

## **Southgate Neighborhood Comments on SEPA B1608470 - Maverik Gas Station at 44th and Regal**

Southgate Neighborhood Council has reviewed the SEPA application and historical documents related to this site and have comments related to the overall land use and design review, the mitigation of stormwater and environmental contaminants, and concerns about traffic increases along the Regal corridor.

### Land Use and Design Review

When word of this project first reached Southgate Neighborhood Council, it was from a neighbor concerned about the environmental impacts of putting a gas station adjacent to a DNS recognized stream and upstream from an identified wetland. Discussions with city staff revealed the existence of a previous SEPA action related to a land use amendment and Mitigated Determination of Non-significance. Further research showed that in addition to the MDNS, there was an appeal to the City of Spokane Hearing Examiner who released a decision with conditions on December 5, 1997. Two of these conditions relate to future development and design review. Condition 1 states in part:

“The site is to be developed substantially in accordance with the site plan set forth in the record as exhibit #2D [for a 70,000 sqft grocery store, 3500 sqft fast food restaurant, and 7000 sqft specialty retail building], except as set forth below. Modifications to the site plan may be reviewed and approved by Planning Services if they are not substantial. If Planning Services deems them to be substantial, then they shall be submitted to the Hearing Examiner for review and approval.”

The original decision was set to expire in a few years, however the property owners requested and were granted multiple extensions to the decision through the early 2000s. The Hearing Examiner issued his final extension in 2003 and the property owner sought a change to the site plan that records show was not submitted to the Hearing Examiner. At the time the rationale was that the change was not substantial as they were removing the proposed 7000 sqft retail building and replacing it with a 336 sqft drive-thru coffee stand. However, the new proposal seeks to replace that 336 sqft structure with a 5518 sqft convenience store and 60,000 gallons of underground fuel storage. We believe this is a substantial change to the current use and to the use approved by the Hearing Examiner’s decision in 1997 which should require the review of the Hearing Examiner.

Condition 2 of the Hearing Examiner’s decision calls for design review of proposed buildings on the site saying, “Prior to submittal of building permit applications, a proposed project design shall be submitted to the City of Spokane Design Review Committee for review and approval.” This condition was not followed during the last site plan change in 2004 and has already been violated again for this proposal as the Design Review Board has not reviewed this project. According to the 1997 decision, the review process of this proposal should be put on hold in order for design review to be conducted. Condition 2 also requires that, “Input on the design shall be sought from the neighborhood, and especially from persons living within 300 feet to the east of this site.” As of yet, the Southgate Neighborhood Council has not been contacted by the City or the developer to provide input on the design of this project.

### Stormwater and Ground Water Issues

Another major condition of the Hearing Examiner's decision focuses on stormwater management. The MDNS issued in October 1997 and referenced by the Hearing Examiner calls for the developer to, "design, construct, and maintain a stormwater management system substantially in accordance with the findings and recommendations of the Preliminary Stormwater Technical Evaluation prepared by Inland Pacific Engineering Company in April of 1997." This document was not included in the project file, but we want to make sure that the City of Spokane meets this condition by reviewing the proposal against this report. The reason for this condition is based on repeated comments in the 1997 project file from neighbors and City staff remarking on routine reports of flooding and high ground water in the area.

The current SEPA application states that the applicant proposes to handle stormwater through, "discharge to groundwater using bio-infiltration swale and drywells." One question SNC has is whether or not drywells are allowed for stormwater management in this area. Any time development is proposed in and around the Regal corridor, neighbors express concerns for downstream impacts of creating massive impervious surfaces upstream from their residences. A review of the file on this property showed that County engineers had similar concerns about stormwater management on the site stating in a letter dated July 15, 1997:

"We have concerns from three perspectives: (1) offsite stormwater and groundwater flows, (2) the viability of an infiltration gallery in this site, and (3) potential impact of infiltration gallery disposal on downstream properties."

The comments continue by stating, "the proposal is located in an area with numerous surface and groundwater problems and in the major drainage way serving Glenrose watershed."

The current SEPA application states that the, "depth to groundwater is 7-8 feet below the surface." Given that fact, we would like to know how the applicant can place four large underground fuel tanks in the water table of a designated CARA site in a 100-year flood plain (as stated in the SEPA). Additionally, the first comment Southgate received about this new proposal was one of concern related to building a gas station adjacent to Hazel's Creek, an identified DNS stream.

Two other conditions of the 1997 Hearing Examiner decision relate to stormwater management. Condition #4 states, "The recommendations contained within Chapter 4 of the Budinger Report [Soil and Foundation Exploration and Analysis, May 1996, Exhibit #69] shall be incorporated into the final design and specification for the site preparation and construction." Condition #5 says, "The stormwater management system shall be field tested and shown to work as designed prior to issuance of certificates of occupancy for any uses on site."

So in addition to required conditions for land use and design review, Southgate Neighborhood Council would like to ensure the stormwater management conditions are met to prevent flooding and other offsite impacts downstream.

### Traffic Impacts

The applicants state that their project will generate 5,426 ADT. The impact of this traffic on the Regal Street corridor raises several issues.

First, the original site plan for this property, that required “substantial” changes to be reviewed by the Hearing Examiner, had a 7500 sqft retail building at this location on this portion of the site. According to the Traffic Impact Analysis completed for the project in 1997, that building would create just 305 ADT. An increase of 5100 trips per day for one portion of this site’s development should certainly qualify as a “substantial” change to the site plan and we would request that the Hearing Examiner review this proposal per the conditions of the 1997 HE decision.

We are also concerned about the cumulative impact of near-term development projects in the Regal Corridor. Regal Street is designated as a Minor Arterial on the City of Spokane Arterial Map. According to the Spokane Comprehensive Plan (Table TR 12), Minor Arterials are designed to handle volumes 9,500-19,500 ADT. The 2015 City of Spokane Traffic Flow Map shows the segment of Regal Street adjacent to this property was handling 20,800 ADT, already over the level prescribed for a Minor Arterial. This project alone would put it up over 26,000 ADT and that does not account for the upcoming development of Regal Commons (5400 ADT for Phase 1), KXLY’s development in the Southgate District Center, or the Palouse Trails Apartments just east of the Target store (758 ADT). These three projects are already in the planning phase or under construction and will raise the traffic volume on Regal Street to over 10,000 ADT above what the Comp Plan calls for on a Minor Arterial.

When you add in long term projects such as the third District Center property on Palouse Hwy, the full build-out of this property at 44th and Regal, and the ongoing development out in Moran Prairie, it becomes evident that a detailed traffic study of the Southgate/Moran Prairie must be conducted in order to plan for the full impact of the traffic and identify mitigation measures that are in line with the Spokane Comprehensive Plan and the Southgate Neighborhood Plans. Engineers will measure the condition of the roads in our neighborhood based on Level of Service for autos, but Southgate requests that additional criteria addressing Complete Street concepts be used to evaluate this cumulative impact especially the impact of this increased traffic on the character and atmosphere of the emerging Southgate District Center directly to the south of this proposed development.

### Conclusion

This project represents a substantial change to the site plan approved by the Hearing Examiner in 1997 and as such needs to be reviewed by both the HE and Design Review Board for compliance it the conditions set forth in the HE decision from 1997. We also await an opportunity to provide input on the design of project per the 1997 HE decision. The stormwater impacts as well need to be reviewed per the 1997 HE decision and affirmed to be mitigated as described in that document. Finally, the massive increase in traffic impact when compared to the approved site plan needs to be addressed specifically for this project, but more broadly the ever-increasing amount of traffic on Regal Street needs to be resolved. Thank you for your time and we look forward to your response to these comments.

Thank you,  
Ted Teske, Chair  
Southgate Neighborhood Council

Kerry Brooks, Vice Chair  
Land Use Committee Chair  
Southgate Neighborhood Council

