



## STAFF REPORT

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| <b>Agenda Subject:</b> Builder's Investment Group, Comprehensive Plan Amendment and Rezone   | <b>Report Date:</b><br>11/29/2016         |
| <b>Project #:</b> COMP 16-001, REZ 16-001  | <b>Meeting/Hearing Date:</b><br>12/6/2016 |
| <b>Staff Contact:</b> Niels Tygesen  | <b>Decision Body:</b><br>City Council     |
| <b>Attachments:</b> Application, Narrative, Maps, Agency Comments, Ordinance 3151-09, Ordinance 2522-01, COE Resolution 5076, Draft Resolution |   |
| <b>Recommendation:</b> Approval of the Comprehensive Plan Map and Zoning Map amendment requests with development agreement                     |   |

### BACKGROUND SUMMARY

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| APPLICANT:                      | Builder's Investment Group, LLC                                   |
| LOCATION:                       | 12704 19 <sup>th</sup> Ave SE<br>Tax Parcel No: 280530-004-002-00 |
| ACTION AREA:                    | .49 Acres   |
| EXISTING USE:                   | Vacant lot. Last use was a single family residential dwelling.    |
| ZONING DESIGNATION:             | R-2: Single Family Detached Medium Density                        |
| COMPREHENSIVE PLAN DESIGNATION: | 1.3: Single Family Detached, 10-12 dwellings per gross acre       |
| SHORELINE DESIGNATION:          | N/A   |
| SEPA STATUS:                    | Determination of Non-significance, SEPA16-018, November 2, 2016   |

### PROJECT PROPOSAL

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| TWO REQUESTS: | <ol style="list-style-type: none"> <li>1. Amend the comprehensive plan land use designation from 1.3: Single Family Detached, 10-12 dwellings per gross acre to 4.4: Mixed-Use Commercial/Multiple-Family.</li> <li>2. Amend the zoning map from R-2: Single Family Detached Medium Density to C-1: General Commercial.</li> </ol>  |
| DESCRIPTION:  | <p>The purpose of the requests are to convert the existing single family residential lot to a parking lot for staff in the clinic building adjacent to the south, and to construct a new small office building.</p> <p>The purpose of the proposed comprehensive plan land use map amendment is to support the proposed zoning map amendment. In Chapter 2 of the Land Use Element, Table 9 indicates which zones would be applied to implement the designations on the comprehensive plan land use map. The C-1 zone allows business, commercial and medical uses, but requires the Land Use Designation of 2.5, 3.1, 4.2, or 4.4.</p> |

**PUBLIC NOTICE AND COMMENT**

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| <p>PUBLIC/AGENCY NOTICE:</p> | <p><b><u>Agency/Neighborhood Notice:</u></b><br/>                 On October 12<sup>th</sup>, the city provided notice to city departments, neighborhood chair, and public agencies that the city was beginning a project review process for this amendment. Comments were due by October 31<sup>st</sup>.</p> <p><b><u>Notice of Public Hearing and SEPA Determination:</u></b><br/>                 On November 2, 2016, the city issued notice of the Planning Commission’s public hearing on the proposed comprehensive plan amendment and rezone, and notice that a Determination of Nonsignificance (DNS) had been issued on the proposal. This notice was sent to city departments, the applicant, property owners within 500 feet, the SEPA mailing list, the neighborhood chair, and was published in the Everett Daily Herald. In addition, two signs were posted on the property.</p> <p><b><u>GMA Notice:</u></b><br/>                 The city provided 60-day notice to the Washington State Department of Commerce regarding the proposed comprehensive plan amendment and/or development regulation.</p> |
| <p>COMMENTS RECEIVED:</p>    | <p><b><u>Agency Comments:</u></b></p> <ol style="list-style-type: none"> <li><b>Everett Engineering/Public Services Department</b> – Notes for the developer, see attached.</li> </ol> <p><b><u>Public Comments:</u></b></p> <ol style="list-style-type: none"> <li><b>Steve Love (Phone 11-16-16)</b> – was not opposed to the proposal of development, but expressed concerns regarding ongoing safety issues due to existing drug activity and vandalism from transients who access the residential neighborhood to the west from 19<sup>th</sup> Avenue SE via a pedestrian access gate located on the adjacent property to the south.</li> </ol>  |

**AUTHORITY AND DECISION CRITERIA**

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| <p>SOURCE:</p>    | <p><b><u>Comprehensive Plan Land Use Map Amendment:</u></b> Everett Comprehensive Plan Chapter 1, Section VII.H<br/> <b><u>Zoning Map Amendment (site specific):</u></b> Everett Municipal Code (EMC) 19.41.160(D)</p>  |
| <p>CRITERION:</p> | <p><b><u>Comprehensive Plan (Map Amendment) Criteria:</u></b><br/>                 The following factors shall be considered in reviewing such amendment requests.</p> <ol style="list-style-type: none"> <li>The proposed land use designation must be supported by or consistent with the existing policies of the various elements of the comprehensive plan.</li> </ol> |

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|  | <ol style="list-style-type: none"> <li>2. Have circumstances related to the subject property and the area in which it is located changed sufficiently since the adoption of the Land Use Element to justify a change to the land use designation? If so, the circumstances that have changed should be described in detail to support findings that a different land use designation is appropriate.</li> <li>3. Are the assumptions upon which the land use designation of the subject property is based erroneous, or is new information available which was not considered at the time the Land Use Element was adopted, that justify a change to the land use designation? If so, the erroneous assumptions or new information should be described in detail to enable the Planning Commission and City Council to find that the land use designation should be changed.</li> <li>4. Does the proposed land use designation promote a more desirable land use pattern for the community as a whole? If so, a detailed description of the qualities of the proposed land use designation that make the land use pattern for the community more desirable should be provided to enable the Planning Commission and City Council to find that the proposed land use designation is in the community's best interest.</li> <li>5. Should the proposed land use designation be applied to other properties in the vicinity? If so, the reasons supporting the change of several properties should be described in detail. If not, the reasons for changing the land use designation of a single site, as requested by the proponent, should be provided in sufficient detail to enable the Planning Commission and City Council to find that approval as requested does not constitute a grant of special privilege to the proponent or a single owner of property.</li> <li>6. What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to assure compatibility with the uses of other properties in the vicinity?</li> <li>7. Would the change of the land use designation sought by the proponent create pressure to change the land use designation of other properties in the vicinity? If so, would the change of land use designation for other properties be in the best long-term interests of the community in general?<br/>(City of Everett Comprehensive Plan, Chapter 1, Section VII.H)</li> </ol> <p><b><u>Zoning Map (Site Specific) Amendment Criteria:</u></b><br/>The review authority may approve an application for a site-specific rezone if it finds that:</p> <ol style="list-style-type: none"> <li>1. The proposed rezone is consistent with the Everett comprehensive plan; and</li> <li>2. The proposed rezone bears a substantial relation to public health, safety or welfare; and the proposed rezone promotes the best long-term interests of the Everett community; and</li> <li>3. The proposed rezone mitigates any adverse impact(s) upon existing or anticipated land uses in the immediate vicinity of the subject property.<br/>(EMC 19.41.160)</li> </ol> |
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**COMPLIANCE REVIEW**

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| <p>GROWTH<br/>MANAGEMENT<br/>ACT:</p> | <p><b>Annual Amendment:</b><br/>The Growth Management Act (GMA) limits amendment of the comprehensive plan to no more frequently than once every year. (RCW 36.70A.130(2)(a))</p> <p>This application was included in the 2016-2017 annual docket for consideration.</p> <p><b>Internal Consistency:</b><br/>The Growth Management Act requires development regulations that are consistent with and implement the comprehensive plan. (RCW 36.70A.040(3))</p> <p>The request to amend the zoning map is being considered concurrent with the request to amend the comprehensive plan land use map in order to meet the internal consistency requirement.</p> <p><b>Economic Development Element:</b><br/>The Growth Management Act requires an economic development element to establish goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. (RCW 36.70A.070(7))</p> <p><b>GMA Goals:</b><br/>Applicable GMA goals include:<br/><b>Urban growth:</b> Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.<br/><b>Economic development:</b> Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.<br/><b>Citizen participation and coordination:</b> Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts. (RCW 36.70A.020)</p> |
| <p>COMPREHENSIVE<br/>PLAN:</p>        | <p><b>Land Use Element, II.A.2.d. Commerce:</b><br/>Much of the commercially zoned land inventory is located along arterial streets, and much of the commercially developed land is considered to be underdeveloped, or not developed to the intensity permitted by existing zoning.</p>   |

**Land Use Element, III.D. Commercial Areas:**

Commercial zoning can be expanded in circumstances where minor adjustments of zoning boundaries will promote greater land use compatibility, and enable a more efficient and integrated use of existing commercially zoned areas.

**Land Use Element, III.F. Mixed Use Transportation Corridors:**

19<sup>th</sup> Avenue SE between 112<sup>th</sup> Street SE and 132<sup>nd</sup> Street SE is designated as a "medium intensity" transportation corridor. Medium intensity transportation corridors are intended to provide for a mix of uses compatible with the adjacent neighborhoods. These areas are intended to preserve opportunities for development in the corridor, but are not intended to significantly change the established character of the area. These areas are expected to accommodate townhouses, and low to medium multiple family densities in preference to commercial uses, except within transit-oriented mixed-use buildings.

**Land Use Element, V.D. Land Use Designations – Locational Criteria:**

The property is currently designated 1.3 on the Comprehensive Plan Land Use Map; the amendment requested is to designate the property 4.4.

1.3 is designated "Single Family Detached Residential" which "is applied to areas presently developed with predominantly single-family detached dwellings that the City intends to preserve as primarily single family neighborhoods. Other dwelling types will be allowed under certain circumstances, such as duplexes, single family attached, or rear yard infill dwellings".

4.4 is designated "Mixed Use Commercial-Multiple Family which "is applied to arterial corridors that have traditionally have been commercial strip areas, but that are now intended to be redeveloped over time as major transit corridors with a mix of commercial uses and multiple family housing".

Table 9: Comprehensive Plan/Zoning/SMP Equivalency Table

| LAND USE DESIGNATION                                       | Equivalent Zoning     | SHORELINE ENVIRONMENT DESIGNATION |
|--|-----------------------|-----------------------------------|
| <b>Residential</b>   |                       |                                   |
| 1.3 Single Family Detached, 10-12 dwellings per gross acre | R-1(A) or R-2         | N/A                               |
| <b>Commercial</b>  |                       |                                   |
| 4.4 Mixed Use Commercial – Multiple Family                 | C-1, B-2, E-1, E-1MUO | Urban Multi-Use                   |

**Land Use Element Policies:**

**Policy 2.1.3** Strongly discourage the conversion of residential areas to nonresidential uses [and] the encroachment of commercial uses into residential zones, except [when]...

(d) conversion of residentially designated properties to commercial use...:

- (i) is necessary to preserve the economic viability of an existing commercial use that serves the community;
- (ii) the commercial redevelopment is part of a unified commercial development that includes coordinated architectural design, site and parking layout, landscaping, access, drainage, and utilities; and
- (iii) the redevelopment includes elements that address potential impacts on adjacent residential uses.

**Policy 2.2.1** Strongly discourage the spread of commercial zoning and uses into residential neighborhoods. Instead, strongly encourage the more intensive utilization of existing commercial areas for commercial purposes, mixed residential use, and public activities.

**Policy 2.2.3** Require new commercial development to be pedestrian friendly, and transit oriented in areas served by public transit.

**Policy 2.2.5** Commercial uses and developments should be designed so as to minimize the impacts upon surrounding land uses, especially residential areas.

**Policy 2.15.16** Buffers. Because the buffers adjoining wetlands and streams perform many valuable functions, including soil stabilization and erosion control, filtering of sediments and toxic chemicals, moderating storm runoff impacts, moderating water temperatures, protecting and providing fish and wildlife habitat and food sources, and providing a barrier to encroachment and destruction, the City should require sufficient buffer width and functions to achieve no net loss of critical area functions and values.

**Policy 2.15.21** Recognize that buffers essential to provide wildlife habitat for large mammals do not currently exist except in the Snohomish River estuary, and are not feasible in Everett's urban environment. Provide adequate buffers for species that can adapt to the urban environment.

**Economic Development Element, V.F. Land Availability:**

Everett can't increase jobs and a tax base significantly unless [it has] enough land and space available to accommodate new economic activity. Most future commercial development will be in the form of redevelopment of currently developed properties with higher density uses.

**Economic Development Element Policies:**

**Policy 7.5.11** Continue to focus on business retention and recruitment of high quality business and industrial development.

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| <p>ZONING CODE:</p> | <p>The amendment requested would change the zoning map from R-2 to C-1. The zoning differences in this change include the following:</p> <p><b><u>Permitted Uses and Development Standards</u></b></p> <p>Uses allowed in the R-2 and C-1 zones, are permitted either through administrative review processes I and II, or through a Hearing Examiner decision in a review process III. See EMC 19.5 and EMC 15.16 for information.</p> <p><b>Residential Uses:</b></p> <p>The following residential uses are permitted in both the R-2 and C-1 zones: Adult family homes, Boarding or rooming, Single-family detached dwellings, Single-family attached dwellings, Duplexes, Rear yard infill dwellings, Class I A Group homes, Manufactured homes, and Temporary shelter homes.</p> <p>The R-2 zone allows for the following residential uses which are not permitted in the C-1 zone: Accessory dwelling units and Mobile home parks.</p> <p>The C-1 zone allows for the following residential uses which are not permitted in the R-2 zone: Assisted living facilities, boarding-houses or rooming-houses, Congregate care facilities, Convalescent or nursing homes, Multiple-family dwellings, Live/work dwellings, Class I B&amp;C Group homes, Class II A-C Group homes, and Senior citizen housing.</p> <p><b>Non-Residential Uses:</b></p> <p>The following non-residential uses are permitted in both the R-2 and C-1 zones: Bed and breakfast house, Public outdoor recreation, Church, Commercial daycare, Daycare/family home, Hospital, Public park, Public service uses/buildings, College/university, Preschool to grade 12, Major and minor above ground utility and communications facility, Electronic vehicle charging station, Below ground utilities, Commuter parking, and Transportation facilities of statewide significance.</p> <p>The C-1 zone allows for a wide range of commercial uses which are not permitted in the R-2 zone such as retail, office, restaurant, automotive services, taverns, self-storage and many others, see EMC 19.5 Table 5.2.</p> <p>Development standards between the R-2 and C-1 zones vary considerably. Setbacks in the C-1 zone are either reduced by half or entirely compared to the R-2 zone. Lot coverage is unlimited in the C-1 compared to a maximum of 40% in the R-2. Building heights in the C-1 could be as much as 37' taller. Landscape standards are much more prescriptively regulated in the C-1, with requirements of buffer screening for adjacent lots with residential uses, as well as ornamental landscaping. And signage in the C-1 can be larger and internally illuminated. See EMC 19.6.</p> |
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**DISCUSSION**

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| <p>CONSISTENCY WITH PLANS/AMENDMENT CRITERIA:</p> | <p><b>Supportive Policies:</b></p> <ul style="list-style-type: none"><li>• Preserve the economic viability of an existing commercial use that serves the community (LU 2.1.3)</li><li>• Focus on business retention and recruitment of high quality business and industrial development (ED 7.5.11)</li></ul> <p><u>Staff Comments / Analysis:</u><br/>The Everett Comprehensive Plan has policies that are supportive of the proposed map amendments, and is supportive of a conversion of residentially zoned areas to commercial for small expansions of existing areas commercially zoned such as the subject site. The applicant has stated additional parking is needed at the adjacent site to the south, 12728 19<sup>th</sup> Ave SE, in order to retain some of the current tenants. The proposal would create additional parking on the subject site for staff located at 12728 19<sup>th</sup> Ave SE.</p> <p><b>Non-Supportive Policies:</b></p> <ul style="list-style-type: none"><li>• Discourage the spread of commercial zoning into residential neighborhoods. Instead, strongly encourage the more intensive utilization of existing commercial areas for commercial purposes, mixed residential use, and public activities (LU 2.2.1)</li></ul> <p><u>Staff Comments / Analysis:</u><br/>The Everett Comprehensive Plan also has language that is meant to protect existing residential neighborhoods from substantial changes. The context of the subject site however, warrant consideration for the conversion from a single family residential land use designation to one that supports Mixed-Use Commercial uses.</p> <p>The character of 19<sup>th</sup> Ave SE north of 132<sup>nd</sup> St SE has changed since 1994 and adoption of the City’s initial Comprehensive Plan under the Growth Management Act. The corridor has been widened and developed significantly with commercial, business and medical uses on the west side, and traffic has notably increased.</p> <p>The subject site is bordered to the north by critical wetland areas, to the west by an established residential neighborhood, to the south by established commercial development, and to the east by 19<sup>th</sup> Ave SE. If the amendments are approved, the land use designation would not extend to the north due to the critical areas, and should not cause adverse effects to properties to the west if land uses are restricted to office and medical as they are to the property adjacent to the south.</p> <p>Property adjacent to the south, located at 12728 19<sup>th</sup> Ave SE was previously rezoned with contract from R-2 to C-1 by the current applicant, and the allowable uses were limited to office and medical.</p> |
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|   | <p>The rezone contract also required design criteria for the proposed development pertaining setbacks, building fenestration, landscaping, lighting, and pedestrian connection between 127<sup>th</sup> Place SE and 19<sup>th</sup> Avenue SE. See attached Ordinance 3151-09, Ordinance 2522-01, and Resolution 5076.</p> <p>Policy 2.1.3 supports the proposed request when the redevelopment is part of a unified commercial development and addresses potential impacts on adjacent residential uses. In order to mitigate any adverse impacts upon existing or anticipated land uses in the immediate vicinity of the subject property, the proposed rezone should be contingent on a development agreement for both the subject property and 12728 19<sup>th</sup> Avenue SE combined, with the same use limitations and design criteria as previously approved. If the Planning Commission recommends approval of the comprehensive plan amendment and rezone, staff will work with the Legal Department to prepare a Development Agreement that will be incorporated as part of the rezone ordinance.</p> |
| <p>IMPACTS AND CONSIDERATIONS OF PROJECT:</p> | <p>At the time of writing this staff report, no public comment letter or email was received. One comment via a telephone conversation did not object to the development but voiced concern over health and safety issues with the property located at 12728 19<sup>th</sup> Ave SE – see Comment’s Received, page 2. No concerns have been expressed by public agencies.</p> <p>The primary consideration of the proposal is whether it meets the criteria for amendment of the comprehensive plan map and zoning map.</p>   |

**RECOMMENDED ACTION:**

Planning staff recommends the Planning Commission forward a recommendation of **APPROVAL** to the City Council based on the foregoing report. A proposed resolution supporting the recommendation of approval with development agreement is attached.



# COMPREHENSIVE PLAN AND REZONE APPLICATION

(Attach additional pages if needed)

Name of Applicant Builder's Investment Group, LLC  
 Address 12728 Bothell-Everett Hwy, Suite 102  
 City Everett State WA Zip Code 98208  
 Phone \_\_\_\_\_ Alt ph \_\_\_\_\_  
 Email \_\_\_\_\_

Primary Contact (if other than applicant) Brian Kalab, PE / IECO  
 Address PO Box 1478  
 City Everett State WA Zip Code 98206  
 Phone (425) 303-9363 Alt ph \_\_\_\_\_  
 Email brian@insightengineering.net

Property Owner(s) Builder's Investment Group, LLC  
 Address 12728 Bothell-Everett Hwy, Suite 102 City Everett State WA Zip Code 98208

Property Address or Location 12704 Bothell-Everett Hwy, Everett WA 98208  
 Tax Parcel No(s) 280530000400200  
 Area of Property (acres/sq ft) 0.49 acres

Legal Description (attach for rezone purposes) S.30 T28N R05E N 100ft of E 200ft of FDT N1/2 S1/2 SE1/4 NE1/4 SE1/4 less E 30ft for Rd & TGW N 20ft of adj. lot 4 of ZA8701032 SP rec'd AF No. 8707220250 & cor AF No. 8803010215 abtg S. In sd prtyless rd r/w to City of Ev per SWD rec. AFN 200205130494

Brief Description of Project Comprehensive Plan Amendment to allow C.1 zoning on property

• **Authorization:** I am the owner or am authorized by the owner to sign and submit this application. I grant permission for City staff and agents to enter onto the subject property for the sole purpose of making any inspections of the property which are necessary to process this application. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete, and correct.

Signature *Brian Kalab* Date 03-09-2016

Please print name Brian Kalab, P.E.  Owner  Applicant  Primary Contact  
 City and State where this application is signed Everett, Washington  
 City State

*COMP 16-001*

**FOR OFFICIAL USE ONLY**

FILE # REZONE 16-001  
 FEE \$ 7,000.00  
 RECEIPT # 205687

**RECEIVED**  
 JUN 17 2016  
 CITY OF EVERETT  
 Planning Dept.



INSIGHT ENGINEERING CO.

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## **Builders Investment Group Comprehensive Plan Amendment and Rezone Narrative**

Builders Investment Group is requesting a comprehensive plan amendment from Single Family Detached 3-5 DU/gross acre to Mixed Use Commercial-Multifamily; the concurrent rezone is from R-S Suburban Residential to C-1 General Commercial.

The parcel for which the request is being made will be combined with the larger parcel to the south on which a thriving existing clinic is located. The purpose for the request is converting the existing residential lot to a clinic staff parking lot and a small office building.

The parcel is currently occupied by a single family home, outbuildings, and parking areas. It is poorly suited to residential use as it takes direct access from and fronts on the Bothell Everett Highway as opposed to a residential street. Other properties similarly situated in the vicinity are developed with commercial uses. The more logical uses for the site would be equivalent to those found immediately adjacent to and south of the lot on both sides of the highway, which are commercial uses including the medical clinic, a church, a large shopping center and similar commercial uses.

The Silver Lake area has changed dramatically since the 1994 comprehensive plan was crafted, and this fact has been recognized in the amendments and rezones already approved for this area. The highway has been widened and improved from a 2 lane road to a five-plus lane arterial. Numerous large, modern stores, clinics, offices and institutional structures populate the area. Builders Investment Group initiated a comprehensive plan/rezone request in 2000 which was approved (Ordinance 2522-01). It was recognized at that time that the request was appropriate given the many changes to the area. The proposal was found to be consistent with and implemented the goals and policies found in the comprehensive plan and other relevant planning documents.

Cited as reasons for the approval in that request were the following:

1. High traffic volumes on SR527 make this site undesirable for residential development due to noise impacts.
2. This proposal represents a reasonable extension of the abutting 4.4 Comprehensive Plan Designation.
3. Clinic/Office uses are compatible with abutting residential uses when they include appropriate buffering and architectural design elements.

The ordinances and resolution approving and clarifying the approval are attached for reference purposes.

The Builders Investment Group clinic has proven to be very successful. It is a modern, clean facility which is a good neighbor to the nearby single family residences. Along with this success has arisen the need for additional parking. Parking for clients would remain where it is currently located, south and west of the building; this new parking area would serve staff. The proposal includes a small office building located adjacent to the highway. Staff and guests using the small office building would also park here.

To the north of the lot is a wetland, the buffers of which will extend onto the lot. North of that are two large detention ponds serving the highway. To the west of the site is an established single family residential neighborhood which takes access from the west, and is therefore not connected to the existing lot. These limiting features represent logical boundaries for the requested designation; the wetland; the highway; the self-contained neighborhood. No future expansion of this designation beyond the instant request is therefore likely or appropriate, and in the case of the wetland feature to the north, possible.

The facility provides a variety of good jobs for Everett's citizenry, as well as providing needed health services.

Compliance with the comprehensive plan policies is demonstrated below. For ease in reading, we have cited the comprehensive plan language, and address the criteria as they are presented in the comprehensive plan:

#### H. Amending the Land Use Map

The City is asked much more frequently to amend the designations of the Land Use Map than the policies embodied in the text. This is usually the result of an individual who wishes to rezone land to allow uses not permitted by the existing zoning of the property. Such requests are sometimes based upon a specific proposed use and development for a property, and sometimes are speculative for purposes of increasing the value of the land without a use or development plan proposed. In either case, the Planning Commission and City Council must carefully evaluate requests to amend the Land Use Map to determine the long-term benefit to the community as a whole. Whether initiated by the City or a private party, the burden of proof is upon the proponent to demonstrate the long-term benefit to the community as a whole. The following factors shall be considered in reviewing such amendment requests.

#### **1. The proposed land use designation must be supported by or consistent with the existing policies of the various elements of the comprehensive plan.**

Chapter 2, Land Use Element, I,C, 5. Economic Development: Central to the quality of life in any community is the ability of families and individuals to earn a living. Without jobs there would be no community. Everett is a major employment center, providing an employment and economic base for a population much larger than living within the city limits. Conversely, many of Everett's residents work outside of the city and outside of Snohomish County. The transportation network, linking Everett residents to places of employment outside of Everett, and vice versa, has a critical effect on economic activity and land use patterns within Everett. Everett's economic past is marked by the dramatic swings of a boom-bust cycle of the city's major industries. An important goal in the "guiding forces" for the Everett Comprehensive Plan is economic stability and diversification of the employment base, so that the local economy is not as susceptible to the fortunes of a single employer or industry. Use of Everett's land base is central to economic diversity and strength. The Economic Development Element reviews and updates past economic studies and strategies. It includes recommendations for actions that will foster the desired economic health.

*The site is a vital health care facility which has proven to be a strong generator of jobs for the community, and is growing, hence the need for expansion area. The jobs provided by this type of facility are typically more permanent and sustainable than those provided by the aerospace and logging industries which have historically been big employers in the Everett area. Approval of this request will facilitate this growth and keep this valuable job creator here.*

Under III, Everett's Land Use Concept, E, Activity Centers and Mixed Use Corridors, number 4 reads: The medium intensity Mixed Use Corridors are intended to provide for a mix of uses compatible with the adjacent neighborhoods. These areas are intended to preserve opportunities for development in the corridor, but are not intended to significantly change the established character of the area. These areas are expected to accommodate townhouses, and low to medium multiple family densities in preference to commercial uses, except within mixed-use buildings

providing a majority of the floor area of the building in multiple family residential use. By doing so, a significant portion of the future housing needs of the city could be met without having to rezone single-family neighborhoods to multiple family zones. The permitted development intensity within these corridors is supported by the high levels of transportation service. These levels of land use intensity are intended to further support public transit service. The following arterials are designated as "medium intensity" mixed use corridors: • 19th Avenue SE between 112th Street SE and 132nd Street SE • 128th/132nd Street corridor, east of Interstate 5 (only the north side of this corridor is within the Everett Planning Area) • 112th Street, from Paine Field to 19th Avenue SE

*This section of the plan is quoted because it clarifies that the this area (19<sup>th</sup> Avenue SE between 112<sup>th</sup> Street SE and 132<sup>nd</sup> Street SE) has been chosen as a medium intensity mixed use corridor. As such, the parcel presented for this comprehensive plan amendment is in the right area and this proposal is consistent with the goal of placing commercial uses here. The plan discusses the need to maintain compatibility with existing residential neighborhoods. While the instant proposal does not include a multifamily component, it does comply with the following highlighted policy, and as such remains consistent with the comprehensive plan.*

Residential Land Use Policy 2.1.3: Strongly discourage the conversion of residential areas to nonresidential uses. Discourage the encroachment of commercial uses into residential zones, except in the following circumstances: (a) consider allowing a very limited amount of small scale, compatible neighborhood retail uses within walking distance of all homes in a neighborhood, that serve and enhance the neighborhoods in which such use is located, and which are spaced at least one-quarter to one-half mile from any existing commercial zone or other neighborhood retail use. Ensure that noise and traffic impacts of commercial activities do not negatively affect adjoining residential areas. (See Urban Design Element.) (b) a limited amount of small scale office or retail uses in mixed use buildings in multiple family zones, that provide new housing units in conjunction with the nonresidential office or retail use. (c) home occupations as a subordinate and clearly accessory use to the permitted residential use, as regulated by the zoning code. (d) conversion of residentially designated properties to commercial use may be permitted for the redevelopment of existing commercial uses where (i) the redevelopment is necessary to preserve the economic viability of an existing commercial use that serves the community; (ii) the commercial redevelopment is part of a unified commercial development that includes coordinated architectural design, site and parking layout, landscaping, access, drainage, and utilities; and (iii) the redevelopment includes elements that address potential impacts on adjacent residential uses. (e) when the commercial development includes a substantial mix of residential use along with the nonresidential uses. (f) when a property is split by a boundary between commercial and residential zoning.

*Based on the foregoing citation, the proposed amendment is supported by the comprehensive plan because it is "necessary to preserve the economic viability of an existing commercial use that serves the community; the commercial redevelopment is part of a unified commercial development that includes coordinated architectural design, site and parking layout, landscaping, access, drainage and utilities; and the redevelopment includes elements that address potential impacts to adjacent residential uses". The parking lot is needed to prevent the current users from moving to a different location for need of additional parking, which is a true concern at this time. The proposed site plan is subject to review by the City to insure that it will meet the requirements of the comprehensive plan, particularly as the zoning code has embodied the comprehensive plans goals and policies. This draft site plan is intended demonstrate that the proposal will provide landscape buffering for adjacent residential uses; is incorporated into a unified design with the parcel to the south, providing staff parking for that use; will provide a*

*buffer to protect the existing wetland feature lying north of the site; will provide storm detention as required by code; will provide safe access to the highway.*

**2. Have circumstances related to the subject property and the area in which it is located changed sufficiently since the adoption of the Land Use Element to justify a change to the land use designation? If so, the circumstances that have changed should be described in detail to support findings that a different land use designation is appropriate.**

*The many changes to this area since the 1994 plan have already been discussed in the opening narrative. These changes prompted the earlier rezones completed for this area including the lot immediately south of the instant property. Changes continue to occur as Everett grows. In this case, the clinic has proven to be very successful, and the need for additional parking is the reason for this request.*

**3. Are the assumptions upon which the land use designation of the subject property is based erroneous, or is new information available which was not considered at the time the Land Use Element was adopted, that justify a change to the land use designation? If so, the erroneous assumptions or new information should be described in detail to enable the Planning Commission and City Council to find that the land use designation should be changed.**

*The original comprehensive plan and the subsequent rezones were appropriate at the time. Significant growth and success of business has presented changed circumstances which merit this request.*

**4. Does the proposed land use designation promote a more desirable land use pattern for the community as a whole? If so, a detailed description of the qualities of the proposed land use designation that make the land use pattern for the community more desirable should be provided to enable the Planning Commission and City Council to find that the proposed land use designation is in the community's best interest.**

*The proposed parking lot facilitates the growth and existence of the health care facility located immediately south of it. As described earlier, this facility has proven to be a valuable employment generator; has provided needed health care facilities; and has been a good neighbor. Keeping this existing stable, clean, attractive, quiet use at that business is desirable for the community as a whole. The existing use of the instant site is inappropriate. The highway has been developed to become a four lane road with a center turn lane and south of here additional right turn lanes to facilitate large volumes of traffic and turning movements in and out of businesses. The noise and heavy traffic are suited to commercial uses, not single family residential use.*

**5. Should the proposed land use designation be applied to other properties in the vicinity? If so, the reasons supporting the change of several properties should be described in detail. If not, the reasons for changing the land use designation of a single site, as requested by the proponent, should be provided in sufficient detail to enable the Planning Commission and City Council to find that approval as requested does not constitute a grant of special privilege to the proponent or a single owner of property.**

*As discussed in the opening narrative, the wetland and detention ponds north of the site; the cohesive internally served single family residential neighborhood west of the site; and the highway located east of the site present limiting barriers to extension of this requested comprehensive plan designation. At the same time, the existing single family use of this lot is inappropriate, as discussed in #4 above. This proposal represents the extension of a designation covering a large area south of the site, expanding it slightly to reach a more logical boundary.*

**6. What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to assure compatibility with the uses of other properties in the vicinity?**

*The proposal should have minimal impact to the neighboring residential neighborhood. The health care facility and its parking lot as well as the shopping center to the south and numerous other commercial uses in the immediate vicinity have established this as a commercial area, all consistent with the comprehensive plan. This minor expansion of the use will not materially change that. The lot being discussed takes access from the Bothell Everett Highway, and as a parking lot with small office will continue to do so. There will therefore be no traffic impact to adjacent neighborhoods to the west. Landscape screening and fencing will be installed to protect privacy for those homes. North of this lot is a wetland, and buffers will be provided to protect it.*

**7. Would the change of the land use designation sought by the proponent create pressure to change the land use designation of other properties in the vicinity? If so, would the change of land use designation for other properties be in the best long-term interests of the community in general?**

*As discussed above, there are logical limits to the expansion of the plan designation and zone proposed. Expansion beyond this parcel is impossible in the case of the wetland to the north and highway to the east; expansion into the cohesive, healthy and well-functioning single family neighborhood to the west is neither logical nor appropriate.*

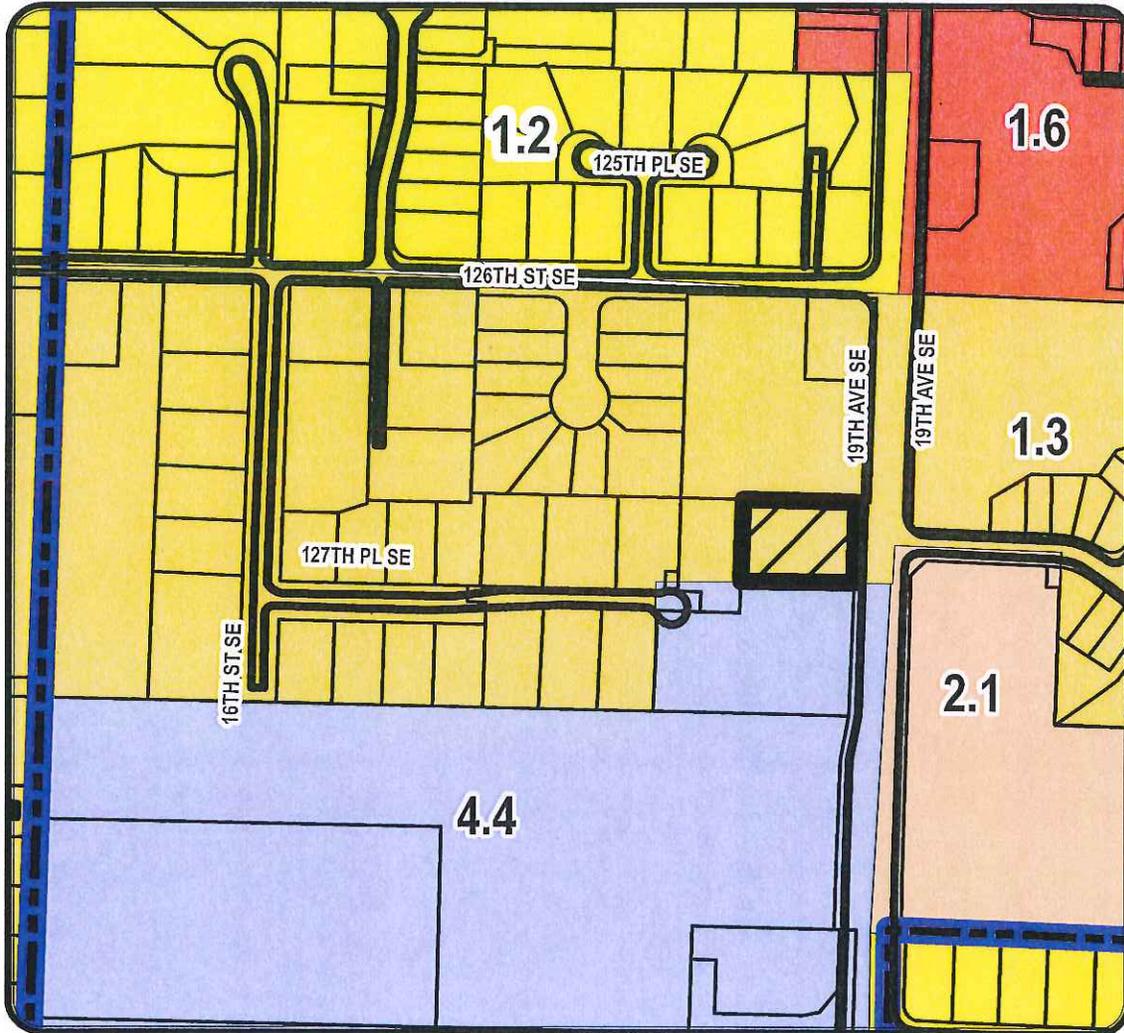
**Rezone details:**

- 1) *This is a performance agreement rezone.*
- 2) *The rezone and concurrent comprehensive plan amendment are proposed for a specific use: parking for the existing health care facility and a small office. The lot would be combined with the existing lot or otherwise permanently be tied to it as a servient parcel. As described earlier, this facility has proven to be a valuable employment generator; has provided needed health care facilities; and has been a good neighbor. Keeping the existing clean, attractive, quiet use at this location is desirable for the community as a whole.*

# Builder Investment Group

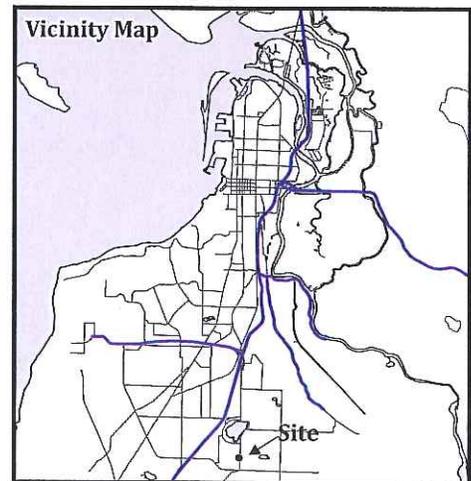
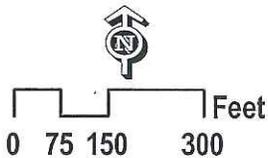
## Comprehensive Plan Amendment

1.3 Single Family detached (10-12 du/ac) to  
4.4 Mixed Use Commercial, Multiple Family



### Comprehensive Plan Legend:

-  Action Area (0.49 Acre)
-  1.2 Single Family Detached, 5-10 DUA
-  1.3 Single Family Detached, 10-12 DUA
-  1.6 Multiple Family, 20-29 DUA
-  2.1 Schools/Church
-  4.4 Mixed Use Commercial, Multiple Family
-  Everett City Limits

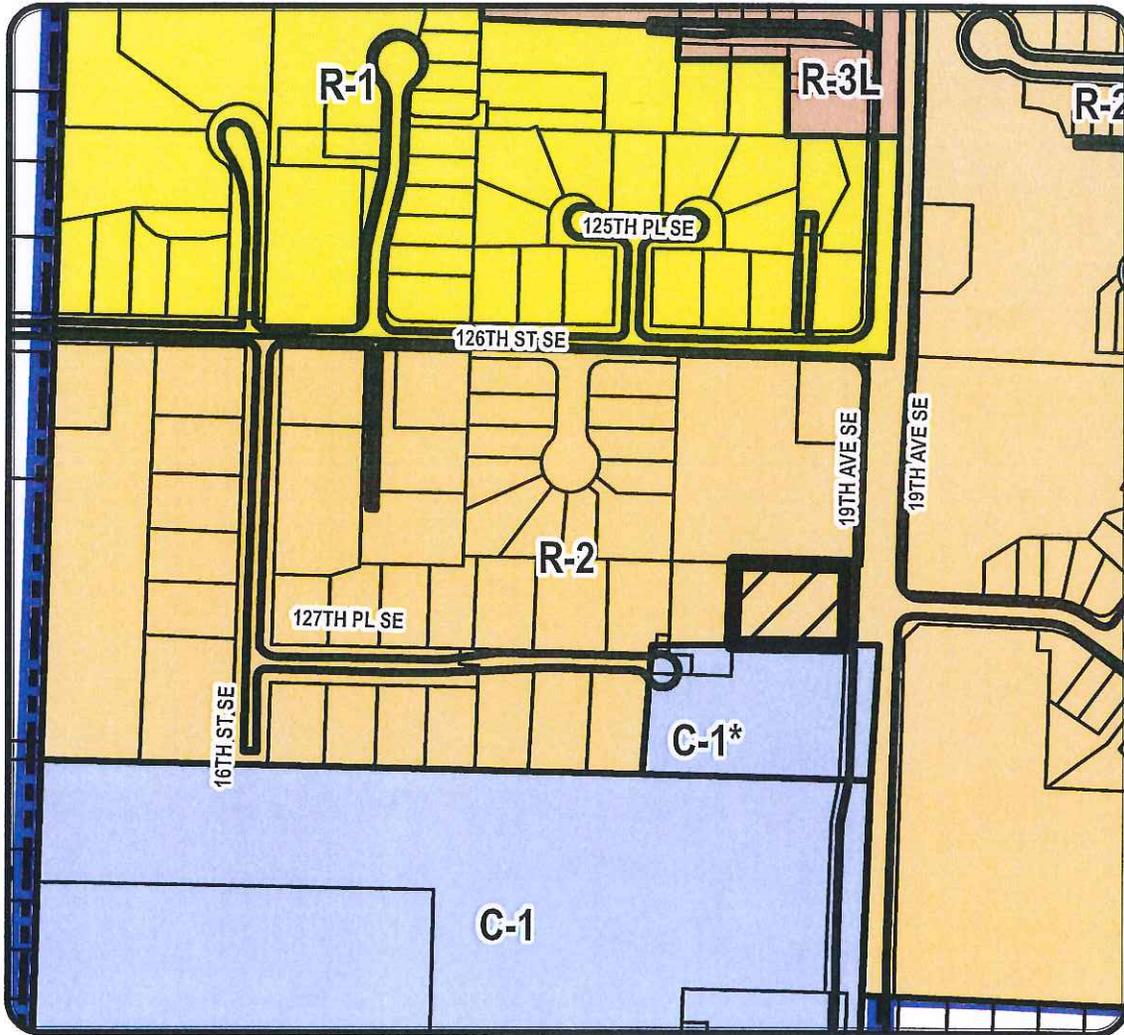


July 2016

# Builder Investment Group

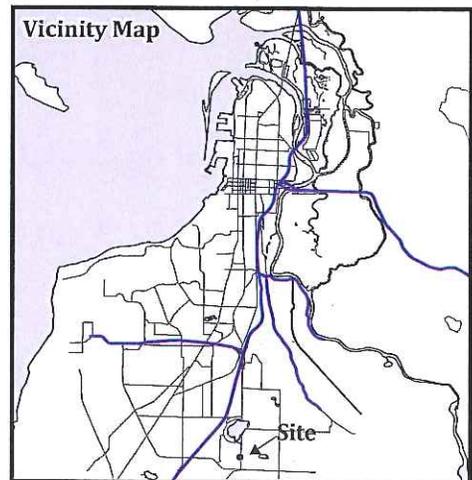
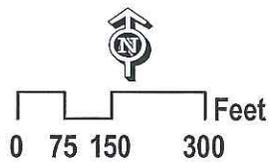
## Zoning Amendment

R-2 Single Family Detached Medium Density to  
C-1 General Commercial



### Zoning Legend:

-  Action Area (0.49 Acre)
-  R-1 Single Family, Low Density
-  R-2 Single Family, Medium Density
-  R-3L Multiple Family, Low Density
-  C-1 General Commercial
-  Everett City Limits



July 2016



# ***PUBLIC WORKS***

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## **MEMORANDUM**

TO: Niels Tygesen, Planning Department

FROM: Sabrina Fandler, Engineering/Public Services Department

DATE: 11-2-2016

SUBJECT: Public Works Comments for COMP16-001

PROPOSAL: Amend the Comprehensive Plan Map from 1.3: Single Family to 4.4: Mixed-Use Commercial/Multiple-Family, and rezone the site from R-2: Single-Family Medium Density to C-1: General Commercial. This action would allow the subject site to be developed with a small office building and parking for the clinic building.

LOCATION: 12704 19<sup>th</sup> Ave SE

APPLICANT: Builder's Investment Group LLC

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No comments or concerns with the rezone from Public Works. However, please see the below comments as Notes for the Developer:

1. The applicant must follow City of Everett Permitting Policy and Procedure by submitting all required permit application packages for review and approval prior to construction. Construction permits, inspections, and final approvals by the City Inspectors are required from City of Everett Permit Services.
2. Temporary erosion and sedimentation control measures for construction activity must be operational prior to commencement of any clearing or earthwork. A TESC plan is required at permit application submittal for review and approval.
3. Stormwater from the development project shall be managed in accordance with the stormwater management requirements in effect at the time a complete building permit application is submitted to the City.
4. The proposed development will require a new 6-inch diameter side sewer for the commercial building. The existing 4-inch side sewer is only allowed for single-family residential buildings.
5. The proposed development shall comply with all City of Everett Design and Construction Standards and Specifications for Development.



ORDINANCE NO. 3151-09

An Ordinance rezoning property located at 12728 19<sup>th</sup> Avenue SE from R-2 to C-1.

WHEREAS, on July 11, 2001 the Everett City Council designated the property as Mixed Use Commercial-Multiple Family on the City's Comprehensive Plan Land Use Map; and

WHEREAS, on July 11, 2001, the Everett City Council approved Resolution No. 5076, Notice of Intent to Rezone, for property located at 12728 19<sup>th</sup> Ave SE from R-2 (Single Family Medium Density) to C-1 (General Commercial) upon annexation and completion of certain improvements specified as conditions of approval in Resolution No 5076; and

WHEREAS, to minimize neighborhood impacts from C-1 uses that generate high traffic volumes such as convenience stores and other retail, restaurants, and service stations, the applicant offered to limit to permitted uses to office only; and

WHEREAS, the property was annexed into the City on October 1, 2005 and the applicant subsequently constructed an office building of approximately 23,000 s.f. and 102 parking spaces, as permitted by Resolution No. 5076; and

WHEREAS, the building has been constructed in accordance with the standards identified in Resolution No. 5076; and

WHEREAS, market conditions are such that by limiting the permitted uses to general office uses, the property owner has fewer options for leasing the building; and

WHEREAS, the Everett land use code distinguishes between general office use and medical office use (clinics) as separate and distinct categories of use with different off-street parking requirements; and

WHEREAS, medical office use can reasonably be accommodated by the project in a manner that is not detrimental to the neighborhood; and

WHEREAS, the site has 44 parking spaces over and above that required for general office use, which would support the parking requirements of medical clinic uses within a large portion of the building; and

WHEREAS, the Planning Commission has conducted a public hearing and forwarded a favorable recommendation for adoption of this resolution; and

WHEREAS, the City Council has conducted a public hearing on the proposal; and

WHEREAS, the City Council finds the proposed amendment will not significantly change the use or character of the property or its impact on the neighborhood, while accommodating medical services for the community; and

WHEREAS, the City Council finds that the rezone is consistent with the Everett Comprehensive Plan; bears a substantial relation to the public health, safety and welfare; and promotes the best long-term interests of the Everett community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

**Section 1. Zoning Map Amended.**

The City of Everett Zoning Map designation for the subject property, as depicted on the attached Exhibit A, and legally described as follows:

Section 30 Township 28 Range 05 Quarter SE - LOT 4 OF SP ZA8701032SP REC UND AFN 8707220250 CORR BY AFN 8803010215 BEING PTN NE1/4 SE1/4 SD SEC 30 EXC N 20FT CONVYD BY QCD REC UND AFN 9005030090 & EXC ELY R/W PTN TO COE BY SPEC WD REC UND AFN 200006280166 CORR BY AFN 200406020323

is hereby amended to rezone the property from R-2 (Medium Density Single Family) to C-1 (General Commercial), subject to the limitations provided in Section 2 of this ordinance.

**Section 2. Zoning Limitations.**

The property shall be subject to meeting the standards for the C-1 general commercial zone, except that the permitted uses shall be limited to offices and clinics. The use of the building for clinic space shall be limited to not more than 17,800 square feet gross floor area.

**Section 3. Validity.**

That should any section, subsection, paragraph, sentence clause or phrase set forth in this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation. The City Council of the City of Everett hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**Section 4. Purpose.**

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 nor 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, its officers, employees or agents.

**Section 5. Pending Actions.**

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court, or before the City.

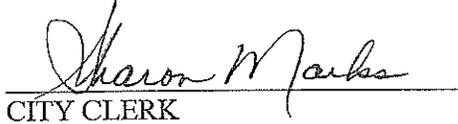
**Section 6: Corrections.**

The City Clerk and the codifiers of the Ordinance are authorized to make necessary corrections to the Ordinance including, but not limited to, the correction of scrivener's / clerical errors, references, ordinance numbering, section /subscription numbers and any references thereto.



Ray Stephanson, Mayor

ATTEST:



CITY CLERK

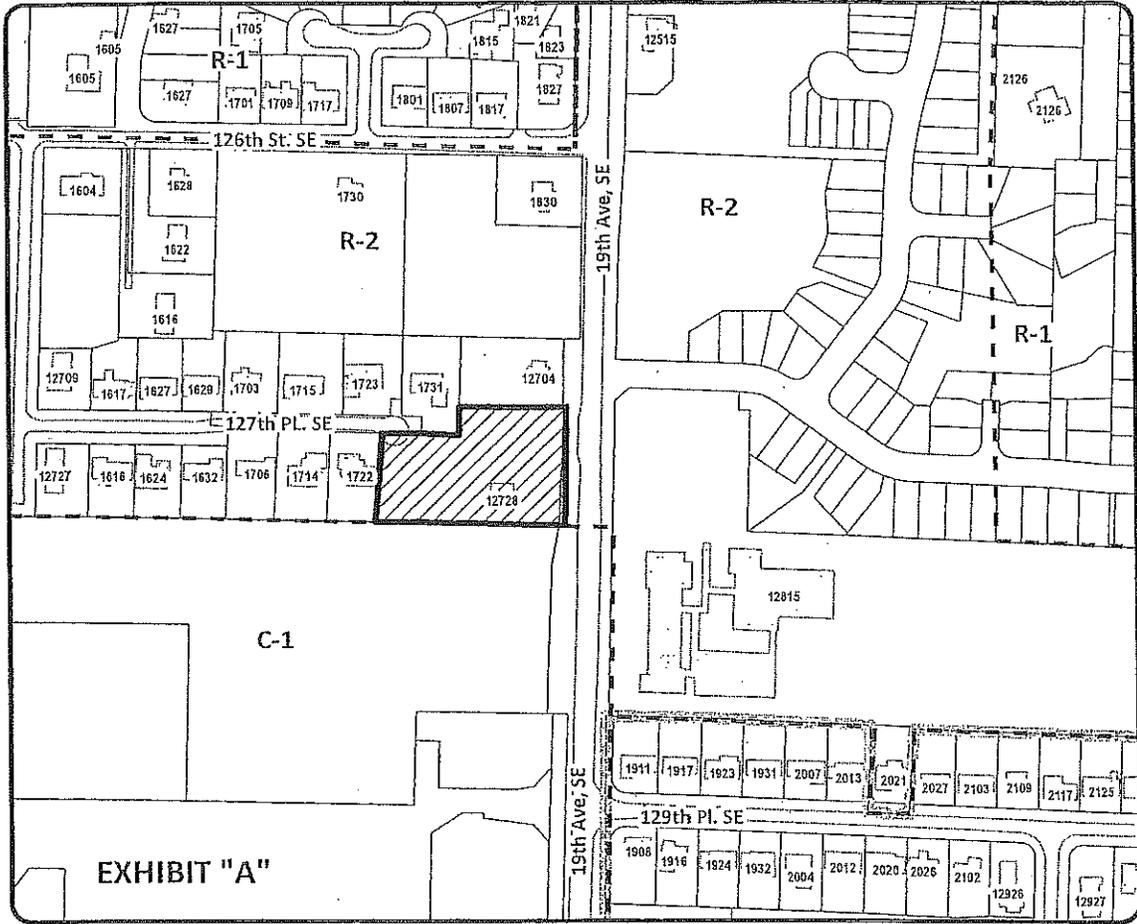
Passed: 11-4-09

Valid: 11-09-09

Published: 11-12-09

Effective Date: 11-24-09

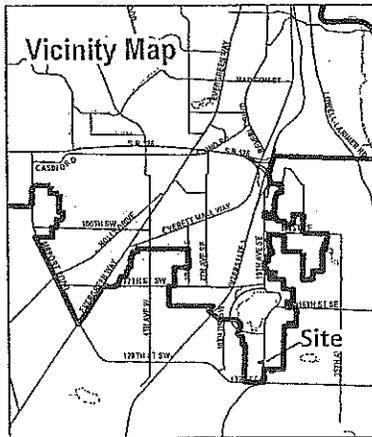
**REZONE**  
**From R-2 (Single Family Detached, Low Density)**  
**To C-1 (General Commercial)**



**EXHIBIT "A"**

**Legend:**

-  Site Boundary  
1.4 Acres
-  Everett City Limits
- R-1 (Single Family, Low Density)
- R-2 (Single Family, Med. Density)
- C-1 (General Commercial)



Scale: 1 inch = 300 feet





ORDINANCE NO. 2522-01

An Ordinance Amending the Land Use Map of the Everett Comprehensive Plan for the Group 4 property located north of 132<sup>nd</sup> Street SE and west of 19<sup>th</sup> Avenue SE from Single Family 10-12 Dwelling Units per Acre to General Commercial, Multi Family with Rezone Contract as Part of the Annual Update to the Comprehensive Plan

**WHEREAS**, the City of Everett adopted a new Comprehensive Plan in August, 1994, in conformance with the Washington State Growth Management Act; and

**WHEREAS**, the Growth Management Act, codified as RCW Chapter 36.70A, generally allows for comprehensive plans to be amended on an annual basis; and

**WHEREAS**, the City of Everett initiated its sixth annual comprehensive plan amendment process in July, 2000, which included consideration of Land Use map amendment and rezone applications initiated by private property owners; and

**WHEREAS**, Group 4 applied for an amendment to the Land Use map for a property containing approximately 1.4 acres located north of the Fred Meyer / Providence Medical Center Store on 132<sup>nd</sup> Street SE and west of 19<sup>th</sup> Street SE from Single Family 10-12 Dwelling Units per Acre to General Commercial - Multi Family with Rezone Contract; and

**WHEREAS**, an environmental analysis of the proposed Comprehensive Plan amendment has been conducted by the City in compliance with the requirements of the State Environmental Policy Act (SEPA); and

**WHEREAS**, the City of Everett has encouraged public participation in the consideration of amendments to the Comprehensive Plan, as required by the Growth Management Act, through a variety of notification procedures, including SEPA review, mailing to interested citizens and organizations, mailing to affected property owners, legal publications, and posting of the affected property; and

**WHEREAS**, the Planning Commission has conducted a public workshop on February 6, 2001 and a Public Hearing opened March 6th, 2001 and completed on April 17, 2001, to consider all the proposed amendment to the Comprehensive Plan which was initiated in July of 2000; and

**WHEREAS**, the Planning Commission has considered all of the proposed Comprehensive Plan Land Use Map and Policy amendments as well as implementing rezones, of which the Group 4 application is a part, so that the cumulative effects of all amendments have been fully ascertained, as required by the Growth Management Act; and

**WHEREAS**, the Planning Commission has recommended to the City Council the approval of various amendments to the Land Use Map and the rezoning of specific properties to implement the Comprehensive Plan; and

**WHEREAS**, the City Council held a Public Hearing to consider the recommendations of the Planning Commission concerning the Group 4 amendment to the Land Use Map; and

**WHEREAS**, with regard to the Group 4 property located on 19<sup>th</sup> Avenue SE, and in consideration of evaluation factors found in Ordinance No. 2161-96, the City Council finds:

1) The proposed amendments to the Land Use Map of the Comprehensive Plan which the Planning Commission has recommended for approval, are consistent with the requirements of the Growth Management Act, consistent with the Vision 2020 Growth and Transportation Strategies, consistent with the Snohomish County County-Wide Planning Policies, and consistent with other policies of the Comprehensive Plan; and

2) The proposed land use designation is supported by and is consistent with the existing policies of the various elements of the Comprehensive Plan if the subject property is limited to office use only in such a way that its appearance and function, including landscaping, building position on the lot and parking are so configured as to have a minimum impact of abutting residential properties, and further that such conditions would be accomplished through use of the Resolution of Intent to Rezone process ; and

3) The proposed land use designation does promote a more desirable land use pattern for the community as a whole in that it places office use on 19<sup>th</sup> Avenue SE as a layering action to insulate the abutting residential area from the affects of this busy corridor, in addition such action brings a desirable use to the corridor. Thus the proposed change in the land use designation is in the greater community's best interest; and

4) The proposed land use designation should not be applied to other properties in the vicinity without case by case review. The proponent has agreed to use of a Resolution of Intent to Rezone to ensure the use of the site will meet conditions that will ensure minimal impact on the abutting residential area. By changing the land use designation as recommended the City is not providing a special grant or privilege to the applicant; and

5) Pressure to change the land use designation of other properties in the vicinity outside the present location should be discouraged. However, due to the demand for and location of this proposed use, it is in the best long term interests of the community to allow it if the previously stated restrictions and conditions are met; and

6) The Council finds that the proposed amendments to the Land Use Map of the Comprehensive Plan which the Planning Commission has recommended for approval promote the best long-term interests of the Everett community; and

**WHEREAS**, with regard to the Group 4 property located west of 19<sup>th</sup> Avenue SE, north of the Fred Meyer Store / Providence Medical Center, the City Council further finds:

1) The purpose for the requested land use map amendment is to allow for the construction of a office building on the site, without any other C-1 zone use of the property; and

2) Since the area where this property is located is undergoing an annexation at this time implementing zoning of C-1 will not be applied until such time as the annexation is completed; and

3) The applicant has offered, in testimony before the Planning Commission, a desire to meet the various use and design criteria conditions including:

- a. only office use of the site, with no other use of the site other than office,
- b. placement of the building(s) 10 feet from the property line along 19<sup>th</sup> Avenue SE,
- c. type I landscaping along abutting residential properties with a solid wood fence,
- d. dedication of that portion of the 127<sup>th</sup> Place SE cul-de-sac that lays on the applicant's property to the City of Everett,
- e. provision of a pedestrian walkway connecting 127<sup>th</sup> Place SE and 19<sup>th</sup> Avenue SE,
- f. installation of a natural gas line connecting the main at 19<sup>th</sup> Street SE to 127<sup>th</sup> Place SE, and;
- g. shielding of all lights so they don't shine on abutting residential properties; and;

4) The requested amendment to the land use map and rezone promotes the public health, safety and welfare and the long term interests of the Everett Community provided development of the subject property is conditioned according to the stipulations, restrictions and provisions found herein;

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1.** Land Use Map amended: The Everett Comprehensive Plan map land use designation for the Group 4 property located west of 19<sup>th</sup> Avenue SE and north of the Fred Meyer Store, as depicted on the attached "Exhibit A," as adopted by Ordinance #2021-94, is hereby amended from Single Family 10-12 Dwelling Units per Acre to General Commercial - Multi Family. The land use designation shall be implemented through a Resolution of Intent to Rezone.

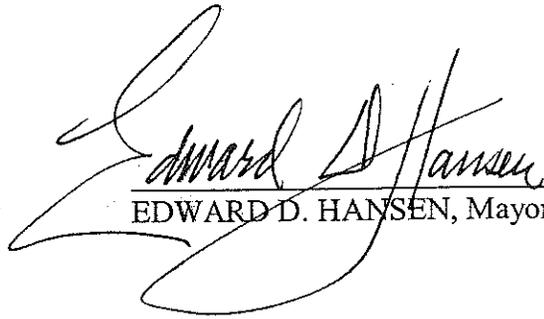
**Section 2.** Validity: That should any section, subsection, paragraph, sentence clause or phrase set forth in this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation. The City Council of the City of Everett hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**Section 3.** Benefit to Public Health, Safety and Welfare: 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.

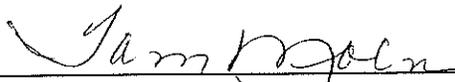
It is the specific intent of this Ordinance that no provision nor any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability 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, its officers, employees or agents.

**Section 4.** Enactment: The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court, or before the City.

**Section 5.** Effective Date: This Ordinance shall not become effective until the ordinance implementing the Resolution of Intent to Rezone the herein described property becomes effective.

  
EDWARD D. HANSEN, Mayor

ATTEST:

  
CITY CLERK - Deputy

Passed: 7-11-01

Valid: 7-13-01

Published: 7-19-01

Effective Date: 7-29-01

# GROUP 4 - COMPREHENSIVE PLAN

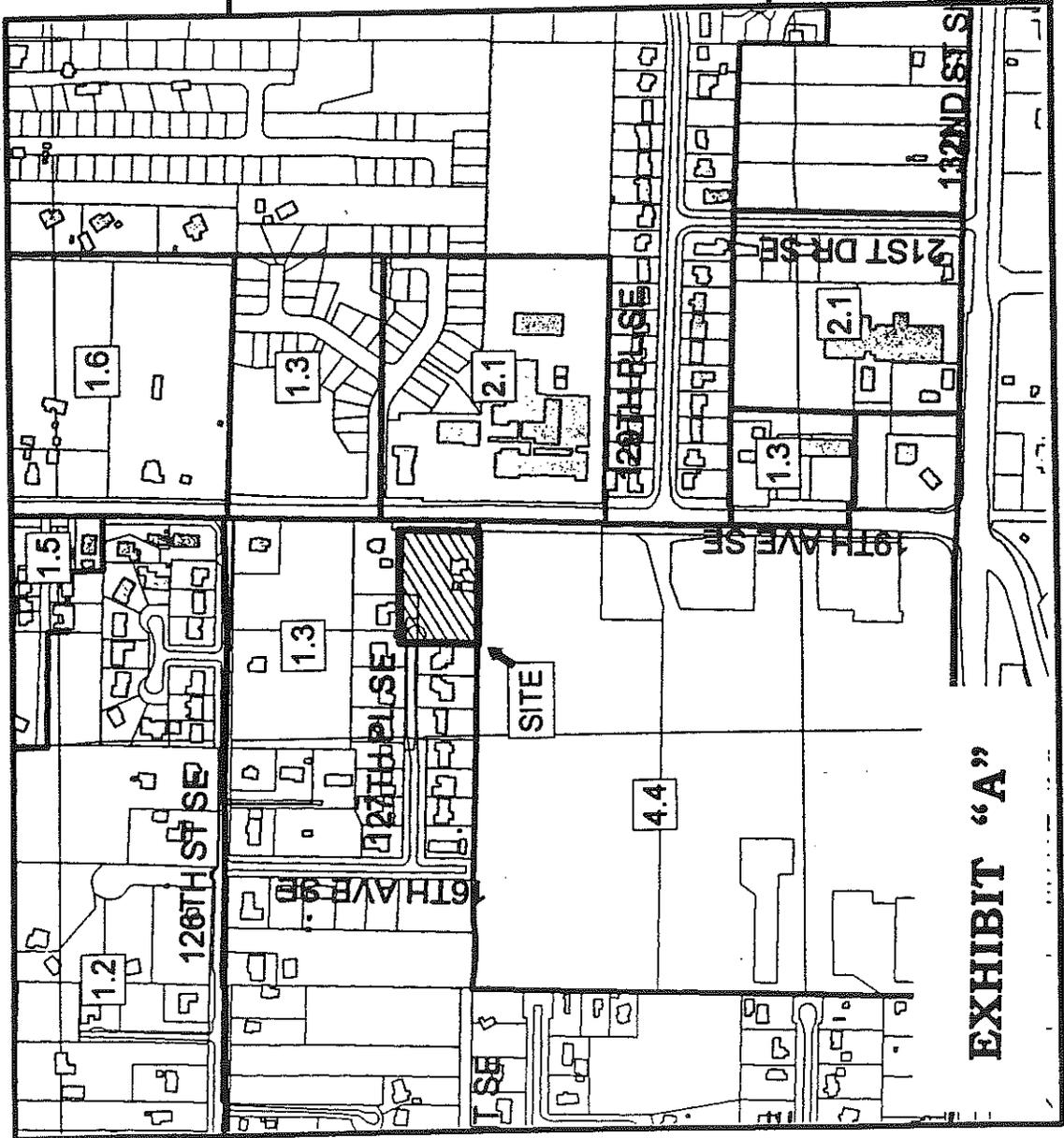
**GROUP 4**  
**Comprehensive Plan**  
**Change 1.3 Designation**  
**to 4.4**

 Site  
 Designation Change

- 1.2 Single Family Detached (5 - 10 DU/AC)
- 1.3 Single Family Detached (10 - 12 DU/AC)
- 1.6 Multiple Family
- 2.1 Schools / Churches
- 4.4 Mixed Use Commercial/ Multi. Family



Scale: 1 inch = 500 feet



**EXHIBIT "A"**

RESOLUTION NO. 5076



A Resolution of the City of Everett Approving  
a Proposal to Rezone the Group 4 Property located on  
19<sup>th</sup> Avenue SE and north of the Fred Meyer Store on 132<sup>nd</sup> Street SE  
from R-2 (Single Family 10-12 Dwelling Units per Acre) to  
C-1 (General Commercial Multi Family) Upon Annexation  
and Approved Completion of Certain Specified  
Provisions Contained Herein

**WHEREAS**, the City of Everett adopted a new Comprehensive Plan in August, 1994, in conformance with the Washington State Growth Management Act; and

**WHEREAS**, the Growth Management Act, codified as Chapter 36.70A RCW, allows for comprehensive plans to be amended on an annual basis; and

**WHEREAS**, the City of Everett initiated its 2000 annual comprehensive plan amendment process in July, 2000, which included consideration of Land Use Map amendment and rezone applications initiated by private property owners; and

**WHEREAS**, the Everett Zoning Code provides a mechanism by which the City and property owner may enter into a "performance agreement" wherein the proponent of a rezone agrees to develop property according to the terms of the agreement before the rezone is finalized by the City; and

**WHEREAS**, the City Council has approved the application to amend the Land Use Map; and

**WHEREAS**, the Ordinance amending the land use map requires that the zoning requested to implement the changed land use designation be established through a Resolution of Intent to Rezone which includes certain conditions and limitations agreed to by the applicant and the City; and

**WHEREAS**, Group 4 has filed an application to change the Comprehensive Plan designation from Single Family 10-12 Dwellings per acre to Mixed Use Commercial – Multi Family and zone the same area as C-1 (General Commercial) upon annexation, for the purpose of construction of an office building(s); and

**WHEREAS**, the C-1 zone allows a wide range of commercial uses which could impact the residential area located to the west; and

**WHEREAS**, the applicant has agreed to meet certain conditions including only office use of the site, placing the building(s) 10 feet from the property line on 19<sup>th</sup> Avenue SE, type I landscaping along abutting residential properties with a sight obscuring fence, dedication of that portion of the 127<sup>th</sup> Place cul-de-sac that lays on the applicant's property as determined by the City, providing for pedestrian and gas main (stub) connections between 127<sup>th</sup> Place SE and 19<sup>th</sup> Avenue SE, provision of shielding all lights and landscaping on the eastern portion of the property in conformance with applicable Everett Gateway Standards; and

**WHEREAS**, the Everett Planning Commission, after a workshop and public hearing and in consideration of the recommendations of the Planning Department, did adopt certain Findings and did recommend, by Resolution, to the City Council that the proposed Comprehensive Plan map change and rezone be approved subject to the specific conditions set forth in said Resolution; and

**WHEREAS**, the City Council Finds:

- a) The purpose for the requested land use map amendment is to allow for the construction of an office building(s) only on the subject property; and
- b) The applicant cites as a basis for approval of the requested land use change, the positive impact such use will have on 19<sup>th</sup> Avenue SE and that with office use of the site, traffic that would have otherwise been routed along 127<sup>th</sup> Place SE would now not occur and
- c) The terms of this Resolution that limit the use of the property and establish standards for development are sufficient to mitigate adverse impacts upon the adjacent residential areas; and
- d). The rezone bears a substantial relation to the public health, safety and welfare; and
- e) The proposal promotes the best long term interests of the Everett Community.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Everett that:

**Section 1:** It declares its intent to rezone property, the legal description of which is:

Lot 4 of Short Plat No. ZA 8701032SP, recorded under Recording No. 8707220250 and correction thereto recorded under Recording No. 8803010215, EXCEPT the North 20 feet thereof as conveyed by Quit Claim Deed recorded under Recording No. 900503090, being a portion of the Northeast quarter of the Southeast quarter of Section 30, Township 28 North, Range 5 East, W.M., described as follows:

Beginning at the Southeast corner of the above described parcel;

THENCE at the Southeast corner of the above described parcel; THENCE North  $88^{\circ} 45' 00''$  West along the South line of said parcel, a distance of 3.08 feet; THENCE North  $01^{\circ} 59' 14''$  East a distance of 215.40 feet to the North line of said parcel; Thence South  $88^{\circ} 44' 49''$  East, along said North line a distance of 2.26 feet to the East line of said Parcel; THENCE South  $01^{\circ} 46' 13''$  West, along said East line, a distance of 215.40 feet to the Point of Beginning.

Situated in the County of Snohomish, State of Washington.

On this lot described herein the zoning designation will be set to C-1 (Mixed Use Commercial - Multiple Family) upon annexation and such time as the conditions listed in this Resolution are deemed to have been met. Pursuant to the provisions of Section 41.160 of Ordinance No. 1671-89, as amended. The Council shall, by Ordinance, effect such zone change upon being advised that all of the conditions set forth in Section 2 of this Resolution have been met.

**Section 2:**

It does hereby adopt the Planning Commission's Recommendations, dated April 17, 2001, as follows:

- a) The applicant's development plans and eventual construction shall include only office use of the site, placement of the building(s) 10 feet from the property line on 19<sup>th</sup> Avenue SE, type I landscaping along abutting residential properties with a sight obscuring fence, dedication of that portion of the 127<sup>th</sup> Place cul-de-sac that lays on the applicant's property as determined by the City, providing for pedestrian and gas main (stub) connections between 127<sup>th</sup> Place SE and 19<sup>th</sup> Avenue SE, provision of shielding all night lights and landscaping on the eastern portion of the property in conformance with applicable Everett Gateway Standards; and
- b) No other uses allowed in the C-1 zone will be permitted on the site. The zoning for the site will be C-1, limited to office use only.
- c) The side of the office building facing 19<sup>th</sup> Avenue SE shall "connect" to the street by having a prominent entry to the building. The entry shall be designed with a "coved" entrance and a connection to the sidewalk on 19<sup>th</sup> Avenue SE.
- d) A landscaped setback from the 19<sup>th</sup> Avenue SE right of way to the building will be provided and shall meet type III Landscape standards (EZC 35.050 (C)).
- e) The exterior facade along 19<sup>th</sup> Ave SE will have an area which is at least 60% glass, windows and/or doors.

**Section 3:** Expiration of this Approval; If the office use subject to this Resolution has not been constructed and in full compliance with the terms of this Resolution within five [5] years of the date of the annexation of the property into Everett this Resolution shall become null and void; provided, however, if the property is not annexed to Everett on or before January 1, 2008, this Resolution shall become null and void. Upon annexation the property shall be annexed as R-2 zoning with contract. In the event that this Resolution becomes null and void, future development of the site shall revert and be subject to the requirements of the Single Family 10-12 Dwellings per acre and the zoning shall remain R-2.

**Section 4:** If use of this property is inconsistent with the terms of this Resolution, either before, during or after construction and installation of all improvements required by this Resolution, the Resolution shall become void, all entitlements to the uses permitted herein shall be forfeited, and any use inconsistent with the underlying zoning of the property shall be deemed a violation of the zoning code and be subject to violation, enforcement, and penalty provisions thereof.

**Section 5:** Recording; A copy of this Resolution shall be recorded with the Snohomish County Auditor's Office and shall constitute a covenant running with the land. All conditions, limitations and terms specified herein shall be binding upon the property and all future owners, heirs, and assigns with any interest in the property described herein.



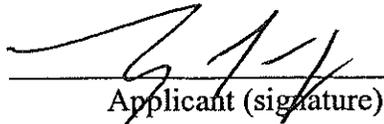
\_\_\_\_\_  
Council Member Introducing Resolution

PASSED AND APPROVED THIS 11<sup>th</sup> DAY OF July, 2001.



\_\_\_\_\_  
Council President

The undersigned is the applicant for the project subject to this Resolution. The applicant agrees to the provisions of this Resolution, agrees to fully comply, and agrees that the undersigned is authorized to be bound by the provisions of this Resolution.

  
\_\_\_\_\_  
Applicant (signature)

7-26-2001  
\_\_\_\_\_  
date

Larry L. Kiel Jr  
\_\_\_\_\_  
Print name

State of Washington )

) SS.  
County of Snohomish

I certify that I know or have satisfactory evidence that Larry L. Kiel Sr signed this instrument and acknowledged it to be ( his, her, their) free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: July 25, 2001

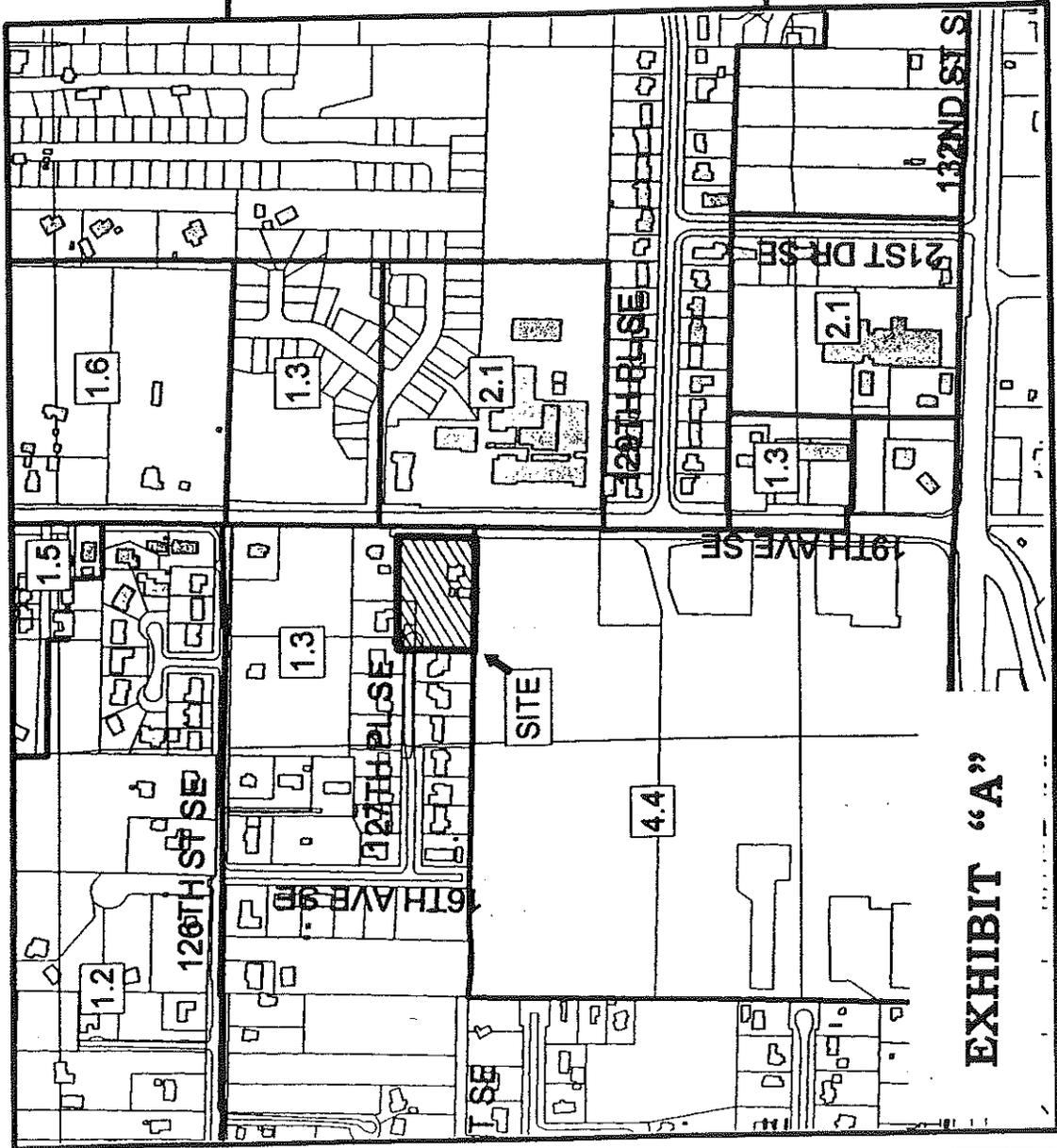
Marilyn A. Loth  
Signature of Notary Public

Title: Notary

My commission expires: 10-20-2003



# GROUP 4 - COMPREHENSIVE PLAN



**GROUP 4**  
 Comprehensive Plan  
 Change 1.3 Designation  
 to 4.4

 Site  Designation  
 Change

- 1.2 Single Family Detached  
 (5 - 10 DU/AC)
- 1.3 Single Family Detached  
 (10 - 12 DU/AC)
- 1.6 Multiple Family
- 2.1 Schools / Churches
- 4.4 Mixed Use Commercial/  
 Multi. Family



Scale: 1 inch = 500 feet

**EXHIBIT "A"**



**PLANNING COMMISSION RESOLUTION NO. 16-11**  
**A Resolution Recommending that the City Council**  
**Amend the Comprehensive Plan Map Designation**  
**From 1.3: Single Family Detached to**  
**4.4: Mixed-Use Commercial/Multiple Family**  
**With a Rezone From R-2: Single Family Medium Density to**  
**C-1: General Commercial**  
**for Builder's Investment Group, LLC**

WHEREAS, the Washington State Growth Management Act (GMA) requires counties and cities to prepare comprehensive plans pursuant to RCW 36.70A; and

WHEREAS, the City of Everett adopted a Comprehensive Plan in August, 1994, in conformance with the Washington State Growth Management Act; and

WHEREAS, the City of Everett completed its 10 year update to the Comprehensive Plan with City Council adoption on October 21, 2015; and

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

WHEREAS, Builder's Investment Group, LLC purchased land adjacent to their property located at 12728 19th Avenue SE; and

WHEREAS, the subject property acquired by Builder's Investment Group, LLC was developed with a single family house and zoned R-2: Single-Family Medium Density with a Comprehensive Plan Map designation of 1.3: Single Family Detached; and

WHEREAS, the current R-2 zoning does not allow for office or clinic related uses; and

WHEREAS, the City received a request on June 17, 2016 by Builder's Investment Group, LLC to amend the Comprehensive Plan Map designation from 1.3: Single Family Detached to 4.4: Mixed-Use Commercial/Multiple-Family with a Rezone from R-2: Single Family Medium Density to C-1: General Commercial for their property located at 12704 19th Avenue SE; and

WHEREAS, the application was included on the docket of potential comprehensive plan amendments the city would consider in 2016-2017; and

WHEREAS, staff did meet with the affected neighborhood regarding this proposal on September 20, 2016; and

WHEREAS, the Planning Commission of the City of Everett reviewed the proposed amendments, received public input at a duly advertised public hearing on December 6, 2016, and finds that:

1. A Determination of Nonsignificance (DNS) under the State Environmental Policy Act was issued on November 2, 2016 regarding the proposed action.
2. Notice of the application, SEPA determination and public hearing were provided as follows:
  - a. A Notice of Public Hearing and Determination of Non-significance was published in the Everett Herald on November 5, 2016.
  - b. A Notice of Public Hearing and Determination of Non-significance was sent to property owners within 500 feet of the proposal, neighborhood groups and those on the city's SEPA Notice mailing list.
  - c. 60-day notice to the Washington State Department of Commerce was provided.
  - d. Two large signs (24" x 36") were posted on the property on November 4, 2016.
3. Amendment of the Comprehensive Plan Land Use Map must consider the factors outlined in Chapter 1, Introduction, Section VII.H of the Everett Comprehensive Plan, as follows:
  - a. The proposed land use designation must be supported by or consistent with the existing policies of the various elements of the comprehensive plan.
  - b. Have circumstances related to the subject property and the area in which it is located changed sufficiently since the adoption of the Land Use Element to justify a change to the land use designation? If so, the circumstances that have changed should be described in detail to support findings that a different land use designation is appropriate.
  - c. Are the assumptions upon which the land use designation of the subject property is based erroneous, or is new information available which was not considered at the time the Land Use Element was adopted, that justify a change to the land use designation? If so, the erroneous assumptions or new information should be described in detail to enable the Planning Commission and City Council to find that the land use designation should be changed.
  - d. Does the proposed land use designation promote a more desirable land use pattern for the community as a whole? If so, a detailed description of the qualities of the proposed land use designation that make the land use pattern for the community more desirable should be provided to enable the Planning Commission and City Council to find that the proposed land use designation is in the community's best interest.
  - e. Should the proposed land use designation be applied to other properties in the vicinity? If so, the reasons supporting the change of several properties should be described in detail. If not, the reasons for changing the land use designation of a single site, as requested by the proponent, should be provided in sufficient detail to enable the

Planning Commission and City Council to find that approval as requested does not constitute a grant of special privilege to the proponent or a single owner of property.

f. What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to assure compatibility with the uses of other properties in the vicinity?

g. Would the change of the land use designation sought by the proponent create pressure to change the land use designation of other properties in the vicinity? If so, would the change of land use designation for other properties be in the best long-term interests of the community in general?

4. The proposal is a site-specific amendment of the zoning map. Amendment of the Zoning Map for site-specific proposals must meet the criteria outlined in EMC 19.41.160.D.2:
  - a. The proposed rezone is consistent with the Everett comprehensive plan; and
  - b. The proposed rezone bears a substantial relation to public health, safety or welfare; and the proposed rezone promotes the best long-term interests of the Everett community; and
  - c. The proposed rezone mitigates any adverse impact(s) upon existing or anticipated land uses in the immediate vicinity of the subject property.
5. The Planning Commission finds the following goals of the Growth Management Act (RCW 36.70A.020) applicable to this proposal:
  - a. Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
  - b. Economic development: Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
  - c. Citizen participation and coordination: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
6. Builder's Investment Group, LLC is proposing an amendment to the Comprehensive Plan Map designation from 1.3: Single Family Detached to 4.4: Mixed-Use Commercial/Multiple-Family with a concurrent rezone from R-2: Single Family Medium Density to C-1: General Commercial on their property located at 12704 19th Avenue SE.
7. City Ordinances 2522-01 and 3151-09 approved a rezone with contract for property adjacent south of the subject site, located at 12728 19<sup>th</sup> Avenue SE, which required design criteria for the proposed development and limited permitted uses to office and medical in order to mitigate any adverse impacts upon the existing or anticipated land uses in the immediate vicinity of the subject property.

8. The circumstances related to the subject property and the area in which it is located have changed sufficiently since 1994 and the adoption of the City's initial Comprehensive Plan under the Growth Management Act to justify a change in the designation.
9. In order to be consistent with City Land Use Policies and to mitigate any potential adverse impacts upon existing or anticipated land uses in the immediate vicinity of the subject property, the rezone should be contingent on a development agreement for both the subject property and 12728 19th Avenue SE combined.
10. The proposed Comprehensive Plan Map designation promotes a more desirable land use pattern for the community as a whole if future development of the subject site is conditioned through use of a development agreement.
11. The purpose for the requested Comprehensive Plan Map designation and rezone amendments is to ensure consistency between the Comprehensive Plan map and the zoning map, and to ensure only one designation and zone are shown for this property.
12. To achieve the desired consistency between the two noted maps, the City must amend the Comprehensive Plan map designation of the subject property from 1.3: Single Family Detached to 4.4: Mixed-Use Commercial/Multiple Family, see Exhibit "A", and rezone the subject area from R-2: Single Family Medium Density to C-1: General Commercial, see Exhibit "B".
13. The proposed Comprehensive Plan Map designation and rezone amendments provide for the public health, safety, and welfare of the City.
14. The proposed amendments to the Comprehensive Plan Map and Zoning Map promote the best long term interest of the Everett Community

WHEREAS, the Planning Commission of the City of Everett concludes that:

1. The Everett Planning Commission is making this recommendation in order to show a single and appropriate Comprehensive Plan designation and zone on the subject property, and that reflects zoning on adjacent and nearby properties.
2. Use of a development agreement to place certain conditions on development of the subject site will provide for the public health, safety and welfare by assuring a desired outcome.
3. Such development agreement should limit permitted uses to office and medical.
4. The development agreement should require a front setback along 19<sup>th</sup> Avenue SE at least 10 feet in width.

5. The development agreement should require the building façade facing 19<sup>th</sup> Avenue SE to have an area at least 60% transparent glass, windows and or doors, and to have a prominent entry.
6. The development agreement should require the front setback to be landscaped to meet Type III landscaping standards, and have Type I landscaping with sight obscuring fence abutting the residential property to the west (EMC 19.35.050).
7. The development agreement should require shielding of all lighting so no lights shine on the abutting residential property to the west.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the Everett City Council approve the proposed amendment to the Comprehensive Plan Map designation from 1.3: Single Family Detached to 4.4: Mixed-Use Commercial/Multiple Family, as depicted in Exhibit “A”, and the proposed rezone from R-2: Single Family Medium Density to C-1: General Commercial, as depicted in Exhibit “B” for Builder’s Investment Group, LLC’s property located at 12704 19th Avenue SE subject to a development agreement.

**PASSED and APPROVED this 6th day of December, 2016.**

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Planning Commission Chair

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Planning Commission Secretary

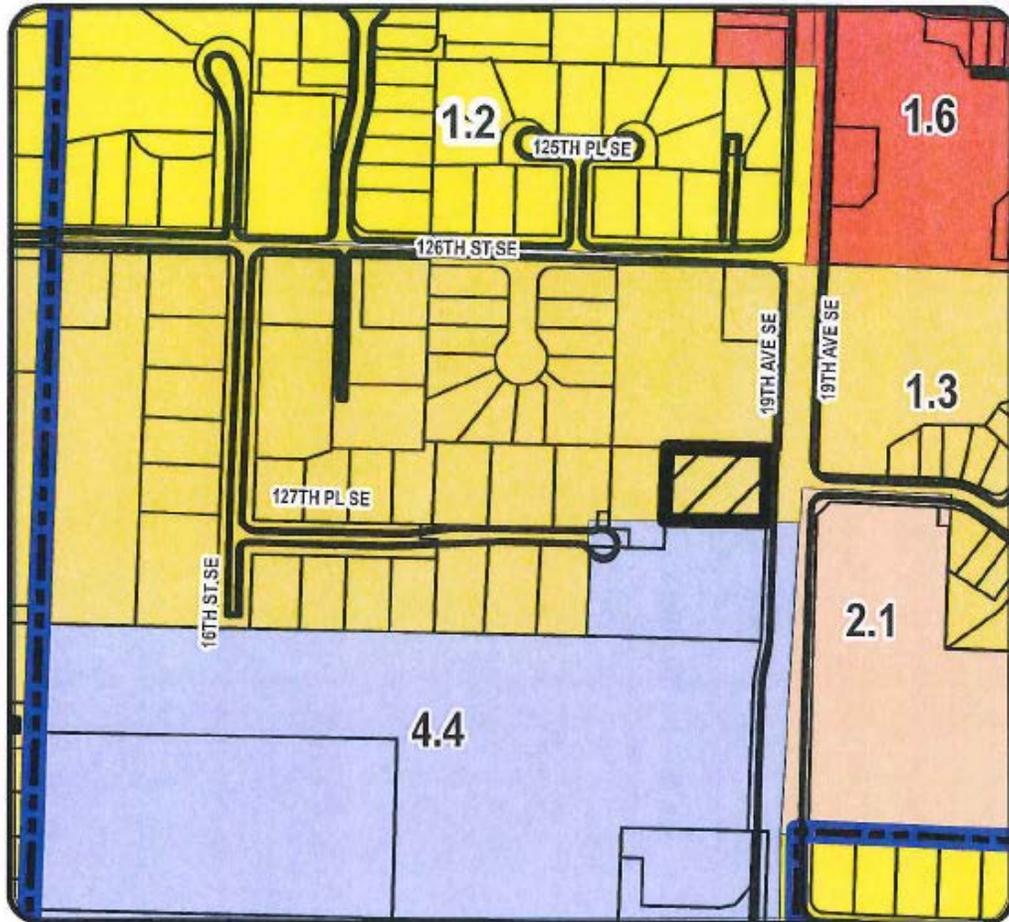
# Exhibit A

## Builder Investment Group

### Comprehensive Plan Amendment

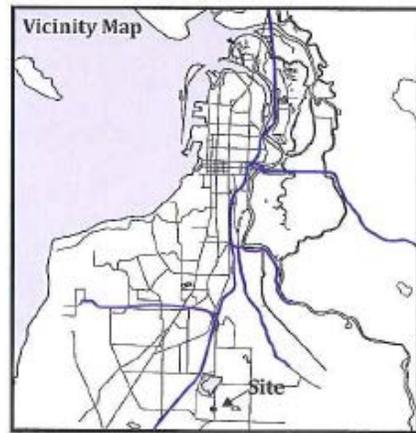
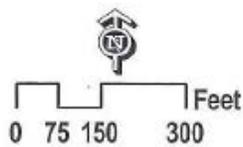
1.3 Single Family detached (10-12 du/ac) to

4.4 Mixed Use Commercial, Multiple Family



#### Comprehensive Plan Legend:

-  Action Area (0.49 Acre)
-  1.2 Single Family Detached, 5-10 DUA
-  1.3 Single Family Detached, 10-12 DUA
-  1.6 Multiple Family, 20-29 DUA
-  2.1 Schools/Church
-  4.4 Mixed Use Commercial, Multiple Family
-  Everett City Limits



July 2016

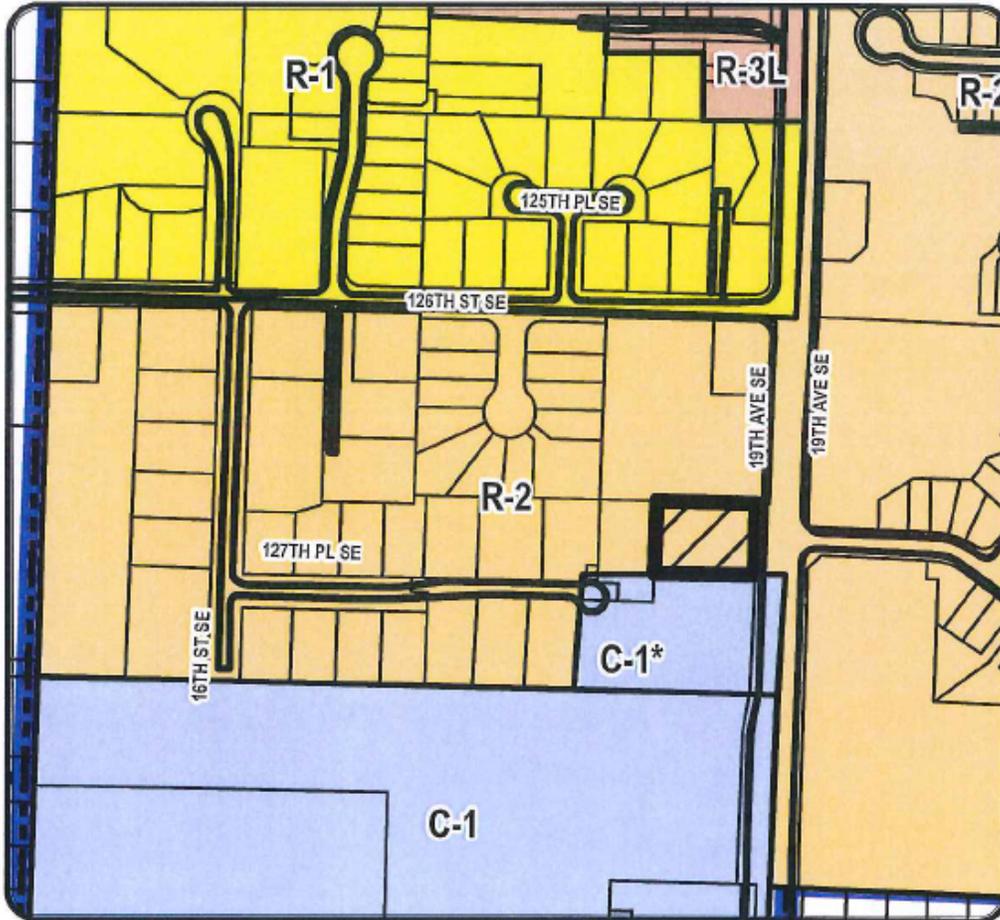
# Exhibit B

## Builder Investment Group

### Zoning Amendment

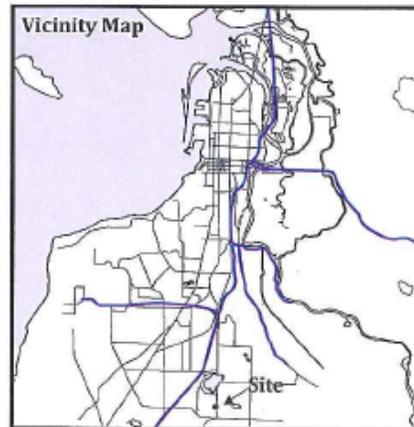
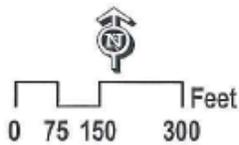
R-2 Single Family Detached Medium Density to

C-1 General Commercial



#### Zoning Legend:

-  Action Area (0.49 Acre)
-  R-1 Single Family, Low Density
-  R-2 Single Family, Medium Density
-  R-3L Multiple Family, Low Density
-  C-1 General Commercial
-  Everett City Limits



July 2016