

**STAFF REPORT ON COMPREHENSIVE PLAN
LAND USE AMENDMENT APPLICATION
MARKET & CLEVELAND (Spurway Living Trust) FILE NO. Z1400062-COMP**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

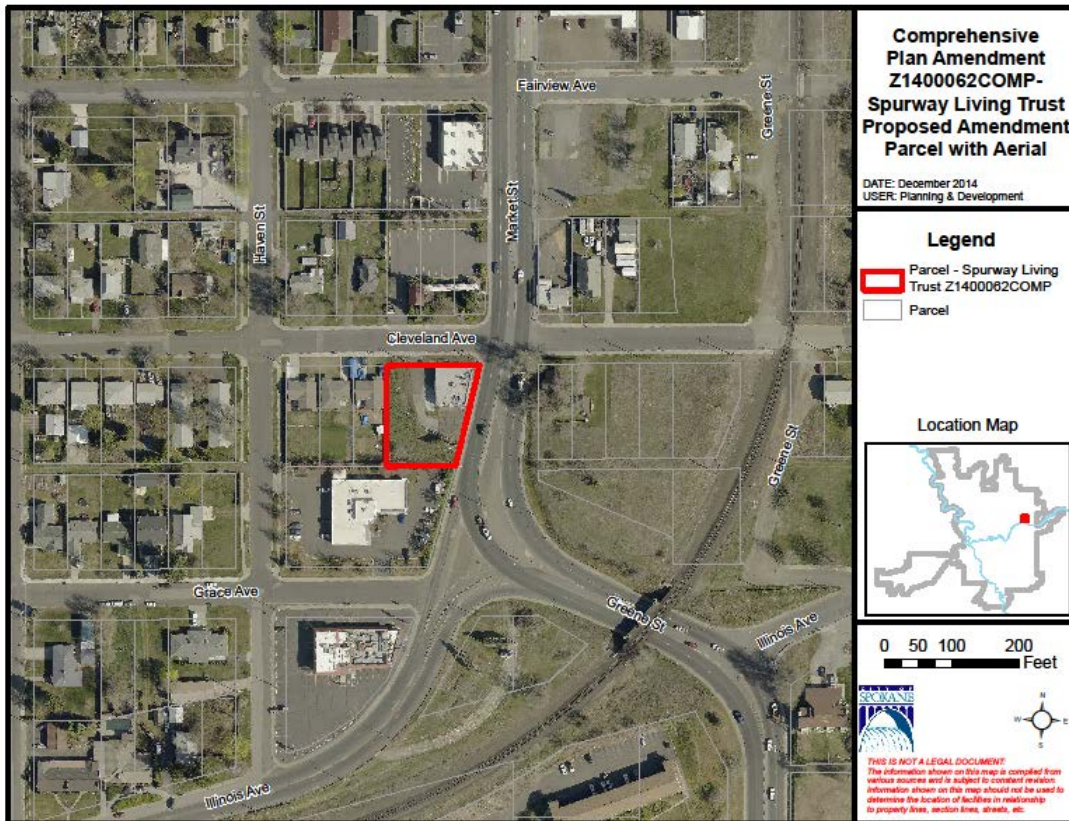
DESCRIPTION OF PROPOSAL:

This proposal is to amend the Comprehensive Plan land use map designation of a portion of one parcel from “Residential, 4 to 10 units per acre” to “General Commercial”, with a corresponding rezone of the parcel from RSF (residential single family) to GC-70 (General Commercial with 70-foot height limitation). The approximate size of the proposal is 7500 square feet (.17 acres). No specific development proposal is being approved at this time.

II. GENERAL INFORMATION:

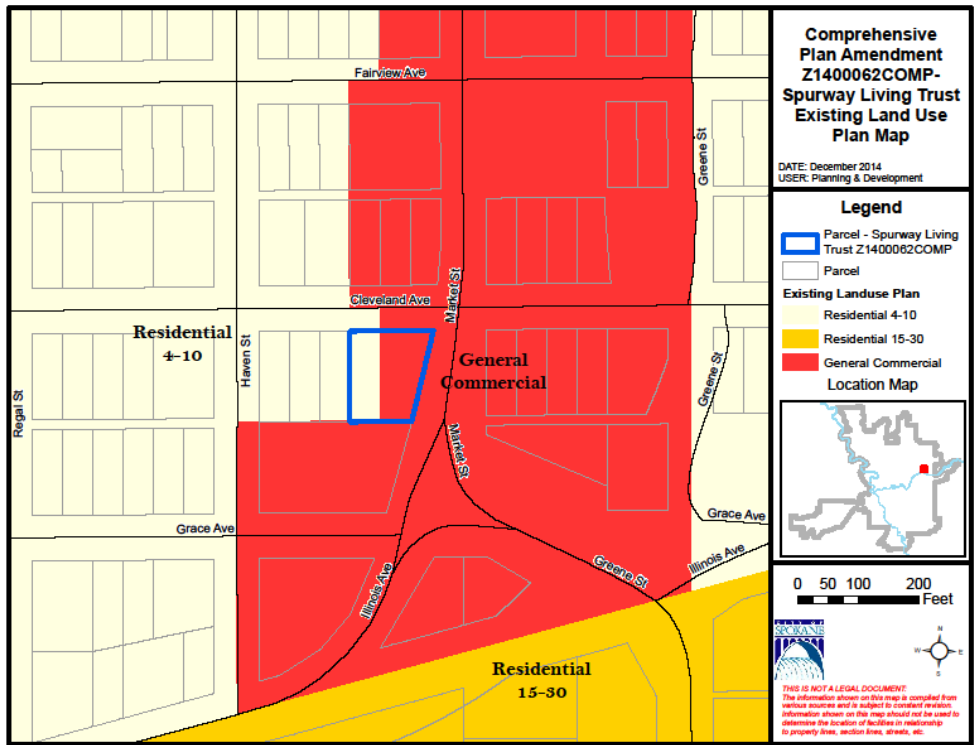
Agent:	Mr. Dwight Hume, Land Use Solutions and Entitlement
Applicant/Property Owner(s):	Spurway Living Trust
Location of Proposal:	The parcel address is 2829 N. Market. The parcel number is 35102.2003. (NW ¼ of Section 10, T25N, R43 EWM)
Legal Description	Riverside Peter Sapro; Lots 1-3, Block 20 (parcel 35102.2003)
Existing Land Use Plan Designation:	“Residential, 4 to 10 units per acre”
Proposed Land Use Plan Designation:	“General Commercial”
Existing Zoning:	RSF (Residential Single Family)
Proposed Zoning:	GC-70 (General Commercial, with 70-foot height limitation)
SEPA Status:	A SEPA threshold Determination of Non-Significance (DNS) was made on September 4, 2015. The appeal period closed on September 23, 2015 at noon.
Enabling Code Section:	SMC 17G. 020, Comprehensive Plan Amendment Procedure
Plan Commission Hearing Date:	September 23, 2015
Staff Contact:	Tirrell Black, Planner; tblack@spokanecity.org

III. FINDINGS OF FACT:

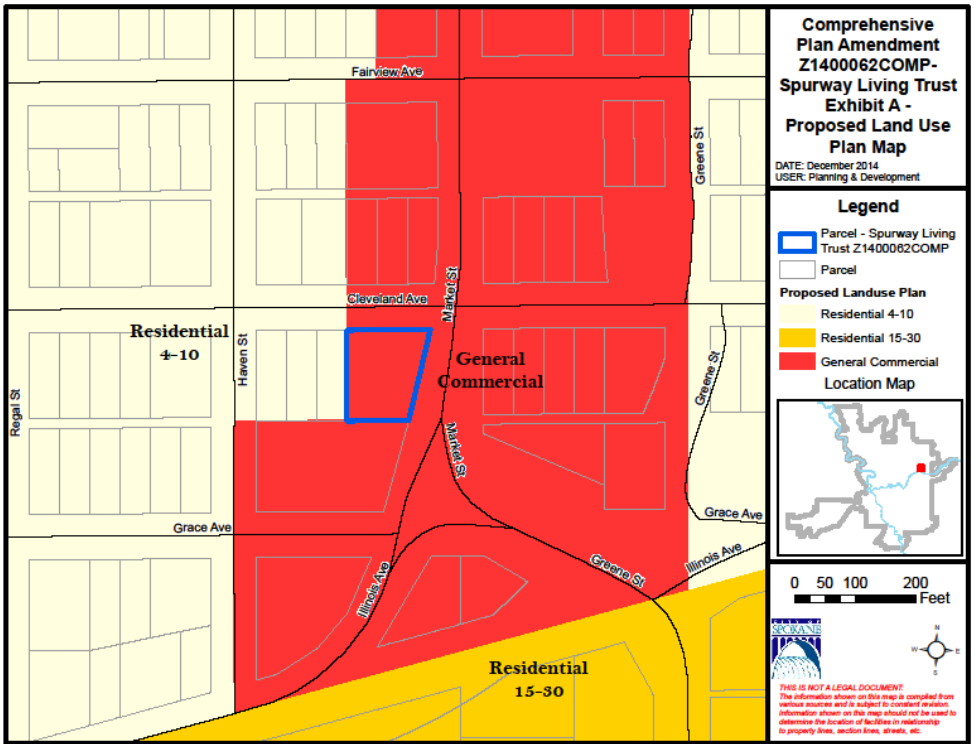


- A. Site Description:** The total property consists of one parcel with an area of 17,775 square feet (0.4 acres) which is addressed at 2829 N. Market. The parcel is at the corner of Market Street and Cleveland Avenue. Market Street is a principal arterial and a bus line for STA Route 33 and 39. The site has a vacant commercial structure on the northeast corner which was built in 1949. The remainder of the site is unimproved and has been used for access and parking in the past. Commercial uses are to the north and south of the property. There is an adjacent residence to the west, which is single family residential.
- B. Project Description:** The parcel is presently split zoned. The eastern 60% of the parcel (underlying lot 1 & 2) is General Commercial and the western 40% (underlying lot 3) is Residential Single Family. This proposal is to change the residential portion to correspond to the commercial portion and amend the land use designation of the subject area from “Residential, 4 to 10 units per acre” to “General Commercial” with a corresponding rezone of the parcel from RSF (residential single family) to GC-70 (General Commercial, with 70-foot height limitation). The approximate size of the proposal is 7500 square feet (.17 acres). Development and improvement of the site would be subject to all relevant provisions of the City’s unified development code.

C. Existing Land Use Plan Map Designations



D. Proposed Land Use Plan Map



E. Zoning and Land Use Designation History:

This parcel contains underlying lots 1-3 and was zoned Class I, Residential Zone prior to 1948. Lots 1 and 2 had a zoning change to Class IV, Commercial Zone, which was passed by the City Council on March 2, 1948 (Ord. no. C9540, Sec. A-245). A structure for commercial use was built on the 2 lots in 1949. In the early 1960's the City of Spokane realigned Market Street to build the Illinois/Greene/Market Street interchange requiring a substantial portion of lot 1 for the roadway. From that period the subject area (lot 3) has been used for associated access and parking for the adjacent commercial use of lots 1 and 2.

F. Adjacent Land Use:

The property has frontage on Market Street on the east and Cleveland Avenue on the north. Market Street is classified as a principal arterial street and Cleveland Avenue is a local street. Adjacent, existing land use to the north, south, and east of the property is General Commercial. To the west is Residential Single Family.

STA Bus Routes 33 and 39 have service on Market Street. Market Street has four travel lanes and a high traffic volume of 35,800 average trips per day. Immediately south of the site is the large roadway interchange of Market, Illinois, and Greene Streets.

G. Applicable Municipal Code Regulations: SMC 17G.020, Comprehensive Plan Amendment Procedures.

H. Procedural Requirements:

- Application was submitted on October 31, 2014 and Certified Complete on December 1, 2014;
- Applicant was provided Notice of Application on February 23, 2013;
- Notice of Application was posted, published, and mailed on March 9, 2015, which began a 60 day public comment period. The comment period ended May 7, 2015;
- The applicant made a presentation regarding the proposal to the Bemiss and Minnehaha Neighborhood Councils on March 12th, 2015;
- A SEPA Determination of Non Significance was issued on September 4, 2015;
- Notice of Public Hearing was posted and mailed by September 9, 2015;
- Notice of Public Hearing was published on September 9, 2015 and September 16, 2015;
- Hearing Date is scheduled with the Plan Commission for September 23, 2015.

IV. DEPARTMENT REPORTS and PUBLIC COMMENT

Notice of this proposal was sent to City departments and outside agencies for their review. Department comments are included in the file.

As of the date of the staff report, written public comments received has been one letter from a nearby property owner in opposition to the proposal, stating a deviation to the Spokane Comprehensive Plan (Land Use Chapter, 3.5 Description of Land Use Tables, page 34). This item is addressed in on page 7 of this staff report.

V. CONCLUSIONS

SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, in evaluating proposal to amend the comprehensive plan. The following is a list of those considerations followed by staff analysis relative each.

A. Regulatory Changes.

Amendments to the Comprehensive Plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.

Relevant facts: The proposal is being considered and processed in accordance with the most current regulations of the Growth Management Act, the Washington State Environmental Policy Act (SEPA) and the Spokane Municipal Code. There are no known recent state or federal or local legislative actions with which the proposal would be in conflict. Staff concludes this criterion is met.

B. GMA.

The change must be consistent with the goals and purposes of the state Growth Management Act.

Relevant facts: The “Legislative findings” included in the Revised Code of Washington pertaining to GMA is essentially a call for coordinated and planned growth that is done cooperatively between citizens, government, and the private sector. The complete text of the “Legislative findings” follows:

RCW 36.70A.010, Legislative findings.

The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.

The Growth Management Act contains 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW 36.70A.020, “Planning Goals”). The two goals that are most directly related to the land use element state:

- ◆ Urban growth. “Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.”
- ◆ Reduce sprawl. “Reduce the inappropriate conversion of undeveloped land into sprawling, low density development.”

Based on the evaluation provided elsewhere in this report, staff concludes that the application is consistent with these and the rest of the GMA Planning goals and the overall purpose of the Growth Management Act.

C. Financing.

In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.

Relevant facts: *This proposal has been reviewed by city departments responsible for providing public services and facilities. No comments have been made to indicate that this proposal creates issues with any public services and facilities.*

Staff concludes that this criterion is met.

D. Funding Shortfall.

If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and capital facilities program.

Relevant facts: *Staff has concluded that this criterion is not applicable to this proposal. There are no funding shortfall implications.*

E. Internal Consistency.

The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

Relevant facts: *The proposal does not result in the need for other amendments to the Comprehensive Plan text or development regulations.*

The applicant provided a discussion of the applicable Goals and Policies from the Comprehensive Plan which supports their request for the Land Use Plan Map Amendment. Below are relevant Comprehensive Plan Goals and Policies. Staff discussion follows.

From Comprehensive Plan Chapter 3, Land Use

Goal: LU 1 CITYWIDE LAND USE

Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and nonresidential development and design, and proactively reinforcing downtown Spokane's role as the urban center.

Policy: LU 1.8 General Commercial Uses: Contain general commercial areas within the boundaries occupied by existing business designations and within the boundaries of designated centers and corridors.

Discussion: The full text policy language of the General Commercial designation is found in LU 1.8 and is included in Exhibit A. The policy indicates that "existing commercial strips should be contained within their current boundaries with no further extension along arterial streets allowed. In the Comprehensive Plan's glossary, "should" is defined as indicating "an action specified in a policy discussion is discretionary." This suggests there is room for discussion on this particular policy.

Staff Discussion:

Aerial photographs document that this site has been used as unpaved parking and access for this site since the 1950s. Due to the zoning, this property cannot be improved parking with paving and stormwater controls, until the zoning is changed from RSF (residential single family.) The proposal would eliminate non-conforming uses within the existing parcel and establish a zoning boundary on an existing lot line. The proposal would unify the parcel with one consistent land use and zoning designation.

The parcel has existing infrastructure to support use.

Staff concludes that this criterion is met.

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.

Relevant facts: *This amendment will not impact regional consistency.*

G. Cumulative Effect.

All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.

i. Land Use Impacts.

In addition, applications should be reviewed for their cumulative land use impacts.

Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.

ii. Grouping.

Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.

Relevant facts: This application is being reviewed as part of the annual cycle of comprehensive plan amendments.

Staff concludes that this criterion is met.

H. SEPA.

SEPA review must be completed on all amendment proposals.

1. Grouping.

When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.

2. DS.

If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

Relevant facts: The application has been reviewed in accordance with the State Environmental Policy Act (SEPA) that requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of information contained with the environmental checklist, the written comments from local and State departments and agencies concerned with land development within the city, a review of other information available to the Director of Planning Services, and in recognition of the mitigation measures that will be required by State and local development regulations at the time of development, a Determination of Non-Significance (DNS) was issued on September 4, 2015.

Staff concludes that this criterion is met.

I. Adequate Public Facilities.

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

Relevant facts: All affected departments and outside agencies providing services to the subject properties have had an opportunity to comment on the proposal and no agency or department offered comments suggesting the proposal would affect the City's ability to provide adequate public facilities to the property or surrounding

area or consume public resources otherwise needed to support comprehensive plan implementation strategies. Any specific site development impacts can be addressed at time of application for a building permit, when actual site development is proposed. Staff concludes that this criterion is met.

J. UGA.

Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County.

Relevant facts: The proposal does not involve amendment of the urban growth area boundary. This criterion is not applicable to this proposal.

K. Consistent Amendments.

1. Policy Adjustments.

Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:

- a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- b. the capacity to provide adequate services is diminished or increased;
- c. land availability to meet demand is reduced;
- d. population or employment growth is significantly different than the plan's assumptions;
- e. plan objectives are not being met as specified;
- f. the effect of the plan on land values and affordable housing is contrary to plan goals;
- g. transportation and/or other capital improvements are not being made as expected;
- h. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.

Relevant facts: This proposal is a request for a Comprehensive Plan Land Use Plan Map amendment, not a policy adjustment. This criterion is not applicable to this proposal.

2. Map Changes.

Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);

Relevant facts: *Relevant Comprehensive Plan policies are addressed in Criterion E above.*

Staff concludes that the proposed amendment is compatible with neighboring land uses and is consistent with the Comprehensive Plan.

- b. The map amendment or site is suitable for the proposed designation;

Relevant facts: *The site is suitable and can be developed according the standards of the General Commercial zone. Staff finds that it is a suitable site.*

- c. The map amendment implements applicable comprehensive plan policies better than the current map designation.

Relevant facts: *Staff finds that the proposed amendment is not inconsistent with the Comprehensive Plan policies.*

3. Rezones, Land Use Plan Map Amendment.

Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

Relevant facts: *The applicant has requested a corresponding rezone to General Commercial, with 70-foot height limitation (GC-70). This is the same zoning designation as currently exists on the balance of the parcel.*

L. Inconsistent Amendments.

1. Review Cycle.

Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(C) and every other year starting in 2005.

Relevant facts: *This is not an inconsistent Comprehensive Plan Land Use Map Plan amendment request.*

2. Adequate Documentation of Need for Change.

- a. The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:
- b. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;

- c. the capacity to provide adequate services is diminished or increased;
- d. land availability to meet demand is reduced;
- e. population or employment growth is significantly different than the plan's assumptions;
- f. transportation and/or other capital improvements are not being made as expected;
- g. conditions have changed substantially in the area within which the subject property lies and/or Citywide;
- h. assumptions upon which the plan is based are found to be invalid; or
- i. sufficient change or lack of change in circumstances dictates the need for such consideration.

Relevant facts: This is not an inconsistent Comprehensive Plan Land Use Map Plan amendment request.

3. Overall Consistency.

If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.

Relevant facts: This is not an inconsistent Comprehensive Plan Land Use Map Plan amendment request.

VI. RECOMMENDATIONS

STAFF CONCLUSION: For reasons outlined within this report, staff recommends that this Comprehensive Plan Land Use Map Amendment request be approved with the property designation changed to "General Commercial" and that the zoning classification of the property be changed to "General Commercial, with 70-foot height limitation" (GC-70).

Exhibit A

From Chapter 3, Land Use:

LU 1 CITYWIDE LAND USE

Goal: Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and nonresidential development and design, and proactively reinforcing downtown Spokane's role as the urban center.

LU 1.8 General Commercial Uses

Contain general commercial areas within the boundaries occupied by existing business designations and within the boundaries of designated centers and corridors.

Discussion: General commercial areas provide locations for a wide range of commercial uses.

Typical development in these areas includes freestanding business sites and larger grouped businesses (shopping centers). Commercial uses that are auto-oriented and include outdoor sales and warehousing are also allowed in this designation. Land designated for general commercial use is usually located at the intersection of or in strips along principal arterial streets. In many areas such as along Northwest Boulevard, this designation is located near residential neighborhoods.

To address conflicts that may occur in these areas, zoning categories should be implemented that limit the range of uses, and site development standards should be adopted to minimize detrimental impacts on the residential area. Existing commercial strips should be contained within their current boundaries with no further extension along arterial streets allowed.

Recognizing existing investments by both the City of Spokane and private parties, and given deference to existing land use patterns, an exception to the containment policy may be allowed by means of a comprehensive plan amendment to expand an existing commercial designation, (Neighborhood Retail, Neighborhood Mini-Center, or General Commercial) at the intersection of two principal arterial streets or onto properties which are not designated for residential use at a signalized intersection of at least one principal arterial street which as of September 2, 2003, has traffic at volumes greater than 20,000 vehicular trips a day. Expansion of the commercial designation under this exception shall be limited to property immediately adjacent to the arterial street and the subject intersection and may not extend more than 250' from the center of the intersection unless a single lot, immediately adjacent to the subject intersection and in existence at the time this comprehensive plan was initially adopted, extends beyond 250' from the center of the intersection. In this case the commercial designation may extend the length of that lot but in no event should it extend further than 500' or have an area greater than 3 acres.

If a commercial designation (Neighborhood Retail, Neighborhood Mini-Center, or General Commercial) exists at the intersection of two principal arterials, a zone change to allow the commercial use to be extended to the next street that runs parallel to the principal arterial street may be allowed. If there is not a street that runs parallel to the principal arterial, the maximum depth of commercial development extending from the arterial street shall not exceed 250 feet.

Areas designated general commercial within centers and corridors are encouraged to be developed in accordance with the policies for centers and corridors. Through a neighborhood planning process for the center, these general commercial areas will be designated in a land use category that is appropriate in the context of a center and to meet the needs of the neighborhood.

Residential uses are permitted in these areas. Residences may be in the form of single-family homes on individual lots, upper-floor apartments above business establishments, or other higher density residential uses.