

City of Colville

ZONING BOARD OF ADJUSTMENT

July 13, 2011

9:00 a.m. – City Hall

MINUTES

The Colville Zoning Board of Adjustment held a meeting on Wednesday, July 13, 2011, in the Council Room at City Hall. Chairperson Chris Montgomery called the meeting to order at 9:00 a.m. with a quorum present.

MEMBERS PRESENT: Sandra Wilma, Daron Tate, Chris Montgomery, and Ned Swanson. MEMBERS ABSENT: One vacancy exists. STAFF PRESENT: Director of Building & Planning Jim Lapinski and Assistant Planner Melinda Lee. OTHERS PRESENT: Dave Price and Roger Lawson. RECORDING SECRETARY: Susan Davis.

MINUTES FROM PREVIOUS MEETING

The minutes from the previous meeting of May 5, 2011 had been distributed to each member prior to the meeting. Sandra Wilma moved and Daron Tate seconded the motion to accept the minutes as written. Roll Call vote: Ned Swanson – yes; Sandra Wilma – yes; Chris Montgomery – yes; Daron Tate- yes. Motion passed.

PUBLIC HEARING

Subject: Conditional Use Permit Application #2-11  
Applicant: Pine Grove LLC by Dave Price  
Location: 260 N. Oak Street  
Request: To allow for the development of a mixed use (commercial and street level residence) in the C-2/PC (Central Business/Pedestrian Core Overlay) District, pursuant to Table 17.12.070 and Chapters 17.62 and 17.84 of the Colville Zoning Ordinance

Chairman Chris Montgomery convened the scheduled public hearing to consider a request for a conditional use permit by Dave Price, Pine Grove LLC. The Chairman reviewed the subject and outlined the hearing procedure. Mr. Montgomery disclosed that the applicant has been a client of his over the years but he has not discussed the issue with him or advised him in any way. No other Board members had an interest in the matter being heard which would be in conflict with the appearance of fairness requirements. There were no objections from the public to any of the Board members participating in the hearing process. None of the Board members had engaged in communications with either proponents or opponents outside the hearing on the issue to be heard. Chairman Montgomery opened the public hearing and requested a staff report.

Assistant Planner Melinda Lee presented the staff report, which had been distributed to each Board member and the applicant prior to the meeting (attached hereto and made a part of these minutes). Copies of the staff report were available to the public. Ms. Lee explained that Dave Price, Pine Grove LLC, proposes to convert his existing commercial structure located at 260 N. Oak Street into a mixed use (commercial and street level residence), in the C-2/PC (Central Business/Pedestrian Core Overlay) District. A street level residence is permitted in the C-2/PC District subject to a conditional use permit,

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provided the street front of a commercial building is dedicated to viable retail space. The applicant would like to designate the kitchen and bathroom on the street level to be used in conjunction with the upstairs rooms for the residential use. The street front of the structure would be dedicated to a commercial use.

As outlined in the staff report, Ms. Lee reviewed the staff's analysis and site evaluation. The site contains approximately 11,700 square feet in area and has an existing 2,030 square foot structure that has been used for office space. Surrounding land uses consist of commercial services to the south and west and single family and multi-family residential on the north and east sides. The proposal appears to be compatible with other uses in the vicinity. The site is currently served by water and sewer. There is existing storm water drainage established at the site. Access is directly from Oak Street or from the alley in the rear of the property. There is on-street diagonal parking available in the front of the property along Oak Street. There is off-street parking available in the rear, which is not required in the C-2 District. The site is adequately served by utilities, solid waste disposal, fire hydrants, and emergency services.

An environmental checklist was completed and submitted as required, pursuant to WAC 197-11. Following the review and comment period, a Determination of Nonsignificance (DNS) was issued on July 7, 2011.

Public notification was provided as required by Chapter 17.112 of the Colville Zoning Ordinance. The Notice of Application/SEPA Review and Public Hearing was mailed to property owners within 300 feet of the subject property. The SEPA checklist was distributed to applicable agencies for review and comment. Two comments were received as follows:

- John Hodde, owner of 218 N. Oak Street, advised that he is in favor of the proposal.
- Barbara Daniels, owner of 230 N. Elm Street, advised that she is in favor of the proposal.

As provided by Chapter 17.84, conditional use permits are a Type III application, which is a quasi-judicial review. They are reviewed by city departments and other applicable public agencies, which forward their comments and recommendations to the Zoning Board of Adjustment for evaluation and a determination at a public hearing. The Board may approve a conditional use permit in whole or in part, with or without conditions, based on findings of fact.

Based on the criteria outlined in Chapter 17.84 of the Zoning Ordinance, Melinda Lee presented the following findings and conclusions for Board consideration:

### **FINDINGS FOR CONDITIONAL USE PERMIT:**

1. *The project is consistent with the City of Colville Comprehensive Plan and meets the requirements and intent of the Colville Zoning Ordinance, including the type of land use, and the density/intensity of the development, and the protection of critical areas, if applicable.*

The Goals and Policies in the Land Use Element of the Comprehensive Plan (Section II.G) state that we should "Create a balanced community that mixes residential and economic uses in a way that maintains the environmental quality and the beauty of the area" and "Develop and enhance the downtown area to

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demonstrate the vital atmosphere of a small town". In the Zoning Ordinance on Table 17.12.070, Permitted and Conditionally Permitted Uses in Base Zone Districts, single-family residential uses on the ground level in the C-2 (Central Business) District and in the Pedestrian Core Overlay are required to be evaluated through the conditional use process. As part of this process, it was identified that there were no critical areas affected.

2. *The project will not be unduly detrimental to the use of properties in the project vicinity.*

The existing use for this structure is commercial, functioning under normal daytime business hours. The requested change is to incorporate residential use also, which would extend the usage of this property to 24-hour activity. The site is surrounded by other mixed-use properties, multi-family and single-family residential, and commercial. This change would not be unduly detrimental to the surrounding properties.

3. *The project makes adequate provision for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services and environmental protection.*

The site is fully developed. There are existing provisions for access and circulation off of Oak Street to the west and from the alley to the east, which runs south off of 3<sup>rd</sup> Avenue. All of the necessary amenities and emergency services are already in place. There were no environmental impacts identified through the SEPA review process, as noted below, that required special protection.

4. *The project adequately mitigates impact identified through the SEPA review process, if applicable.*

The City of Colville reviewed the proposed project for adverse environmental impacts on June 14, 2011. A Notice of Application and SEPA Review was issued June 17, 2011. The Determination of Non-Significance (DNS) was issued on July 7, 2011, in accordance with WAC 197-11, after the completion of the 14-day comment period. Two comments were received supporting this proposal. There were no environmental impacts identified; therefore, no mitigation was required.

5. *The project is beneficial to the public health, safety and welfare and is in the public interest.*

This proposal will help to provide an opportunity for small business enterprises to lease this space for both their commercial and residential use, contributing to the economic base of the community, which is in the public interest. Utilizing existing infrastructure and services is beneficial to the public health, safety and welfare.

Melinda Lee advised that staff concludes that the applicant has satisfied the conditional use criteria and recommends approval of this request subject to the following conditions:

CONDITIONS OF APPROVAL:

1) This conditional use approval shall expire July 13, 2012, unless a building permit has been issued and substantial construction has taken place or the use has commenced. A written request for up to a one

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year extension may be approved by the Administrative Official if the Administrative Official finds the facts on which the Conditional Use Permit was approved have not changed substantially.

- 2) If the use authorized under a Conditional Use Permit ceases or is interrupted for six (6) consecutive months or more, then a new Conditional Use Permit will be required.

Saundra Wilma questioned whether the commercial use can meet the development standards of the C-2 District, which state, "Ground floor street frontage of each structure shall be pedestrian-oriented and designed to accommodate pedestrian-oriented uses to a minimum depth of 50 feet from the front of the structure." Staff responded that a determination was made that the majority of the street frontage would be dedicated to commercial use, sufficient enough to meet the intent of the Zoning Ordinance.

There were no communications or petitions to be presented.

Dave Price explained that the structure had been vacant for over a year and approval of this request would enhance his options for managing the property.

Chairman Montgomery asked to hear from anyone wishing to comment on the issue being heard.

Roger Lawson, 417-B Hotchkiss Rd., and owner of 227 N. Oak Street, spoke in favor of the proposal.

As there were no further comments, the Chairman closed the public testimony portion of the hearing and opened it to Board discussion and voting. Review and discussion on the staff's findings and conclusions and conditions of approval followed.

Saundra Wilma questioned whether there would be any separation between the mixed uses. Mr. Price responded that a heavy door will be installed to separate the uses as suggested by the Building Official. Following brief discussion it was determined that if the structure was expanded to the west in the future, ground floor street frontage, nearly a depth of 50 feet from the front of the structure, could be accommodated for commercial use by using a 0 foot setback from Oak Street. Saundra suggested restricting future expansion of the street level residential space into the commercial space to meet the intent of the Zoning Ordinance. Chris Montgomery suggested adding an additional condition of approval to state, "1. Residential use shall not encroach any further west into commercial use space, as proposed." The intent would be to renumber the conditions #1-#3. Mr. Price did not object to the suggested condition. Melinda Lee asked if the proposed condition would prevent future residential expansion to the east. The Board felt the intent is to allow future expansion to occur to the north, south, or east.

Saundra Wilma suggested for clarification that the word *surrounded* in the third sentence of finding #2 be changed to "*bordered*". There were no objections to the change.

Chris Montgomery moved that the Board approve Conditional Use Permit #2-11 and adopt the findings and conclusions and conditions of approval, as presented on Pages 4-6 of the staff report, as amended above.

Daron Tate seconded the motion. Roll Call Vote: Ned Swanson – yes; Saundra Wilma – yes; Chris Montgomery – yes; Daron Tate – yes. Motion passed (4-0).

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COMMUNICATIONS & PUBLIC PRESENTATIONS: None.

OLD BUSINESS: None.

NEW BUSINESS

A. Pending application.

Melinda Lee advised that Dr. Jenna Collins has submitted a conditional use permit application to allow Riverwood Community School to operate within the Colville Community Church at Elm and Hawthorne Streets. A public hearing must be scheduled to consider this issue and she asked the Board to consider the week of August 8<sup>th</sup> or August 15<sup>th</sup>. The Board members and staff tentatively set Monday, August 8<sup>th</sup>, at 9:00 a.m. for a public hearing. Board members were asked to contact staff by Friday, July 15<sup>th</sup>, if they have a conflict.

REPORTS: There were none.

ADJOURNMENT

As there was no further business, Ned Swanson moved and Sandra Wilma seconded the motion to adjourn. There were no objections and the meeting adjourned at approximately 9:45 a.m.