

**PLANNING DIRECTOR'S DECISION ON  
CONDITIONAL USE PERMIT APPLICATION  
FILE NO. Z21-170CUP2**

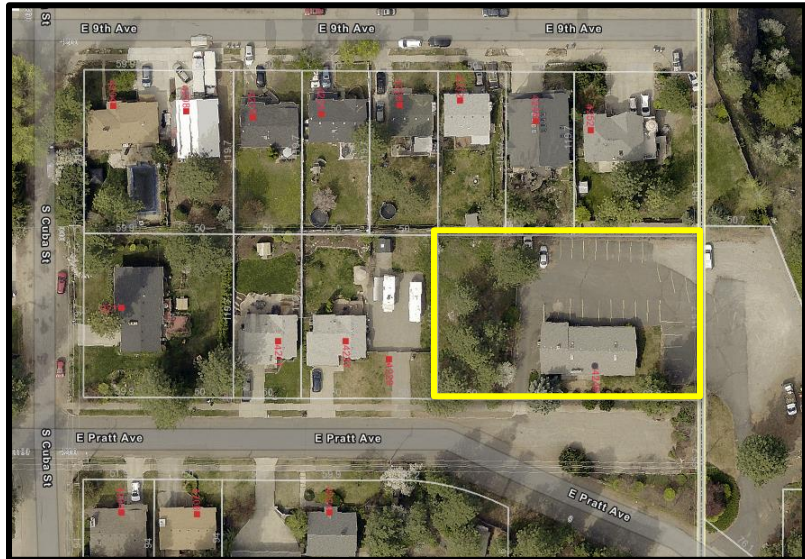
**SUMMARY OF REQUEST AND RECOMMENDATIONS:**

**DESCRIPTION OF PROPOSAL:** The applicant, Dan Trend-Schons with Riverday School is proposing to convert an existing church building into a small private school. Work proposed includes minimal interior renovations for the conversion and restriping of the existing parking lot.

**GENERAL INFORMATION:**

- A. Applicant: Riverday School  
Dan Trend-Schons  
1627 E Trent Ave  
Spokane, WA 99202
  
- B. Property Owner: Steven and Donna Kirschke  
PO Box 30892  
Spokane, WA 99223
  
- D. Location of Proposal: The subject property is at 4249 E Pratt Ave, Parcel  
No. 35224.2610
  
- E. Existing Zoning: RSF (Residential Single Family)
  
- F. Land Use Plan Designation: Residential 4-10
  
- G. SEPA Status: Exempt
  
- H. Enabling Zoning: SMC 17C.110.110.G Residential Zones
  
- I. Staff Contact: Ali Brast, Assistant Planner II, 625-6638  
[abrast@spokanecity.org](mailto:abrast@spokanecity.org)
  
- J. Date of Decision: October 14, 2021

- A. **Site Description:** The project site is in the East Central neighborhood and sits right at the eastern municipal boundary of the City. The property fronts on an unimproved portion of Pratt Ave and is surrounded by single family homes. The property received a special permit in the late 1950's to build a church; the structure and site have been operating as an institutional use for a number of years. The site is approximately 0.5 acres in area.



- B. **Project Description:** The applicant proposes to convert the existing institutional building into a small private school to serve no more than 25 students with associated teachers and support staff. Minimal site improvements are proposed, other than restriping the existing parking lot. Interior renovations are also minimal to include replacement of windows and any necessary changes required of the change in occupancy per the building code. During a Pre-Development meeting, the applicant was informed that abandonment of the existing septic system was highly encouraged and may be mandatory in the future. The applicant proposes to have all pick-up and drop-off of students take place on site, so no staging of vehicles is proposed on Pratt Ave.
- C. **Surrounding Zoning:** Residential Single Family (RSF) zoning to the north, south, and west. Property directly to the east is in Spokane Valley and appears to be zoned R3.
- E. **Adjacent Land Use:** Residential 4-10 to the north, south and west. Land Use Designation in Spokane Valley is unknown.
- F. **Applicable Zoning Regulations:** SMC 17C.110.110.G Residential Uses; 17C.320 Conditional Uses
- G. **Procedural Requirements:**
- A Community Meeting was held on August 23, 2021 at Moran Prairie County Library;
  - Application was submitted on August 27, 2021;
  - A Request for Comments notice was sent to Departments and Agencies on August 27, 2021;
  - The applicant was notified on September 15, 2021 that the application was technically complete;
  - A Notice of Application was mailed and posted on the subject property on September 20, 2021 which began the 15-day public comment period; and
  - The Public Comment Period closed on October 4, 2021.

**DEPARTMENT REPORTS:**

Notice of this proposal was sent to City departments and outside agencies for their review and comments on August 27, 2021. Their comments are included with the file and are made part of this application by reference.

**PUBLIC COMMENT:**

Staff received four public comments which identified concerns about noise, traffic, and loss in property values.

**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:**

The subject site is zoned Residential Single Family (RSF). A new school is identified in SMC.110-1 as an Institutional Category of Use. Per 17C.110.110.G, new school uses are permitted in the RSF zone through a Type II Conditional Use Permit.

**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:

*\*Policy LU 4.1 Land Use and Transportation states: Coordinate land use and transportation planning to result in an efficient pattern of development that supports alternative transportation modes consistent with the Transportation Chapter and makes significant progress toward reducing sprawl, traffic congestion, and air pollution.*

*\*Policy LU 5.3 Off-Site Impacts states: Ensure that off-street parking, access, and loading facilities do not adversely impact the surrounding area.*

*\*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 6.4 City and School Cooperation states: Continue the cooperative relationship between the city and school officials.*

*\*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 August 27, 2021 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 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 proposed project site includes an existing building and existing paved parking lot. Minimal site improvements are proposed; the applicant simply proposes to restripe the parking lot. During a Pre-Development meeting, the applicant was made aware that the existing septic system may be required to be abandoned and subsequent connection to the City's sewer system may be required. At this time, however, no such requirement has been noted by the City's Engineering Department.

The applicant proposes all student pick-up and drop-off to be located on-site, so no use of Pratt Ave is proposed for this purpose.

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: No significant impacts were noted by reviewing City staff or agencies that require additional mitigation.

Staff Comment:

Any improvements to the exterior of the building 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.

Staff received four public comments with concerns about noise, parking, and loss in property values in the residential neighborhood. The applicant has indicated that all student drop-off and pick-up will occur on site and not on Pratt. Additionally, the play area for the children will be located behind the building to try to limit noise impacts to neighbors. Based on the reports that staff received from City Departments and outside Agencies, there is no indication that the proposed project would create effects on the surrounding neighborhood that would be significant enough to warrant mitigation.

**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:**

This site has historically been an institutional use. In the 1950's, the site received a special permit to build a church and has been operating as such for decades, until recently. The applicant proposes minimal improvements to the building or the site, so the property will appear visually the same to surrounding property owners.

**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:**

As mentioned above, the site has historically been an institutional use, as it was previously a church and originally built as such. Any modifications made to the building will be required to adhere to Institutional Design Standards in Residential Zones found in 17C.110.500-575.

**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.*

**Staff Comments:**

Changing the use of the building from a church to a school will have some impacts on neighbors. A building that was typically occupied on Sundays, will now be occupied Monday through Friday during the day (per the applicant's application materials). The application materials indicate that they anticipate recess being the most likely adverse impact to neighboring property owners, but state that they expect that it would be the northern neighbors that would be most impacted, as the play area will be behind the primary structure. Again, use of the site will be concentrated to day-time hours.

No new lighting or late-night operations are proposed and refuse pick-up for the building will continue on Mondays, so no new odor impacts are expected. If the applicant needs additional pick-ups throughout the week, they will be able to coordinate that request with the Refuse Department. While there will be impacts to nearby residential properties, the applicant appears to have mitigated those impacts to the best of their ability.

**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. While the property currently has a septic system, City sewer is available in the street and when and if the requirement to connect to City services arises, the impact to the system will be minimal.

**Staff finds this criterion is met.**

## **DECISION**

TO APPROVE the Conditional Use Permit to allow the conversion of an existing church building to a small private school for up to 25 students and associated teachers and staff at 4249 E Pratt 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. Per comments from Engineering, if the existing septic system fails, which currently serves the structure, the applicant will be required to hook into City Sewer. Prior to the septic system fails, the Wastewater Management Department may require the septic system to be abandoned, however at this time, that is not required. If required in the future, the applicant will be contacted by the Wastewater Department.
3. Any site work proposed will be reviewed by Engineering for sewer, water, stormwater, and access compliance during Building Permit review.
4. Per the letter dated September 3, 2021 from the Spokane Regional Health District to the applicant, all state health requirements for Primary and Secondary Schools must be met. Continue to work with the Health Department to ensure the list of items identified in the letter are addressed prior to Certificate of Occupancy.
5. 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.

6. 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.
7. Adhere to any additional performance and development standards documented in comments or required by City of Spokane, Spokane County Washington State, and any Federal agency is required.
8. 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 14, 2021. **THE DATE OF THE LAST DAY TO APPEAL IS October 28, 2021 AT 5:00 P.M.** In addition to paying the appeal fee (\$250) to appeal the decision, the ordinance requires payment if a transcript fee to the City of Spokane to cover the costs of preparing any required transcripts.

Sincerely,



Tami Palmquist for Louis Meuler, Interim Planning Director  
Planning and Development Services  
City of Spokane

By: Ali Brast, Assistant Planner II  
Planning and Development