



Conditional Use Permit

Planning Services Department

Application

The proposed action requires approval of:

- Administrative Conditional Use Permit (Type II)
- Hearing Examiner Conditional Use Permit (Type III)

All Conditional Use Permits must provide the following information:

1. List the provisions of the land use code that allows the proposal.
2. Please explain how the proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.
3. Please explain how the proposal meets the concurrency requirements of SMC Chapter 17D.010.
4. If approval of a site plan is required, demonstrate how the property is suitable for the proposed use and site plan. Consider the following: 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.
5. Please explain any significant adverse impact on the environment or the surrounding properties the proposal will have and any necessary conditions that 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.

In addition to Questions 1-5, all Institutional or Other Uses in a Residential Zone must ALSO address the following approval criteria as required by SMC 17C.320.080:

6. 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.

(Continued on back)

7. 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.

8. 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.

9. 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:
 - i. street capacity, level of service and other performance measures;
 - ii. access to arterials;
 - iii. connectivity;
 - iv. transit availability;
 - v. on-street parking impacts;
 - vi. access restrictions;
 - vii. neighborhood impacts;
 - viii. impacts on pedestrian, bicycle and transit circulation;
 - ix. safety for all modes; and
 - x. 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 are acceptable to the engineering services department.

Conditional Use Permit Application

1026 E Newark
Spokane, WA 99202

Owner: RKGIT, LLC
1002 S Woodfern
Spokane, WA 99202

Contact: George Thomsen
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The proposed use for the building at 1026 E Newark is a Retail Bakery and Brewery that will locally source grain for use in its products. The building is a former barbershop and grocery store that has been rezoned to a SFR zone and has lost its non conforming use status due to closure of the businesses.

1. List the provisions of the land use code that allows the proposal.

The Proposed use is "Retail Sales and Service" as defined in SMC 17C.190.270. The property is zoned SFR. Spokane Municipal Code Chapter 17C.370, Existing Neighborhood Commercial Structures in Residential Zones, Allows for the reactivation of formal commercial buildings in single family zones. This property qualifies, having been both a barber shop and grocery store (Gregory's Grocery)

2. Please explain how the proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.

This project brings a locally owned small business into a locally owned building, which will become a gathering place for the neighborhood. It is walking distance to a large residential population and sits on a bus line which will help reduce the dependance on private automobiles for the neighborhood residents.

Some specific comprehensive plan goals that apply to this project:

"**ED 3.5** Support opportunities to expand and increase the number of locally- owned businesses in Spokane"

"**ED 3.6** Recognize the significant contributions of small businesses to the city's economy and seek to enhance small business opportunities"

"**N7 SOCIAL CONDITIONS** Promote efforts that provide neighborhoods with social amenities and interaction and a sense of community. "

“**DP 1.2** Encourage new development that is of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood. “

“**DP 2.12** Infill Development Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character “

3. Please explain how the proposal meets the concurrency requirements of SMC Chapter 17D.010

- A. **Transportation;** Parking is determined by the Neighborhood retail zone. The building is under 3000 Sq ft and therefore exempt from parking requirements. There is also a bus stop in front of the building and it is walkable from many residential units.
 - B. **Public water;** Per the pre development conference on 8-6-16, there are multiple water taps available at the site and sufficient water can be obtained from any of them
 - C. **Fire protection;** Per the pre development conference, one fire hydrant would be required to serve the building and three are available, and it meets the requirements of fire code for access.
 - D. **Police protection;** There should be no impact on police protection for the neighborhood
 - E. **Parks and recreation;** This project does not effect the accessibility of parks and recreation facilities
 - F. **Library;** This project has no effect on libraries
 - G. **Solid waste disposal and recycling;** Solid waste collection is available for the building and enclosures, if required, will be constructed.
 - H. **Schools;** This project does not add residential capacity to the neighborhood and should not effect schools.
 - I. **Public wastewater (sewer and stormwater).** Per predevelopment conference, the existing sewer tap can be used.
- 4. If approval of a site plan is required, demonstrate how the property is suitable for the proposed use and site plan. Consider the following: 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.

The building is existing and the site is flat, and positioned on a corner with arterial frontage. Underground utilities are already in place and the site was already used as a grocery store in the past. No significant changes are planned for the site.

5. Please explain any significant adverse impact on the environment or the surrounding properties the proposal will have and any necessary conditions that 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.

There may be concerns about the extra activity generated by a business on in the neighborhood, though everyone that we have spoken to in the neighborhood seems to fully support the project. The business will not be open to the public between 10pm and 6am, which could be a condition of approval. This should avoid negative impact on the quiet hours of the residential neighborhood. Excess parking congestion will be mitigated by the direct access to the Bus stop, walkability of the neighborhood and installation of bike racks.

A. Institutional and Other Uses in Residential Zones.

These approval criteria apply to all conditional uses in RA through RHD zones. The approval criteria allows institutional uses (including expansions of existing facilities), allows increases to the maximum occupancy of group living, and permits 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.**

This project is in an existing building and will not effect the number of residential uses in the neighborhood. There are no other non conforming buildings in the immediate area, so the intensity and scale are well within the norms of a residential neighborhood.

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.**

No changes in the footprint of the building are proposed. Landscaping will be planned to highlight local grain in alignment with the bakery's main focus. Screening of the outdoor seating area is planned

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.**

Operating hours will not go past 10pm or before 6am. Outdoor lighting will be designed to illuminate the building and not glare onto neighboring properties. Garbage will be screened, and a public trash can will be provided.

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:**
 - i. street capacity, level of service and other performance measures;**
 - ii. access to arterials;**
 - iii. connectivity;**
 - iv. transit availability;**
 - v. on-street parking impacts;**

- vi. access restrictions;**
- vii. neighborhood impacts;**
- viii. impacts on pedestrian, bicycle and transit circulation;**
- ix. safety for all modes; and**
- x. adequate transportation demand management strategies.**

The comprehensive plan encourages infill development that is accessible transit systems and walkable for neighborhoods. There is a bus stop directly in front of the building and dense walkable residential in the immediate vicinity.

The building faces an arterial which serves the Perry street neighborhood corridor, there is sufficient capacity for vehicular traffic. The property is on a transit line, close to the Ben Burr trail, directly connected via arterial to the Perry business district, and bike racks will be installed. On-street parking impacts should be mitigated by the readily accessible transit, bike trail and walking nature of the neighborhood.

- 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 are acceptable to the engineering services department.**

The Pre development comments indicate that the existing fire, water and disposal systems are sufficient to accommodate the change of use. Police protection should not be impacted