

City of Colville

ZONING BOARD OF ADJUSTMENT

July 13, 2012

9:00 a.m. – City Hall

MINUTES

The Colville Zoning Board of Adjustment held a meeting on Friday, July 13, 2012, 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: Saundra Wilma, Daron Tate, Chris Montgomery, and Pearl Mance. MEMBERS ABSENT: One vacancy exists. STAFF PRESENT: Assistant Planner Melinda Lee and Recording Secretary Susan Davis. OTHERS PRESENT: Mike Pickett and Monica Voltz.

MINUTES FROM PREVIOUS MEETING

The minutes from the previous meeting of August 8, 2011 had been distributed to each member prior to the meeting. Saundra Wilma moved and Pearl Mance seconded the motion to approve the minutes as written. Roll Call Vote: Saundra Wilma – yes; Chris Montgomery – yes; Daron Tate – yes; Pearl Mance – yes. Motion passed.

PUBLIC HEARING

Subject: Conditional Use Permit Application #1-12
Applicant: Riverwood Community School by Jenna Collins
Location: 146 Buena Vista Drive
Request: To allow the operation of a specialty school and associated day care, utilizing available space at Buena Vista – EWU Early Head Start site, in the R-3 (General Residential) District, pursuant to Sec. 17.12.070 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 Jenna Collins representing Riverwood Community School. The Chairman reviewed the subject and outlined the hearing procedure. The Chairman asked if any Board members had an interest in the matter being heard which would be in conflict with the appearance of fairness requirements. Pearl Mance advised that she resides in one of the adjacent residential retirement units but has no conflict with the proposed use. The Chairman asked if any Board members had engaged in communications with either proponents or opponents outside the hearing on the issue to be heard and there were none. There were no objections from the public to any of the Board members participating in the hearing process. At this time, 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 Jenna Collins, representing Riverwood Community School, proposes to operate a specialty school and associated day care, utilizing approximately 5,500 square feet of existing space at the Buena Vista EWU Early Head Start site at 146

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Buena Vista Drive, in the R-3 (General Residential) District. Ms. Lee explained that Conditional Use Permit #1-07 approved CSG Openline's day care facility in the same section of this building. Since then, this section has also been used by Baby Bear Day Care. The facility is currently vacant.

The proposed use is classified as a Specialty School and Day Care Center, which are both conditionally permitted in the R-3 District. A new Conditional Use Permit is required in accordance with Colville Zoning Ordinance Chapter 17.84.040, since the primary function for the use will be a specialty school and the use as a day care has ceased for more than six (6) consecutive months. Due to the potential impact of using the space for a school in conjunction with day care, a new environmental checklist was processed in conjunction with this proposal.

As outlined in the staff report, Ms. Lee presented an analysis and site evaluation. The site is occupied by an existing building approximately 11,000 sq. ft. and houses the administrative staff for the retirement units, EWU's Early Head Start program, and approximately 5500 sq. ft. of vacant space that is proposed for use by this application. As of September 2012, EWU will be housing only the administrative office for the Head Start program at this location. There are 14 residential retirement units on the property, which are accessed by driveways on the east and west sides of the property. There is gravel parking on the west side of the residential units. There is a paved parking lot on the south side of the property and a fenced playground area between the main building and the residential units on the northerly portion of the lot. Surrounding land uses include single family residential to the north and east; some vacant land to the east and south; and the Buena Vista Nursing Home to the west.

The purpose of the R-3 District is to provide for a variety of available housing choices and to provide an area for the location of manufactured homes. The addition of a specialty school would provide additional educational options for the community. The integration of child care facilities within residential areas is required by the Growth Management Act and is allowed as a conditional use in all residential districts within the city. Minimum lot size is 6,000 sq. ft., maximum lot coverage is 50%, and limitations to building height are 3 stories or 42 feet, whichever is less.

Ms. Lee stated that the site is served with city water, wastewater, and emergency services. The site is situated along a school bus route; therefore, children that use the bus service would be able to attend supplemental programs offered at this location. Access to the site is off of Buena Vista Drive, located east of the intersection of Highway 395. There are approximately 25 developed parking spaces available to accommodate existing and proposed uses. The site is adequately served with electric, natural gas, telephone, and refuse disposal. There are sufficient fire hydrants available to serve the site.

An environmental checklist was completed and submitted as required, pursuant to WAC 197-11. The SEPA checklist was distributed to appropriate agencies for review and comment. Following the review and comment period, a Determination of Nonsignificance (DNS) was issued on July 6, 2012. No comments were received.

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, published in the Statesman Examiner, and posted at the site, City Hall, Courthouse, and Library. No public comments were received.

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As outlined in the staff report, Melinda Lee presented the Conditional Use Permit provisions contained in Chapter 17.84 of the Colville Zoning Ordinance. She noted on May 17, 2012, prior to the submittal of their conditional use application, the Building Official performed a site visit and determined that no changes will be proposed to the existing structure. The current occupant load is a maximum of 62.

Based on the review criteria outlined in Chapter 17.84, Ms. 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; the density/intensity of the development; and the protection of critical areas, if applicable.*

Goal 1 in the Land Use Element of the Comprehensive Plan states 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.” The site currently houses retirement units, the administrative offices for a head start program, and a vacant facility previously used as a day care center. This combination provides for the proper mix of residential and economic use. This is a 3.90-acre parcel that is compatible with the rural nature of the area.

Goal 2 states that we should “Manage growth by utilizing community facilities and services in an efficient and sound manner, to coincide with modernization and provision of infrastructure, and to promote a productive economy.” Utilizing the existing facility for multiple uses promotes efficient land use; and since the proposed use is compatible with the existing uses, it is a sound collaboration. This goal also states that we should “Continue Colville’s role as a service, retail, governmental, medical, and educational center.” Schools that provide a special curriculum would expand the educational options for the residents of the community. Day care centers provide an essential supportive element to our community’s workforce. They are both conditionally allowed within residential districts.

If approved, any proposed signage would be required to apply for permits, as appropriate.

There are no critical areas identified on this site.

The project meets this criterion.

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

The majority of the surrounding land is vacant, with scattered single-family residences and a nursing home. The combination of the specialty school and day care facility will have very similar traffic patterns. Two day care centers have previously operated in this same facility and there were no known concerns from adjacent property owners or residents of the retirement units.

The primary hours of operation would be Monday through Friday from 8:30 a.m. to 3:30 p.m. for the specialty school, then after-school enrichment classes and day care from 3:30 to 6:00 p.m. The facility

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may also be used for parent-child meetings, community outreach presentations, or other special educational programs.

There are two lights in the parking area for safety; one on the east side and one on the west side. They are designed to shine light downward onto the parking lot and not towards the adjoining properties. There is also lighting at the entrances to the proposed facility; again, designed to not produce any glare off site.

The proposed use would not be unduly detrimental to the use of the properties in the project vicinity.

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

The project is located within an existing development which provides for adequate access and circulation. The main entrance to the facility is off of Buena Vista Drive and there is a marked child drop-off/pick-up location on the southeast portion of the building.

The paved parking area has 25 developed spaces for the existing and proposed uses and it is located on the south side of the property. There are 8 designated spaces on the south side of the building and 17 spaces in the remaining portion of the parking lot.

The designated spaces along the south side of the building are: a) 2 spaces designated for the apartments in close proximity, b) 2 spaces designated for EWU staff parking, c) 1 space should be designated for administration of the retirement units, d) 3 spaces designated for the child drop-off/pick-up area. This would provide 17 remaining spaces to accommodate parking for the specialty school and associated day care.

The parking requirements for the specialty school would be 1.5 spaces per teaching station for preschool classes and 2 spaces per teaching station for elementary and junior high classes. As an example, if there were 4 preschool classes, the number of spaces required would be 6. If there were 4 elementary/junior high classes, the number of spaces required would be 8. This would total 14 parking spaces that would be needed for the school. The number of classes to be established for each grade level has not been determined at this time.

The day care parking requirements are 1 space per each on-shift employee, plus a drop-off/pick-up area. Included in the 8 designated spaces along the south side of the building, as described above, are 3 marked spaces at the southeast corner. The main entrance into this section of the building is directly in front of this drop-off zone and has lighting. There is a striped no parking zone in-between 2 of the spaces, for drop-off and pick-up. Any parking allotment for day care staff members would need to be accommodated with the remaining spaces; therefore, the facility may employ up to three staff members specifically for the proposed day care use.

The existing on-site drainage is sufficient. The City of Colville serves the site with water, sewer, and fire hydrants. Emergency services will be provided by the City of Colville. The overall project, as proposed, minimizes any impacts to the environment.

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

The City of Colville reviewed the proposed project for adverse environmental impacts on June 12, 2012. A Notice of Application/SEPA Review and Public Hearing was issued June 13, 2012. The Determination of Non-Significance (DNS) was issued in accordance with WAC 197-11-350. The comment due date was July 5, 2012, and no comments were received. Appropriate mitigations have been identified through the SEPA review process and incorporated within the conditions of approval.

This project meets this criterion.

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

The proposal would offer an alternative educational program and child care services to the general public. The center would be required to operate under regulations established by the International Building Code, the Department of Social & Health Services (DSHS), and any other applicable regulations, policies, or standards.

Ms. Lee stated 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. The maximum occupancy for this portion of the building will be 62.
2. Sign permits must be submitted and approved before any signage is erected for the new proposed use.
3. This conditional use approval shall expire July 13, 2013, unless the use has commenced. A written request for up to one (1) 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.
4. 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.

At this time, Sandra Wilma questioned whether this proposal covers the original conditions required for CSG Openline's conditional use permit at this facility. Based on previous observation of the site, Ms. Wilma expressed a desire to see directional signage for safety reasons.

Pearl Mance asked if the staff felt there is adequate parking for the specialty school and day care use. Ms. Lee felt if the facility is used as proposed, there is adequate parking for all of the uses. She noted further review by the Board could be required if the proposed use expands in the future. Pearl felt that a condition should be stipulated requiring further review if the use expands beyond what is being proposed in order to address parking needs.

In response to a question from Ms. Wilma, Melinda reviewed the prior conditions of approval which were attached to the CSG Openline conditional use permit for this site. Conditions included a requirement for

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directional and safety signage, an adequately marked drop-off area for CSG Openline, and lighting approved by the Building & Planning Administrative Official. Ms. Wilma asked if the required signage had been posted satisfactorily. Melinda Lee indicated that there was no documentation in the file to certify compliance with the requirements. Ms. Wilma requested that if additional signage is required as a result of this proposal that documentation of compliance be filed in the conditional use permit file.

Pearl Mance requested clarification regarding any future plans to expand the use beyond the 6th grade level. She felt that further review by the Board should be required to address parking considerations if expansion occurs. Ms. Mance questioned how the older children would be accommodated during play time. Monica Voltz, representing the applicant, explained they do not intend to go beyond the 8th grade. She pointed out the subject site consists of 3.9 acres and there is ample space outside the fenced play area to provide for activities for older children, such as nature walks.

The Chairman asked if any petitions or communications had been presented on the issue being heard and there were none.

At this time Chairman Montgomery asked if the applicant would like to speak to the proposal.

Michael Pickett, 756 E. Hawthorne Avenue, Colville, WA, explained that he serves on the Board of Directors for Riverwood Community School and currently assists with the preschoolers one day per week.

Monica Voltz, 218 Park Place, Chewelah, WA, President of the Board of Directors and preschool teacher, provided further information about the proposed educational program. She explained through the specialty school/enrichment program they are set up through 6th grade at this time. They do not have enough children to operate a class for each grade. However, children aged 6 to 14 will be offered enrichment classes in arts, music, foreign language, language arts, and math. Families will be able to enroll their children in part or all of the classes. These types of classes are of interest to home school families as well. Ms. Voltz noted that initially they will operate preschool from 8 a.m. – 12 p.m. They anticipate offering grades 1 through 6, from 8 a.m. – 3:30 p.m., although junior high aged children could enroll enrichment classes from 3:30 – 6:00 p.m. Ms. Voltz noted that they may eventually operate as a licensed commercial day care center for children ages 12 and under and have included that use in this application for consideration.

The Chairman Montgomery asked to hear from anyone wishing to speak either for or against the proposal. He noted there were no other members of the public present.

The Chairman closed the public portion of the hearing at 9:47 a.m. and opened it to Board discussion and voting.

The Board reviewed the suggested findings and conclusions and conditions of approval as outlined in the staff report. Based on testimony and discussion, Chris Montgomery noted that Finding #2, Page 5, should be changed to read, “The primary hours of operation would be Monday through Friday from 8:00 a.m. to 3:30 p.m. for the specialty school...”. A correction to Condition #3, Page 7, was noted to change the expiration date to July 13, 2013. Mr. Montgomery suggested adding a Condition #5, to read “Post all-weather signage for child drop-off zone, including directional signage, approved by Building and

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Planning, and documented approval to be added to the Conditional Use Permit file.” It was felt that the applicant should work with the Building and Planning Department relative to appropriate signage and regulations. It was suggested that signs should be installed on the vertical poles instead of painted on the asphalt. Mr. Montgomery proposed adding a Condition “#6 to read “Applicant must come back for further review of parking requirements and traffic patterns if the proposed use exceeds that as proposed in connection with this application to provide classroom and special enrichment classes up through the 6th grade.” Ms. Voltz questioned whether Condition #6, as proposed, would allow junior high aged children to attend some of the special enrichment classes, such as music, foreign language, and handwork. As a result of discussion, proposed Condition #6 was changed to allow classes up through the 8th grade recognizing that Ms. Mance’s earlier concerns regarding adequate play area for older children could be addressed on site. It was also pointed out that the maximum capacity of the building is limited to 62.

Chris Montgomery moved and Saundra Wilma seconded the motion that the Board approve Conditional Use Permit #1-12, as proposed, based on the staff’s Findings #1 through #5, as amended, and adopt the following Conditions of Approval:

1. The maximum occupancy for this portion of the building will be 62.
2. Sign permits must be submitted and approved before any signage is erected for the new proposed use.
3. This conditional use approval shall expire July 13, 2013, unless the use has commenced. A written request for up to one (1) 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.
4. 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.
5. Post all-weather signage for child drop-off zone, including directional signage, approved by Building and Planning, and documented approval to be added to the Conditional Use Permit file.
6. Applicant must come back for further review of parking requirements and traffic patterns if the proposed use exceeds that as proposed in connection with this application to provide classroom and special enrichment classes up through the 8th grade.

Roll Call Vote: Saundra Wilma – yes; Chris Montgomery – yes; Daron Tate – yes. Pearl Mance – yes. Motion passed.

COMMUNICATIONS & PUBLIC PRESENTATIONS: There were none.

OLD BUSINESS: There was no Old Business to be presented.

NEW BUSINESS: There was no New Business to be presented.

REPORTS: There were none.

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ADJOURNMENT

As there was no further business to come before the Board, Sandra Wilma moved and Daron Tate seconded the motion to adjourn. There were no objections and the meeting was adjourned at 10:15 a.m.