



HEARING EXAMINER
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BRIAN T. MCGINN
HEARING EXAMINER

December 8, 2014

Mr. Ben Scandalis
Greenstone Land Development Company
1421 N. Meadowwood Lane, Suite 200
Liberty Lake, WA 99019

Re: Modification of Kendal Yards PUD and Preliminary Plat (Z2006-06-PP/PUD)

Mr. Scandalis,

This letter is provided in response to your correspondence dated November 25, 2014. In that correspondence, you requested approval of a modification to the conditions of Kendall Yards PUD/preliminary plat, designated under File No. Z2006-06-PP/PUD. Specifically, you proposed a modification that would allow the applicant the option to *either* connect Summit Parkway to Lindeke Street, as was the case when the subdivision was first approved, *or* to connect Summit Parkway to Summit Boulevard, in accordance with the current conditions of approval. This letter is intended to address this request, in light of my predecessor's decisions, your correspondence and supporting documents, as well as the records on file. Some review of the history of the project is necessary for context.

On September 21, 2006, the hearing examiner approved the preliminary plat/PUD for Kendall Yards. See Findings, Conclusions and Decision, dated 9-21-06. Amongst the conditions of approval is the requirement that the subdivision be developed in accordance with the Kendall Yards PUD Master Plan, which determined the layout of the street system. See id. The primary access route through Kendall Yards is Summit Parkway¹. Under the 2006 approval, Summit Parkway connected to Lindeke Street to the west. This connection is shown on the Street Hierarchy Illustration in the Kendall Yards PUD Master Plan, as well as on the preliminary plat and PUD. See Exhibit #1G (Exhibit 7); see also Exhibit A to Letter of B. Scandalis 11-25-14.

Some time later, the applicant submitted a request to modify the approved preliminary plat/PUD for Kendall Yards. On May 27, 2010, following a public hearing on the matter, the hearing examiner approved an amendment to the preliminary plat/PUD for Kendall Yards. See Findings, Conclusions, and Decision, dated 5-27-10. Under the modified plat, Summit Parkway would now connect to Summit Boulevard to the west, rather than turning northerly to connect to Lindeke Street. The new connection is shown on the Illustrative Plan submitted with the Application for Minor Amendment to Approved Kendall Yards PUD and Preliminary Plat, as well as the Amended Preliminary Plat submitted with your correspondence. See Exhibit #3 (Exhibit 1); see also Exhibit B to Letter of B. Scandalis 11-25-14.

¹ I am using the label "Summit Parkway" for this road because that is the designation used in your correspondence, and the one used on the schematic you submitted to show the proposed connection to Lindeke. See Exhibit C to Letter of B. Scandalis 11-25-14. In the 2006 preliminary plat, the road is called "Kendall Yards Boulevard." See Exhibit A to Letter of B. Scandalis 11-25-14. In the 2010 amended preliminary plat, the same road is labeled "Summit Boulevard," undoubtedly because under that version of the plat the road connected with and apparently extended the existing Summit Boulevard. See Exhibit B to Letter of B. Scandalis 11-25-14. All three labels, as pertinent here, refer to the same road.

Under the current conditions of approval, the applicant does not have the option of connecting Summit Parkway to Lindeke Street. For the reasons stated in your correspondence, the applicant seeks approval of the option to connect to Lindeke Street, as was originally permitted, and thereby gain some "needed flexibility in the final design of the community." See Letter of B. Scandalis 11-25-14. After considering the matter in some detail, the Hearing Examiner finds that the applicant has submitted sufficient reasons to support the requested modification and hereby approves that request for a modification to the plat/PUD. The bases for this approval are provided below.

The preliminary plat/PUD for Kendall Yards was already approved twice, as referenced above. Public hearings were conducted for both the 2006 plat/PUD approval, as well as for the 2010 modification. The public hearing process resulted in a comprehensive review of the project, which the Hearing Examiner deems more than adequate for purposes of making an immediate decision regarding the current request. In the Hearing Examiner's opinion, the new modification request does not seek to change the preliminary plat/PUD in any manner that was not already thoroughly reviewed. Connecting Summit Parkway to Lindeke Street was specifically approved in 2006. That access route was eliminated by the plat modification in 2010. However, the Hearing Examiner is aware of no substantial reason why the applicant should be precluded from reverting back to the original plan to establish a westerly connection to Lindeke Street. It does not appear that there are any material consequences to allowing the applicant the option to use that alternative route. In any case, there was an opportunity to fully vet any concerns during the public hearing process that resulted in the original approval of the subdivision.

To determine if there were concerns that the Hearing Examiner might be overlooking, the request for modification was circulated to the relevant departments for review. The Hearing Examiner received no comments objecting to the proposed modification or raising any specific concerns about the proposed connection to Lindeke Street. Only the City Fire Department responded to the request for comments. The fire department stated that the revised development must continue to provide fire access. However, the requirement to maintain adequate fire access would be mandated in any event. Nothing in this approval waives any mandatory requirements applicable to the preliminary plat/PUD.

The Hearing Examiner approves the applicant's request to modify the conditions of approval for the preliminary plat/PUD for Kendall Yards, in the following particulars. The conditions of approval are modified to allow the applicant the option to either (a) connect Summit Parkway to Lindeke Street, in a manner consistent with Exhibit C to the Letter of B. Scandalis 11-25-14 and otherwise in conformity with all applicable city standards and requirements, or (b) to connect Summit Parkway to Summit Boulevard, in accordance with the conditions of approval stated in the Findings, Conclusions, and Decision, dated 5-27-10. In the event the applicant exercises the option to connect Summit Parkway to Lindeke Street, then "Lindeke Street shall be constructed to collector arterial standards," as was required under Condition 22 of the Findings, Conclusions and Decision, dated 9-21-06. Except as modified by this decision, all other terms and conditions of the current preliminary plat/PUD approval are applicable and remain in full force and effect.

I trust this letter fully addresses your inquiry. If I overlooked anything, or you are in need of clarification, please advise me accordingly.

Sincerely,



Brian McGinn
City of Spokane Hearing Examiner

- c: Louis Meuler, Interim Planning Director
- Kris Becker, Planning
- Tami Palmquist, Planning
- Dave Kokot, Fire
- Patty Kells, Development Services
- Eldon Brown, Development Services
- Mike Nilsson, Development Services