



STAFF REPORT
to the
LONGVIEW APPEAL BOARD OF ADJUSTMENT

PRESENTED BY: Adam Trimble, Planner

HEARING DATE: July 14, 2015

APPLICATION NO.: ABA 2015-3

APPLICANT: Three Rivers Christian School. Represented by Erin Hart, Administrator

PROPERTY OWNER: New Life Fellowship Church of God

REQUEST: Special Property Use Permit in accordance with LMC §19.20.020 for a private junior & senior high school in the R-1 residential district.

LOCATION: 2441 42nd Ave (Parcel Number: 027800100).

ASSOCIATED CASES: None.

ZONING DISTRICT: R-1 Residential District

BACKGROUND AND PROPOSAL

The Three Rivers Christian School, a private school located at 1209 Minor Road in Kelso and 2610 Ocean Beach Highway, Longview, has been looking to relocate their junior and senior high school program from the Kelso location for a number of years. The proposal covered under this application is the establishment of a new use, a private school serving junior and senior high school students at 2441 42nd Avenue within the exiting church building owned by New Life Fellowship Church of God. [Exhibit A: SPU application].

Existing classrooms and a gymnasium will be utilized by over 100 students and staff for school functions. There are no plans for alterations to the building and no changes will to be required for the use to be established. The property is in the R-1 Residential District, which allows schools, public and private, as a Special Property Use.

The New Life Fellowship Church property at 2441 42nd Ave has a 25,455 sq. ft. 2-story main building, and a 238 stall parking lot. The church also owns approximately 3.2 acres of undeveloped property located adjacent to the parking lot [Exhibit B].

The owner of the property is New Life Fellowship Church of God. This property is located within the NW ¼ of Section 19, T8N, R2W of the Willamette Meridian, in Cowlitz County.

Neighboring land uses include:

North – Vacant church property and single family residences.

South – Single family residences.

East – Mint Valley Golf Course

West – Single family residences.

The Comprehensive Plan classification for the property is Low Density Residential.

In accordance with LMC §19.12.090(1), written notice of the public hearing for the Special Property Use Permit petition was mailed to the applicant and to the owners of all properties adjacent to or abutting this proposal on Wednesday, July 1, 2015 [Exhibit D].

The property was posted on Wednesday, July 1, 2015, with a notice of public hearing announcing the proposed land use application. Legal notice of the public hearing appeared in the Longview Daily News on Sunday, July 5, 2015 and Sunday July 12, 2015.

SEPA DETERMINATION

A State Environmental Policy Act checklist was not required for this application or scope of work.

CRITICAL AREA ORDINANCE REQUIREMENTS

There are no identified Critical Areas on this parcel. Therefore, a Critical Area Permit is not required.

APPLICABLE CODE SECTIONS

Section 19.18.010(5) of the Longview Municipal Code (LMC) requires the land use proposed to receive approval via a public hearing process, and the issuance of a Special Property Use Permit by the Appeal Board of Adjustment. The specific code citations are listed below.

For Residential Zoning Districts described in 19.20 of the Longview Municipal Code, table 19.20.020 includes uses that are permitted (“P”), not allowed, or allowed through a special property use permit (“SPU”):

Table 19.20.020-1 Permitted Uses in Residential Districts

Use	Zoning District				
	R-1	R-2	R-3	R-4	TNR
Public or private schools	SPU	SPU	SPU	SPU	SPU

LMC § 19.12.050 Power of Board – Special Property Use

1. Recognizing that there are certain uses of property that may or may not be detrimental to the public health, safety, morals and general welfare, depending upon the facts in each particular case, a limited power to issue special permits for such uses is vested, by special mention in this title, in the board.

2. The board shall have an exercise original jurisdiction in receiving, granting or denying all applications for such special property uses as are provided for in this title and shall have the power to place in such permits, conditions or limitations in its judgment required to secure adequate protection to the zone or locality in which such use is to be permitted. No special permit shall be issued by the board until after public hearing, as hereinafter provided, and until after the building official has found that all other provisions of this code, with which compliance is required, have been fulfilled.

3. No such Special Property Use Permit shall be granted by the board unless it finds:
 - (a) That the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare;
 - (b) In making such determination the board shall be guided by the following considerations and standards:
 - (i) That the use will not be detrimental to the character and use of adjoining buildings and those in the vicinity,
 - (ii) That the use will not create a hazard in the immediate area either for pedestrian or vehicular traffic,
 - (iii) That adequate ingress and egress will be available for fire and other vehicular emergency equipment,
 - (iv) That adequate off-street parking will be provided to prevent congestion of public streets [LMC 19.12.050].

LMC §19.12.120 Special Property Use Permits – Time Limitation

Whenever the board by its decision authorizes the issuance of a permit for a special property use, if such building permit and/or occupancy permit is not obtained by the applicant within six months from the date of the board's decision, the board's decision shall cease to be effective.

STAFF ANALYSIS

In reviewing LMC §19.12.050, which contains the criteria that shall guide the Board during their review of this petition, staff finds the following:

- (i) *That the use will not be detrimental to the character and use of adjoining buildings and those in the vicinity.*

The proposed private junior – senior high school use is a new use at the site however the site as it exists will accommodate the use with little or no changes. The New Life Fellowship church property provides ample parking and undeveloped land which will accommodate the change in use and provide an amount of buffering between the private school and the adjacent residences.

The neighborhood will not experience detrimental impacts but will experience an intensification of existing impacts as the property is used by more people during the weekdays.

- (ii) *That the use will not create a hazard in the immediate area either for pedestrian or vehicular traffic.*

The City Traffic Engineer has reviewed the application and found the project will not create a hazard in the immediate area either for pedestrian or vehicular traffic.

- (iii) *That adequate ingress and egress will be available for fire and other vehicular emergency equipment.*

The property was developed in 1993 and at that time two driveways to access the site were permitted and a 20' wide access roadway (fire lane) was required to be within 150' of all exterior portions of the first floor. The existing site access driveways and fire lane are adequate for the proposed use.

- (iv) *That adequate off-street parking will be provided to prevent congestion of public streets.*

The property will provide more than adequate parking for the proposal. The zoning code provides: "Where parochial schools and churches are located on the same site, the required church parking facilities may also be used as required school parking facilities;" LMC19.78.100 (12). In addition, the site is served by public transit with a bus stop within 300 feet. A bike route and sidewalk runs along 42nd Ave.

LMC §19.12.050 also requires the Board to adopt the following finding if granting the Special Property Use Permit:

(a) That the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare.

Based on review of the application and attachments and any testimony that may be presented at the public hearing, the Appeal Board of Adjustment shall adopt a finding that approval of this Special Property Use Permit will not be detrimental to the public health, safety, morals and general welfare.

As of this writing, staff has received no comments from neighboring property owners.

STAFF DISCUSSION

The City's Building Official, Fire Marshal, and Public Works Department have had the opportunity to review the Special Property Use application for 2441 42nd Avenue. The applicants have met with staff to discuss the project and have worked to make the project conform to the requirements of the Longview Municipal Code.

STAFF FINDINGS

1. The use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare.
2. The R-1 Residential District permits the proposed use subject to a granting of a Special Property Use Permit by the Longview Appeal Board of Adjustment.
3. Staff finds that the use as proposed meet the criteria found in LMC §19.12.050.

RECOMMENDATION

Staff recommends that the Appeal Board of Adjustment grant a Special Property Use Permit for the Three Rivers Christian School to locate a private junior and senior high school at the existing and New Life Fellowship Church of God at 2441 42nd Ave.

EXHIBITS

- A. Special Property Use Permit application
- B. Aerial Photo
- C. Notice of Public Hearing (property owner notification).

Staff Report Date: July 6, 2015