



City of Cheney Planning Department
Planning, Community Development, Historic Preservation
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STAFF REPORT & RECOMMENDATION to the PLANNING COMMISSION

Date of Hearing: August 9, 2021

Staff Planner: Brett Lucas, 509-498-9221 or blucas@cityofcheney.org

Application: LUA2021-004 – Clover Street Area Rezone

SEPA: The City of Cheney is SEPA lead agency. The City of Cheney has issued a Determination of Non-Significance (MDNS) dated June 30, 2021.

Applicant: Todd Rohlfing
Clover Street Rezone Project
629 W. 6th St
Cheney, WA 99004

Owner: Multiple parcels

Location: Lincoln Street to the east, EWU to the north, Clover Ct to the west, and W. 5th St to the south

County Parcel #: 13144.0035, 13144.0102, 13144.0103, 13144.0401, 13144.0402, 13144.0403, 13144.0404, 13144.0405, 13144.0503, 13144.0505, 13144.0506, 13144.0507, 13144.0508, 13144.0509, 13144.0511, 13144.0512, 13144.0601, 13144.0602, 13144.0603, 13144.0701, 13144.0801, 13144.0802, 13144.0803, 13144.0906, 13144.0907, 13144.0908, 13144.0909, 13144.0910, 13144.0912, 13144.0914, 13144.0915, 13144.0916, 13144.4601, 13144.4602, 13144.4603, 13144.4604, 13144.4605

Comprehensive Plan Designation: Low Density Residential

Zoning Designation: R-2 (Two-Family Residential)

Proposal: A proposal by the residents located within the defined geography outlined above to rezone approximately 12.07 acres from the R-2 (Two-family residential) zone to the R-1 (Single-family residential) to facilitate more single-family residential development which is what a majority of the neighborhood is comprised of in terms of housing. No other policy changes are being proposed

PROCEDURAL HISTORY

Activity	Date
Pre-development Meeting	none
Application submitted	06/25/2021
Application deemed fully complete	06/29/2021
Date of vesting	06/29/2021
SEPA determination: DNS – Cheney Lead Agency	06/30/2021
Affidavit of Mailing	07/08/2021
Affidavit of Notice in the Cheney Free Press	07/15/2021
Affidavit of Property Posting	07/21/2021
Public Hearing (open record) – Planning Commission	08/09/2021
Public Hearing (closed record) – City Council	08/24/2021
Deadline for issuing decision (120 days)	12/25/2021

CRITERIA/ANALYSIS

GENERAL SITE DATA	
Parcel Area	12.07 acres
Landscape Area	n/a – 15% for any developed land
Building Area	Pre-existing developed lots
Parking provided	Pre-existing. As required by CMC

Land Use Process: Chapter 23.030 of the Cheney Municipal Code outlines the applicability and the process for land use reviews within the City of Cheney.

Finding #1: According to the above chapter, Zoning Map Amendments require a public hearing with the Planning Commission, and the Final Decision being made by City Council (CMC 23.030.030).

Notice of Application/Hearing - Mailing: Notice of application requirements are outlined in CMC chapter 23.030.030, and notice of hearing requirements are outlined in CMC chapter 23.100. The applicant was required to provide notice of application and notice of hearing to the properties of record, as shown by the records of the Spokane County Assessor, that are within three hundred feet (300') of the proposal site. The distance shall be measured as the shortest straight-line distance from the property line of the proposal site to the property line of another property.

Finding #2: Notices of Application were sent to all property owners within 300 feet of the subject site on July 8, 2021, according to the Affidavit of Mailing provided by the applicant.

Notice of Application/Hearing – Property Posting: Notice of application requirements are outlined in CMC chapter 23.030.030, and notice of hearing requirements are outlined in CMC chapter 23.100. The applicant posted the property with a sign on 6th and Buena Vista Street.

Finding #3: Staff visited the site and saw the property posting on July 23, 2021. The applicant provided an Affidavit of Property Posting on July 22, 2021.

Notice of Application/Hearing – Publication: Notice of application requirements are outlined in CMC chapter 23.030.030, and notice of hearing requirements are outlined in CMC chapter 23.100. The applicant was required to provide notice of application and notice of hearing in the Cheney Free Press no later than on July 19, 2021.

Finding #4: The applicant provided an Affidavit of Publication on July 21, 2021, stating that a notice was published in the Cheney Free Press on Thursday, July 15, 2021.

Comprehensive Plan: As part of this rezone, there is no need to amend the Comprehensive Plan, as the Comprehensive Plan designation of “Low-Density Residential,” allows for either a R-1 or R-2 zoning designation.

Finding #5: The Comprehensive Plan designates the subject site Low-Density Residential. A Comprehensive Plan Amendment is not required as both the R-1 and R-2 uses are permitted in the low-density residential designation within the Comprehensive Plan.

The 2017-2037 Cheney Comprehensive Plan is the over-arching policy document that guides land use development within the City of Cheney.

Finding #6: The subject site has a land-use designation of Low-Density Residential. Low-Density Residential parcels are located in all directions around the subject parcel; except for “Public” (EWU) which is located to the north.

Finding #7: Staff identifies the following Comprehensive Plan goals as being related to the project proposal:

Goal 1 – Grow and sustain a balanced, resilient economy for Cheney, providing community prosperity and fiscal health.

Goal 5 – Keep Cheney’s neighborhoods safe, vital, and attractive.

Goal 7 – Plan for and establish types and quantities of land uses in Cheney supporting community needs and the City’s long-term sustainability.

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

Finding #8: Staff identified the following Comprehensive Plan policies as being related to the project proposal:

Policy 24 – Support the development of compatible infill housing in Cheney neighborhoods.

Policy 26 – Encourage a wide variety of residential building types in neighborhoods, consistent with community needs and plan objectives.

Policy 31 – Promote land use and growth patterns that ensure all residences are within walking distance of civic and service amenities.

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 #9: Based on the goals and policies listed above, this project meets the overall intent of the Comprehensive Plan. Almost all of the lots located within the geography of the requested zone change have been developed as single-family homes.

Zoning History: Below is a summary of the zoning that has occurred on the site.

1966 – The site was zoned R-1 (Single-Family Residences)

1980 – The site was zoned R-2 (Two Family Residences)

Finding #10: The site was brought into the City in 1956, and was initially developed as single-family residential. The history on the zone change in 1980 is somewhat fuzzy; however, staff believes the zone change occurred to facilitate the conversion of basements into separate units.

Zoning & Zoning Density:

CMC 21.20.020 - Declaration of purpose.

- A. The purpose of the R-1 Single-Family Residential Zone is to provide for single-family residences, excluding mobile homes, on an average neighborhood density of approximately six dwelling units per acre. Zero lot line developments are also considered. The R-1 zone is designed to implement the single-family residential category of the comprehensive plan.
- B. The purpose of the R-2 Two-Family Residential Zone is to provide for both single-family residences and duplexes, excluding mobile homes on a neighborhood density of approximately five dwelling units per acre (single-family) and duplexes at a neighborhood density of approximately nine dwelling units per acre. Zero lot line developments are also considered.

Finding #11: The geography that is described under this zone change application has been largely developed as single-family residential when the area was platted in the late 1950’s and early 1960’s. Currently there are only five vacant lots in the area under consideration that are available for development.

21.20.050 - Development standards (outlines the development standards for the different zoning districts).

Standard	R-1	R-2
Building Coverage Ratio	45%	45%
Minimum Lot Width	50'	40'
Minimum Lot Depth	100'	90'
Minimum Setbacks		
— Front	20'	20'
— Rear and Through Lots	20' ¹	15' ¹
— Side	5'0' ²	5'0' ²
— Street Side	10'	10'

Finding #12: The vacant lots could be developed at the R-2 density and development standards outlined above, which could alter the character of the established development. Any development that was to occur would be reviewed against the required dimensional standards (i.e., setbacks, height, etc.) when an application for a building permit is made.

Zone Map Amendment: Approval Criteria (CMC 21.56.020). The approval, modification, or denial of an amendment application by the Planning Commission shall be evaluated on the following criteria:

1. *The zone map amendment is response to conditions that have changed since the existing zoning designation was assigned. Changed conditions may include public opinion, land use patterns, or the site itself.*

Finding #13: The area was rezoned in 1980, when many EWU faculty living in the area leased out bedrooms or a basement for supplemental income. Over the years public opinion in terms of single-family or duplex development has ebbed and flowed. According to the applicant, most recently, a majority of the residents believe the single-family residential character of the neighborhood is threatened with investor focused development projects for rental development (along W. 5th Street) and not home ownership opportunities.

2. *The zone map amendment has a substantial relationship to the public health, safety, morals or welfare of the community.*

Finding #14: Overall, the area encompassed by the map amendment is largely owner-occupied with a few rentals. Residents in area believe that the future development in the area will cater to EWU students, and may increase behavioral issues (i.e., parties, public alcohol consumption, unkempt properties, and vehicles racing through the neighborhood) often typical of college age students. There is the belief that there may be an uptick of criminal activity with additional duplexes in the area. Residents believe that these conditions could have a negative impact on the neighborhood moving forward.

3. *The zone map amendment conforms to the Cheney Comprehensive Plan.*

Finding #15: Chapter 8 of the Cheney Comprehensive Plan discusses “Housing” and some of the challenges that neighborhoods like these face. Over the years, there has been “EWU staff flight” to Spokane for better housing options or family environments. This is a delicate balance, as the city has not done a great job in helping maintain neighborhood character when higher density developments come into Cheney. Staff believes that without architectural and design standards, a monolithic duplex development could be considered in this neighborhood along W. 5th Street, which would change the overall neighborhood character.

4. *Explain how sound and sight buffering will be provided between land uses when they are residential in nature.*

Finding #16: This is not applicable, as the existing Comprehensive Plan land use designation is low-density residential allows either single-family or two-family (duplex) residential development.

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

Finding #17: The City of Cheney is retaining the Mitigated Determination of Non-Significance (MDNS) that was issued by the City on June 30, 2021

DEPARTMENT, AGENCY & PUBLIC COMMENTS

Fire Department

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.

Finding #18: Not applicable at this time, as the as the geography that encompasses the zone change application is largely developed.

Finding #19: A complete fire code review of individual building plans was not performed during the rezone application process. Interior and exterior fire code requirements (including fire hydrants) will be reviewed at the time of any building permit application.

Light Department

To receive a building permit, requirements of Title 14 shall be met, and will be reviewed during the building permit process.

Finding #20: Not applicable at this time, as the as the geography that encompasses the zone change application is largely developed.

Finding #21: The Light Department has not done a basic review of this application. The Cheney Light Department will do a complete review of the energy demand requirements at the time of building permit application. Street lights may be required as part of this project to provide for public safety.

Public Works Department – Building Inspection

To receive a building permit, the proposal must meet minimum standards of the technical codes as outlined in Title 19 with applicable State and local amendments.

Finding #22: Not applicable at this time, as the as the geography that encompasses the zone change application is largely developed.

Finding #23: A complete building code review of individual grading or building plans was not performed during the zone change application process as it is not applicable at this time. A building code review will occur when individual applications occur on individual lots.

Public Works Department – Concurrency/Traffic

A trip distribution letter is required for traffic analysis where more than 1,000 vehicle trips would be generated per day.

Finding #24: A zone change from R-2 (two-family) to R-1 (single-family) residential would have a negligible impact, as the traffic generated in the neighborhood is largely developed as single-family residential.

Public Works Department – Water/Sewer/Stormwater/Solid Waste

Finding #25: Currently, the neighborhood is provided with utilities, located within the existing street network.

Finding #26: It is assumed that any development would have individual cart service for solid waste. Public Works will determine the size of the refuse container(s), and pickup service intervals with the City.

Local, Regional & State Agencies

A notice of application was sent to all local, regional, and state agencies on June 30, 2021.

Finding #27: No comments were received from any local, regional, and state agencies by July 16, 2021.

Citizen Comments

A notice of application was sent to property owners and residents within the defined geography of the rezone, as well as surrounding property owners within 300 feet of the subject site on July 8, 2021. The site was posted on July 21, 2021. A Public Notice was posted in the Cheney Free Press on Thursday, July 15, 2021.

Finding #28: At the time of the writing of the staff report, staff had received three comments, which are included as attachments at the end of the staff report.

Finding #29: A comment letter from Grant Smith dated July 8, 2021. His letter supports the zone change from R-2 to R-1.

Finding #30: A comment letter from Mike and Carole Folsom, dated July 14, 2021. Their letter supports keeping the zone as is (R-2).

Finding #31: A comment letter from Maria Braun and Diana Stuart, dated July 14, 2021. Their letter supports keeping the zoning as is (R-2). The letter also discusses the need for additional housing in the region, as well as the homeownership/rental mix in the neighborhood.

CONCLUSION AND RECOMMENDATION

Staff recommends consideration of this application, as rezoning this area to single-family residential would allow the existing neighborhood character to remain largely intact. The proposed zone change by the applicant is consistent with the City's Comprehensive Plan.

If the Planning Commission recommends in favor of the zone change, the following conditions of approval outlined below should be considered in conformance with Exhibit B-1.

(The above may be revised upon receipt of new information at any time prior to the public hearing.)

CONDITIONS OF APPROVAL

1. This project is vested to the appropriate CMC Zoning regulations at the time of Building Permit Issuance
2. Any future development shall meet all requirements of CMC 21.20.
3. Any future development shall meet all of the landscape requirements of CMC 21.42. Xeriscape landscaping shall be encouraged.
4. The following note shall be placed on any future development **site plan** and **grading 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/>).*
5. All applicable fees shall be paid to the City of Cheney as part of the development.

EXHIBITS (attached unless indicated)

- A. Applications:
 1. Application for a Zoning Map Amendment, dated June 25, 2021
 2. Letter from applicant addressing the approval criteria dated June 25, 2021
- B. Letters, Documents, Plans and Drawings:
 1. Schematic Site Plan/Rezone Geography, dated June 25, 2021
 2. Letter of Completeness, dated June 30, 2021
 3. DNS dated June 30, 2021 & SEPA Checklist
 4. Comment Letter from Grant Smith dated July 8, 2021
 5. Comment Letter for Michael and Carole Folsom dated July 14, 2021
 6. Comment Letter form Maria Braun and Diana Stuart dated July 14, 2021
- C. Notifications:
 1. Notice of Application, dated June 30, 2021
 2. Affidavit of Mailing (including mailing list), dated July 8, 2021

3. Affidavit of Publication, Legal Notice, published in the Cheney Free Press on July 15, 2021
4. Affidavit of Posting, dated July 21, 2021

D. Ordinances

1. Ordinance describing the zone change

E. Recommendation

1. Planning Commission Recommendation

[End of Report]

By: _____
Brett Lucas, Senior Planner

Date: _____