



Community Development Department
Planning, Building, Historic Preservation
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STAFF REPORT & CONDITIONS OF APPROVAL

Date: December 28, 2020

Staff Planner: Brett Lucas, 498-9221
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Application: LUA2020-010

Applicant: Aaron Simpson, Simpson Engineers
909 N Argonne Rd, Spokane, Valley, WA 99212

Owner: Dick Rocanova
10606 S Andrus Rd., Cheney, WA 99004

Location: 1717 1st Street, in Cheney, WA

Lot Size: 1.15 acres

County Parcel #: 23073.0096

Comprehensive Plan Designation: Commercial

Zoning Designation: General Commercial – Marijuana Overlay (C-2-Marijuana)

Proposal: The applicant proposes to subdivide tract “B” into two lots.

PROCEDURAL HISTORY

Activity	Date
Pre-development Meeting	n/a
Application submitted	11/18/2020
Application deemed fully complete	11/19/2020
Date of vesting	11/19/2020
SEPA determination: Categorically Exempt	n/a
Affidavit of Mailing	11/20/2020
Affidavit of Property Posting	n/a
Public Hearing – Hearing Examiner	n/a
Public Hearing – City Council	n/a
Deadline for issuing decision (120 days)	03/19/2020

BACKGROUND/ANALYSIS

Land Use Process: Chapter 22.34 and Chapter 23.060 of the Cheney Municipal Code outlines the applicability and the process for Binding Site Plan Alterations within the City of Cheney.

Finding #1: According to these chapters, Binding Site Plans (four lots or less) are processed following the short-plat process, requiring just a “staff level” review.

Land Use History: The existing buildings (dental office and physical therapy building) were constructed in 1995.

Site and Vicinity: The site is currently developed with a dental office and physical therapy building grocery. The parcel owner would like to sell the dental office separate from the physical therapy office, as well as having the potential opportunity to develop in the rear portion of the property. Utilities; including water, sewer, storm drainage, electricity and natural gas currently exists. The applicant will record shared parking, access (ingress/egress) and storm water easement as necessary.

Comprehensive Plan: The 2010-2030 Cheney Comprehensive Plan is the over-arching policy document that guides land use development within the City of Cheney.

Finding #2: The subject site has a land-use designation of General Commercial, as do the parcels to north, west, east and south.

Finding #3: Staff identifies the following Comprehensive Plan goals as being related to the project proposal:

Goal 13 – Grow and maintain Cheney as a self-reliant community, aiding the provision of necessary health, retail, and service needs for citizens.

Goal 16 – Maintain and improve Cheney’s small-town scale, charm and aesthetic beauty.

Goal 17 – Involve the community of Cheney in all local government planning and decision making.

Finding #4: Staff identifies the following Comprehensive Plan policies as being related to the project proposal:

Policy 5 – Support small businesses, entrepreneurship, and innovation as a fundamental component of Cheney’s economic resilience.

Policy 29 – Coordinate land uses, transportation access, and civic amenities between new and existing neighboring development.

Policy 38 – Maintain land use strategies favoring growth within the existing urbanized area over the development on the perimeter, promoting infill, limiting sprawl and helping the City provide affordable services

Finding #5: Based on the policy list above, this project meets the overall intent of the Comprehensive Plan.

Zoning: Title 21 of the Cheney Municipal Code outlines the zoning (i.e. setbacks, uses, building height, etc.) requirements for the various zoned areas throughout the City.

Finding #6: The subject site is zoned General Commercial (C-2) along with the parcels immediately to the west, north and east. The site to the south, across Cheney-Spokane Rd, is zoned General Commercial (C-2).

Finding #7: General Commercial allows for a variety of uses in including general retail and medical/professional office.

SEPA Determination: The City of Cheney is SEPA lead agency on this project, as allowed under WAC 197-11-792.

Finding #8: This project is SEPA exempt per WAC 197-11-800 (categorical exemptions) for minor land divisions.

Binding Site Plans: CMC 22.27.010 provides procedures for the divisions of the land by use of a binding site plan as an alternative to the subdivision procedures of this title, and pursuant to Section 58.17.035 of the Revised Code of Washington (RCW). It is the intent of this chapter to protect the public health, safety, and general welfare, to promote orderly and efficient community growth, to provide adequate provisions for public facilities, to ensure safe and convenient pedestrian and vehicular circulation, promote environmental protection and to implement the comprehensive plan, zoning standards, and other local plans and policies.

Finding #8: This application will meet the requirements of Section 58.17.035 of the RCW.

Development Standards: As proposed, the binding site plan will meet all of the minimum development standards as outlined in the table below per CMC 21.32.040.

Development Standards –per CMC 21.32.040			
Standard	C-2	Lot 1	Lot 2
Minimum Lot Size	None	29,528 sf	20,588
Minimum Lot Width	None	77.58’	102’
Minimum Lot Depth	None	185’	238’
Minimum Setbacks			
Front yard (min)	15’	15’+	15’+
Rear yard	None	n/a	n/a
Corner side setback (min)	15’	60’	n/a
Interior side setback	None	n/a	100’
Maximum lot coverage	None	n/a	n/a
Maximum building height	85’	Less than 85’	Less than 85’
Minimum Landscaping Requirement	Per CMC 21.42	Pre-existing	Will be installed per CMC 21.42 as part of a building permit

DESIGN STANDARDS

Street and Block Layout (CMC 22.24.020, a-n), Street Right-of-Way Requirements (CMC 22.24.030), Lots (CMC 22.24.040), Utilities (CMC 22.24.060), Fire Code (CMC 22.24.070), and Easements (CMC 22.24.080)

Planning

Parking: The table below demonstrates the required parking needs for both lots 1-A and 1-B, per CMC 21.40.

Off-Street Parking Calculations					
Lot	Building SF	Parking Ratio	Required Parking	Provided Parking	Surplus Parking
1	4,500	1/300 sf	15	18	3
2	4,500	1/300 sf	15	27	12
Total Parking Required (all lots)			30	45	15

Finding #9: The applicant has demonstrated that the parking requirements can be met. The applicant is also providing a providing a joint parking agreement between lots 1, 2 and “Tract A”.

Maintenance Agreements: To address the concern of access, driveways, parking, water and sewer, staff has requested that the applicant record covenant to address access, maintenance, sewer, and stormwater.

Finding #10: As a condition of approval, the applicant will be required to record the appropriate easements and maintenance agreements.

Landscaping: Title 21 of the Cheney Municipal Code outlines the landscaping requirements depending on zoned areas throughout the City.

Finding #11: The minimum perimeter landscaping requirement as identified in CMC21.42.040 is identified in the table below.

Location	Zone of subject property (C-2)
Lot line abutting C-2	5 ft. of Type III

Type III open area landscaping. Type III landscaping shall consist of canopy type deciduous trees or spreading evergreen trees, planted in landscape strips 30 feet on center, with a mix of living evergreen and deciduous ground covers and low shrubs. Shrubs shall be of a type that does not exceed a height at maturity of approximately three feet. Deciduous trees shall have a minimum trunk diameter of 1¾ inches measured at three feet above finished grade at the time of planting. Evergreen trees shall be a minimum of four feet tall at the time of planting. Existing vegetation may be incorporated into the landscaping design, provided it contributes to achieving the intent of this section.

Finding #12: The applicant is not required to install any new landscaping as part of this project this is a binding site plan is for existing buildings. Landscaping will be required with any future development.

Building

A complete building code review of individual building plans is not performed as part of the Binding Site Plan Amendment. The applicant will need to apply for a separate building code review for any proposed improvements. Building code review will need to meet the minimum standards of technical codes as outlined in Title 19 with applicable state and local amendments.

Finding #13: This requirement will be met at the time of building permit application.

Fire Department

A complete fire code review of individual building plans is not performed as part of the Binding Site Plan Amendment. Interior and exterior fire code requirements will be reviewed at the time of building permit application. To receive fire code approval, the proposal must meet the minimum fire apparatus access standards set forth in the International Fire Code and Title 18. Fire aerial apparatus access is required and needs be adequate from the adjacent streets.

Finding #14: This requirement will need be met at the time of building permit application. If a fire suppression/sprinkler system is needed for Lot 2 (depending on the construction style of the new building), then an additional water service may be required including a new hydrant off of 1st Street. If a fire suppression/sprinkler system is not needed for Lot 2, then the existing 2-inch service that is currently stubbed out should be adequate.

Light Department

The Light Department has reviewed this application. The Light Department has adequate capacity to supply the electrical needs of the medical/professional office building. Requirements of Title 14 shall be met, and will be reviewed during the building permit process.

Finding #15: This requirement will be met at the time of building permit application.

Public Works Department – Concurrency/Traffic

Adequate traffic capacity exists on 1st Street for all three lots, as any development should not affect the existing Level of Service (LOS) on 1st Street.

Finding #16: A traffic study is not required, per the Director of Public works.

Public Works Department – Water/Sewer/Stormwater

1. Water is currently provided to proposed lots 1 and 2. No new water service is proposed as part of this project. Capacity is adequate to serve any proposed development on lot 2, separate from fire flow requirements.
2. Sewer is currently provided to proposed lots 1 and 2 as there are existing buildings. Capacity is adequate to serve any proposed development on lot 3.
3. Stormwater will need to be retained on site. Any requested overflow to the existing city's stormwater system will need to be approved for location and volume of discharge.

Finding #17: Water, sewer, and stormwater requirements can be met.

Conclusion: All of the requirements and design standards outlined in the CMC sections listed above have been met or can be met by the applicant.

APPROVAL CRITERIA

Preliminary Plat Approval Criteria (CMC 22.12.090):

1. *Appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water suppliers, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.*

Finding #18: Provisions will be made for drainage, streets or roads, potable water supplies, and sanitary wastes, as conditioned with appropriate easement and maintenance agreements.

2. *The public interest will be served by the subdivision and dedication.*

Finding #19: A binding site plan will allow for more efficient and better use of existing commercial land along the 1st Street commercial corridor.

3. *All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and the proposed uses of these areas are compatible with such condition.*

Finding #20: The site is already developed with existing infrastructure including water, sewer, parking and access off of 1st Street. Site drainage was also taken into consideration when the parking and buildings initially constructed.

4. *The proposed subdivision would not result in the scattered land division that leaves undeveloped parcels of land lacking urban services between developed parcels.*

Finding #21: This Binding Site Plan is located in an area that is commercially developed. The subject site is already provided with urban services (infrastructure), including water, sewer, vehicular access off of 1st street with prerequisite parking.

Finding #22: The applicant is proposing to record a covenant across all three properties for the purpose of requiring the Owners and/or their tenants, as the case may be, with the obligation for maintenance, improvement, repair and replacement of sidewalks, parking areas, access areas, landscape areas, surface water drainage areas, signage areas and utility areas in the development, including the installation of sewer, water, electrical, gas lines and other utilities in, under, over and upon the development.

5. *The subdivider has made every effort to mitigate the impact of the proposed subdivision regarding public health, safety, and welfare.*

Finding #23: The bulk of the site has been developed. The impact of the proposed subdivision will have a minimal effect on the public health, safety and welfare.

6. *Improvements have been provided to protect future development from flood, inundation, or swamp conditions.*

Finding #24: Tract a and Lot 1 is already developed. Any development on Lot 2 will need to tie into the existing drainage systems onsite.

7. *The property to be subdivided has frontage on and access to an existing street right-of-way that is fully improved.*

Finding #25: All parcels will have access to 1st Street. 1st Street is fully developed with the appropriate frontage improvements (curb, gutter, and sidewalk).

8. *The proposal, at full occupancy, will not create a level of traffic that decreases the level of service for any street below the minimums set in the Comprehensive Plan.*

Finding #26: The subdivision of this land should not generate and increase in traffic on 1st Street over what currently exists.

9. *The proposed street names are sufficiently different in sound and spelling from other street names in the city so as not to cause confusion. Those streets which are (or are planned as) a continuation of an existing street shall bear the same name.*

Finding #27: There are no new street names being proposed as part of this application.

10. *Appropriate provisions have been made to accommodate drainage facilities, pedestrian traffic, and utilities where streets do not continue to the boundary of the land division.*

Finding #28: There is no new proposed development as part of this subdivision. Any future development will need to tie into existing utilities, drainage systems and roadways. No new utilities are proposed.

11. *The proposed streets are properly integrated with the existing transportation system established in the Comprehensive Plan.*

Finding #29: There are no new streets proposed as part of this project, so this project is in compliance with this portion of the Comprehensive Plan.

Conclusion: Based on the findings above, provisions have been made for public health, safety, general welfare, open spaces, drainage ways, streets, water, sanitary sewer, and parks and recreation. All of the requirements of the preliminary plat approval criteria as outlined above have been met by the applicant.

RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearing Examiner)

Staff recommends approval with conditions as noted below and in conformance with Exhibit B.1. Based upon the findings and conclusions herein, the criteria for approval have been satisfactorily met, or shall be met with the conditions of approval, and no significant adverse impacts have been identified.

CONDITIONS OF APPROVAL

1. The site plan that is included with building permit plans and construction drawings shall be in substantial conformance with the plans that are approved as part of this application.
2. The applicant shall record a Declaration of Covenants, Conditions and Restrictions and Grants of Easements.
3. The applicant shall show sight distance and vision clearance triangles on the landscape plans, building plans, and construction drawings.
4. The applicant shall show tree protection fencing on the erosion control and/or grading plans for any trees to be retained.
5. Fire apparatus access shall be maintained.
6. Prior to demolition, alteration or renovation of a structure, a thorough AHERA survey must be conducted by certified personnel to ascertain the presence of Asbestos-Containing Material (ACM) in all affected areas per Spokane Regional Clean Air Agency. (<http://www.spokane-clean-air.org/contractor.asp>).
7. A City of Cheney demolition permit and approval from Spokane Regional Clean Air Agency are required prior to demolition of any structures proposed for removal.
8. The following note shall be placed on the site plan: *If any cultural resources are discovered in the course of undertaking the development activity, the Washington State Department of Archaeology and Historic Preservation in Olympia and City of Cheney Community Development Department shall be notified. Failure to comply with these State requirements may constitute a Class C felony, punishable by imprisonment and/or fines (<http://www.dahp.wa.gov/>).*
9. Prior to the issuance of any building permits, all applicable fees shall be paid to the City of Cheney.

10. A preconstruction meeting shall be conducted prior to commencement of any new construction activities.
11. The applicant shall ensure sediment does not impact adjacent properties or the surrounding public roads during construction.
12. The applicant shall repair any damage to public streets due to construction activity.

EXHIBITS (not attached unless indicated)

- A. Applications:
 1. Application for a Binding Site Plan, dated November 18, 2020
- B. Letters, Plans and Drawings:
 1. Property Exhibit (showing parking and building layout), dated November 18, 2020.
- C. Notifications:
 1. Notice of Application, dated November 23, 2020.
 2. Affidavit of Mailing, dated November 23, 2020.