



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 19th 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

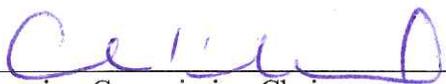
WHEREAS, the Planning Commission of the City of Everett concludes that:

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 19th Avenue SE at least 10 feet in width.

5. The development agreement should require the building façade facing 19th 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.
8. The development agreement should require the existing and proposed sites, located at 12704 and 12728 19th Avenue SE, to be tied together and to have a common driveway unless otherwise determined by the City Traffic Engineer.

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.



Planning Commission Chair



Planning Commission Secretary

For: Commissioner Zelinski, Commissioner Beck, Commissioner Sand, Commissioner Adams,
Commissioner Tisdell, and Chair Holland

Against:

Absent: Commissioner Jordison, Commissioner Lark, and Commissioner Dunn

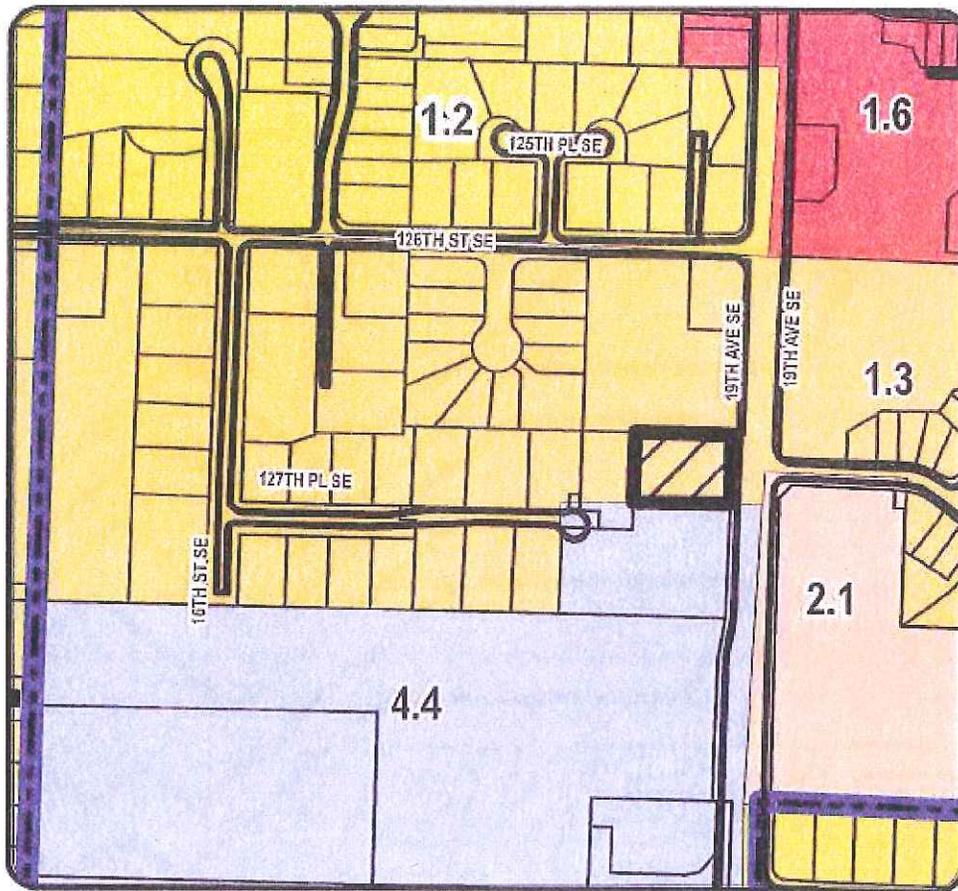
Abstain: None

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

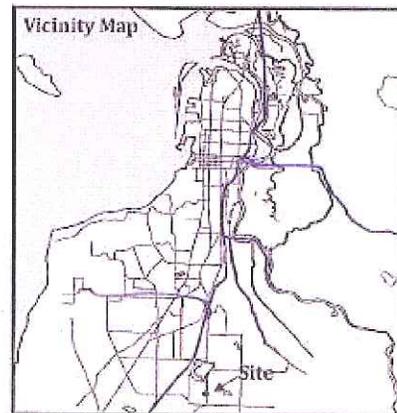
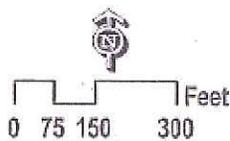
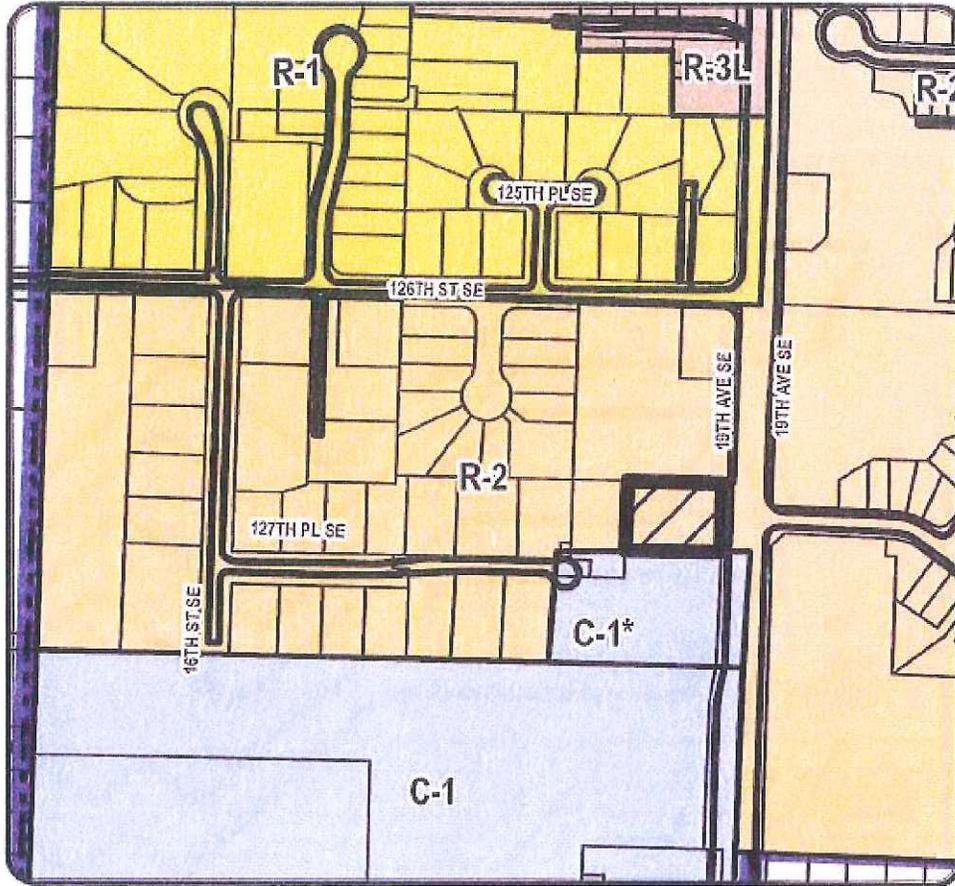


Exhibit B

Builder Investment Group

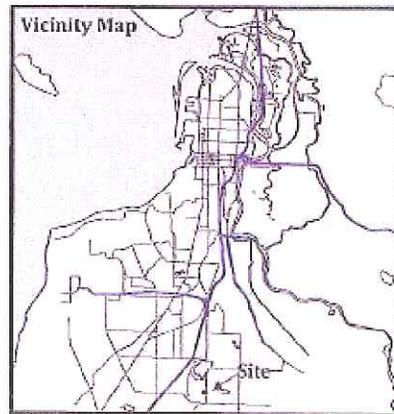
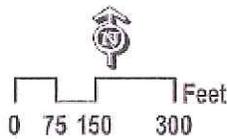
Zoning Amendment

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