ORDINANCE NO. 393

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, RELATING TO LAND USE AND PLANNING; AMENDING TITLE 16 UNIVERSITY PLACE MUNICIPAL CODE RELATING TO THE COMPREHENSIVE PLAN MAP; AMENDING UNIVERSITY PLACE MUNICIPAL CODE, TITLE 19, AND THE OFFICIAL ZONING MAP OF THE CITY OF UNIVERSITY PLACE; GRANTING ONE REZONE REQUEST; AND, ADOPTING FINDINGS AND CONCLUSIONS

WHEREAS, on July 6, 1998 the City of University Place adopted a Comprehensive Plan, in compliance with Chapter 36,70A RCW the Growth Management Act; and,

WHEREAS, on September 4, 2001 the City of University Place City Council initiated a process to review the Comprehensive Plan and revise it if needed to comply with RCW36.70A 130(4)(a); and,

WHEREAS, the City of University Place advertised the Comprehensive Plan amendment/rezone process, solicited applications, held an open house to assist individuals interested in applying for Comprehensive Plan text and map amendments including individual property rezones; and,

WHEREAS, four privately initiated Comprehensive Plan map amendments applications were submitted to the City by the October 1, 2001 deadline; and;

WHEREAS, notices of the proposed Comprehensive Plan amendments including the individual rezone requests were sent to adjoining local governments, the County, numerous state agencies as well as special interest groups, individual citizens and surrounding property owners; and,

WHEREAS, on March 6, 2002 the City of University Place Planning Commission held a public hearing on the Comprehensive Plan amendments and concurrent rezones and forwarded a recommendation to the City Council on March 19, 2003 and,

WHEREAS, the required State agency 60-day review period on the Comprehensive Plan amendments began on April 7, 2003 and concluded on June 7, 2003 with comments received from Washington State Department of Community and Economic Development reviewed by the City Council and incorporated into the amendments as appropriate; and

WHEREAS, the City Council held public hearings on May 19, 2003 and June 2, 2003 to take testimony on the proposed Comprehensive Plan amendments and rezone requests on April 17, 2000; and,

WHEREAS, a SEPA Determination of Non-Significance (DNS) and Adoption of Existing Environmental Documents were issued on July 18, 2003 with a comment period ending on August 1, 2003; and,

WHEREAS, the City Council has deliberated on the merits of the rezone requests and made findings of facts and conclusions regarding compliance with Comprehensive Plan Goals and Policies; and

WHEREAS, the City Council finds that one of the three rezone requests is consistent with the Comprehensive Plan and in the public interest and should be approved subject to conditions to implement comprehensive plan policies to ensure compatibility with adjacent single family residential uses; and

WHEREAS, the City Council finds that three of the rezone requests are not consistent with the Comprehensive Plan and are not in the public interest; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

- **Section 1.** Findings Adopted. The City Council hereby adopts the Findings and conclusions attached as Exhibit "A".
- Section 2. Rezone Request Approved to Di Re, File #: APP01-0001. The request from Dr. Nicolas Di Re to amend the Plan Map / Zone Map from R1 Residential to MU-O, Mixed Use Office for a 1 acre property located at the northeast corner of 46th Street Ct. West and Bridgeport Way West as shown on Exhibit "B" is hereby granted subject to the following conditions of approval:

Future development or redevelopment of non-single family uses (attached or detached) of the subject property shall be subject to the following standards:

- 1. There shall be a 25-foot minimum front yards setback from 46th Street Ct. West.
- 2. Level 1 landscaping is required within the front yard setback abutting 46th Street Ct. West and abutting residential uses to the north and east.
- 3. Vehicle access is granted via 46th Street Ct. West for the purpose of providing underground parking.
- 4. A solid 100 percent sight-obscuring six-foot high fence or wall shall be located within or along the required setback along 46th Street Ct. West. The location of the fence or wall shall be approved by the Planning and Community Development Director. For the purposes of this section, a cyclone fence with slats is not a sight-obscuring fence.
- 5. On-site lighting shall be shielded or directed away from abutting or adjacent residential uses.
- 6. Only high (those that do not provide easy viewing) windows may be used on the east side of the building. This does not apply to residential uses.
- 7. The following uses are not permitted:
 - (a) Beauty Salon /Barber
 - (b) Business Support Services
 - (c) Personal Services
 - (d) Veterinary Clinics/Animal Hospitals
- Section 3. Rezone Request Denied to Calpeno, File #: APP01-0002. The request from Dr. Anthony Calpeno to amend the plan map / zone map from "MF" (Multi-Family) to "MU-O" (Mixed Use-Office) for a .37 acre parcel located 7702 Cirque Drive, as shown on Exhibit "C" is hereby denied.
- Section 4. Rezone Request Denied to Bjorn Olson File #: APP01-0003. The request from Mr. Bjorn Olson to amend the plan map /zone map for a 10-acre parcel from R-1 (Residential) to NC (Neighborhood Commercial) (2.2 acres) and IB (Light Industrial Business Park) (7.8 acres) located at 3124 67th Avenue West, as shown on Exhibit "D" is hereby denied.
- Section 5. Rezone Request Denied to Bjorn Olson File #: APP01-0004. The request from Mr. Bjorn Olson to amend the plan map / zone map for a 5.7-acre parcel from R-2 (Residential) to NC (Neighborhood Commercial) located at 5101 Drum Road, as shown on Exhibit "E" is hereby denied.
- **Section 6.** <u>Severability.</u> If any section, sentence, clause or phrase of this Title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Title.

Section 7. <u>Publication and Effective Date</u>. A summary of this ordinance, consisting of its title, shall be published in the official newspaper of the City of University Place. This ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON AUGUST 4, 2003

Jean Brooks, Mayor

ATTEST:

Catrina Craig, City Clerk

APPROVED AS TO FORM

Timothy X. Sullivan, City Attorney

Date of Publication: 8/7/03 Effective Date: 8/12/03

EXHIBIT A FINDINGS OF FACT & CONCLUSIONS

Applicant: Di Re, File No. APP01-0001

Proposal: Applicant requests a Comprehensive Plan Map amendment/rezone to change the zoning of a 1-acre parcel located on the northeast corner of 46th Street Ct. West and Bridgeport Way from R1 Residential to MU-O, Mixed Use – Office.

Findings

1. The subject property is Parcel No. 022015-802-0. Prior to 1981 this parcel was zoned Suburban Residential, SR (9). In 1981 the Pierce County Hearing Examiner approved a Conditional Use Permit, County Case No. CP2-81 to construct a dental clinic. In 1985 the property was subdivided into two lots, the subject parcel and a second lot, which has since been developed with a duplex.

2. Surrounding Land Use and Zoning:

North: Unconstructed Telecommunications Facility, MU-0 - Mixed Use -Office.

East: Duplex, R1-Residential.

South: Duplex, R1- Residential and Walgreens, NC - Neighborhood Commercial.

West: Bridgeport Way and Offices, NC - Neighborhood Commercial.

- 3. University Place Municipal Code Chapter 16.10.090 states: "The City's Comprehensive Plan was developed and adopted after significant study and public participation. The principles, goals and policies contained therein shall therefore be granted substantial weight when considering a proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant, whether privately initiated or city initiated, who must demonstrate how the request is consistent with and/or relates to the following approval criteria:
 - a. The proposed change will further and be consistent with the goals and policies of the University Place Comprehensive Plan;
 - Whether the capacity to provide adequate services is diminished or decreased;
 - Where an amendment to the Comprehensive Plan map is proposed, the proposed designation is adjacent to property having a similar or compatible designation, or other conditions are present to ensure compatibility with surrounding properties;
 - d. Assumptions upon which the Comprehensive Plan is based are found to be invalid;
 - e. A determination of sufficient change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment to the comprehensive plan that dictates the need for a proposed amendment:

- f. If applicable, a determination that a question of consistency exists between the Comprehensive Plan and Chapter 36.70A RCW, the County-Wide Planning Policies for Pierce County, and Vision 2020: Growth and Transportation Strategy for the Puget Sound Region; and,
- g. The proposed amendment advances the public interest."
- 4. The Applicant states that the Growth Management Act and City Comprehensive Plan encourage economic development and that the proposal is consistent with Comprehensive Plan Policy LU1B and Goal LU3. This policy and goal are as follows:

Policy LU1B "Create a well balanced, well organized combination of land uses which includes residential, commercial, industrial, recreational, public use, and open space. Make protection and preservation of residential neighborhoods a priority."

Goal LU3 "Achieve a mix of commercial land uses that serve the needs of the city's residents, businesses and visitors."

- 5. The Applicant states no significant impact on transportation; utility systems and related services are anticipated. Sewer service is currently available.
- 6. The Applicant states that the property to the west across Bridgeport Way is zoned Neighborhood Commercial while the property to the north is zoned Mixed Use Office Potential Zone. Properties to the south and east are residential and improved with duplex units. The Applicant states that the duplex to the south would be a suitable for a rezone. The applicant also states that current development regulations should protect the single-family uses.
- 7. The Applicant states that the property should have been given a commercial zoning because of surrounding land uses and a 1981 Conditional Use Permit allowing the development of a dental clinic.
- 8. The Applicant states that the property to the north was rezoned to Mixed Use Office Potential Zoning and a Conditional Use Permit has authorized a telecommunications facility. Further, the Applicant states that Bridgeport Way is being improved to stimulate economic development.
- 9. The applicant states the proposal will benefit the community by adding to the tax base be consistent with surrounding properties and square off zoning boundaries. The Applicant also states that the subject property is not suitable for single-family development.
- 10. With regard to the approval criteria the City Council makes the following findings:
- a. The proposed change will further and be consistent with the goals and policies of the University Place Comprehensive Plan;

The City Council finds the proposal is consistent with policy LU1B, and Goal LU3. Further the City Council finds that the proposal is also consistent with Goal LU1, Policies LU3A

LU3B and specifically LU3G. With proper design and buffering the proposal may be consistent with policies LU2A and LU3E.

Goal LU1: "Achieve a rational and prudent mix of land uses within the city."

Goal LU3 "Achieve a mix of commercial land uses that serve the needs of the city's residents, businesses and visitors."

Policy LU3A." Concentrate commercial land uses in locations which best serve the community, complement stable residential areas, and are attractive to private investment."

Policy LU3B "Encourage development of new businesses and expansion of existing business."

Policy LU3E "Ensure that commercial development is designed and scaled in a manner that is compatible with surrounding single family neighborhoods."

Policy LU3G "Encourage the infill, renovation or redevelopment of existing commercial areas and discourage expansion of linear retail "strips".

The City Council finds the request is consistent with Policy LU3G, which encourages the infill, renovation or redevelopment of existing commercial areas, and discourages expansion of linear retail strips. The proposal will serve to infill an existing commercial area. The vacant lot has commercial uses to the north and west and a commercial use one lot to the south.

As a commercial infill proposal, the proposal meets Goal LU1, LU1B, Goal LU3 and Policies LU3A and LU3B. These goals and policies encourage an organized mix of uses, a concentration of commercial and promote economic development.

Policies LU2A and LU3E serve to ensure that single family uses are protected from neighboring incompatible uses. The City Council finds that with appropriate conditions and a limit on specific uses of the property, the proposal can be made to be compatible with adjacent single-family uses.

b. Whether the capacity to provide adequate services is diminished or decreased;

The City Council finds that it is unlikely there will be significant impacts to transportation, utilities and related services as a Mixed Use - Office proposal. However the City Council finds that access should not be permitted to 46th Street Ct. West in order to protect the existing residential neighborhood.

c. Where an amendment to the Comprehensive Plan map is proposed, the proposed designation is adjacent to property having a similar or compatible designation, or other conditions are present to ensure compatibility with surrounding properties;

The City Council finds that with appropriate conditions and a limit on certain incompatible uses adequate protection can be afforded adjacent single-family uses.

d. Assumptions upon which the Comprehensive Plan is based are found to be invalid;

The City Counicl finds that there is no invaild assumptions relative to this request.

e. A determination of sufficient change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment to the comprehensive plan that dictates the need for a proposed amendment;

The City Council finds the property to the north, was designated Mixed Use –Office Potential Zone in 2000 after two previous attempts by the property owner to rezone it failed. Therefore, the subject property originally abutted residential zoned property on three sides. This situation changed as a result of the 2000 rezone of the property to the north.

Further, the City Council finds had the property been developed as a dental clinic in accordance with the 1981 Conditional Use Permit, the site would likely have been zoned for a like commercial use. However, given the time that has elapsed without development of the site, the authority granted by the Conditional Use Permit is considered null and void accordance with conditions of approval.

f. If applicable, a determination that a question of consistency exists between the Comprehensive Plan and Chapter 36.70A RCW, the County-Wide Planning Policies for Pierce County, and Vision 2020: Growth and Transportation Strategy for the Puget Sound Region; and,

The City Council finds the proposal does not appear to address any inconsistency.

The Growth Management Act, the Comprehensive Plan and Vision 2020 all aim at curbing urban sprawl by encouraging more compact communities where jobs and services are closer to where people live. Walkable communities with less reliance on automobiles for mobility help to achieve these goals. The proposal is consistent with this goal

g. The proposed amendment advances the public interest."

The City Council finds once a use is developed on the site more property taxes and depending on the use, more sale taxes may be generated by the use. Further with appropriate conditions including proper buffering, limited access and uses the proposal can be made to be compatible with existing adjacent single-family uses.

Conclusions

- 1. The proposed plan map amendment/rezone is consistent with most of the amendment criteria.
- 2. With appropriate conditions and limits on specific uses the proposal's impacts should be minimal.
- 3. The subject site is adjacent to a Mixed Use Office property to the north, which had its zoning changed in 2000 recognizing the inappropriate use of the property for residential uses.
- 4. The proposal is consistent with the Comprehensive Plan, County Wide Planning Policies and Vision 2020.
- 5. The proposal appears to be in the public interest.

Applicant: Anthony Calpeno, File No. APP 01-0002

Proposal: The Applicant requests a comprehensive plan map amendment/rezone to change the zoning of a .37-acre parcel from MF (Multi-Family) to MU-O (Mixed Use Office) located at 7702 Cirque Drive West. The site is the current location of the applicant 's chiropractic practice.

Findings

- 1. The subject property is Parcel No. 0220226026 and Lot 4 of short plat 84012-030194 The property was rezoned from Suburban Residential to Residential Multi-Family High Density in 1974 (Pierce County Case No. RMH PDD 20-74).
- 2. Surrounding Land Uses and Zoning:

North: Cirque Drive then Single Family Residential (homes)

East: Multi-Family (apartments) then Mixed Use -Office (vacant)

South: Multi-Family (apartments) then R1 Residential (Drum Intermediate)
West: Multi-Family (apartments) then Single Family Residential (homes)

- 3. University Place Municipal Code Chapter 16.10.090 states: "The City's Comprehensive Plan was developed and adopted after significant study and public participation. The principles, goals and policies contained therein shall therefore be granted substantial weight when considering a proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant, whether privately initiated or city initiated, who must demonstrate how the request is consistent with and/or relates to the following approval criteria:
 - a. The proposed change will further and be consistent with the goals and policies of the University Place Comprehensive Plan;
 - b. Whether the capacity to provide adequate services is diminished or decreased;
 - Where an amendment to the Comprehensive Plan map is proposed, the proposed designation is adjacent to property having a similar or compatible designation, or other conditions are present to ensure compatibility with surrounding properties;
 - d. Assumptions upon which the Comprehensive Plan is based are found to be invalid;
 - e. A determination of sufficient change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment to the comprehensive plan that dictates the need for a proposed amendment:
 - f. If applicable, a determination that a question of consistency exists between the Comprehensive Plan and Chapter 36.70A RCW, the County-Wide Planning Policies for Pierce County, and Vision 2020: Growth and Transportation Strategy for the Puget Sound Region; and,
 - g. The proposed amendment advances the public interest."

- 4. The Applicant states that the proposed plan amendment is consistent with Comprehensive Plan Goals LU3E, which serves to ensure that commercial development is scaled in a manner compatible with single-family neighborhoods. The applicant also states that the existing development meets the definition of "mixed use development".
- 5. The Applicant does not foresee any changes from the existing use and therefore no new impacts.
- 6. The Applicant states that the property to the east is zoned mixed-use -office and therefore the proposal is consistent with the zoning of adjacent property.
- 7. The Applicant states that the use is consistent with the Comprehensive Plan. However, the Applicant is not aware of any oversight or invalid assumption.
- 8. The Applicant states that the office use has been grandfathered and the map amendment/rezone request is to legalize current and past use.
- 9. The Applicant states the current use provides a service to the community and residences.
- 10. The City Council finds that the existing development fits the definition of mixed-use development.
 - a. However, the proposal is inconsistent with comprehensive plan polices which:
 - b. Promote uses compatible with single family neighborhoods;
 - c. Discourage commercial development outside existing commercial areas; and
 - d. Requires appropriate landscaping and buffering between different types of uses
- 11. The City Council does not anticipate any additional impacts to transportation, utilities and related services due to this individual request but finds that an approval of this request will result in abutting properties being rezoned and the cumulative effect cold have a significant impact on transportation impacts.
- 12. The City Council finds properties to the south, east and west are zoned Multi-Family, as is the subject property. Across Cirque Drive properties are zoned R-1 Residential. The parcel to the east abuts a Mixed Use-Office zone, which abuts a Neighborhood Commercial zone at the corner of Cirque Drive and Bridgeport Way.
- 13. The existing office building is a one-story building, with a gabled roof of the same scale as surrounding multi-family buildings. The existing landscaping provides little buffer between surrounding uses and there is little area to add landscaping. Shared parking and an entrance facing the multi-family uses may result in conflicts between the adjacent uses.
- 14. The City Council finds the subject property and abutting properties to the south, east, and west were designated multifamily in accordance to the original rezone to multifamily in 1974. The City Council considered a rezone to mixed us office in 1998, but rejected it sitting concerns about commercial uses creeping into single-family neighborhoods. The multi family zoning provides a transition from commercial uses near

the intersection of Cirque Drive and Bridgeport Way and residential neighborhoods to the west.

- 15. The City Council finds that the Hearing Examiner's decision on the 1983 short plat appears to confirm the legitimate use of the building for offices, however if additional information were to come available, alleged grandfathered rights would need to be reassessed.
- 16. The City Council finds there have not been any changes in the area since adoption of the comprehensive plan nor is there any new information.
- 17. The City Council finds the proposal does not appear to address any inconsistency with the Growth Management Act, the Comprehensive Plan or Vision 2020. The City Council finds that all three documents aim at curbing urban sprawl by encouraging more compact communities where jobs and services are closer to where people live. Walkable communities with less reliance on automobiles for mobility help to achieve these goals. The proposal is consistent with this goal.
- 18. The City Council finds if this map amendment / rezone request is approved it will serve as a precedent for the approval of abutting multi-family zones properties that are appropriate for redevelopment but that currently provide a separation between lower density residential uses and existing commercial uses.

Conclusions

- 1. The proposed plan map amendment/rezone is non consistent with most applicable the Comprehensive Plan goals and policies nor is it consistent with many of the amendment approval criteria.
- 2. Impacts associated with the proposed comprehensive plan map amendment will be minimal.
- 3. The request is not compatible with existing surrounding land sues and an approval would set a president for future rezone request approvals.
- 4. There is minimal separation between the existing office use and multi-family uses with little area to increase landscaping or provide mitigation
- 5. The proposal does not correct an oversight or invalid assumption nor has there been changes in the area to dictate a rezone.
- 6. The proposal is not in the public interest.

Applicant: Bjorn G. Olson, File No. APP 01-0003

Proposal: Applicant requests a comprehensive plan map amendment/rezone to change the zoning of a 10-acre parcel from R-1 (Residential) to NC (Neighborhood Commercial) (2.2 acres) and IB (Light Industrial Business Park) (7.8 acres) located at 3124 67th Avenue West, across from the Fircrest Golf Club. The applicant proposes to construct 47,300 square feet of office space and 70,000 square feet of business park space.

Findings

- The subject property is a nearly square vacant lot measuring approximately 695 feet north to south and 635 feet east to west. There are two wetland areas on the property totaling 1.2 acres with 2.9 acres of wetland buffers. The remaining 5.9 acres of upland is overgrown except for a small area adjacent to 67th Avenue West where a small house was condemned and removed.
- 2. Surrounding Land Uses and Zoning:

North: Single Family Residential (R-1) & Spare Space Business Park (IB)

East: Fircrest Golf Club (across 67th Avenue West) City of Fircrest

South: Single Family Residential (Wetlands) (R-1)

West: Multi-Family Residential (Hidden Hills Apartments) (MF)

- 3. University Place Municipal Code Chapter 16.10.090 states: "The City's Comprehensive Plan was developed and adopted after significant study and public participation. The principles, goals and policies contained therein shall therefore be granted substantial weight when considering a proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant, whether privately initiated or city initiated, who must demonstrate how the request is consistent with and/or relates to the following approval criteria:
 - a. The proposed change will further and be consistent with the goals and policies of the University Place Comprehensive Plan;
 - Whether the capacity to provide adequate services is diminished or decreased;
 - c. Where an amendment to the Comprehensive Plan map is proposed, the proposed designation is adjacent to property having a similar or compatible designation, or other conditions are present to ensure compatibility with surrounding properties;
 - d. Assumptions upon which the Comprehensive Plan is based are found to be invalid:
 - e. A determination of sufficient change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment to the comprehensive plan that dictates the need for a proposed amendment;
 - f. If applicable, a determination that a question of consistency exists between the Comprehensive Plan and Chapter 36.70A RCW, the County-

Wide Planning Policies for Pierce County, and Vision 2020: Growth and Transportation Strategy for the Puget Sound Region; and,

- g. The proposed amendment advances the public interest."
- 4) The application states that the proposed plan amendment is not consistent with the Comprehensive plan.
- 5) The Applicant states that the project will access 67th Avenue West and utilize existing utility systems abutting the eastern boundary of the site. (67th Avenue West.)
- 6) The Applicant states Pierce County as the sanitary sewer provider. However there are no sanitary sewer facilities available to the site at this time.
- 7) The Applicant states that the property abuts an industrial project to the north, proposed professional offices to the south and high density multifamily to the east.
- 8) The Applicant states that surrounding land uses are incompatible with single family or duplex residential development.
- 9) The Applicant states that removal of the single-family use to the south; together with substantial residential development elsewhere in the city and the need for services constitute changes that dictate the need for the proposed map amendment/rezone.
- 10) The application states the proposal will assist in job creation increase the City's tax base and retail sales revenue and add service providers to meet the needs of its citizens.
- 11)The City Council finds the request is specifically inconsistent with the following Comprehensive Plan goals and policies:

Goal LU1: "Achieve a rational and prudent mix of land uses within the city."

Policy LU1B "Create a well balanced, well organized combination of land uses which includes residential, commercial, industrial, recreational, public use, and open space. Make protection and preservation of residential neighborhoods a priority."

Policy LU1D "Encourage the creation of a "town center" or central business district."

Goal LU3 "Achieve a mix of commercial land uses that serve the needs of the city's residents, businesses and visitors."

Policy LU3E "Ensure that commercial development is designed and scaled in a manner that is compatible with surrounding single family neighborhoods."

Policy LU3G "Encourage the infill, renovation or redevelopment of existing commercial areas and discourage expansion of linear retail "strips".

These goals and policies generally call for a rational and prudent mix of uses in the city, separation between incompatible uses and redevelopment of existing commercial areas before creating new commercial area and discourage strip development.

Policy EN1N "Regulate development to protect the functions and values associated with wetland areas. Wetland impacts must be avoided or mitigated consistent with federal and state laws"

Policy EN1P "Require adequate buffering around wetlands to protect their natural functions."

These policies in the Environmental Element of the Comprehensive Plan serve to protect valuable wetland functions and habitat. The applicant's proposed site plan shows buffer widths well below current local, state and federal standards.

- 12)The City Council finds a map amendment/rezone to Neighborhood Commercial and Light Industrial Business Park would allow any uses allowed in those zones to locate on the subject property. A traffic study will be required at the time uses are selected to determine what if any traffic impacts will occur. Neighborhood Commercial allows both retail and office space, so traffic volumes could be high.
- 13)The City Council finds sanitary sewer facilities will need to be extended to serve the site. Gas and water lines will also need to be extended to serve the site. Similar extensions will be required to develop the site for residential use.
- 14) The City Council finds only half of the northern boundary abuts a light industrialbusiness park zone. The City Council is unaware of any proposals for professional offices on properties to the south.
- 15)The City Council finds that north of a narrow access road, to the north the proposal abuts properties zoned R-1 residential. There are fifteen (15) single family homes abutting 67th Avenue north of the subject property and three (3) single family homes abutting 67th Avenue south of the subject property. The Hidden Hills multi-family development with 216 units abuts the west side of the site. The Council finds, the majority of neighboring properties are residential.
- 16)The City Council finds uses allowed in the Neighborhood commercial zone and light industrial business parks are generally incompatible with residential uses. When new industrial uses are developed adjacent to single family uses large buffers and special development standards are required to mitigate adverse impacts. The City Council finds the best mitigation is not to create opportunities for conflict in the first place.

- 17) The City Council finds the subject property and abutting properties to the north and south has been designated for residential use since 1969. Although area wide rezones were considered in 1990, 1992, 1994, 1995, and 1998 the subject property and most abutting property remained in residential zoning.
- 18) The City Council finds that the single-family house to the south is vacant and for sale, the City Council is not aware or any proposals to develop the site for office use. The property to the south is zoned R-1 Residential and no requests have been received to change the zone to allow office use.
- 19) The City Council finds there has been a substantial amount of residential development in the city; the amount of residential development is consistent with the population growth forecasts developed by Pierce County and the City and population totals reported by the State Office of Financial Management. The City population is forecast to grow by 12% between 1997 and 2017 and has grown 3.5 percent in the last four years. Additional land such as the subject property is needed to accommodate the additional 8.5 percent population growth expected over the next 16 years.
- 20)Further the City Council finds there is a much smaller demand for commercial land in the City with employment forecast to grow at 1/5th the rate of population. The Comprehensive Plan encourages use of undeveloped and underdeveloped commercial sites in existing commercial areas and enough exists to accommodate expected growth in employment.
- 21)The City Council find other factors including the absence of sewers and the reduction of travel lanes on 67th Avenue West discourage intensive uses of the subject property. The reduction in travel lanes on 67th Avenue was the result of complaints from residential property owners, who felt the speeds cars traveled on 67th Avenue were inconsistent with their single family neighborhoods. The reduction in travel lanes has slowed speeds down, increased safety and provided area for people to walk and bike. These improvements are consistent with residential rather than commercial use of the roadway.
- 22)The City Council finds the proposal does not appear to address any inconsistency. As indicated above, the proposal is inconsistent with the GMA and Countywide Planning Policies aimed at providing land for population growth in urban areas. Although the GMA and Countywide Planning Policies also encourage providing adequate land for economic development in urban growth areas, the City has enough existing commercial property to accommodate forecast demand.
- 23)The City Council finds the proposal will provide more employment opportunities and increase property and sales tax revenues above those currently generated by the subject property. However, a similar project on existing undeveloped or underdeveloped commercial land could achieve the same results.

24)The City Council finds the proposal is inconsistent with the goals and policies of the Comprehensive Plan and therefore of little benefit to the community. However, extending sewers to the development will benefit other properties in the vicinity.

Conclusions

- 1. The proposed plan map amendment/rezone is inconsistent with the amendment criteria.
- 2. Impacts associated with the proposed comprehensive plan map amendment could be substantial.
- 3. The applicant failed to provide evidence that the proposal is consistent with the Comprehensive Plan, show that it is consistent with the majority of surrounding uses, correct an oversight or invalid assumption, demonstrate that there have been significant changes to dictate a rezone or show inconsistencies with the Growth Management Act or Countywide Planning Policies.
- Although the application states that the proposed zoning will be consistent with the neighboring properties, the overwhelming majority of neighboring properties are residential.
- 5. The proposal is not in the public interest.

Applicant: Bjorn G. Olson, File No. APP 01-0004

Proposal: Applicant requests a comprehensive plan map amendment/rezone to change the zoning of a 5.7-acre parcel from R-2 (Residential) to NC (Neighborhood Commercial) located at 5101 Drum Road, immediately south of Bridgeport Plaza. The applicant proposes to construct 35,600 square feet of retail space and 21,200 square feet of office space.

Findings

- 1 he subject property is a densely wooded site improved with an older single family home. According to the application there is also a wetland on the property.
- 2. Surrounding Land Uses and Zoning:

North:

Bridgeport Plaza (Retail & Office) NC - Neighborhood Commercial

East: South:

Bridgeport Way and Unimproved City Park PC – Public Facility New Senior Living Facility R-2 - Residential

West:

Berkshire Subdivision, R-1 - Residential

- 3. University Place Municipal Code Chapter 16.10.090 states: "The City's Comprehensive Plan was developed and adopted after significant study and public participation. The principles, goals and policies contained therein shall therefore be granted substantial weight when considering a proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant, whether privately initiated or city initiated, who must demonstrate how the request is consistent with and/or relates to the following approval criteria:
 - The proposed change will further and be consistent with the goals and policies of the University Place Comprehensive Plan;
 - Whether the capacity to provide adequate services is diminished or decreased;
 - c. Where an amendment to the Comprehensive Plan map is proposed, the proposed designation is adjacent to property having a similar or compatible designation, or other conditions are present to ensure compatibility with surrounding properties;
 - d. Assumptions upon which the Comprehensive Plan is based are found to be invalid;
 - e. A determination of sufficient change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment to the comprehensive plan that dictates the need for a proposed amendment;
 - f. If applicable, a determination that a question of consistency exists between the Comprehensive Plan and Chapter 36.70A RCW, the County-Wide Planning Policies for Pierce County, and Vision 2020: Growth and Transportation Strategy for the Puget Sound Region; and,
 - g. The proposed amendment advances the public interest."

- 4) The Applicant states that the proposed plan amendment is not consistent with the Comprehensive plan.
- 5) The Applicant states that the project will access Bridgeport Way West and utilize existing utility systems abutting the eastern boundary of the site.
- 6) The site plan shows access from both Bridgeport Way and Drum Road. The Environmental Checklist states that a traffic study will be done to provide mitigation measures per city ordinance.
- 7) The application states that the properties to the north and south are commercial and compatible with the proposed zoning and intended use.
- 8) The Applicant states that the property to the south was granted its commercial use through a Non-Conforming Use Permit.
- 9) The Applicant states that substantial residential buildup, the development of commercial properties to the north and south and current growth trends dictate a Comprehensive Plan Map amendment.
- 10) The Applicant states the Comprehensive Plan is inconsistent with current trends and 11) Vision 2020. The applicant's finding that the current zoning is inconsistency with current trends is explained in earlier responses. However, the application does not indicate how the Comprehensive Plan is inconsistent with Vision 2020.
- 12)The Applicant states the proposal will create jobs, tax base, retail sales revenues and more service providers including professional office and retailers within a rapidly developing neighborhood closer to and more convenient to existing neighborhoods.
- 13) The Applicant states the development will be pedestrian friendly.
- 14)The City Council finds the request is specifically inconsistent with the following Comprehensive Plan goals and policies:
 - Goal LU1: "Achieve a rational and prudent mix of land uses within the city."

Policy LU1B "Create a well balanced, well organized combination of land uses which includes residential, commercial, industrial, recreational, public use, and open space. Make protection and preservation of residential neighborhoods a priority."

Policy LU1C "Manage growth so that delivery of public facilities and services will occur in a fiscally responsible manner to support development and redevelopment."

Policy LU1D "Encourage the creation of a "town center" or central business district."

Goal LU3 "Achieve a mix of commercial land uses that serve the needs of the city's residents, businesses and visitors."

Policy LU3A." Concentrate commercial land uses in locations which best serve the community, complement stable residential areas, and are attractive to private investment."

Policy LU3G "Encourage the infill, renovation or redevelopment of existing commercial areas and discourage expansion of linear retail "strips".

Policy LU1B calls for a well-balanced well-organized combination of land use. This policy together with others and the Plan Map direct office and most retail development to the Town Center and existing mixed use zones. Neighborhood Commercial zones such as the property which abuts the subject property is intended for auto oriented uses, such as gas stations, drive-in restaurants and convince stores.

Policies LU1C and LU1D re-enforce Policy LU1B and the Plan Map by calling for the creation of a Town Center where the bulk of commercial developing is focused along with the facilities and services that promote development and re-development. Creating new commercial areas outside the Town Center detracts from the Town Center pulling away business activities and the demand for public services.

Policies LU3A and LU3G encourage a prudent mix of uses and the redevelopment of existing commercial areas before creating new commercial area and discourage strip development.

- 15)The City Council finds the applicant is correct, in stating that the properties to the north (Bridgeport Plaza) are zoned Neighborhood Commercial. However, these properties were rezoned and vested prior to the City's incorporation. When the City incorporated and the Comprehensive Plan was developed these properties were designated Neighborhood Commercial for consistency with the uses previously developed on the northwest, northeast and southeast corners of the intersection of Bridgeport Way and Cirque Drive, which are in close proximity to Bridgeport Plaza. Uses in the Neighborhood Commercial zone are intended to be auto oriented.
- 16)The City Council finds that the property to the south is a senior living facility use classified as a residential use in the Zoning Code and approved subject to a Conditional Use Permit rather than a Non-Conforming Use Permit.
- 17)The City Council finds that although there has been a substantial amount of residential development in the city, the amount of residential development is consistent with the population growth forecasts developed by Pierce County and the City and population totals reported by the State Office of Financial Management. The City population is forecast to grow by 12% between 1997 and 2017 and has grown 3.5 percent in the last four years. Additional land such as the subject property is needed to accommodate the additional 8.5 percent population growth expected over the next 16 years.

- 18) Further the City Council finds there is a much smaller demand for commercial land in the City with employment forecast to grow at 1/5th the rate of population. The Comprehensive Plan encourages use of undeveloped and underdeveloped commercial sites in existing commercial areas and enough exists to accommodate expected growth in employment.
- 19) The City Council finds the proposal is inconsistent with the GMA and Countywide Planning Policies aimed at providing land for population growth in urban areas. Although the GMA and Countywide Planning Policies also encourage providing adequate land for economic development in urban growth areas, the City has enough existing commercial property to accommodate forecast demand and intends to focus commercial development in existing commercial areas.
- 20) The City Council agrees, providing jobs, tax revenue, and services are a benefit to the community, however, the Comprehensive Plan encourages those uses in existing commercial areas with an emphasis on the Town Center. Because the proposal is inconsistent with the goals and policies of the Comprehensive Plan it is not in the public's interest.

Conclusions

- 1. The proposed plan map amendment/rezone is inconsistent with the amendment criteria.
- 2. Traffic impacts associated with the proposed comprehensive plan map amendment can be mitigated.
- 3. In his application the applicant failed to provide evidence that the proposal is consistent with the Comprehensive Plan, show that it is consistent with the majority of surrounding uses, correct an oversight or invalid assumption, demonstrate that there have been significant changes to dictate a rezone or show inconsistencies with the Growth Management Act or Countywide Planning Policies.
- 4. The proposal does not appear to be in the public interest.
- This office and retail proposal would be welcomed in the City if it were located in a
 existing commercially zoned area on a vacant, under-developed or under-utilized
 site.

EXHIBIT B Di Re Rezone

City of University Place 46TH ST W BRIDGEPORT WY W Di Re Site 46TH STCT W Zone R1 R2 Multi-Family Town Center Neighborhood Commercial
Mixed Use District CIRQUE DR W Mixed Use - Office Commercial Light Insdustrial - Business Park Public Facility Street Railroad Potential Zone

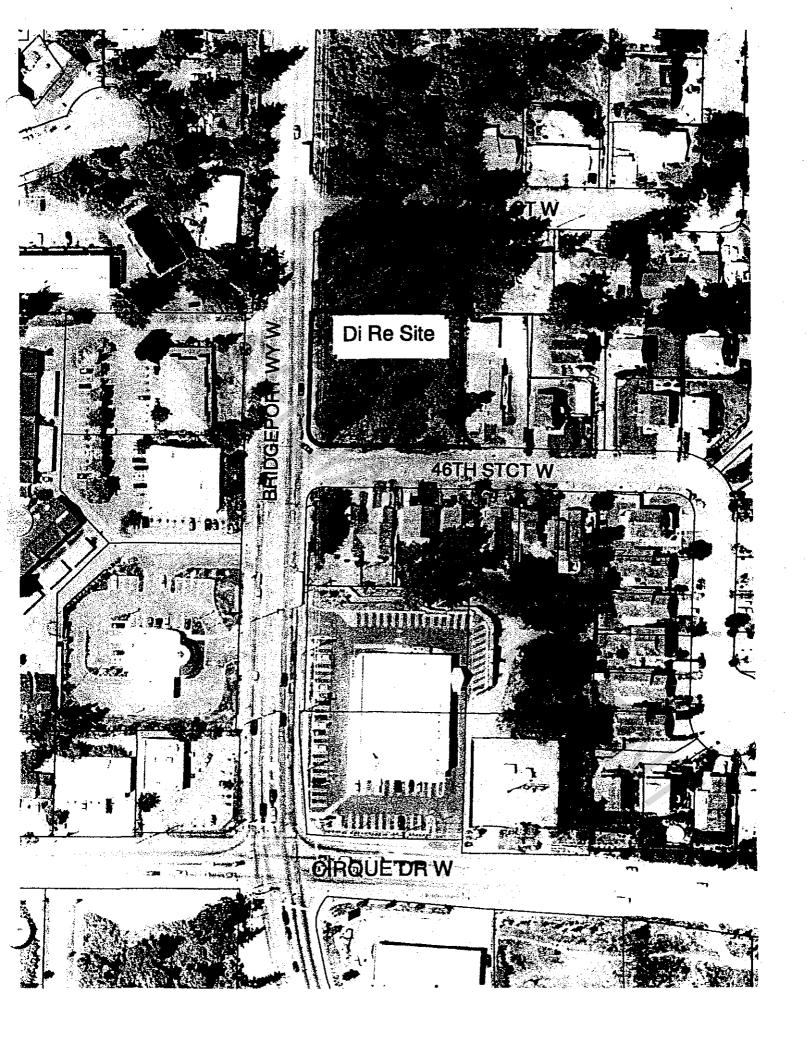
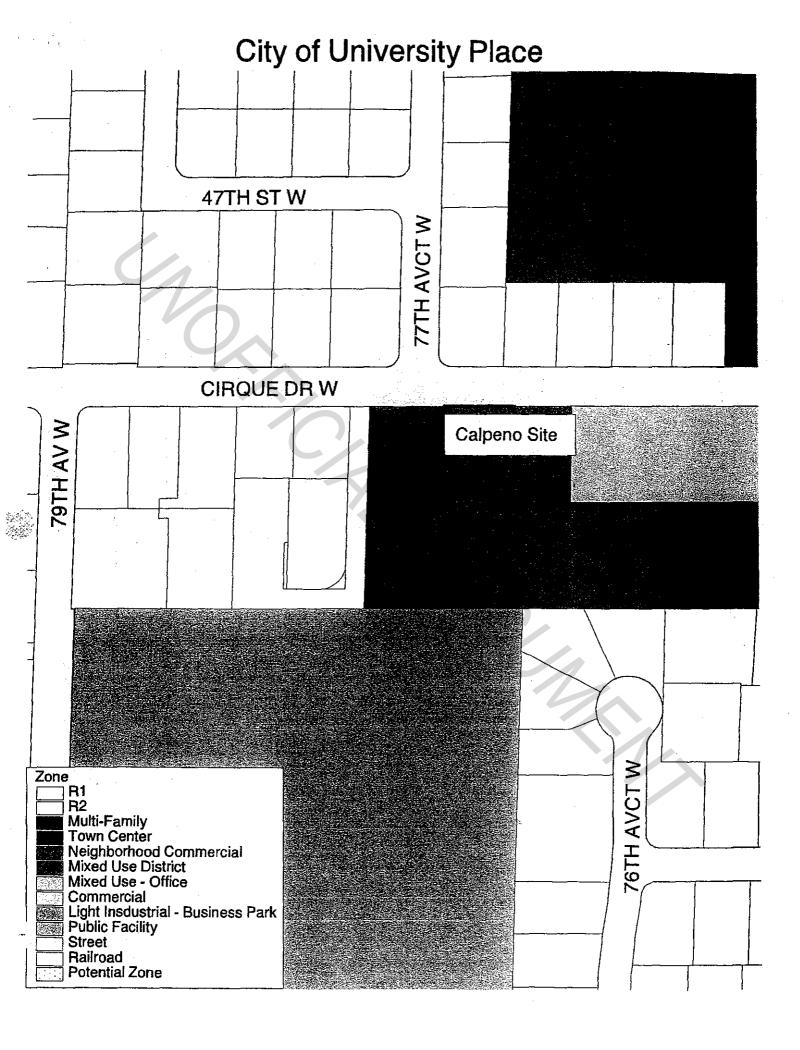


EXHIBIT C Calpeno Rezone



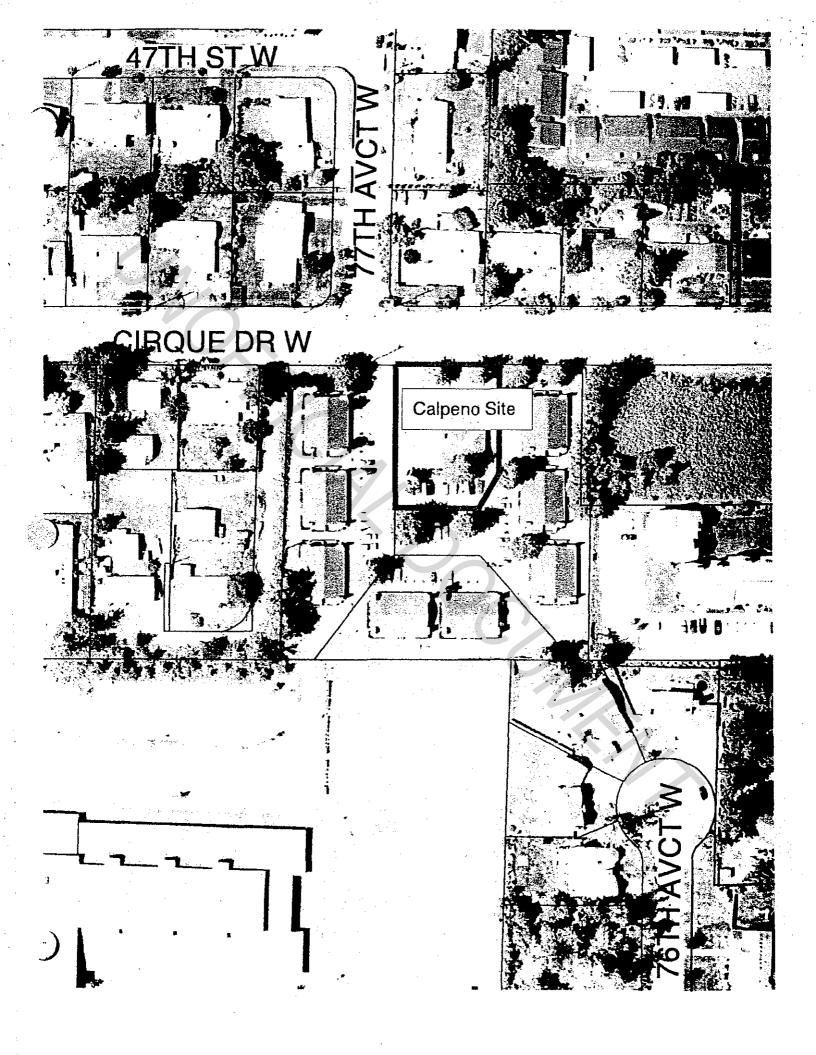


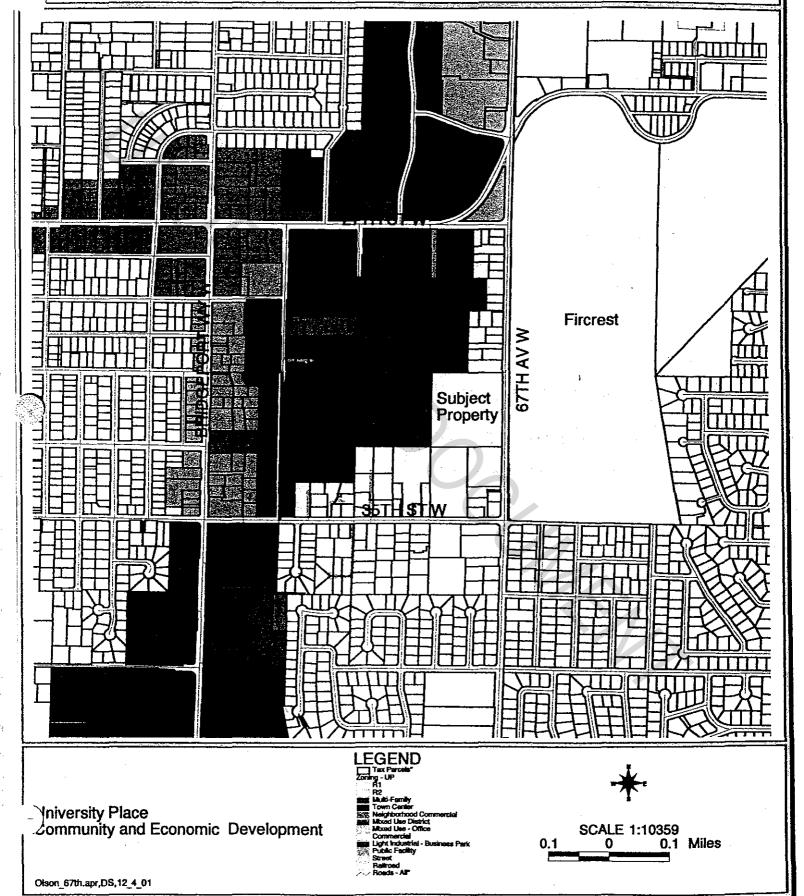
EXHIBIT D

Olson Rezone (67th Avenue West)



CITY OF UNIVERSITY PLACE

OLYMPIC PROFFESSIONAL PARK REZONE REQUEST - EXISTING ZONING





CITY OF UNIVERSITY PLACE OLSON 67th AVENUE MAP AMENDMENT/REZONE REQUEST



University Place
Jommunity & Economic Development
GIS



SCALE 1:3826

0.05

0

0.05 Miles

olson67threzonephoto.aprds,12/14/01

EXHIBIT E

Olson Rezone (Drum Road)

City of University Place 50TH ST W 51ST ST W Olson Sites DRUM RD W BRIDGEPORT WY W Zone R1 R2 R2
Multi-Family
Town Center
Neighborhood Commercial
Mixed Use District
Mixed Use - Office
Commercial
Light Insdustrial - Business Park
Public Facility
Street
Railroad
Potential Zone Potential Zone

