EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:
An Ordinance Amending the Comprehensive Plan Map Designation With a Rezone for the North Portion of Community Health Center of Snohomish County's Property Located at 1019 112th St SW, Amending Ordinance No's. 2021-94 and 1671-89, As Amended

6/1/16	Briefing
	Consent
6/15/16	Action
6/1/16	First Reading
6/8/16	Second Reading
6/15/16	Third Reading
6/15/16	Public Hearing

COUNCIL BILL #	CB1605-26
Originating Dept.	Planning
Contact Person	Allan Giffen
Phone Number	425-257-8725
FOR AGENDA OF	May 1, 2016
	May 8, 2016
	May 15, 2016
Initialed by:	
Department Head	
CAA	AS
Council President	JT

Location
1019 112th Street Southwest Everett, WA 98204

Preceding Action
Planning Commission Resolution 16-05

Attachments
Ordinance

Department(s) Approval
Legal, Planning

Amount Budgeted	N/A	
Expenditure Required	N/A	
Budget Remaining	N/A	
Additional Required	N/A	

DETAILED SUMMARY STATEMENT:
The City received a request to amend the land use designation of the Comprehensive Plan with concurrent rezone for a portion of property that was recently acquired through a boundary line adjustment. The proposed Comprehensive Plan change is from multiple family to mixed use commercial/multiple family. The proposed zoning change is from R-3, multiple housing to E-1MUO, Evergreen Way Mixed-Use Overlay. The Planning Commission held a public workshop on April 5, 2016 to discuss and consider the proposed request. The Planning Commission held a public hearing on April 19, 2016 to consider public testimony, and recommends that the City Council approve the attached ordinance.

A separate background packet with Planning Commission minutes and resolution will be provided to City Council.

RECOMMENDATION (Exact action requested of Council):
Adopt the Ordinance Amending the Comprehensive Plan Map Designation with a Rezone for the North Portion of Community Health Center of Snohomish County's Property Located at 1019 112th St SW, Amending Ordinance No's. 2021-94 and 1671-89, As Amended.

ORDINANCE NO. _____

An Ordinance Amending the Comprehensive Plan Map Designation With a Rezone for the North Portion of Community Health Center of Snohomish County's Property Located at 1019 112th St SW, Amending Ordinance No's. 2021-94 and 1671-89, As Amended

WHEREAS, the City Council finds the following:

1. The Washington State Growth Management Act (GMA) requires counties and cities to prepare comprehensive plans pursuant to RCW 36.70A; and

2. The City adopted a Comprehensive Plan in August, 1994, in conformance with the Washington State Growth Management Act, and completed its 10 year update to the Comprehensive Plan on October 21, 2015; and

3. RCW 36.70A allows for comprehensive plans to be amended on an annual basis; and

4. The City of Everett initiated its 2015 – 2016 annual comprehensive plan amendment process in July of 2015, which included consideration of Land Use Map amendments and rezone applications initiated by property owners and the Everett Planning Commission; and

5. In order to carry out the recommended change, the Comprehensive Plan designation on the north portion of the subject property must be amended from 1.6: Multiple Family to 4.4: Mixed-Use Commercial/Multiple Family, see Exhibit "A", and the zoning must be changed from R-3: Multiple Family Medium Density to E-1 MUO: Evergreen Way Mixed-Use Overlay; and

6. Staff did meet with the Twin Creeks and Cascade View neighborhoods regarding this proposal on September 21, 2015, and has discussed the change with the property owner; and

7. The Planning Commission held a public hearing on the matter on April 19, 2016, at which time it heard from the public and staff, and considered the the proposal and did recommend approval for a single and appropriate Comprehensive Plan designation and zone on the property, consistent with its commercial use, that reflects zoning on adjacent and nearby properties; and.

WHEREAS, the City Council concludes the following:

1. The purpose for the requested Comprehensive Plan land use map amendment is to provide consistency between the Comprehensive Plan map and the zoning map, and to provide the designation and zone for this property match its anticipated use;

2. The Planning Commission held a public meeting April 5, 2016, and a public hearing on this proposal on April 19, 2016, and passed Resolution 16-05, recommending adoption of this action by City Council;

3. The requested action is supported by, or consistent with, the Comprehensive Plan because Chapter V of the Land Use element (C) Guide to Decision Making, "All zoning decisions must by law be consistent with the comprehensive Plan." This action is specifically intended to make the subject area's zoning and comprehensive plan designation consistent, and the same as the designation and zone on the remaining portion of the property, after the proposed changes are made;

4. The changed circumstances and new information related to the property justify the changes to the land use designation;

5. The proposed designation is consistent with the existing designation of abutting properties to the south and west;

6. The change promotes and ensures a desired land use pattern because the use will support the current use;

7. The proposed land use designation should not be applied to other properties in the vicinity without first meeting the policies of the Comprehensive Plan on their own merit and considered separately from this action. Therefore, approval of this application would not constitute a granting of special privilege; .

8. This action would have no additional impacts on other properties in the vicinity;

9. The change of the land use designation will not pressure other properties in the vicinity to do the same;

10. The proposed changes provide for the public health, safety and welfare; and.

11. This proposed Comprehensive Plan amendment and rezone promotes the best long term interest of the Everett Community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1: Amendment of the Land Use Map of the Comprehensive Plan. The Comprehensive Plan land use map designation for the north portion of the property at 1019 112th St SW is hereby amended from 1.6: Multiple Family to 4.4: Mixed-Use Commercial/Multiple Family, amending Ordinance No. 2021-94, as amended and as depicted in Exhibit "A".

Section 2: Approval of Rezone. The zoning for the property is changed from R-3: Multiple Family Medium Density to E-1 MUO: Evergreen Way Mixed-Use Overlay, amending Ordinance No. 1671-89, as amended and as depicted in Exhibit "B".

Section 3: Legal Description. The legal description of the area affected by this action is described in Exhibit "C", which is attached hereto and incorporated herein by reference. Any conflict between the legal description and map shall be resolved by referring to the map.

Section 4: Incorporation. Exhibits A, B, and C are hereby made part of this approval and incorporated herein by reference.

Section 5: Severability. Should any section, paragraph, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6: Conflict. In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

Section 7: Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 8: General Duty. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

_____

Ray Stephanson, Mayor

ATTEST: _____
City Clerk

Passed: _____

Valid: _____

Published: _____

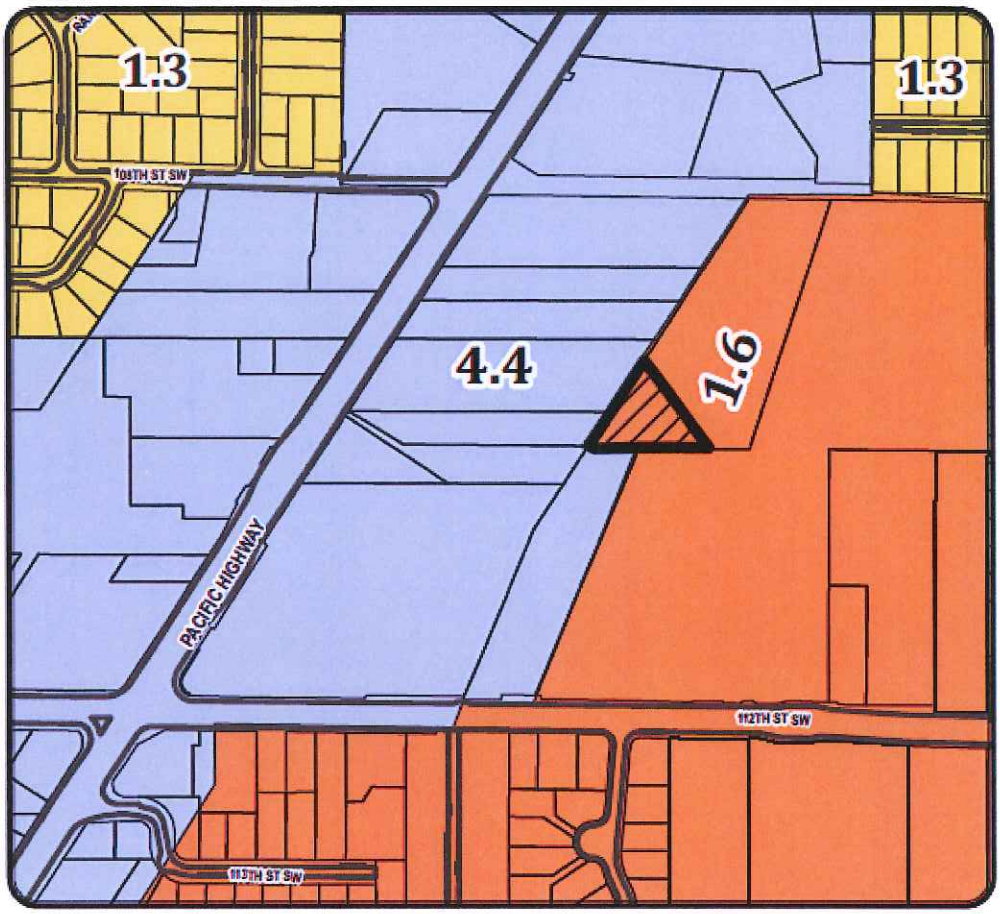
Effective Date: _____

Exhibit A

Community Health Center of Snohomish County

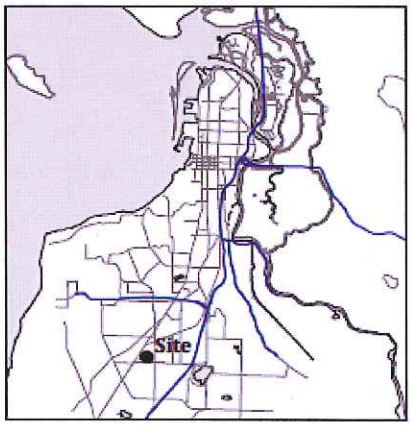
Comprehensive Plan Amendment

From: 1.6 Multiple Family, 20-29 dwellings per gross acre
To: 4.4 Mixed Use Commercial, Multiple Family



Comprehensive Plan Legend:

- 1.3 Single Family Detached, 10-12 DUA
- 1.6 Multiple Family, 20-29 DUA
- 4.4 Mixd Use Commercial, Multiple Family
- Action Area



Geographic Information System

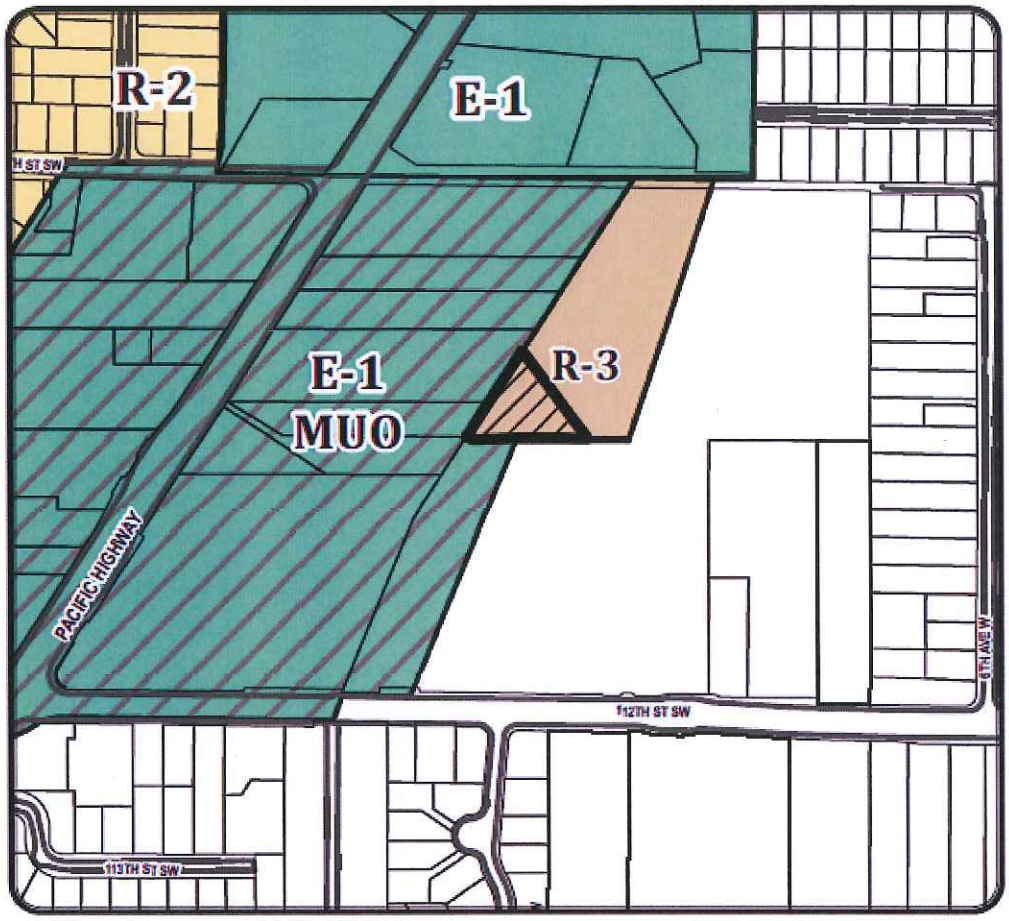
March 2016

Exhibit B

Community Health Center of Snohomish County

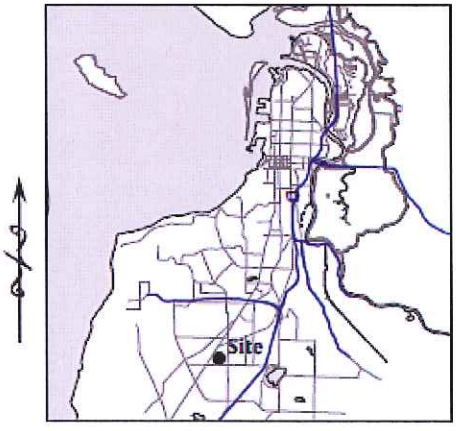
Rezone

From: R-3 Multiple Family, Med Density to
To: E-1 MUO Evergreen Way Mixed Use Overlay



Zoning Legend:

- R-2 Single Family, Med. Density
- R-3 Multiple Family, Med Density
- E-1 Evergreen Way Zone
- E-1 MUO E-1 Evergreen Way Zone Overlay
- Action Area



Geographic Information System

March 2016

Exhibit C

Legal Description

Commencing at the southeast corner of Lot 8, Block 1, Fairmount, as per plat recorded in Volume 10 of Plats, page 91, records of Snohomish County, Washington; thence west along the south line of said Lot 8, a distance of 100.31 feet to the Point of Beginning; thence N 36*20'07"W a distance of 276.07 feet to a point on the westerly line of said Lot 8; thence S 32*54'48"W, along said westerly line, a distance of 264.94 feet; thence N 89*59'43"E a distance of 307.53 feet to the Point of Beginning. Situate in County of Snohomish, State of Washington.