#### **ORDINANCE NO. 684**

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, APPROVING ZONING MAP AMENDMENTS PERTAINING TO PROPERTIES LOCATED ON  $67^{\text{TH}}$  AVENUE WEST, AND AT  $54^{\text{TH}}$  STREET WEST AND BRIDGEPORT WAY WEST

#### 67th Avenue West - Chambers Landing Amendment

WHEREAS, on August 30, 2016, Chambers Landing, LLC submitted an application to change the zoning classification from *Residential 1* to *Multifamily -- Low* for a 4.73 acre parcel to allow construction of a 72-unit condominium project with a density of approximately 15.25 units per acre, at 5904 67<sup>th</sup> Avenue West (Parcel No. 0220224043); and

WHEREAS, the City issued a Determination of Completeness on September 12, 2016 and a Notice of Application on September 13, 2016; and

WHEREAS, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce on October 13, 2016, which was issued to state agencies for a 60-day comment period, as required pursuant to RCW 36A.70 RCW, and did not receive any formal comments in response to this *Notice*; and

WHEREAS, the City issued a SEPA Determination of Non-significance pertaining to proposed amendment and associated rezone on October 14, 2016 with a 14-day comment period, and no adverse comments were received; and

WHEREAS, the Hearings Examiner shall act on behalf of the City Council in considering and applying the land use regulatory codes of the City of University Place, and such other matters as the City Council deems it appropriate for the Hearings Examiner to handle; and

WHEREAS, the Hearings Examiner is charged with holding hearings on and making recommendations to the City Council on quasi-judicial rezones pursuant to UPMC 19.90.040; and

WHEREAS, on December 22, 2016 the City published a public hearing notice in the Tacoma News Tribune, mailed public hearing notices to all property owners of record within a radius of 300 feet, but not less than two parcels deep, and posted the amendment site regarding a January 10, 2017 public hearing to be held on the proposed amendment; and

WHEREAS, the Hearings Examiner conducted a public hearing on January 10, 2017 to consider written and oral public comments on the proposed amendment; and

WHEREAS, the Hearings Examiner, having considered public comment and the approval criteria listed in UPMC 19.90.040.D.4, issued a Report and Recommendation on January 19, 2017 recommending to the City Council approval of the zoning map amendment, based on the findings and conclusions listed below. The first five criteria (a-e) provide specific criteria for a rezone. The second five criteria (f-j) set forth requirements for the site plan that must be considered along with the rezone:

## Hearings Examiner Findings and Conclusions.

(a) The proposed rezone is in the best interest of the residents of the City, assuming compliance with the proposed limitation on density and other conditions imposed hereinafter. The project, considering its buffers and setbacks, will create an effective transition from the high density multi-family development currently under construction along the parcel's south property line to the single-family neighborhoods to the north and west. The project also provides a transition and buffer from the Fred Meyer commercial use and associated uses to include the new commercial zoned parcels at the Bridgeport/67<sup>th</sup> intersection. Furthermore, the applicant proposes 72 units of single level, stair-free housing, currently unavailable within the City. The plans include covered parking on the ground floor. The parcel is heavily treed and the

applicant has retained Washington Forestry Consultants, Inc., to evaluate trees on the site for health problems and to recommend trees suitable for retention in open space and tree tract areas. The preliminary tree protection plan shows retention of many trees around the perimeter of the site and provision of a 25-30 foot wide, tree covered perimeter buffer around the project. The applicant must also mitigate for any trees removed in accordance with UPMC requirements.

- (b) Conditions in the immediate vicinity of the parcel have so significantly changed since the property was placed within the R1 classification that a rezone is within the public interest. Since the City Council originally zoned the property R1, significant changes in use have occurred to the south. Parcels to the south are located within the MF-L and Neighborhood Commercial zones, and uses include the Fred Meyer shopping center. The applicant's parcel overlooks and is oriented toward such uses. The zone reclassification will allow a more gradual and effective transition between the more intense uses to the south and the single-family residential uses to the north, west, and east. The site plan proposes a density of 15.25 units per acre that blends with the character of the surrounding single-family uses and provides a transition from the much more intense uses to the south.
- (c) For the reasons set forth in Planning Commission Resolution No. 2016-02, the proposed rezone is consistent with the City's Comprehensive Plan. The Examiner hereby adopts by reference all findings set forth by the Planning Commission in said resolution as if set forth in full.
- (d) The proposed rezone is consistent with all applicable provisions of UPMC Title 19 including specific design criteria. The Chambers Landing, LLC, parcel satisfies all location criteria for MF-L zoned parcels as set forth in UPMC 19.20.030(B)(3). The parcel abuts a major arterial (67<sup>th</sup> Avenue West), is in close proximity to a transit route on Bridgeport Way, and is in close proximity to shopping and public facilities and services. The applicant will comply with all City design standards addressing screening, buffering, open space, landscaping, and other elements that will mitigate adverse impacts to abutting parcels to the east, north, and west. The project will include pedestrian sidewalks for access to school, shopping services, and recreational facilities. The proposed density is well below the maximum authorized in the MF-L zone of 35-40 units per acre. All buildings will meet the maximum height requirement and the project requires no variances.
- (e) The proposed zone reclassification bears a substantial relation to the public health, safety, and welfare. The applicant has agreed to limit the density of its single level, condominium community to 15.25 units per acre. Such provides an excellent transition between the multi-family/commercial uses to the south and the single-family dwellings to the north and west. The zone reclassification will also help the City accommodate anticipated population growth within an area served by shopping and public facilities and services. The rezone is also consistent with goals and policies of the City's Comprehensive Plan as determined by the Planning Commission and will create no significant adverse environmental impacts to the site or the surrounding area.
- (f) The proposed project is designed to minimize all significant, adverse impacts on abutting parcels. The reduced density, significant and numerous screening trees around the perimeter, orientation of the buildings toward the center of the parcel, and orientation of the structures with the topography will contribute to the minimization of significant, adverse impacts. The applicant will provide all required buffers, and the existing, single-family residential subdivision to the west is protected by both a 25 foot wide buffer on the applicant's parcel and a 30 foot wide buffer on the subdivision parcel for a total of 55 linear feet. Furthermore, the owner of the parcel to the north, presently under construction with single-family residential homes, has not expressed concern about the proposed project. While views will change of the heavily forested site, residents to the east of 67th Avenue will still observe large, fir trees that will extend well-above the roofs of the proposed buildings. The applicant has submitted a geotechnical engineering report, traffic impact analysis (TIA), and a tree protection plan that ensure the development will have no significant adverse impacts on abutting and nearby parcels and on 67th Avenue West.
- (g) The site plan shows the project will minimize impacts to public facilities, services, and utilities. As previously found the TIA shows that the project will not significantly impact traffic flows in the area, and that all intersections will continue to operate at acceptable levels of service. Utility providers have expressed no concern with serving the 72 residential dwelling units.

- (h) The proposal is not inconsistent with the surrounding area as it proposes a residential use with density that provide a transition from more intense uses to the south.
- (i) The applicant has shown an acceptable means of developing, preserving, and maintaining open space by its tree preservation plan.
- (j) The conditions recommended hereinafter are necessary to lessen impacts of the proposed use, and the City can easily monitor and enforce said conditions; and

WHEREAS, the City Council conducted a public review of the recommended zoning map amendment at a study session held on February 13, 2017; and

WHEREAS, the City Council conducted a closed record public hearing on the zoning map amendment on March 20, 2017; and

WHEREAS, the City Council has considered the approval criteria listed in UPMC 19.90.040.D.4 and the Hearings Examiner's findings, conclusions and recommended conditions of approval contained in the Examiner's January 19, 2017 Report and Recommendation.

## 54th and Bridgeport Way Amendment

WHEREAS, the City Council established and appointed the Planning Commission to advise the City Council on the following topics: growth management; general land use and transportation planning; long range capital improvement plans; and other matters as directed by the City Council; and

WHEREAS, the Planning Commission is charged with holding hearings on and developing a comprehensive plan for the City and making recommendations to the City Council on amendments to the comprehensive plan, the zoning code and map, and other development regulations of the City; and

WHEREAS, on November 7, 2016, the University Place City Council adopted Resolution No. 821, thereby requesting the Planning Commission seek public opinion, review, and provide recommendations regarding a city-initiated proposed rezone that would apply to two vacant residential parcels located at the southwest corner of 54th Street W and Bridgeport Way, immediately adjacent to the U. P. Care Center, to allow for commercial use; and

WHEREAS, Council action was prompted by the property owner, Greenwood Park Properties, LLC, which requested Council support for the amendments; and

WHEREAS, the property owner has expressed support for amending the plan map designation from Low Density Residential to Mixed Use – Office, and amending the zoning classification from Residential 2 to Mixed Use – Office, which would allow for the construction of administrative and professional offices, including medical and dental facilities, and attached single-family units that could be located above ground floor commercial office uses; and

WHEREAS, per Resolution No. 821, the property owner has proposed a public benefit consideration, which would be an easement and access through the site to improve Police, Fire and EMS access to and from the abutting U. P. Care Center; and

WHEREAS, the Planning Commission held a study session on January 18, 2017 to review the proposed amendments and identify issues that might require further analysis or consideration by the property owner, applicant or staff; and

WHEREAS, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce on January 20, 2017, which was issued to state agencies for a 60-day comment period, as

required pursuant to RCW 36A.70, and did not receive any formal comments in response to this *Notice*; and

WHEREAS, on January 20, 2017, the City published a public hearing notice in the Tacoma News Tribune, mailed public hearing notices to all property owners of record within a radius of 300 feet, but not less than two parcels deep, and posted the amendment site regarding a February 15, 2017 public hearing to be held on the proposed plan map and zoning map amendments; and

WHEREAS, the City issued a SEPA Determination of Non-significance pertaining to proposed plan map and zoning map amendments on January 24, 2017 with a 14-day comment period, and no adverse comments were received; and

WHEREAS, the Planning Commission conducted a public hearing on February 15, 2017 to consider written and oral public comments on the proposed zoning map amendment; and

WHEREAS, the Planning Commission considered the Legislative Amendment Approval Criteria listed in UPMC 19.90.030 and adopted findings in support of denial of the proposed zoning map amendment pursuant to Planning Commission Resolution No. 2017-02; and

WHEREAS, the City Council conducted a public review of the zoning map amendment at a study session held on April 3, 2017; and

WHEREAS, the City Council conducted a closed record public hearing to consider public comment on the proposed zoning map amendment on April 17, 2017; and

WHEREAS, the City Council has considered the Planning Commission's findings and conclusions contained in Planning Commission Resolution No. 2017-02 and the Legislative Amendment Approval Criteria listed in UPMC 19.90.030.E; and

WHEREAS, the City Council has made the following findings and conclusions:

1. Reclassification of the property to MU-O would be consistent with the following Comprehensive Plan goals and the applicable policies supporting them:

#### **GOAL LU1**

Provide sufficient land area and densities to meet University Place's projected needs for housing, employment and public facilities while focusing growth in appropriate locations.

#### Policy LU1E

Encourage infill development on suitable vacant parcels and redevelopment of underutilized parcels. Ensure that the height, bulk and design of infill and redevelopment projects are compatible with their surroundings.

#### **GOAL LU6**

Ensure that decisions on land use designations and zoning are consistent with the City's vision, goals, objectives and policies as articulated in the Comprehensive Plan and take into account GMA goals regarding urban growth, sprawl, property rights, permits, economic development, and open space and recreation.

#### **GOAL LU7**

Achieve a mix of housing types in which people of a wide range of incomes, ages and needs can live, and guide new housing into appropriate areas while maintaining and enhancing the special qualities and character of existing residential neighborhoods.

#### **GOAL LU8**

Achieve a mix of commercial land uses that serves the needs of the City's residents, businesses and visitors.

#### Policy LU8A

Maintain and enhance a well-distributed system of commercial uses that serve the needs of residential neighborhoods, workplaces and the greater University Place community. Encourage commercial land uses that support or provide services to adjacent land uses to encourage nonmotorized travel.

- 2. Reclassifying the property to MU-O advances the public interest by according development rights to the property owner that are more consistent with, or comparable to, those rights possessed by owners of other properties located along the Bridgeport Way corridor especially those properties located at the intersections of two arterial streets. Increased development potential on this site will accommodate services that benefit the community, provide employment opportunities, and perhaps result in additional housing choices.
- 3. Fire/EMS access to and from the adjoining UP Care Center would be enhanced through the granting of an easement through, and physical improvements on, the subject property. Development of the site for administrative or professional offices, possibly including medical or dental offices, would enhance the public health, convenience and general welfare.
- 4. Per UPMC 19.20.030.B.5, the MU-O classification is intended to serve as a transition zone providing separation between more intense commercial activities and residential areas, and between the Neighborhood Commercial area at 27th Street West and Bridgeport Way, and the Village at Chambers Bay beginning at 35th Street West and Bridgeport Way. The current zoning map identifies a number of properties zoned MU-O in locations that are consistent with these stated intentions. The MU-O zone has also been applied to additional properties on Bridgeport, for example between 43<sup>rd</sup> Street and 48<sup>th</sup> Street Court West, which are located between R1 zoned properties to the east and Bridgeport Way to the west. These MU-O properties effectively provide a transition between single-family residences and the arterial street. The proposed 54<sup>th</sup> and Bridgeport rezone would provide a similar transition between residential properties to the west and Bridgeport Way to the east of the site consistent with purpose of the MU-O zone.
- 5. The 2015 Comprehensive Plan identifies the 2030 population, housing and employment allocations adopted for University Place by the Pierce County Council. The City must accommodate this growth by providing sufficient zoning capacity. Additionally, the Puget Sound Regional Council (PSRC) has adopted population and employment allocations that direct the City to provide sufficient zoning capacity to accommodate its growth allocations for 2035. Both of these actions were taken subsequent to the R2 zone being applied to the subject property within several years of the City's incorporation in 1995. The Pierce County and PSRC actions have sufficiently changed conditions, expectations and obligations to the extent that the proposed rezone is warranted as a means to assist the City in achieving these county and regional growth mandates.
- 6. The proposed MU-O zoning classification permits uses that are generally compatible with uses permitted under the surrounding MF-L classification to the south, R2 classification to the north and west, and R1 classification to the east. The property owner's intended use of the site for professional offices, or for mixed use development including offices and residential units, would be generally compatible with surrounding land uses that include the UP Care Center to the south, condominiums located across 54<sup>th</sup> Street to the north, and vacant parcels across Bridgeport Way to the east. Potential impacts from development of the site on properties located east of Bridgeport Way or north of 54<sup>th</sup> Street would be mitigated to some extent by the distance between the uses created by the intervening arterial streets. Effective screening or buffering of future development and associated parking on the site through compliance with adopted performance and design standards would minimize, but not eliminate, impacts on the adjacent single family uses to the west, which are owned by Greenwood Park Properties, LLC, the owner of the two parcels that are the subject of this amendment.

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

Section 1. <u>University Place Municipal Code Title 19 Zoning Map Amendment Adopted</u>. The City of University Place Zoning Map, adopted by reference in UPMC 19.20.050, is hereby amended as indicated in Exhibits "A" and "B" attached.

Section 2. <u>Conditions of Approval for 67th Avenue West – Chambers Landing Amendment</u>. The following Conditions of Approval recommended by the Hearings Examiner for the Chambers Landing amendment are hereby adopted.

- 1. Project development shall be limited to a maximum of 72 units, consistent with the Applicant's Rezone Application and Conceptual Plans.
- 2. Project-level applications shall be generally consistent with the Applicant's Rezone Application and Conceptual Plans. If the Planning Department and the Applicant disagree as to whether a project-level application is generally consistent, they may request a ruling from the Hearing Examiner. If the Hearing Examiner rules a project-level application is not generally consistent, the Applicant may seek a minor or major modification pursuant to UPMC 19.90.040H-1.
- 3. Project development shall incorporate mitigations from the Applicant's Rezone Application, SEPA Checklist and supporting technical analyses.
- Section 3. Condition of Approval for 54th and Bridgeport Amendment. Following the effective date of this Ordinance, the owner of the 54th and Bridgeport parcels depicted on Exhibit "B" will execute and record, in a form approved by the City Attorney, a permanent, perpetual access easement through a portion of the corner of the parcels allowing access to North side of the UP Care Center. If full satisfaction of the conditions specified in this Section 3 is not complete within one (1) year from the effective date of this Ordinance, the sections of this Ordinance pertaining to the 54th and Bridgeport parcels shall expire and be of no further force or effect.
- Section 4. <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 5. <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. This ordinance shall be effective five (5) days after its publication.

ier H. Figuerpa

PASSED BY THE CITY COUNCIL ON MAY 1, 2017.

ATTEST:

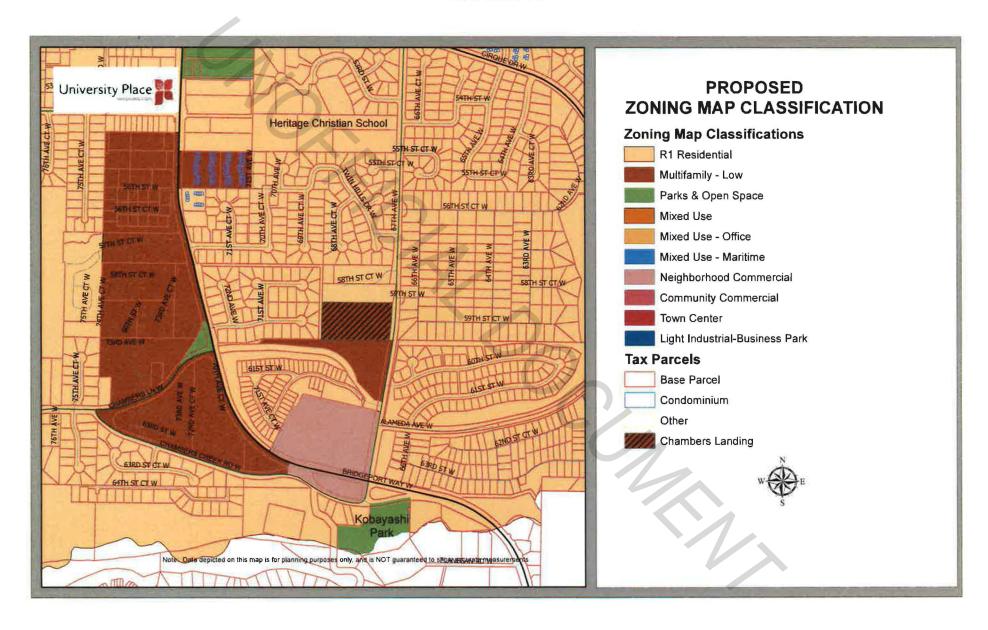
Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

Published: 25/03/17 Effective Date: 05/08/17

## **EXHIBIT A**



# **EXHIBIT B**

