**DECISION ON
CONDITIONAL USE PERMIT APPLICATION
FILE NO. Z20-154CUP2**

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 Joe Albi Stadium and a new middle school. Work proposed includes the reconfiguration and reduction of the existing Albi Stadium and the construction of a new 135,000 sq.ft. two-story middle school, with new parking lots, playfields, and landscaping.

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

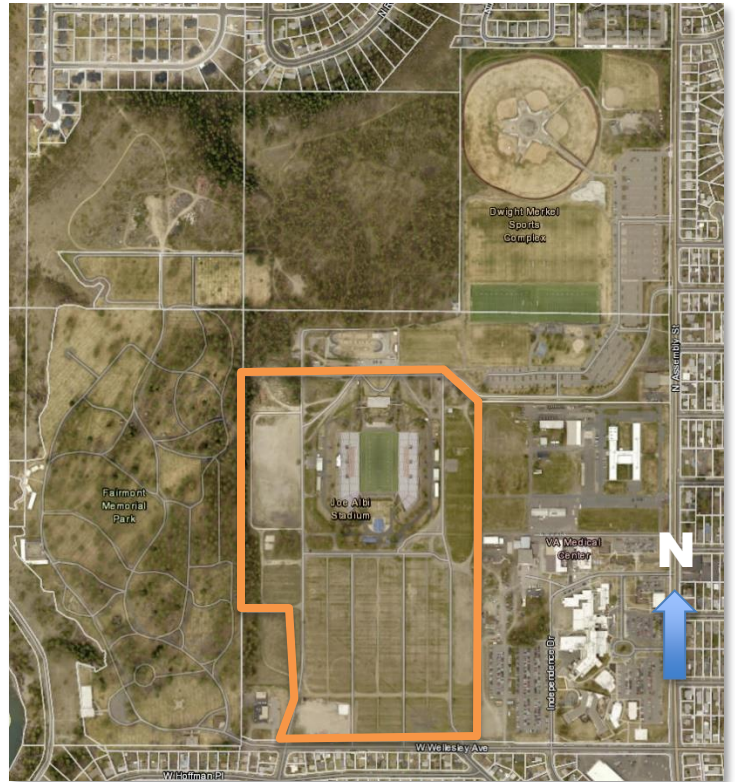
II. GENERAL INFORMATION:

- A. Applicant: Spokane Public Schools
Attn: Greg Forsyth
2815 E Garland Ave
Spokane, WA 99207
- B. Property Owner: Same as Applicant
- C. Agent: Same as Applicant
- D. Location of Proposal: 4918 W. Wellesley Ave. – Parcel No. 26344.0021
- E. Existing Zoning: Residential Single Family (RSF)
- F. Land Use Plan Designation: Residential (4-10 units)
- G. SEPA Status: DNS, issued July 30, 2020, by SPS
- H. Enabling Zoning: SMC 17C.110 Residential Zones
- I. Staff Contact: Tami Palmquist, Principal Planner, 625-6157
tpalmquist@spokanecity.org
- J. Date of Recommendation: October 29, 2020

III. FINDINGS OF FACT:

A. Site Description: The site has been home to Albi Stadium since 1950. Currently the site consists of the 30,000 seat stadium and associated unimproved parking. The Dwight Merkle Sports Complex is north of the site, the Fairmont Memorial Cemetery is to the west and the VA Hospital is to the east. The site is generally flat, but there is a slight slope from north to south. There are no know erosion constraints.

B. Project Description: The proposed project would involve demolishing/reconfiguring/downsizing the existing 25-thousand-seat Albi Stadium to 5,000 to 6,000 seats as a venue for Spokane High School athletic events and other non-athletic events. The existing earth berm that forms the bowl will be reduced, screened, and used to elevate the floor of the new stadium. The field will be sized to accommodate football, lacrosse, and soccer. Demolition of the stadium will begin in the summer of 2020 with completion of the new facility in the summer of 2022. Five parking areas, north (for teams), west, southwest, south, and east would provide about 709 spaces for automobiles, 12 ADA stalls, and 14 spaces for school buses. A soccer field would be developed southeast of the southerly parking lot. An area for future expansion of parking (about 280 spaces) is reserved in the southwest quadrant of the stadium site. Additionally, land is reserved to two football/soccer fields along the east side, and one soccer/football/or softball field on the west side.



The new 135,000 square foot, two-story middle school building would be built in the existing Albi Stadium gravel parking area south of the stadium with access from Wellesley Avenue. Construction is scheduled to begin in the spring of 2021 and completion in the fall of 2022. The middle school will have 46 teaching spaces to accommodate approximately 750 students, grades 6, 7 and 8. A gymnasium, commons/cafeteria, band and choir, and other support spaces will be included. The site concept shows the building in the southwest corner of the site with a student drop-off loop in front of the building. The loop would accommodate approximately 26 parent drop-off spaces, and three parking sections with approximately 24 staff, 4 ADA, and 12 visitor parking spaces. Traffic would enter on Wellesley, loop westbound back to Wellesley via an exit in the southwest corner. A second parking area with 78 staff and 4 ADA spaces, a 12-bus drop-off loop, and playfield would occupy the southeast corner and connect to the access road to Albi Stadium. Along the northern half of the site will be a soccer field, football field/track, and baseball diamond. A softball field will be located on the eastern portion of the site.

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 August 25, 2020;
 - Application was submitted on September 2, 2020;
 - A Request for Comments notice was sent to Departments and Agencies on September 11, 2020
 - The applicant was notified on September 29, 2020 that the application was technically complete;
 - A Notice of Application was mailed and posted on the subject property on October 5, 2020, which began the 15-day public comment period; and
 - The Public Comment Period closed on October 20, 2020.

IV. DEPARTMENT REPORTS:

Notice of this proposal was sent to City departments and outside agencies for their review and comments on September 11, 2020. 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 on-street parking from the VA and traffic congestion at the intersection of Wellesley and Assembly.

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 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 6.3 School Locations states: *Work with the local school districts to identify school sites that are located to serve the service area and that are readily accessible for pedestrians and bicyclists.*

**LU 6.7 Sharing and Programming Planning Develop a joint plan for the city and school districts serving Spokane for sharing and programming school sites for common activities.*

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 September 11, 2020, 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 received comments from the Department of Ecology, The Spokane Tribes of Indians, Spokane Transit Authority and the City of Spokane Engineering Department. 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 sports stadium. The new site design will locate the new school to the south side of the property and reduce the capacity of the existing stadium. Parking will be formalized, and bus loading will be separated from parking lots for staff and visitors, which will provide for a safer transport of students and limiting congestion within the neighborhood. All storm water will be retained on site.

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 July 30, 2020 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 for the NWMS on September 23, 2020. The plans that were submitted for the Recommendation Meeting were approved with the Board asking for additional pedestrian connectivity, refining the exterior material palette and evaluating the roof line occurring between the Office and Band program areas.

The applicant received a recommendation of approval from the Design Review Board for Albi Stadium on October 14, 2020. The plans that were submitted for the Recommendation Meeting were approved with the Board encouraging further refinement of the projects architectural detailing and material selection and the inclusion of a future shared use pathway to connect to the Dwight Merkle Sports Complex to the north.

Staff received a public comment on October 6, 2020 with concerns about how busy the intersection of Wellesley and Assembly will be during commute times and the parking along Wellesley by VA staff. The City Traffic Engineer and Street Department have been working with the applicant's traffic engineer to address modifications that can be made to ease congestion in this area.

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 project site has historically, since 1950, been used as Albi Stadium and parking lot. Further, the adjacent properties to the west include the site of the former Stadium Elementary School, and the Fairmount Cemetery; and the adjacent property to the east houses the Veteran's Administration Medical Center, and Naval Reserve. During World War II, the entire site was used as a U.S. military hospital. The single-family neighborhood to south of the site—south of Wellesley Avenue—grew up at the same time the Stadium was developed. The Stadium has been in active use since 1950, hosting collegiate football games with up to 30,000 spectators, musical events, rodeos, soccer, and high school football. The entire area north of Wellesley Avenue and west of Assembly Street has been allocated to medical, sports and entertainment, and cemetery use since 1950 and before.

The campus will include solid attractive buildings, landscaping, turf play areas, gathering areas, driveways, and parking lots, and signage as described in question 1, above. The open spaces, gathering areas, and play grounds will be available to neighborhood residents

during non-school hours. Further, the building will be available for neighborhood meetings and school-approved activities.

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 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:

Historically, the site has generated noise and lights from automobiles of those persons attending events at Albi Stadium, both day and night. Up to 30,000 persons attended those events and used Wellesley Avenue and other neighborhood streets to access the parking area along the north side of Wellesley Avenue.

The reconfigured stadium will be managed and maintained by School District 81. The new Northwest Middle School will be a new use and activity on the site. It will operate as a typical Spokane Schools middle school with classes and student activity during the weekdays of the school year. Facilities on the campus will be available to the neighborhood during non-school hours in a manner consistent with other Spokane Public School buildings and sites. The use will be compatible with the neighborhood. Currently the site presents a gravel shoulder along Wellesley Avenue, grasses, weeds, and boulders along the site frontage. The project would add landscaping as well as street trees in accordance with an overall site landscaping plan. Signage will also be provided in the southeast corner to announce the entrance to the athletic stadium and further west on Wellesley Avenue to identify the entrance to new middle school. Also, typical of other Spokane Public Schools, a digital message board would be provided.

No atypical odors are expected to be generated by the school or the athletic facilities. Adequate receptacles will be provided for disposal of trash and janitorial and grounds staff would collect litter on the grounds.

The new middle school will provide an active use on what is now a gravel parking lot. The building, campus, driveway and parking areas will be illuminated with state of the art fixtures that will minimize spill-over light. The building will be alarmed and include a fire control system and security monitoring system.

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 City Traffic Engineer and Street Department have been working with the applicant's traffic engineer to address modifications that can be made in order to ease congestion in this area. The proposal will be responsible for improving their frontage along Wellesley Avenue to meet City Standards as well as system improvements listed as conditions in this report.

Staff finds this criterion is met.

VI. RECOMMENDATION

TO APPROVE the Conditional Use Permit to allow the replacement of Albi Stadium and the construction of the new Northwest Middle School and associated uses, located at 4918 W Wellesley 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. Transportation system improvements shall include:
 - a. Add striping to the west approach of the Wellesley/Assembly intersection for about 200 feet to create a separate eastbound left turn pocket on Wellesley.
 - b. Remove on street parking along that length of Wellesley. Coordinate with Streets Department to address the sight distance requirements.
 - c. Extend the sidewalk construction to close the gap on the north side of Wellesley so that there is a safe walking route to Assembly.
3. Upon the construction of the east play fields, the Applicant shall develop a permanent connection for the shared use path on the east side of the stadium to preserve the bike friendly route between Wellesley Avenue and the Dwight Merkel Sports Complex.

4. Incorporate recommendations made by the Design Review Board for the NWMS and Albi Stadium in the final construction plans submitted for Building Permit review.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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 October 29, 2020. **THE DATE OF THE LAST DAY TO APPEAL IS November 12, 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,

A handwritten signature in blue ink that reads "Tami Palmquist". The signature is written in a cursive, flowing style.

Tami Palmquist for Louis Meuler
City of Spokane
Interim Planning Director

By: Tami Palmquist, Principal Planner
Planning and Development