

**CITY OF CLARKSTON
PLANNING COMMISSION MINUTES
December 4, 2017**

CALL TO ORDER: 6:07 P.M., Clarkston City Hall, Chairman McCroskey
Staff: Kevin Poole

ROLL CALL: Flerchinger, Gilbertson, Filler, Merrill, and McCroskey.

AGENDA CHANGE: None

APPROVAL OF MINUTES:

Approval of minutes as submitted for October 2, 2017. Moved – Gilbertson, Second – Merrill. Approved on 5-0 vote.

Approval of minutes as submitted for October 16, 2017. Moved – Flerchinger, Second – Filler. Approved on 5-0 vote.

PUBLIC HEARING:

Public Hearing for ZC-2017-06 535 6th St.

Scott Henderson, owner made presentation as to why the zone change is requested. He stated they had purchased the property in December 2011 knowing that the building would require significant updating and remodeling. They had approached the City of Clarkston prior to construction and were told the property was a current non-conforming use (chiropractic office) in an R2 zone but could continue as the same non-conforming use as a medical office (dental clinic). The Public Works Director, Jim Martin, sent them a letter on March 16, 2016 stating that a similar non-conforming use could be built on the property. The building was designed, City of Clarkston performed the plan review, and construction started on October 2016. Building was completed and occupied by August 2017. When Columbia Bank did the construction/mortgage loan audit they discovered they could not convert the construction loan to a mortgage because the use was non-conforming with the zone. Mr. Henderson provided a copy of a letter from Columbia Bank, dated November 30, 2017 stating the need to match the zone to the commercial use. Mr. Henderson also provided a letter from his insurer, Martin Insurance, stating they could not provide insurance coverage on the dental clinic because the current R2 zoning would require the structure be replaced with a residential structure, not a commercial structure. Mr. Henderson requested the zone change from R2 Residential to SC Service Commercial be approved by the planning commission.

Public Works Director, Kevin Poole, provided the staff report on the requested zone change.

STAFF REPORT

ZC-2017-06, 535 6th St.

Hearing Date December 4, 2017

a. Names and addresses of the owners and Applicants:

Scott Henderson
535 6th St., Clarkston, WA 99403

b. Brief summary of the requested action;

The requested action is to change the zoning designation of the property from and R-2 (Medium Density Residential) Zone to a SC (Service Commercial) Zone. The applicant has recently remodeled/built a dental office on the site. The bank

and insurance company does not want to cover the non-conforming business in an R-2 zone.

c. A common description of the subject property and a legal description of the subject property;

Property is commonly referred to as 535 6th St.

Legal description is as follows:

A parcel of land, comprised of Lots 35-40, of Block 39 of Clarkston according to the official plat thereof, records of Asotin County, Washington, located in the North half (1/2) of Section 21, Township 11 North, Range 46 East, Willamette Meridian, City of Clarkston, County of Asotin, State of Washington.

d. A technical data summary of the land use plan designation and zoning designation of the subject property;

An R2 zone adjacent to a commercial zone is considered a transitional zone from residential to commercial use as commercial development occurs. The subject property is bounded on the east, north, and south side by SC (Service Commercial) zone. It is bounded on the west side by R2 zone.

The subject property is relatively level and the existing medical office was extensively remodeled earlier this year.

e. The current access to the subject property and the proposed access to the subject property;

Access to the property will be off of 6th Street on the west side of the property. This is the main access to the existing parking lot. The alley access has been fenced off.

f. In-depth analysis of the proposed project;

Subject property is a relatively level lot. It has access to utilities (water, sanitary sewer, telecommunications, gas, and electrical) at the property line or in the adjacent street or alley.

Subject property is currently in R-2 zone and adjacent to existing SC and R-2 zones. An R-2 zone adjacent to a commercial zone can be considered a transitional zone. This is consistent with the comprehensive plan land use designation and growth management policy.

Subject property at 535 6th St. is an existing medical office that has been extensively remodeled for current use as a dental office. There is an additional office in the front of the building (537 6th St.) that is currently rented out as a law office.

This will increase the property tax valuation on the subject property because of the change from R-2 zoning to SC zoning and the proposed improvements to the property.

The subject property is fronted by 6th St. (SR 129) and is in close proximity to US- 12 (Bridge St.). The main PTBA transit stop is located east of the subject property on 5th St.

This property is within the Clarkston City Limits.

Current land use plans would not allow a medical/professional business in a R-2 zone. Changing to an SC zone would be an allowed use for a medical / professional office greater than 2,500 SF floor area.

g. A history of the requested action;

- Property has been used as a medical/professional office for over 43 years.
- Building permit was issued in April 2017 for the office remodel. See letter from City of Clarkston dated March 16, 2016.
- Business was notified by their insurance company that they were a non-conforming use in a R2 zone. Would not be covered for a total loss. August 2017
- The zoning application was submitted on November 14, 2017.
- The applicant was notified on November 17, 2017 the application was complete and would be notified of the hearing date.
- Hearing date for ZC-2017-06 is December 4, 2017.

h. A summary of any other requested land use permits in the area;

Zone change application from R-2 to SC for 616 Maple St. was approved by P&Z on July 17, 2017.

Zone change application from R-3 to SC for 428 5th St. approved by P&Z on August 21, 2017.

i. The compatibility and impact of the proposal on the existing development and the probable character of the proposal;

The proposal is consistent with the comprehensive plan and the use of transitional zones as buffers between commercial and R-2 (Medium Density Residential) zones. This use is consistent with the growth and development of the Service Commercial corridor along 6th St. (SR-129) .

j. A summary of the reports or recommendations or any other agencies consulted;

No other agency has commented.

k. Appropriate maps of the subject property;

Staff has provided 2 maps for the discussion.

Zoning map of subject property

Aerial map of subject property

I. The result of the determination pursuant to the State Environmental Policy Act (SEPA);

The City of Clarkston is the designated agency for SEPA determination. No environmental impacts have been identified with this zone change.

m. Staff's conclusions and recommendations;

The proposed zone change is consistent with the Comprehensive Plan and the use of transition zones for buffering R-2 Residential zones from commercial development. It is also consistent with the following Comprehensive Land Use Policies:

A.6 – Complete the development of the central business district by encouraging expansion and filling in of vacant buildings and lots.

A.7 Encourage new service related commercial activities to locate in areas where such uses already exist.

A.1.17 Off-street parking for commercial buildings should be designed to minimize visual impact. Parking areas should provide safe, and efficient ingress and egress for vehicles and public transit. Parking lots should be configured and designed to reduce overall mass of paved surfaces. Parking for retail centers or "Big Box" stores shall be directed away from existing and established residential neighborhoods.

Recommendation is to approve the zone change application from an R-2 zone to an SC zone.

Chairman McCroskey asked if there was any public notification on the zone change. PWD Poole stated that all property owners within 300 feet of the proposed zone change were notified by letter and the property was posted with a sign advertising the proposed zone change.

Chairman McCroskey asked if the only change was just the property at 535 6th St. PWD Poole stated yes it was just the one property. There was a discussion about spot zoning commercial in a residential zone and that the east side of 6th St. from Bridge St. to Poplar St. should be zoned SC. Commissioner Merrill asked if there were other properties that were a non-conforming use in an R2 zone in the area that should be changed to SC. Director Poole stated that since this was not a comprehensive plan update of the land use zones, that zone changes are considered and acted upon at the request of the property owner, such as this case with 535 6th St. Commissioner Filler stated that she is in agreement with making the east side of 6th St. between Bridge St. and Poplar St. SC zoning. She asked when this could be done. PWD Poole stated the best time would be during the Comprehensive Plan update so all the zones could be reviewed in more detail. He also stated that emphasis on infill of existing properties in the commercial zones be encouraged and noted as a goal in the Comprehensive Plan update.

Commissioner McCroskey opened the hearing for testimony at 6:24pm. Public Works Director Poole requested the following letters be entered into the public hearing record:

Robin Henderson, DDS, 535 6th St., Clarkston, WA 99403 – In favor of zone change.
Twin City Electricians, Inc., 515 4th St., Clarkston, WA 99403 – In favor of zone change.
Clarkston Glass Co., 517 Bridge St., Clarkston, WA 99403 – In favor of the zone change.

Josh McKarcher tenant at 537 6th St., he spoke in favor of granting the zone change because of the improvement to commercial area because of the extensive remodel and that the dental clinic is providing a needed service to the community of Clarkston. Commissioner Merrill asked if he had a separate address from 535 6th St. Mr. McKarcher stated yes he was able to get 537 6th St. as his addressing to his law office. Commissioner Gilbertson asked if that address should be part of the zone change. PWD Poole stated that a zone change is described by the property legal description and not the mailing address. Since this mailing address is on the same property, it is part of the proposed zone change.

Dr. Michael Picard, owner of the adjacent lot at 523 6th St., Clarkston, WA 99403 spoke in favor and support of the zone change. His property is a vacant lot and he is considering expanding his dental specialty practice to this property sometime in the future. He stated that what the Henderson's have done with their remodel on 535 6th St. has enhanced that commercial corridor and made it more appealing for additional commercial development.

No other testimony was offered at the public hearing.

Scott Henderson again reiterated that the zone change request was due to the existing non-conforming use that was allowed has caused issues with his ability to obtain a commercial mortgage and insurance on his property and asked the zone change from R2 to SC be granted.

Chairman McCroskey closed the public hearing at 6:40 pm.

Chairman McCroskey asked if there was any discussion from the commission. Director Poole suggested that a motion be made so that a discussion on the floor could be conducted on the motion. Commissioner Merrill made the motion to approve the zone change as recommended in the staff report with a second from Commissioner Gilbertson. Commissioner Filler asked if the east side of 6th St. will be changed to SC. Chairman McCroskey stated that only the property at 535 6th St. is being considered at this time. The other areas along 6th St. will be addressed in the Comprehensive Plan update. Chairman McCroskey stated she does not like the patchwork type of zone changes but understands why it is being done at this time. She supports the zone change but wants to commission to understand there is some additional work to be done to get the land use to match the zoning. The use of the property as a commercial business has been done for a very long time.

Commissioners Gilbertson, Merrill, Filler, and Flerchinger stated that the previous use and current use supports changing the zone to SC.

No other comments from the commission were noted and Chairman McCroskey called for a vote. 5-0 for approval of the requested zone change from R2 to SC.

Commissioner Filler invited the landowners present at the hearing to attend the P&Z work sessions when the area zoning is discussed.

REGULAR BUSINESS:

A. ZC-2017-06 Findings of Fact and Conclusions of Law

PWD Poole provided and read the Findings of Fact and Conclusions of Law for the approval of ZC-2017-06. He requested the Commission consider a motion to approve and direct Chairman McCroskey to sign. Motion was made by Commissioner Flerchinger and seconded by Commissioner Filler. Chairman McCroskey asked

if there was any discussion on the motion. Commissioner Merrill asked if there shouldn't be some mention that this business or use had been in existence for 30 prior years. PWD Poole said that it would be part of the hearing record and that Mr. Henderson would be giving the same presentation to city council for the zone change ordinance. Commissioner Gilbertson asked if the law office operated by Josh McKarcher is allowed. PWD Poole stated that the use in the building at 535 6th St. is currently a non-conforming use. By changing the zone to SC would make the dental clinic and law office an allowed use in a SC zone. Commissioner Merrill asked for clarification about the zone change. He asked if this was going to be a conditional use or an allowed use. Commissioner Gilbertson replied that the zone change would make the current use an allowed use in a SC zone. A conditional use would be allowing the dental clinic to continue operating in an R1 zone that is across the street from Commissioner Merrill's home. PWD Poole stated that the Neighborhood Commercial (NC) zone was created for that reason. To allow commercial spot zoning within a residential zone but for very limited businesses, and restrictions on floor space, lighting, and visual and noise shielding to be compatible within a residential zone.

Vote was 5-0 for approval.

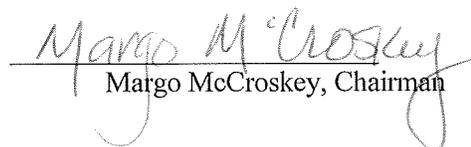
UNFINISHED BUSINESS: None

COMMUNICATIONS:

- A. **From Public:** None
- B. **Written:** None
- C. **From Planning Commission:** None
- D. **Staff Reports:** None
- E. **Next meeting on February 5, 2018, 6pm Clarkston City Hall**

ADJOURNMENT:

Motion to adjourn by Commissioner Flerchinger, seconded by Commissioner Filler.
Vote to adjourn 5-0, meeting adjourned at 7:02 p.m.


Margo McCroskey, Chairman