

**DESCRIPTION OF PROPOSAL:**

A comprehensive plan map amendment from Open Space to Centers and Corridors Core with associated zone change from RSF to CC2-DC.

ADDRESS OF SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)

2651 E. 49th Avenue, Spokane, Washington 99223

APPLICANT:

Name: QueenB Radio, Inc., a Washington corporation

Address: 500 West Boone Avenue, Spokane, Ave 99201-2491

Phone (home):

Phone (work): 509- 324-4000

Email address: sms@witherspoonkelley.com

PROPERTY OWNER:

Name: City of Spokane

Address: 808 West Spokane Falls Boulevard

Phone (home):

Phone (work): 509-625-6286

Email address: rlukas@spokanecity.org

AGENT:

Name: Stanley M. Schwartz, Attorney at Law

Address: Witherspoon Kelley, 422 West Riverside, Suite 1100, Spokane, WA 99201

Phone (home):

Phone (work): 509-624-5265

Email address: sms@witherspoonkelley.com

ASSESSOR'S PARCEL NUMBERS:

34041.0038

LEGAL DESCRIPTION OF SITE:

See attached Deed

SIZE OF PROPERTY:

1.9 acres

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

Comprehensive Plan Amendment and associated zone change

Stanley M. Schwartz

☐ Applicant ☐ Property Owner ☐ Property Purchaser ☒ Agent

I, City of Spokane, owner of the above-described property do hereby authorize Stanley M. Schwartz, Witherspoon Kelley to represent me and my interests in all matters regarding this application; provided, if the Purchase and Sale Agreement relating to tax parcel No. 34041.0038 is not mutually approved on or before November 30, 2015, this authority shall terminate automatically without any cost to the City.

[illegible]

Witness my hand and official seal hereto affixed the day and year first above written.

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



DESCRIPTION OF THE PROPOSED AMENDMENT Please check the appropriate box(es):

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

SEE ATTACHMENT FOR RESPONSES TO BELOW QUESTIONS

1. Summarize the general nature of the proposed amendment.
2. Why do you feel this change is needed?
3. In what way(s) is your proposal similar to or different from the fundamental concepts contained in comprehensive plan?
4. For text amendments: What goals, policies, regulations or other documents might be changed by your proposal?
5. For map amendments:
 - a. What is the current Land Use designation and zoning for each affected parcel?
 - b. What is the requested Land Use designation and zoning for each affected parcel?
 - c. Describe the land uses surrounding the proposed amendment site(s); e.g., land use type, vacant/occupied, etc.
6. Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal?
7. Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Planning Services department's work program (e.g., neighborhood planning, public input on new regulations, etc.)?
8. Has there been a previous attempt to address this concern through a comprehensive plan amendment?

☐ Yes ☒ No

If yes, please answer the following questions:

- a. When was the amendment proposal submitted?
- b. Was it submitted as a consistent amendment or an inconsistent amendment?
- c. What were the Plan Commission recommendation and City Council decision at that time?
- d. Describe any ways that this amendment proposal varies from the previously considered version.

**ATTACHMENT TO COMPREHENSIVE PLAN OR
LAND USE CODE AMENDMENT - PRE-APPLICATION**

1. Comprehensive Plan Map and Zone Change
2. Conform use to surrounding properties.
3. Conforms to Comprehensive Plan policies.
4. N/A
- 5a. Open Space designation and Residential Single Family zone
- 5b. CC Core designation and CC2-DC zone
- 5c. park (west and north), commercial (east and south)
6. See Ordinance C-34257 and City Planning File Z 2005-114-LU
7. To be consistent with surrounding land use
8. No.



Comprehensive Plan or Land Use Code Amendment

Application

DESCRIPTION OF THE PROPOSED AMENDMENT Please check the appropriate box(es):

(Inconsistent Amendments will only be processed every other year beginning in 2005.)

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions (for all proposals):

- a. Describe the nature of the proposed amendment and explain why the change is necessary. SEE ATTACHED
- b. How will the proposed change provide a substantial benefit to the public? SEE ATTACHED
- c. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies. SEE ATTACHED
- d. Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies. SEE ATTACHED
- e. Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies. SEE ATTACHED
- f. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan? SEE ATTACHED
- g. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation. SEE ATTACHED
- h. If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis. Changes to the Urban Growth Area may occur only every five years and when the Board of County Commissioners (BoCC) reviews all UGA's countywide. SEE ATTACHED

2. For Text Amendments:

- a. Please provide a detailed description and explanation of the proposed text amendment. Show proposed edits in "line in/line out" format, with text to be added indicated by underlining, and text to be deleted indicated with ~~strikeouts~~.
- b. Reference the name of the document as well as the title, chapter and number of the specific goal, policy or regulation proposed to be amended/added.

3. For Map Change Proposals: SEE ATTACHED

- a. Attach a map of the proposed amendment site/area, showing all parcels and parcel numbers.
- b. What is the current land use designation?
- c. What is the requested land use designation?
- d. Describe the land uses surrounding the proposed amendment site (land use type, vacant/occupied, etc.)

**ATTACHMENT TO COMPREHENSIVE PLAN OR
LAND USE CODE AMENDMENT
APPLICATION**

1. General Questions (for all proposals):

a. This proposal requests a Comprehensive Plan amendment change to the land use from Open Space to CC Core with an associated zone change from RSF to CC2-DC for one parcel adjacent to the signalized intersection of Regal Street and Palouse Highway. The change is necessary:

- i. To reflect and adjust to substantial changes in area's population growth, density and development patterns which have occurred in the immediate area since adoption and amendments to the City Comprehensive Plan. The subject property is adjacent to a 14 acre parcel which is zoned CC2-DC under City Ordinance 34257 ("KXLY Property") which was approved in conjunction with Ordinance Nos. 34256 and 34261. As stated in the Development Agreement affecting the KXLY Property (City Clerk's No. OPR2009-0657) it will be developed according to an Integrated Site Plan that has been approved by the City Design Review Committee and the City Planning Services Department. The subject property is very close to the intersection of Regal Street and Palouse Highway with the present land use designation of Residential 4-10 inconsistent with the proposed and authorized commercial developments in the vicinity of this intersection. The surrounding area provides office, retail and various commercial services, as well as, athletic fields which are primarily used for youth sports.
- ii. To support Comp Plan goal LU 3-Efficient Land Use, and LU-3.1 which encourages, *"coordinated and efficient land use"* where adequate services and facilities exist.
- iii. To support Comp Plan goal LU-3.2 which states, *"encourage a mix of uses and activities around which growth is focused"* and where growth has already occurred.

b. At present, the subject property is vacant except for a portion developed as a parking lot adjacent to Regal Street. This Amendment responds in a timely manner to substantial changed conditions.

c. The property is presently zoned Residential Single Family, which allows primarily residential uses only. This category is inappropriate for this site for a number of reasons; (1) much of the surrounding area includes mixed use or commercial uses; (2) low-density residential uses are not compatible with the adjacent high-capacity Regal corridor intersection; and (3) low density residential uses should have greater separation from the commercial use of the adjacent KXLY property. A redesignation to CC Core and a zoning change to CC2-DC is appropriate.

The proposed change is consistent with the intended goals of the Comprehensive Plan in many ways:

- i. LU-3.3: **"Designate new centers or corridors in appropriate locations on the land use plan map through a neighborhood planning process."** As set forth above, the requested Land Use Designation change has been approved for surrounding and adjacent properties. There will be a substantial benefit to the public because the CC-2-DC designation will be consistent with the present zoning designation for 45 acres of surrounding properties. In addition, through a Real Estate Purchase and Sale Agreement between the City of Spokane (property owner) and property purchaser Queen Bee Radio (d/b/a KXLY), the fourth leg of the Regal Palouse intersection will be constructed to facilitate vehicle and pedestrian movements. This new street will cause the relocation of the existing parking lot and small outbuildings in a manner which removes parking that is presently adjacent to Regal Street. This will enhance the soccer complex, visual aesthetics, pedestrian and vehicle conflicts and will better support the integration of this property into the existing and planned developments.

It is anticipated that this property will also be subject to a development agreement that is similar in form and content to the one found at City Clerk's No. OPR2009-0657.

- ii. **LU-3.4: Planning for Centers and Corridors.** The proposed amendment recognizes existing conditions and supports current language under: "*Discussion: Growth planning estimates and growth targets...should be based upon:*

- (1) Availability of infrastructure [yes];
- (2) Public amenities[yes] and related facilities [yes] and service capacity for residential and commercial development [yes];
- (3) Existing and proposed residential densities [N/A] and development conditions [yes];
- (4) Accessibility of transit [yes]; and,
- (5) Density goals for centers and corridors." [yes]

Further, because this land use change would be subject to the existing development agreement described above, it will be developed according to the Integrated Site Plan which is the result of a collaborative process with the neighborhood. Further, the Real Estate Purchase and Sale Agreement contains additional matters that involve neighborhood input. Finally, this area has not yet adopted a specific area plan.

- iii. LU 3.2

A center and corridor should be designated in an area around which growth is focused. Here, designation of this site to General Commercial will create a larger, more cohesive commercial area that includes the General Commercial area to the east and south. This district center will facilitate service to a large portion of the south hill, including area located south of the existing city limits.

- iv. LU 1.12

The proposed map change is consistent with Land Use Goal 1.12. Existing public facilities and services are available to serve this site.

- v. LU 3.1

The proposed map change is consistent with Policy LU 3.1, which encourages the efficient use of land. Under Policy LU 3.1, future growth should be directed to locations where adequate services and facilities are available. As stated, there are already adequate services and facilities in the area.

- vi. LU 5

The proposed map change is consistent with Land Use Goal 5. This Goal promotes development in a manner that is attractive, complementary, and compatible with other land uses. Consistent with Policy LU 5.3, this site will have better access to the Regal/Palouse intersection; adequate off-street parking and improvements that will not adversely impact the surrounding area.

- vii. Transportation Goal 3.5

The proposed map change is consistent with Goal TR 3.5, which recommends that healthy commercial centers be maintained throughout the City to satisfy the shopping and service needs of residents; reduce the amount of driving; utilize existing transportation infrastructure and services; and maintain the City's commercial tax base. Further, this site is served by existing transportation services and infrastructure that has adequate capacity to serve the land use.

- viii. Economic Development Goal 3

The proposed map change is consistent with Goal ED 3, which is intended to foster a strong, diverse, and sustainable economy that provides a range of employment and business opportunities. Designating this site to General Commercial will allow the property owner to develop this site to a use compatible with the surrounding property. Additionally, the proposed map change is

consistent with Policy ED3.5, which requires the city to support opportunities to expand and increase the number of locally-owned businesses in Spokane. The property will be owned by the adjacent landowner (KXLY) and will be integrated into the surrounding commercial and recreational uses.

ix. Economic Development Goal 6

The proposed map change is consistent with Goal ED 6, which recommends that development be located where infrastructure capacity already exists before extending infrastructure into new areas. Policy ED 6.1. In this case, public services such as water, sewer, roadways, gas, and electricity, are available to serve the site. No additional demand will be placed on the infrastructure.

d. The Growth Management Act (GMA) contains three goals that support this proposal. First, urban growth should be encouraged in urban areas where adequate public facilities and services exist. RCW 36.70A.020(1). Second, economic development should be encouraged throughout the State that is consistent with adopted comprehensive plans. RCW 36.78.020(5). And third, public facilities and services necessary to support development shall be adequate at the time the development is available for occupancy and use. RCW 36.78.020(12). All of the above goals in the GMA will be satisfied through this application. Through environmental review (SEPA), any adverse impacts upon the built or natural environment will be mitigated.

e. This application is consistent with the County-wide planning policies because it is consistent with the City Comprehensive Plan and applicable of Plans of the City. This application will not affect the Regional Transportation System nor modify the population growth forecast because it is within the urban growth boundary.

f. To the extent that infrastructure improvements are required, these will be funded through either City of Spokane Impact Fees or mitigation under SEPA.

g. This Amendment will require an amendment to the City of Spokane Zoning Map. No other plans or programs should be affected.

h. N/A.

2. **For Text Amendments.** N/A

3. **For Map Change Proposals.**

a. A map of the proposed amendment, including parcels and parcel numbers is attached.

b. The current land use designation is Open Space.

c. The requested land use designation is community commercial core.

d. The property to the north and west contains the south side sports complex, which primarily consists of soccer fields, baseball fields, and improvements to support the sports activities. Property to the east across Regal Street is developed as a Target store pursuant to a development agreement approved under City Ordinance C-34256. The property to the south is presently vacant but is subject to a development authorized under City Ordinance C-34257. Property to the southwest is owned by KXLY and is presently occupied with broadcast towers.

[End of Attachment]

City of Spokane

Planning Services
Department



Notification Map Application

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ADDRESS OF SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)

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APPLICANT:

Name: QueenB Radio, Inc., a Washington corporation

Address: 500 West Boone Avenue, Spokane, WA 99201-2491

Phone (home):

Phone (work): (509) 324-4000

Email address: sms@witherspoonkelley.com

PROPERTY OWNER:

Name: City of Spokane

Address: 808 West Spokane Falls Boulevard, Spokane

Phone (home):

Phone (work): (509) 624-6286

Email address: rlukas@spokanecity.org

AGENT:

Name: Stanley M. Schwartz, Attorney at Law

Address: Witherspoon Kelley, 422 West Riverside, Suite 1100, Spokane, WA 99201

Phone (home):

Phone (work): (509) 624-5265

Email address: sms@witherspoonkelley.com

ASSESSOR'S PARCEL NUMBERS:

34041.0038

LEGAL DESCRIPTION OF SITE:

THE WEST 570 FEET OF THE EAST 600 FEET OF THE SOUTH 150 FEET OF GOVERNMENT LOT 8, IN SECTION 4, TOWNSHIP 24 NORTH, RANGE 43 EAST, W.M.;
EXCEPT REGAL STREET;
AND EXCEPT THAT PORTION DEEDED TO THE CITY OF SPOKANE DEED RECORDED JUNE 21, 2004, RECORDING NO. 5087368; SITUATE IN THE CITY OF SPOKANE, COUNTY OF SPOKANE, STATE OF WASHINGTON.

SIZE OF PROPERTY:

1.9 acres

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

Comprehensive Plan Map Amendment and associated zone change

**DOES OWNER/APPLICANT OWN PROPERTY ADJACENT TO SUBJECT PROPERTY?
If yes, provide all parcel numbers.**

Yes, the purchaser (KXLY) of the subject property owns parcel #34041.9077.

I acknowledge, as a part of this application, that I am responsible for all notification requirements as described in SMC 17G.060. for public hearing and community meeting. Copies of these instructions are available from the Planning Services Department or on www.spokaneplanning.org.

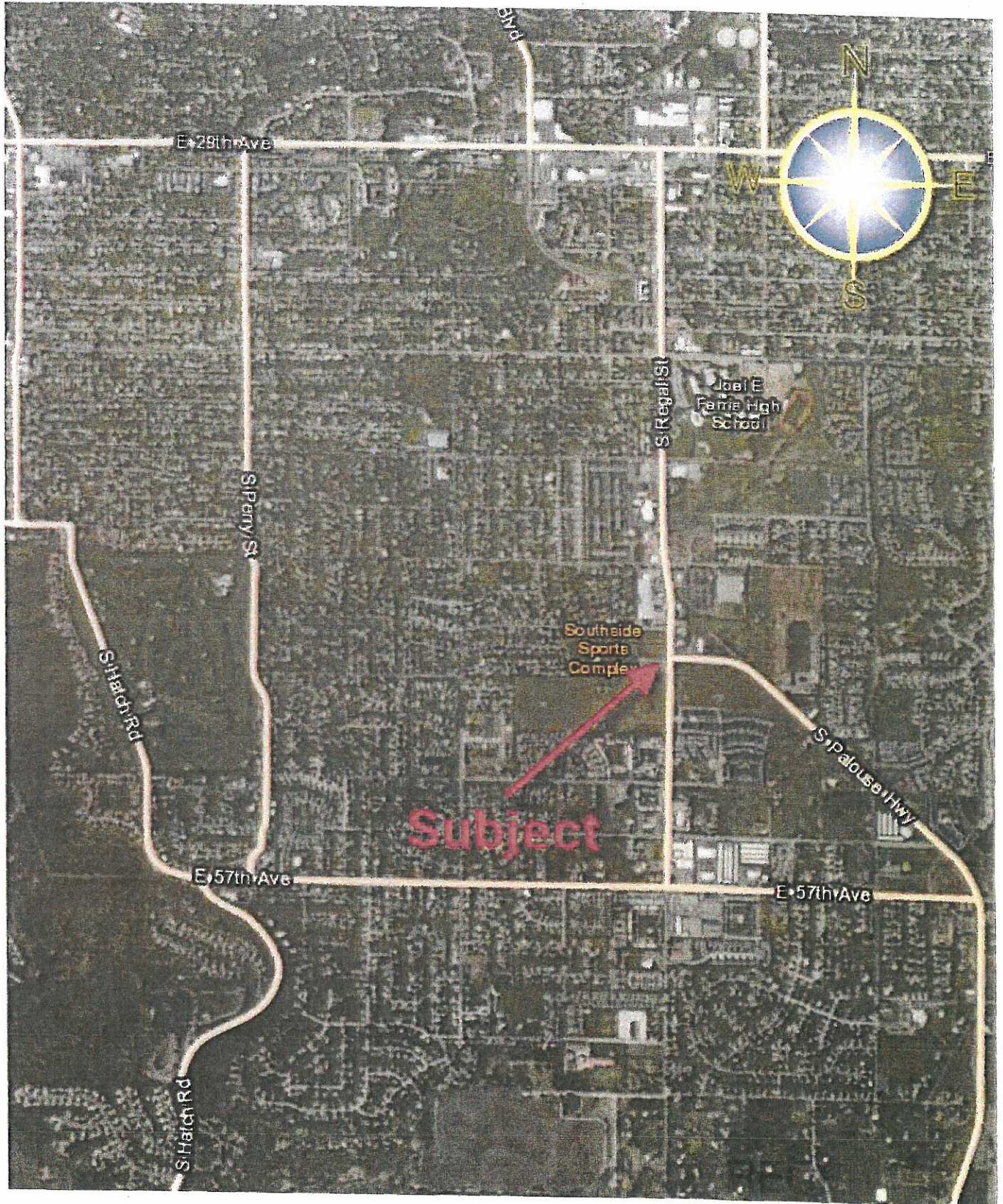
SUBMITTED BY:

Stanley M. Schwartz

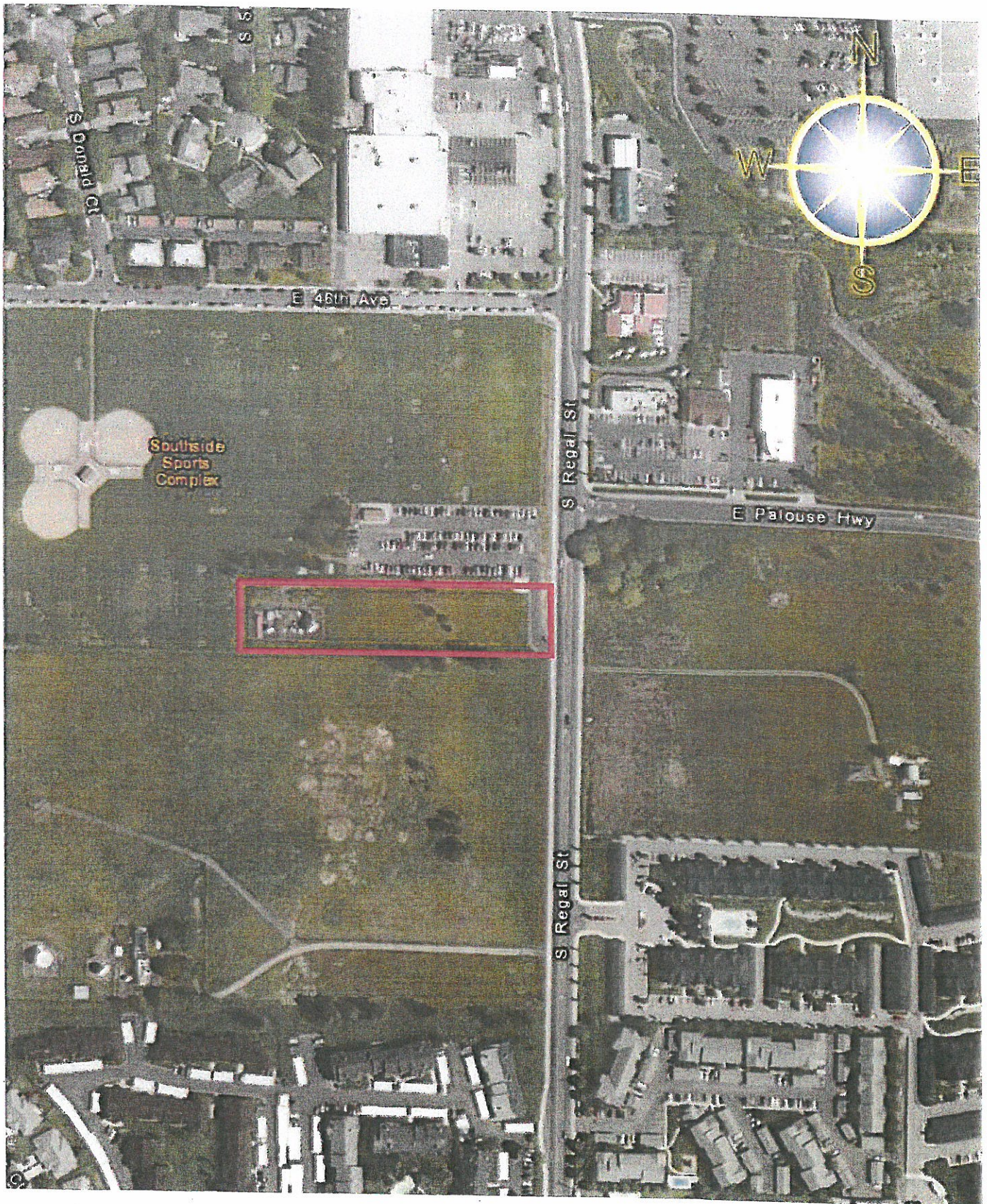


☐ Applicant ☐ Property Owner ☐ Property Purchaser ☒ Agent

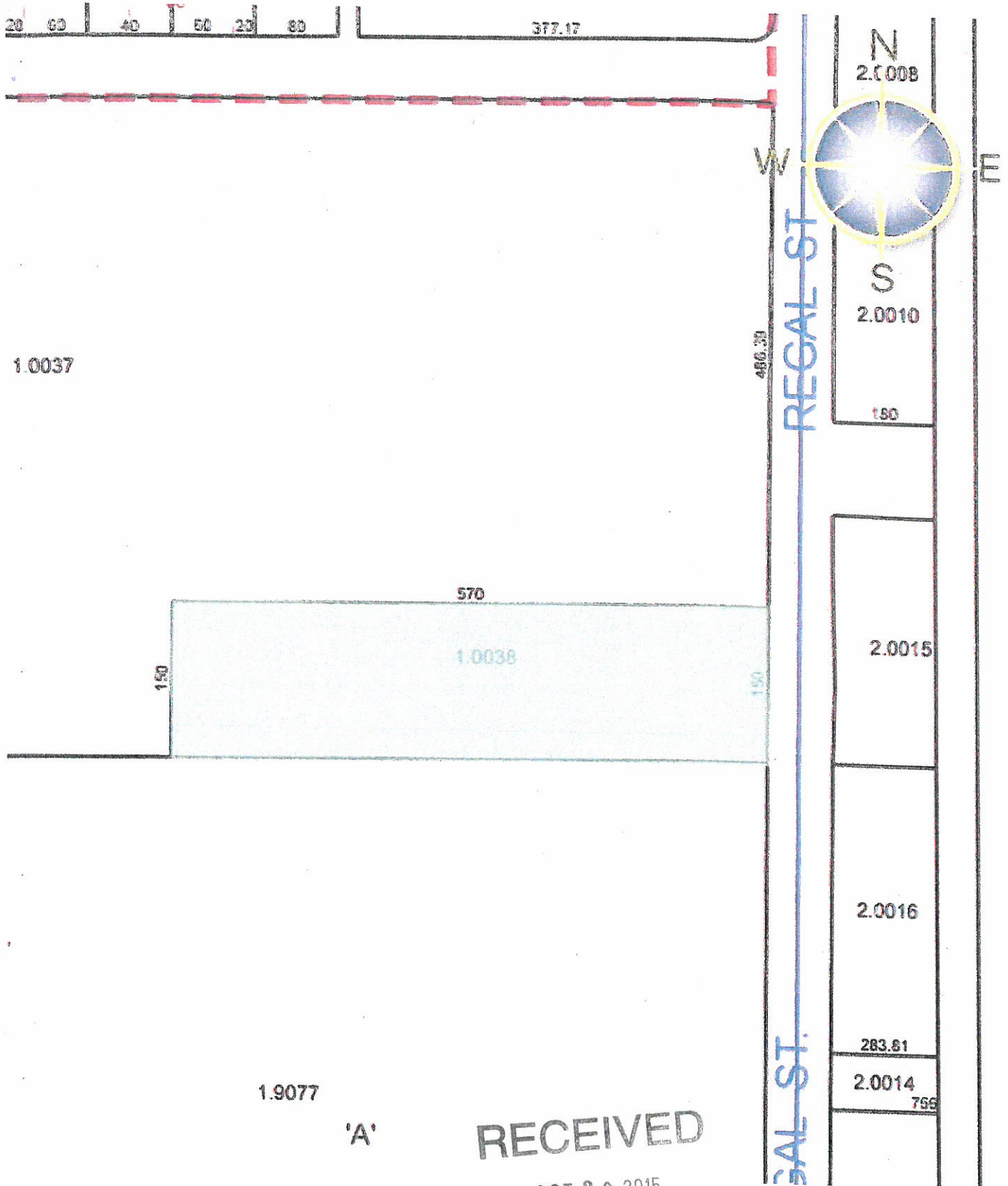
AERIAL PHOTOGRAPH



OCT 30 2015



PLAT MAP



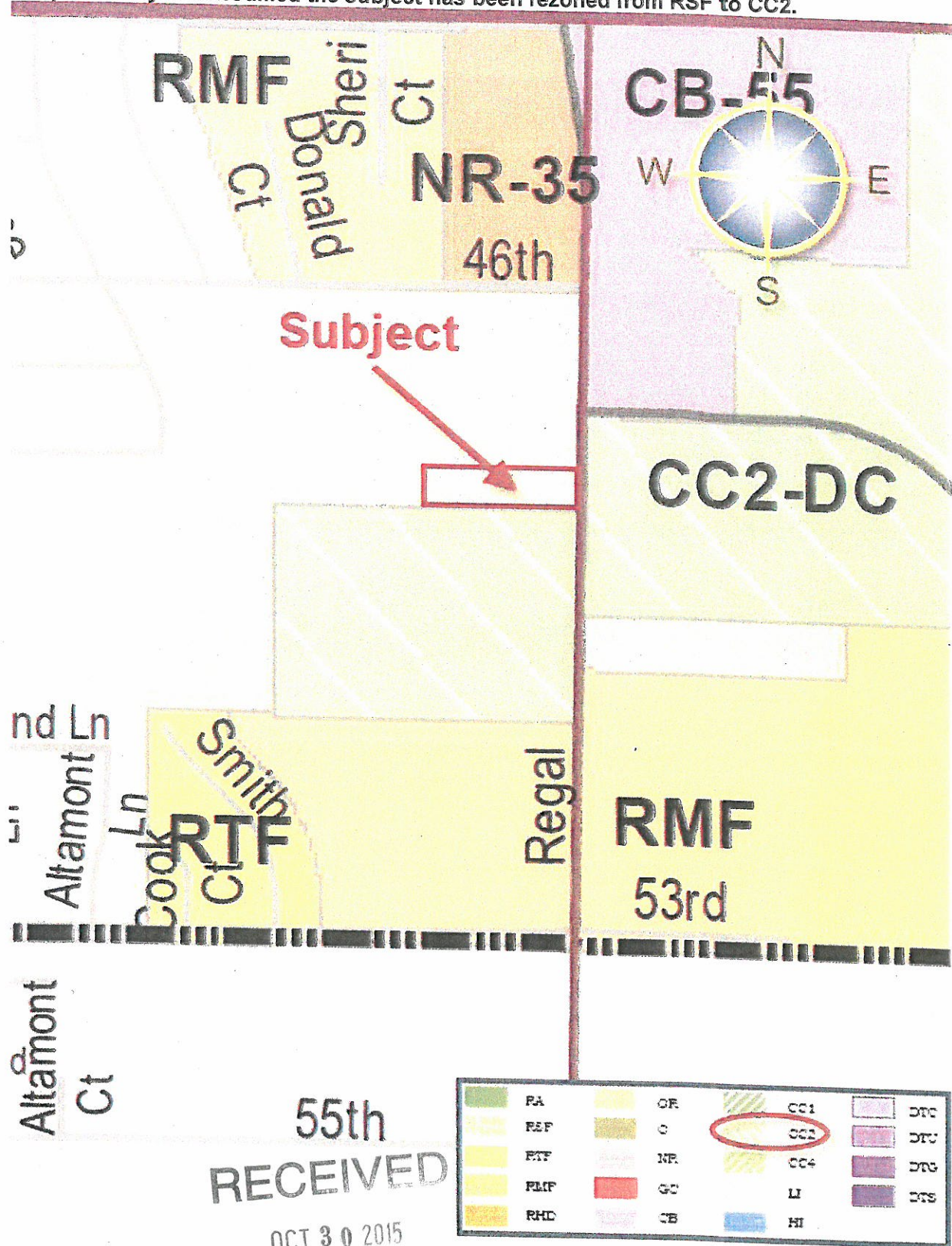
RECEIVED

OCT 30 2015

PLANNING & DEVELOPMENT

ZONING MAP

As noted previously is it assumed the subject has been rezoned from RSF to CC2.



RECEIVED

OCT 30 2015

PLANNING & DEVELOPMENT