

STAFF REPORT to the LONGVIEW APPEAL BOARD OF ADJUSTMENT

PRESENTED BY:	Adam Trimble, Planner
HEARING DATE:	May 10, 2016
APPLICATION NO.:	ABA 2016-1
APPLICANT:	Longview Free Methodist Church (Exodus Christian Fellowship) represented by Wayne Carney, Board Treasurer.
PROPERTY OWNER:	Longview Free Methodist Church
REQUEST:	Special Property Use Permit in accordance with LMC §19.20.020 for a private pre-school in the Traditional Neighborhood Residential district, TNR.
LOCATION:	2746 Ocean Beach Hwy (Parcel Number: 08870).
ASSOCIATED CASES:	None.
ZONING DISTRICT:	Traditional Neighborhood Residential, TNR

BACKGROUND AND PROPOSAL

The Longview Free Methodist Church, going by the name Exodus Christian Fellowship is proposing to establish a half-day pre-school and half-day kindergarten in two existing buildings on church property for classrooms and childcare activities. The buildings are the sanctuary which is 9,242 sq. ft. and a former residence converted for use by the church which is 2,649 sq. ft.. The former residence is now proposed to be remodeled and brought up to safety standards for a school, including installation of a fire sprinkler system. The half-day pre-school and kindergarten is called Smart Start Early Learning Center (ELC), is owned and operated by Exodus Church ,and does not provide any services of a daycare such as diapering or meals and so is properly defined as a school use. The use of the property as a pre-school started after 2009 and classes for up to 24 students at a time have been held during morning and afternoon sessions. When a building permit was applied for to remodel a building to accommodate a proposed 16 student afternoon kindergarten it became clear that the continued use of the property as a private

school would only be allowed in the Traditional Neighborhood Residential zone with the granting of a Special Property Use permit. The building permit will include interior remodel of the former residence to create classroom spaces and installation of a fire sprinkler system. The property is in the TNR District, which allows schools, public and private, as a Special Property Use and does not permit daycare centers (more than 13 children). [Exhibit A: SPU application]. The applicant provided a letter [Exhibit B: letter dated April 17, 2016] detailing the class times and enrollment figures.

The site is accessed from Ocean Beach Highway with two driveways, one of which is connected to the traffic signal at West Nichols Boulevard and Ocean Beach Highway, allowing for protected left turns out of the church and access from West Nichols into the church. From westbound Ocean Beach Highway access into the site via the turn lane is not long enough for one car to safely enter the turn lane and enter the church without performing a U-turn like maneuver. [Exhibit C: aerial photo].

The owner of the property is Longview Free Methodist Church.

Neighboring land uses include: North –Single family residences in the Terry-Taylor neighborhood. South – Single family residences facing Ocean Beach Highway. East –Single family residences facing Ocean Beach Highway West – Single family residences facing Ocean Beach Highway

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 Thursday, April 28, 2016 [Exhibit D].

The property was posted on Thursday, April 28, 2016, and re-posted May 3, 2016 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 Tuesday, May 3, 2016 and Sunday May 8, 2016.

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"):

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

Table 19.20.020-1 Permitted Uses in Residential Districts

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 school for pre-school and kindergarten age students will occur on existing church property and within existing facilities, during hours when religious ceremonies and related religious uses are not held. The existing church is currently permitted to use the facility at the same intensity as the proposed school without any additional approvals and since the proposal does not include an expansion of any building footprints or parking areas, is unlikely to be detrimental or more detrimental than the existing condition.

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

The City Traffic Engineer has evaluated the site and concluded that the change in use (to include a private school with the existing church use), will trigger a requirement to extend a median in the Ocean Beach Highway turn-lane to prevent unsafe left turn movements for eastbound traffic. This requirement arises due to the differences in hours of operation and predicted vehicle trips during the peak weekday traffic hours on Ocean Beach Highway generated by the proposed school, versus the church use. Since the use requires a Special Property Use permit, this requirement is included as a recommended condition of approval.

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

The property has two existing driveways available for emergency access. The Fire Marshal has reviewed and approved the proposed change in use permit.

(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. For elementary and junior high schools, public, private or parochial, the zoning code requires: *One parking space for each employee and each faculty member*. In addition the code allows; *"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)*. The church has 55 parking spaces currently.

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 2746 Ocean Beach Highway. The applicants have worked with staff to bring the entire premises up to current requirements for safety, ADA accessibility and access. The Building Official will withhold an occupancy certificate until these requirements are met.

STAFF FINDINGS

- 1. With a condition to extend a center turn lane median in Ocean Beach Highway to prevent unsafe movements, 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 TNR District permits the proposed use subject to a granting of a Special Property Use Permit by the Longview Appeal Board of Adjustment.
- 3. The use as proposed meets 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 Smart Start Early Learning School, and permit the establishment of a private pre-school and kindergarten at 2746 Ocean Beach Highway subject to the condition that the applicant extend the center median in Ocean Beach Highway to prevent unsafe movements per the requirements of the City Engineer and WSDOT.

EXHIBITS

- A. Special Property Use Permit application
- B. Letter from Nikki Hemberry, Director, Smart Start Early Learning Center dated April 17, 2016
- C. Aerial photo.
- D. Notice of Public Hearing (property owner notification).

Staff Report Date: May 5, 2016



Special Property Use Permit Application to the Appeal Board of Adjustment

Community Development Department + 1525 Broadway, P.O. Box 128 + Longview, WA 98632 + 360.442.5086/Fax 360.442.5953

Special Property Use Permit Application To the Appeal Board of Adjustment	THIS SECTION FOR OFFICE USE ONLY: City of Longview
LMC 19.12	
Case Number: ABA 2016-1	MAR 2 2 2015
	Community Development
Related Case Number:	
APPLICATION AND AUTHORIZING SIGNATURES Each current property owner of record must sign the application o	r provide a letter authorizing an agent or
representative to act on his or her behalf.	provide a fetter authorizing an agent of
I hereby apply for the Special Property Use Permit as descrinformation provided is accurate. I further certify that I am au are no covenants, conditions, or restrictions that may limit requested.	thorized to make the application and that there or prohibit the Special Property Use Permit
Property Owner: Longvies Free Methodist (Print All Information)	
Mailing Address: 2746 Ocean Beach Huny (Street or PO Box)	Fax:
City: Longview State:	WA Zip: 98632
Property Owner:	Phone:
Mailing Address: (Street or PO Box)	Fax:
City: State:_	Zip:
Applicant: Wayne Covrney (Privall Information)	Phone: 360 - 751 - 2289
Mailing Address: 751 Frank Smith Rd (Street or PO Box)	Email: <u>Waycor 3940@yahw</u> .com
City: Toutle State:	WA Zip: 98649
Relationship to Property Owner: Board Treasurer	

BASIC INFORMATION ABOUT THE SITE AND PROPOSAL (attach additional pages if necessary)
Briefly describe the proposed project (land use) and/or type of business you wish to conduct:
We plan to opearte an Early Learning Center for chidren ages 2-Kindergorten.
Address of Property: 2746 Ocean Beach Hwy Parcel No. 08870
Comprehensive Plan Designation: Trictional Neighboo RES Zoning District: TNR
Current Use of Property: Church
Gross land area of the site to be developed: $\frac{N/A}{2}$ Square Feet 2 Acres
Net land area (gross land area minus land dedicated for public purposes): <u>30,000 56,47</u>
Describe any existing structures on the site: 2 current structures. House and church building.
Number and surface type of all existing driveways at the site: $2/asphalt$
Number, type and dimensions of existing signage at the site: $5ign \cdot 3 \times 12$
Describe signage proposed for the land use requested: No Change to existing Signage
Existing zoning and land uses of adjacent properties (including across the street, if applicable):
North: Residential Current Land Uses: Residential
South: Lesidential Current Land Uses: Residential
East: Kesidential Current Land Uses: Residential
West: <u>Residential</u> Current Land Uses: <u>Residential</u>
Describe any Critical Areas identified on or located within 300 feet of the site:
Describe any private wells, septic tanks, drain fields, etc. located on the site:
Rev. 1/11

BASIC	E INFORMATION ABOUT THE SITE AND PROPOSAL (CONT'D)		
Prope	sed hours of operation: 8:45 am - 3:45 pm Mm-	Friday	
Descr	ibe how parking will be accommodated for the proposed use:		
ş	No change in current parking, 50 exst	Spacing 4	er Church
Descr	ibe how the proposed use will impact traffic circulation: $N \circ ch$	ange	
l	xisting signal signal control priveway		
quest	tional permits or applications from other departments or agencies, tions: the proposed land use:	please ans	wer the following
a)	Require removal or demolition of any existing structure(s)?	Yes	No_×
b)	Affect historic structures or historically significant features?		No
c)	Require a Variance from a development standard?		No X
d)	Involve fill or removal of contaminated soils or hazardous materials?		No 🔨
e)	Involve grading/fill over an existing public storm drain, sanitary sewer or water line?	Yes	No <u>X</u>
f)	Involve land that has a slope of 15% or greater?	Yes	No
g)	Require an Environmental Checklist be submitted and reviewed under the SEPA Rules (WAC 197-11)?	Yes	No X
h)	Be located within 300 feet of a shoreline?	Yes	NoX
	u answered yes to any of the above, please contact the Planning Di application.	vision befor	re submitting

SPECIAL PROPERTY USE PERMIT REVIEW CRITERIA AND DEVELOPMENT STANDARDS

In accordance with LMC 19.12.050, the Appeal Board of Adjustment shall exercise jurisdiction in receiving, granting or denying applications for Special Property Uses. No Special Property Use Permit shall be issued by the Board until after a public hearing, and until after the Building Official has found that all other provisions of the Longview Municipal Code have been fulfilled.

Criteria reviewed by the Appeal Board of Adjustment include:

- 1) The proposed use is consistent with the intended character of the zoning district and the operating characteristics of the neighborhood.
- 2) The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, or that the proposal identifies acceptable mitigation measures.
- 3) The transportation system is capable of supporting the proposed land use in addition to the existing land uses in the area. Evaluation factors include street capacity and level of service, availability of off-street parking to accommodate the proposed land use, access requirements, neighborhood impacts, and pedestrian safety.
- 4) Public services for water, sanitary and storm sewer, and to ensure that fire and police protection are capable of servicing the proposed land use and the immediate area.

Criteria that the Board utilizes to review all applications is established in LMC §19.12.050.

FILING FEES:
Public Hearing Fee:
SEPA Review Fee(if applicable):
Total Fees:
Comments:
LONGVIEW APPEAL BOARD OF ADJUSTMENT: Public Hearing Scheduled: Date:

	Telecommunications Facility Propagation Map provided, if applicable.
	Legal Description of Property.
	_ Copy of Deed Restrictions and Restrictive Covenants (CCR's).
	One copy of the property deed; and, if the applicant is not the owner, a notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.
	Title Report, if applicable.
	_ Critical Area Permit, if required.
	SEPA Environmental Checklist, if required.
	_ Certificate of Appropriateness issued by the Historic Preservation Commission, if applicable
comments:	

NOTES TO APPLICANT/OWNER:

- 1. If the Appeal Board of Adjustment or City Staff determine that additional and/or revised information is needed, and/or if other unforeseen circumstances arise, any dates outlined for processing the application may be rescheduled by the City.
- 2. All items shall be completed as determined by the Community Development Department prior to the application being deemed complete for processing.
- 3. All costs incurred by the City in reviewing this application shall be paid prior to any public hearings.
- 4. The applicant or authorized representative must attend the Appeal Board of Adjustment public hearing and be prepared to respond to any questions the Appeal Board may have.
- 5. **Time limitation for Special Property Uses**: 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.

Comments:

SIGNATURES:

I/we understand that if it is determined the application is not complete, the City shall immediately reject the application and identify in writing what is needed to make the application complete for a public hearing. No public hearings will be scheduled on this application until all outstanding issues have been resolved and the application is considered complete.

I/we agree that the City of Longview staff may enter upon the subject property at any reasonable time to consider the merits of the application, to make assessments, take photographs and to post public hearing notices.

I/we declare under penalty of the perjury laws that the information provided on this form/application is true, correct and complete.

Signature of Property Owner: Death Hung	Date: 3-22-16
Signature of Property Owner:	Date:
Signature of Applicant: wy large	Date: <u>3-22-16</u>
(If different than property owner)	



Permit/Plan Review Application

Building/Plumbing/Mechanical/Electrical/Fire Life Safety

Community Development Department, 1525 Broadway, P.O. Box 128, Longview, WA 98632 360.442.5086/Fax 360.442.5953

All Applicable Blanks Must Be Filled In. Use INK OR TYPE - DO NOT USE PENCIL

PROPERTY INFORMATION						
Project Address: 2746 Ocean Beach Huy			Suite #	Parcel #: 08870		
APPLICANT INFORMATION (info fo	or person signing application	on)				
Applicant/Authorized Agent: Wayne Canney			Email Address: Waycar 3940 Oryahoo.com			
Mailing Address: 751 Fr	Ruk Smith Rd.		City: Toulle	State: Lun	Zip: 98649	
Daytime Phone: (360) 274-2	2889		Cell/Alternate Pho	one: 360-751-	2289	
PROPERTY OWNER INFORMATION	N					
Property Owner: Longview Fr	re Methodist che	urey	Email Address:			
Mailing Address: 2746 OLC			City: LU	State: WN	Zip: 78632	
Daytime Phone: (36) 577-0			Cell/Alternate Ph	one:		
CONTRACTOR INFORMATION OR	OWNER AS CONTRACTOR	-Note <u>licen</u>	sed contractor's in	<u>nfo</u> or state if <u>owner</u> .	is to do work.	
Contractor's Name OR Owner: Lo			Email Address:			
Mailing Address: 2746 Occ			City: L. a.	State: 6.43	Zip: 98632	
Daytime Phone: (360) 577-0580			Cell/Alternate Phone: ()			
City Business License #	UBI# 91-1586811	State Contra	actor License #		Exp. Date:	
TYPE OF PERMIT - Check the type or t	ypes of permits you are app	lying for:				
	Building			FIRE/LIFE SAF	of Longview	
	Electrical *	tures 4		Fire Sprinkler	2.9.2010	
*The electrical permit can be issued <u>only</u> to the person doing the electrical work.	issued <u>only</u> to the person Mechanical # of units Other					
DETAILED DESCRIPTION OF PROJE	ECT (Details/specifics abou	ıt what you	<mark>i want to build, p</mark>	lumb, wire, install,	etc.)	
(IF FOR FENCE: Height	Wood/Chain Link/Vinyl/ <u>Oth</u>	er	(circle o	ne) Post materia	al)	
Ramove walls & pl	nec. new wall -	Repla	mb One Ba	the Remov.	e one bath	
Ramouc walls & place new wall - Replumb one Bath& Remove one bath From church classrooms to pre-school rooms						
New SF: Living Area:GarageShedCov PatioPatio/Open DeckDrive/walkway						
Water Provided By: City of LV Y PUD Other Sewage Disposal: City of LV Y BHSD Septic						
Will any work be done in the public	c right-of-way: (circle one) Y	ESN	10 <u>X</u>	# sets of plans s	ubmitted: <u>2</u>	
PROJECT INFORMATION						
			ootage: 677	Number of Stor	ies: /	
Amount of Cubic Yards of Grading/Filling Associated with Project:			~	# New/Added P	arking Spaces: O	
Existing Amount (sq ft) of Impervious Surface: New Amount:			0			
		New Am	ount: O	Total Amount:		

I hereby certify that I have read and examined this application and know the same to be true, accurate and complete under penalty of perjury by the laws of the State of Washington.

APPLICANT'S SIGNATURE Many

PRINTED NAME Wayne Carney DATE 2-29-16









April 17, 2016

To whom it may concern:

Smart Start Early Learning Center (ELC) is a half-day preschool program that is owned by and operates out of the Exodus Church in Longview. We have a building we want to move into but first need to renovate to accommodate our needs.

Since Smart Start ELC is a half-day program for any given student, we are exempt from Washington State day care licensing as we never have a student in the classroom beyond four hours per day. Since we provide half-day education to students ages three through six, neither do we provide diapering for any of our students nor do we prepare and serve lunch to any of our students. We do, though, provide a daily snack of water, crackers, and fruit or vegetable.

As we look ahead to the space we want to remodel to accommodate classes for the 2016-17 school year, the following represents the maximum number of students and adults who will occupy that space on any day, Monday through Friday. Out of the current building under consideration, we want to run a maximum of two classes during shared hours, have one afternoon preschool class, and have an office space that operates daily in the mornings and/or afternoons.

The morning preschool classes planned for this space will meet Monday through Friday from 8:45 a.m. to 11:45 a.m. and have a maximum enrollment of 24 students, ages three to five. These classes will also have two teachers. The morning kindergarten class comprised of students ages five and six will meet Monday through Friday from 8:30 a.m. to 12:30 p.m., have a maximum enrollment of 16 students and have one teacher and one adult volunteer. In the office, one to two adults will be working in this designated space during the morning and/or afternoon hours. During the afternoons of Monday through Thursday from 12:45 p.m. to 3:45 p.m., one preschool class is planned. The maximum student enrollment during these hours is 20 students and two teachers will be present.

To summarize, the building under consideration by the City of Longview would have no more than 46 individuals between the hours of 8:30 a.m. and 12:30 p.m., Monday through Friday while the hours of 12:45 p.m. to 3:45 p.m. Monday through Thursday would have a maximum of 24 people.

Thank you for your time and consideration. With your support and guidance, we look forward to providing the Longview community with another quality option for preschool and kindergarten for the 2016-17 school year.

Sincerely,

Nikki Hemberry Director Smart Start Early Learning Center 2746 Ocean Beach Highway Longview, WA 98632 360-270-1348





NOTICE OF PUBLIC HEARING Longview Appeal Board of Adjustment

May 10, 2016 starting at 4:30 P.M.

Case No: ABA 2016-1

Applicant: Longview Free Methodist Church [Exodus Christian Fellowship]

- Location: 2746 Ocean Beach Hwy. Assessor's parcel number: 08870. The project will take place within the SE ¼ of Section 29, T8N, R2W
- Request: Special Property Use permit to locate a private school at an existing church property. Existing buildings at the Free Methodist Church (Exodus Christian Fellowship) property will be utilized for a private pre-school and kindergarten, serving children ages three through six with morning and afternoon half-day classes. The property is zoned Traditional Neighborhood Residential District, TNR.

Copies of the Special Property Use application are available for review at the City of Longview Community Development Department located at 1525 Broadway Street, between the hours of 7:00 a.m. to 6:00 p.m., Monday through Thursday, except holidays.

Comments: If you would like to provide comments in writing on this proposal, please submit them no later than 4:00 p.m. Tuesday, May 10, 2016 to the City of Longview Community Development Department, PO Box 128, Longview, WA 98632, ATTN: Adam Trimble, Planner. For electronic submissions, provide your comments along with full name, address and contact information to adam.trimble@ci.longview.wa.us RE: ABA 2016-1

Public Hearing: You are invited to attend the Appeal Board of Adjustment public hearing scheduled for **4:30 p.m. on Tuesday, May 10, 2016.** You may provide comments either for or against this petition at this meeting. The public hearing will be held in the Longview City Council Chambers, located on the 2nd floor of City Hall at 1525 Broadway Street, Longview, Washington.

Attachment: Vicinity map.

Posted by Adam Trimble, Planner Thursday, April 28, 2016

Vicinity Map: Special Property Use Permit Application Case ABA 2016-1

