

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

An Ordinance amending the Comprehensive Plan map for five properties located At 11430, 11429, 11420, 11416, 11408, 11413 And 11404 23rd Drive, and rezoning the properties from R-3 (Multiple Family) to R-1 (Single Family) amending Ordinance No. 2021-94, and Ordinance No. 1671-89, as amended

7/18 Briefing
 _____ Proposed Action
 _____ Consent
 _____ Action
7/18 First Reading
7/25 Second Reading
8/1 Third Reading
8/1 Public Hearing
 _____ Budget Advisory

COUNCIL BILL # CB1207-32
 Originating Dept. Planning/Community Dev.
 Contact Person Dave Koenig
 Phone Number 425-257-8736
 FOR AGENDA OF 7/18/12, 7/25/12, 8/1/12
 Initialed by:
 Department Head _____
 CAA _____
 Council President db

Location **Preceding Action** **Attachments** **Department(s) Approval**
 23rd Dr SE, east of Silver Lake _____ Ordinance Legal and Planning

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

The proposed action will make zoning and the underlying Comprehensive Plan map designation on the 7 involved residential properties consistent with each other. City Council has been provided a background packet, under separate cover, which includes staff report, Planning Commission meeting minutes and correspondence.

RECOMMENDATION (Exact action requested of Council):

Adopt an Ordinance amending the Comprehensive Plan map for five properties located At 11430, 11429, 11420, 11416, 11408, 11413 And 11404 23rd Drive, and rezoning the properties from R-3 (Multiple Family) to R-1 (Single Family) amending Ordinance No 2021-94, and Ordinance No. 1671-89, as amended.

City Council Staff Report

Comprehensive Plan Amendment and rezone of Single Family housing east of Silver Lake, on 23rd Drive SE

A. Introduction:

After the proposed changes are made, the proposed action will make zoning on the 7 involved single family properties consistent with the underlying Comprehensive Plan map designation.

This is a two part proposal:

- a. For the five properties south of 23rd, amend the Comprehensive Plan map designation from 2.1 (Schools / Churches) to 1.2 (Single Family) and change the zone from R-3 (Multiple Family) to R-1 (Single Family).
- b. For the two properties at the west end of 23rd, north side, amend the Comprehensive Plan map designation from 4.4 (Mixed Use Commercial / Multiple Family) to 1.2 (Single Family) and change the zone from R-3 (Multiple Family) to R-1 (Single Family).

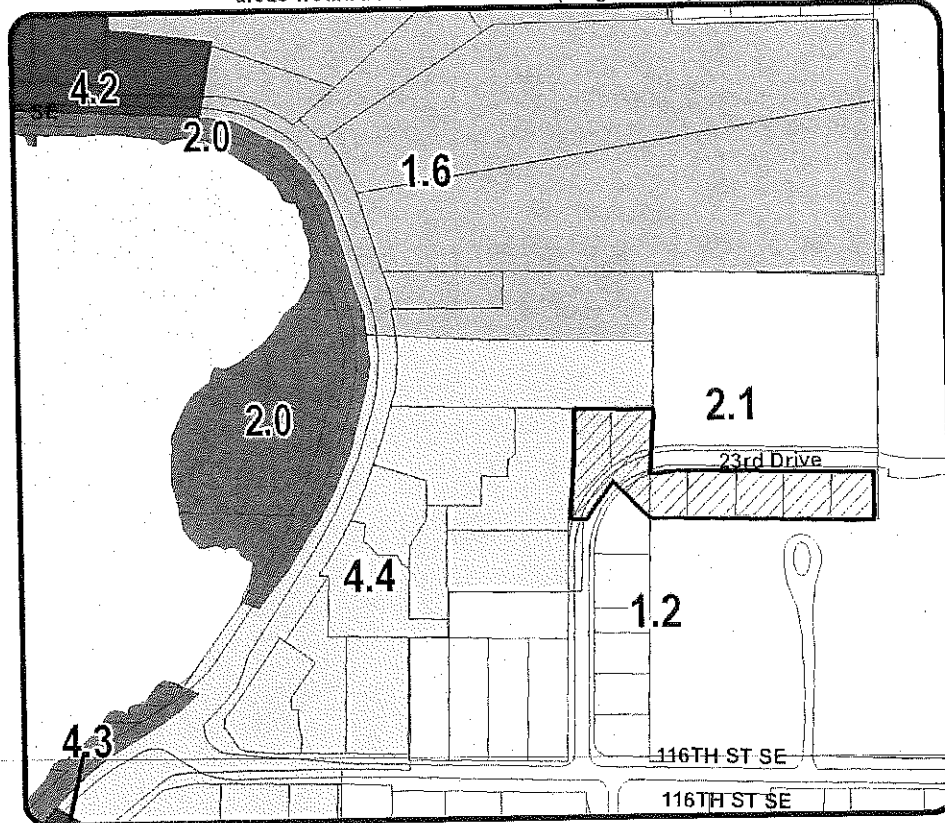
B. Background:

1. This seven lot plat and road were built after the church to the north, and the commercial area to the west were built. The underlying 2.1 (Schools and Churches), and 4.4 (Mixed Use Commercial), and the R-3 and B-1 zoning that existed at the time, did not preclude this residential development, so no change in the designation or zone was undertaken at that time. When the Commercial area to the west was recently rezoned, the underlying designation and zone on this area was noted, and staff was asked to take action during the current docket cycle to match the designation and zone to the current and expected long-term use, which is single family residential.










2. The subject area is in the Silver Lake neighborhood. Staff met with the Neighborhood on this action on February 2nd of this year.

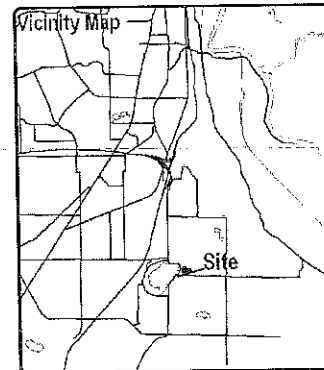
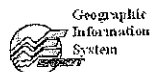
3. See attached correspondence from a property owner in the 4.4 (Mixed Use Commercial area).

**23rd Drive Docket Item
Map Inconsistency Area
Comprehensive Plan Amendment**
Both the noted 4.4 (Community Business) and 2.1 (Schools/Church)
areas would be amended to 1.2 (Single Family)



Legend:

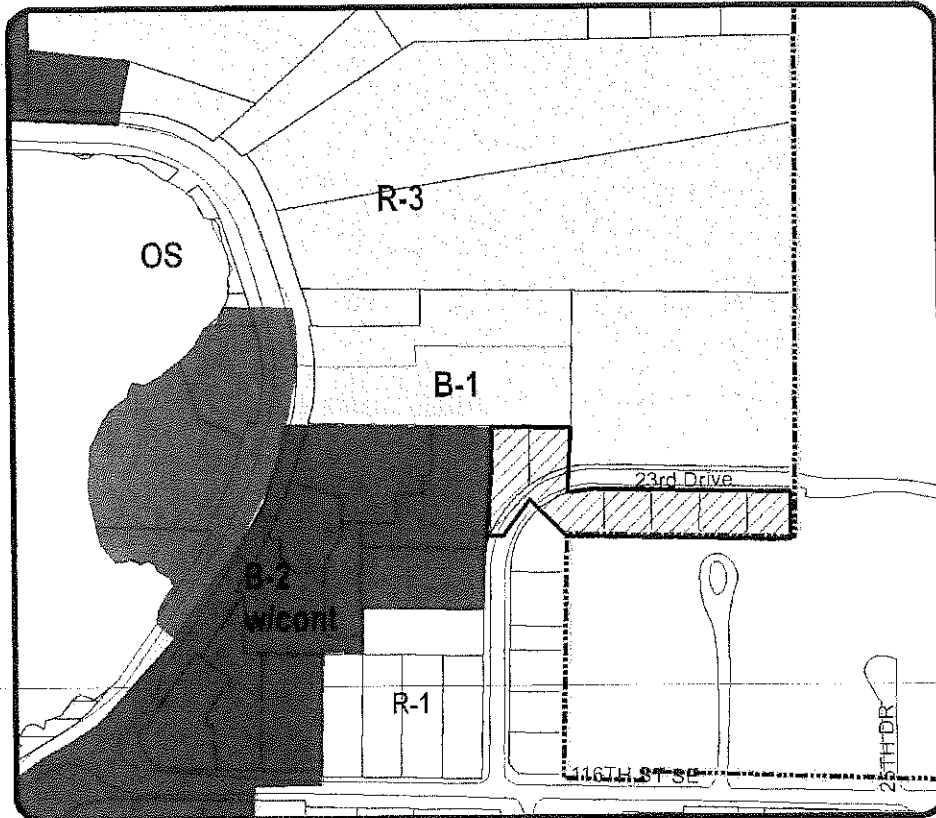
-  Action Area
-  1.2 Single Family
-  2.1 Schools/Churches
-  1.6 Multiple Family, Med. Density
-  4.2 Community Business
-  4.3 Office
-  4.1 Neighborhood Business
-  4.4 Mixed Use Commercial - Multi-Family
-  2.0 Park / Open Space



s:\projects\2016_20\work\2016_P3_CP\map1
8/14/2016

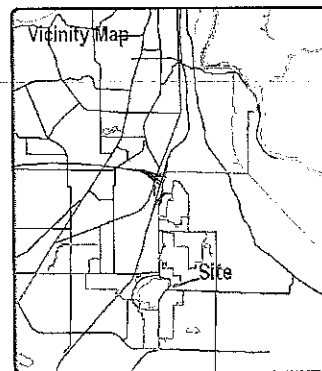
23rd Drive Docket Item Map Inconsistency Area

Rezone
R-3 (Mult-Family) to R-1 (Single Family)



Legend:

- Zone Action Area
- B-2 Community Business
- B-1 Neighborhood Business
- R-1 Single Family
- R-3 Multiple Family Med. Density
- Park
- Everett City Limits



s:\p\rezone\2010-2011\SilverLake\23rd.mxd
6/14/2011

C. Analysis:

The following is a review of the criteria listed in the Comprehensive Plan for use when considering map amendments and rezones:

1. *The requested action must be supported by the Comprehensive Plan.*

Response: In the Land Use Element of the Comprehensive Plan, the locational criteria lists single family homes under the 1.1 or 1.2 designations as appropriate for single family housing. These homes and properties are similar in density as those found in the surrounding neighborhood. Therefore the 1.2 (Single Family) designation and R-1 zone are recommended.

2. *Have circumstances changed?*

Response: Yes. Once these homes were built, even if allowed under existing Comprehensive Plan land use designations and zoning, it was understood the associated maps should be updated to match the zone to the Comprehensive Plan designation, and to better reflect the use.

3. *Are there any erroneous assumptions or new information?*

Response: No

4. *Will the change promote a more desirable land use pattern?*

Response: No change in land use patterns would occur as a result of this action.

-
5. *Should the proposed land use designation be applied to other properties in the vicinity? Would approval of this application constitute a granting of special privilege?*

Response: No.

6. *What impacts might there be on other properties in the vicinity, could compatibility be assured?*
-

Response: None expected.

7. *Would the change of the land use designation pressure other properties in the vicinity to do the same?*

Response: No change expected for properties in vicinity.

D. Planning Commission Recommendation:

Approve the Comprehensive Plan map and rezone changes on the subject properties.

Correspondence:

Good Afternoon Bob,

I live at 11413 23rd Dr SE - Lot 11 Hope Addition. I received a letter from David Koenig regarding the zoning and comp plan change for my neighbors and my properties along 23rd Dr SE.

It seems to me a more logical proposal would be to leave my property and my neighbor's 11429 23rd SE (Hasima Hajric) alone in doing this and simply use 23rd Dr SE as the zoning boundary line. I say this first and foremost because our properties already serve as a buffer to The Lakeshore condos. In reality there is nothing single family about my back yard as I have 20+ different neighbors behind me; I am routinely awakened at night by someone taking their dog out. My wife and I know more people from the condos than we do from our own subdivision simply because we are in our back yard while they walk their dogs.

Second, because my property is hindered by its proximity to the condos, I believe keeping the current zoning would help my property's resale value and redevelopment potential. With the area's population expected to increase over the next 20 or so years, I expect to be able to sell my house either as a single family residence or to someone interested in building a duplex or triplex by buying Ms Hajric's property. To re-zone to straight single family could limit the sale-ability of her's and my properties.

If I am not thinking about this correctly, please let me know. Thanks

Stan Kosick
425-486-8152
Planner
City of Bothell

ORDINANCE NO. _____

**An Ordinance Amending The Comprehensive Plan Map For
Five Properties Located At 11430, 11429, 11420, 11416, 11408,
11413 And 11404 23rd Drive, And Rezoning The Properties From
R-3 (Multiple Family) to R-1 (Single Family) Amending Ordinance
No 2021-94, And Ordinance No. 1671-89, As Amended
The 23rd Drive Rezone**

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 July 20, 2005, and

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

WHEREAS, the City of Everett initiated its 2011 – 2012 annual Comprehensive Plan Amendment process in July of 2011, which included consideration of Land Use Map amendments and rezone applications initiated by property owners and the Everett Planning Commission, and

WHEREAS, the Everett Planning Commission made a recommendation to support the changes made here in order to make the Comprehensive Plan map designation and zoning consistent with the current use, and

WHEREAS, in order to carry out the recommended changes the comprehensive plan map needs to be amended, and the zone needs to be changed as follows:

1. Comprehensive Plan Map Amendments, Exhibit A:

- a. For the five properties south of 23rd Drive, amend the Comprehensive Plan map designation from 2.1 (Schools / Churches) to 1.2 (Single Family).
- b. For the two properties at the west end of 23rd Drive, north side, amend the Comprehensive Plan map designation from 4.4 (Mixed Use Commercial / Multiple Family) to 1.2 (Single Family).

2. Zone Change Exhibit B:

Change the zone on all the affected properties from R-3 (Multiple Family) to R-1 (Single Family), and

WHEREAS, staff did meet with the affected neighborhood regarding the subject proposal on February 2, 2012 and has received correspondence from one of the affected property owners; and

WHEREAS, the Planning Commission held a public hearing on the matter on March 6, 2012, at which time it heard from the public, and staff, and considered the various aspects of the proposal before recommending approval.

WHEREAS, THE CITY COUNCIL FINDS:

1. The purpose for the requested Comprehensive Plan land use map amendment and rezone is to make the Comprehensive Plan map designation and zone consistent with each other, and consistent with the current single family residential use.
2. To achieve the appropriate land use policy and zone for the subject area the City needs to make the following changes:
 - a. Comprehensive Plan Map Amendments, Exhibit A:
 1. For the five properties south of 23rd Drive, amend the Comprehensive Plan map designation from 2.1 (Schools / Churches) to 1.2 (Single Family).
 2. For the two properties at the west end of 23rd Drive, north side, amend the Comprehensive Plan map designation from 4.4 (Mixed Use Commercial / Multiple Family) to 1.2 (Single Family).
 - b. Zone Change Exhibit B:
Change the zone on all the affected properties from R-3 (Multiple Family) to R-1 (Single Family).
3. City representatives meet with the Silver Lake neighborhood on February 2, 2012 to discuss this proposal.
4. Planning Commission held a public meeting to learn of and discuss the proposed change on November 11, 2011 and held a public hearing on this proposal on March 6, 2012.
5. On March 6, 2012, Planning Commission passed Resolution 12-08, recommending adoption of this action by City Council.
6. The public health safety and welfare would be provided for by the proposal under existing development regulations of the City.
7. The proposed amendment to the land use map and rezone promotes the best long term interest of the Everett Community.
8. Any conclusions below that may be construed as a finding is included here as such by this reference.

WHEREAS, CITY COUNCIL CONCLUDES:

1. Any finding above that may be construed as a conclusion is included here as such by this reference.
2. The requested action is supported by, or consistent with, the Comprehensive Plan because Chapter V of the Land Use element (C) Guide to Decision Making, "All zoning decisions must by law be consistent with the comprehensive Plan." This action is specifically intended to make the subject area's zone consistent with the underlying comprehensive plan, after the needed changes are made. (findings 1 and 2)

3. Circumstances related to the subject property and the area in which it is located have changed sufficiently since adoption of the Land Use Element to justify a change to the proposed land use designation. Specifically: (1) A road, 23rd Dr SE, has been constructed through the area, (2) single family homes were built along both sides of the new road. (finding 1)

4. There are no erroneous assumptions or new information regarding this action known at the time this action was taken. (findings 2, 3 and 4)

5. The change promotes and ensures a continued desired land use pattern because the intended designation and zone will support the current use. (findings 1 and 2)

6. The proposed land use designation should not be applied to other properties in the vicinity without first meeting the policies of the Comprehensive Plan on their own merit, considered separately from this action. Therefore approval of this application does not constitute a granting of special privilege. (findings 1, 3 and 4)

7. This action would have no additional impacts on other properties in the vicinity. (findings 1 and 2)

8. The change of the land use designation will not pressure other properties in the vicinity to do the same. (findings 1, 3 and 4)

9. To achieve the appropriate land use policy and zone for the subject area the City needs to make the following changes:

a. Comprehensive Plan Map Amendments, Exhibit A:

1. For the five properties south of 23rd Drive, amend the Comprehensive Plan map designation from 2.1 (Schools / Churches) to 1.2 (Single Family).

2. For the two properties at the west end of 23rd Drive, north side, amend the Comprehensive Plan map designation from 4.4 (Mixed Use Commercial / Multiple Family) to 1.2 (Single Family).

b. Zone Change Exhibit B:

Change the zone on all the affected properties from R-3 (Multiple Family) to R-1 (Single Family). (finding 9)

10. The public health, safety and welfare would be provided for by passage of this Ordinance. (findings 1, 2, 3, 5 and 6)

11. This proposed Comprehensive Plan amendment and rezone promotes the best long term interest of the Everett Community. (findings 1, 2, 3, 4, 5 and 7)

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1: Amendment of the Land Use Map of the Comprehensive Plan

1. For the five properties south of 23rd Drive the Comprehensive Plan map designation is hereby amended from 2.1 (Schools / Churches) to 1.2 (Single Family), as shown on Exhibit A.
2. For the two properties at the west end of 23rd Drive north side, amend the Comprehensive Plan map designation from 4.4 (Mixed Use Commercial / Multiple Family) to 1.2 (Single Family), both actions amending Ordinance No. 2021-94, as amended, as depicted in Exhibit A.

Section 2: Approval of Rezone.

Ordinance No. 1671-89, as amended (EMC 19.02.020), is hereby amended as follows:
The zoning of the subject area is hereby changed from R-3 (Multiple Family) to R-1 (Single Family), as depicted in Exhibit B.

Section 3: Legal Description.

The legal description of the area affected by this action is described in Exhibit C, which is attached hereto and incorporated herein by reference.

Any conflict between the legal description and map shall be resolved by referring to the map.

Section 4: Incorporation.

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

Section 5. Validity.

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 6. 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 or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

Section 7. Pending actions.

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

Section 8. Corrections.

The City Clerk and the codifiers of this 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 / subsection numbers and any references thereto.

Ray Stephanson, Mayor

ATTEST:

City Clerk

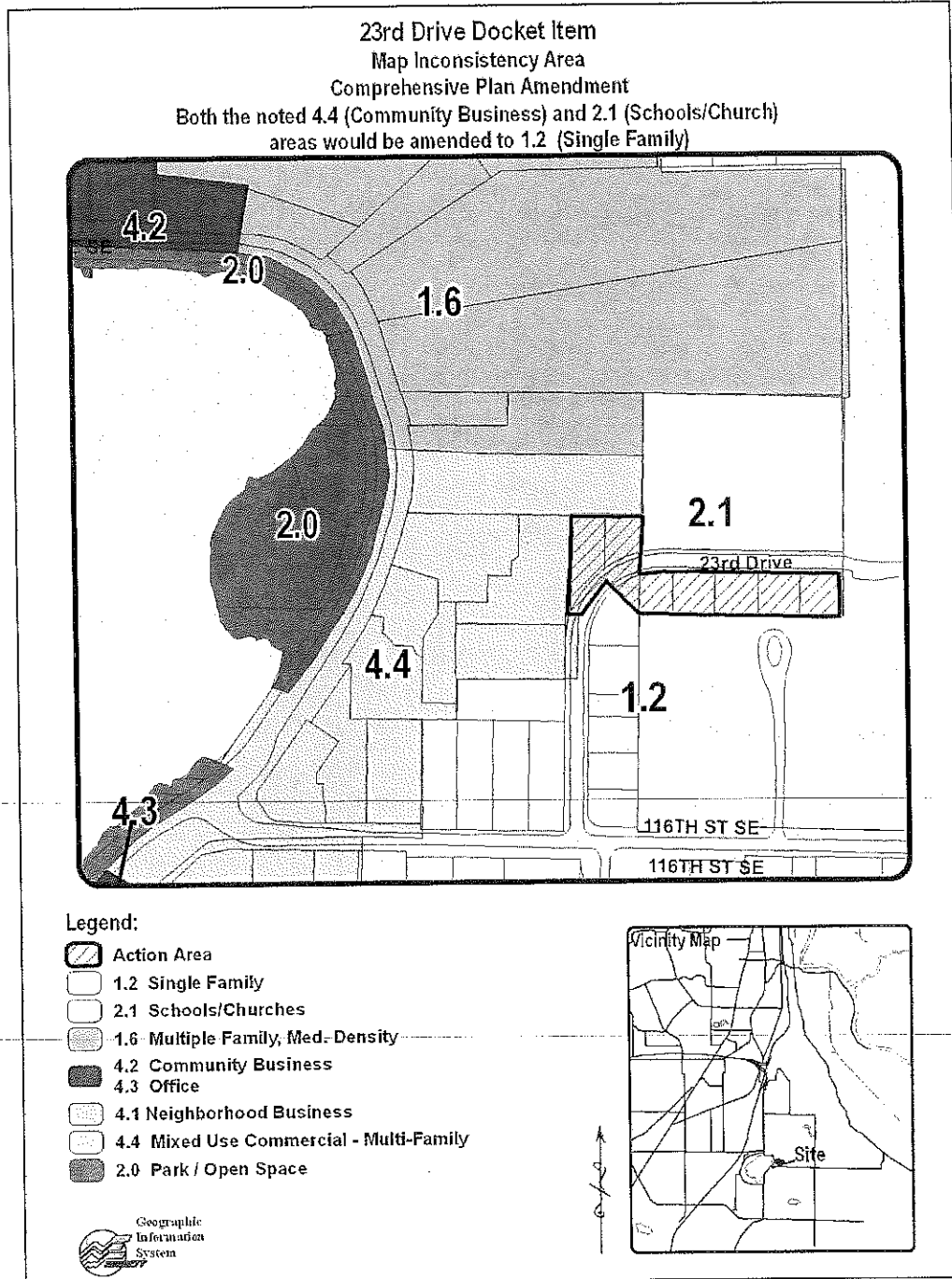
Passed:

Valid:

Published:

Effective Date:

Exhibit A



gis\zoning\2010-2015\23rd Drive\23rd Drive
6/14/2012

Exhibit B

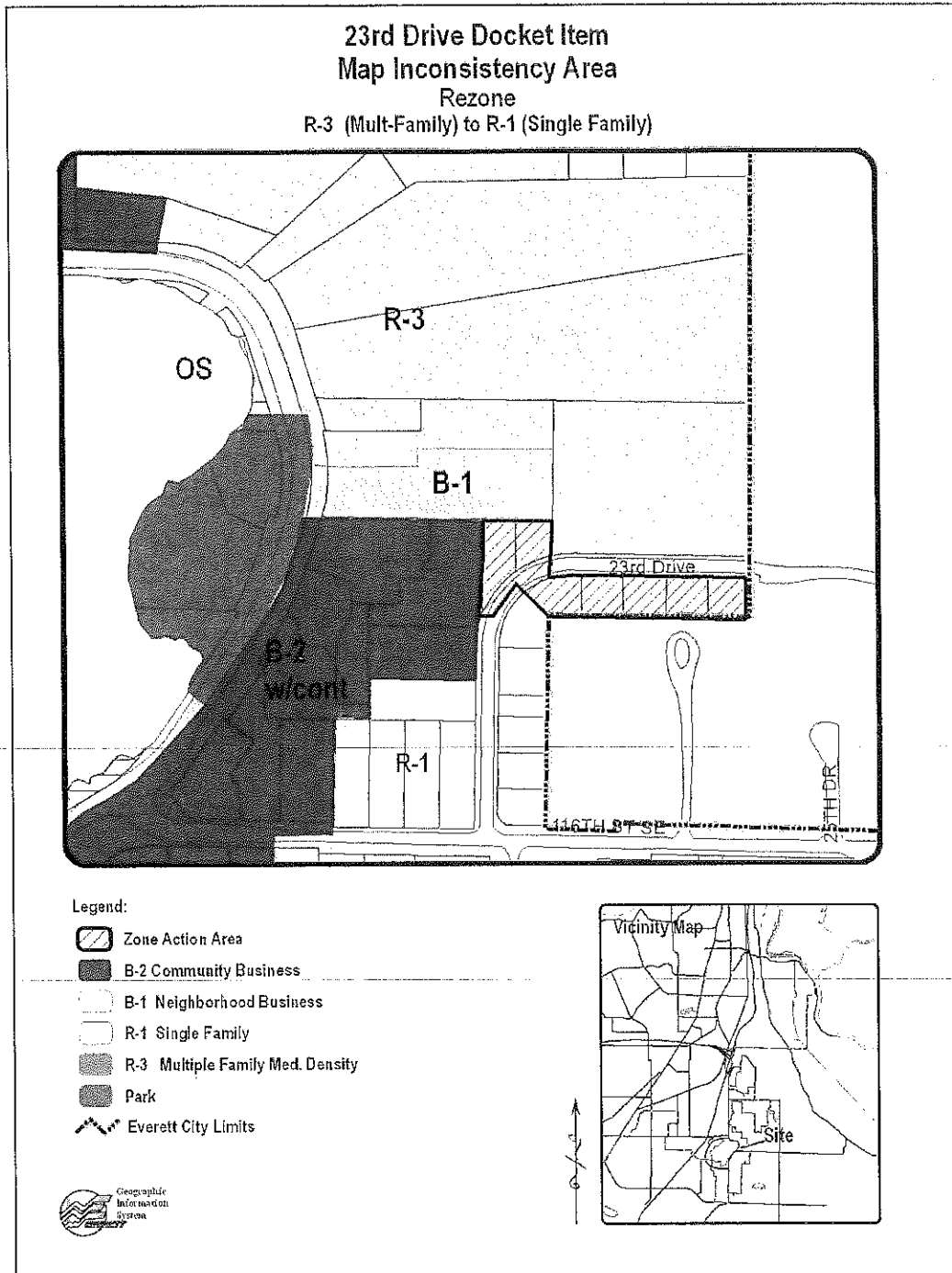


Exhibit C
Legal Description

Section 20, Township 28 North, Range 5 East sw corner, HOPE ADDITION BLK 000 D-00 LOT 5 – 6 – 7 – 8 – 9 – 10 – 11, TGW EQ 7 UND 1/11TH INT IN TRACT 998, INCLUDING THE FULL RIGHT OF WAY ADJACENT TO EACH LOT. Situate in Snohomish County, Washington.