



City of Arlington Council Agenda Bill

Item:
WS #5
Attachment
E-1

COUNCIL MEETING DATE:	
April 22, 2019	
SUBJECT:	
AVS Communities Rezone Request PLN#524 – 2019 Docket Item	
ATTACHMENTS:	
Staff Report and Recommendation, Planning Commission Findings of Fact, Public Testimony, Regulatory Plan, Ordinance	
DEPARTMENT OF ORIGIN	
Community & Economic Development; Marc Hayes, Director (360) 403-3457	
EXPENDITURES REQUESTED:	-0-
BUDGET CATEGORY:	-0-
BUDGETED AMOUNT:	-0-
LEGAL REVIEW:	
DESCRIPTION:	
The AVS Communities Rezone is requesting to rezone a 9-acre parcel from General Industrial (GI) to General Commercial (GC) and utilize the Mixed Use Overlay for a future proposed project.	
HISTORY:	
Applicant is requesting this rezone to accommodate a Mixed Use project that they are proposing for both the subject 9 acres and an additional 11.51 acres. This neighborhood was identified as a Mixed Use Village Center in the City’s Regulating Plan (attached). A Public Hearing was held April 16, 2019 at Planning Commission. Public testimony was taken and two people spoke in support of the request (see attached summary of testimony).	
ALTERNATIVES:	
Remand back to staff.	
RECOMMENDED MOTION:	
Workshop; discussion only. At the May 6, 2019 council meeting, the recommended motion will be, “I move to approve the ordinance approving the AVS COMMUNITIES land use map amendment and concurrent rezone, and authorize the Mayor to sign the ordinance.”	

Community & Economic Development

PLANNING COMMISSION



Bruce Angell, Chair

238 N. Olympic Avenue

360-403-3551

Regarding: PLN #524
AVS Communities Rezone

Summary:

The Planning Commission held a Workshop on March 5, 2019, and an open Public Hearing on April 16, 2019 regarding the above subject and transmits the following findings and recommendation to the City Council:

Findings:

1. This rezone request of the subject property from General Industrial to General Commercial with a mixed use overlay meets the requirements for inclusion on the 2019 Comprehensive Plan Docket per AMC 20.96.
2. The proposed rezone supports multiple policies contained in the land use, housing, and economic development elements of the 2015 Comprehensive Plan.
3. Based on the submittal, this rezone will contribute to a variety of housing types and densities, locate them near commercial and employment centers, promote mixed use development, contribute to an adequate employment land base and retail sales base, provide for commercial uses within a neighborhood outside of the downtown area, and will allow for a range of commercial uses and mixed use development per the General Commercial designation.
4. This rezone request provides for the first significant neighborhood development planned under the new Mixed Use Development Code.

Conclusion and Recommendation:

Based on the foregoing findings and testimony received at the hearing, the Planning Commission hereby recommends on a unanimous vote that the City Council approve the proposed rezone (PLN#524).

Respectfully submitted through the Department of Community and Economic Development to the City Council This Seventeenth day of April 2019 by

A handwritten signature in black ink that reads "Bruce Angell". The signature is written in a cursive style.

Bruce Angell
Arlington City Planning Commission Chair



Community and Economic Development Planning Division

18204 59th Avenue NE, Arlington, WA 98223

Planning Commission STAFF REPORT & RECOMMENDATION

To: Planning Commission
From: _____
Josh Grandlienard, Planner II
Date: February 21, 2019
Regarding: AVS Communities Rezone PLN #524

A. INTRODUCTION

The Applicant AVS Communities is submitting a rezone for a project that is located at 6927 204th St NE, to be an amendment to the City of Arlington Comprehensive Plan. The Plan is submitted under the 2019 Comprehensive Update docket cycle.

B. GENERAL INFORMATION

Applicant: AVS Communities
Project Description: 2019 Comprehensive Plan Amendment
Requested Action: Make a recommendation of approval to the Arlington City Council
Exhibits: AVS Communities Application and Narrative

C. DETAILED PROJECT INFORMATION

The applicant is requesting the rezoning of a 9 acre Lot from General Industrial to General Commercial with a mixed use overlay. Approval by the City Council is required for all rezone applications. If the request is granted, the City's Comprehensive Plan Land Use Map and the City's Official Zoning Map would need to be amended.

D. REGULATORY REQUIREMENTS

1. SEPA COMPLIANCE:

The amendment of a comprehensive plan amendment is subject to provisions of the State Environmental Policy Act (SEPA) and Chapter 20.98 of the Arlington Municipal Code (AMC).

2. PUBLIC NOTIFICATION/INVOLVEMENT

- a. Presentations and/or updates to the Planning Commission will occur on March 5, 2019, March 19, 2019 and April 16, 2019.
- b. Two Public Hearings will be held at Planning Commission, located at Arlington City Chambers on the following dates, March 19, 2019 and April 16, 2019.
- c. The City will present information and advertise the Public Hearings regarding the Planning Docket in the Everett Herald, and via area wide mailing.
- d. A Notice of Public Hearing for the May 6, 2019 Planning Commission meeting will be posted at the Arlington and Smokey Point Post Offices, The Arlington Library and City Hall. The Notice was also published in the Everett Herald.

3. WASHINGTON STATE DEPARTMENT OF COMMERCE NOTIFICATION

The York Rezone, along with the additional docket items will be submitted to the Washington State Department of Commerce (DOC), and the DOC will notify the City that if it is in procedural compliance with RCW 36.70A.106.

E. BACKGROUND INFORMATION

Staff has reviewed the draft findings during review of the project and finds that the applicant has met the intent of all applicable requirements and standards. The plan supplements the Comprehensive Plan, through planning goals PH-1.1, PH-2.1, PH-2.3, PL-7.1, PL-7.2, PL-7.3, PE-1.3, PE-1.4, PE-1.12, and PL-1.7. This means that based on the submittal that the rezone will contribute to a variety of housing types and densities, locate it near commercial and employment centers, promotes mixed use development, contributes to an adequate employment land base and retail sales base, provides for commercial uses within a neighborhood outside of the downtown area, and will allow for a range of commercial uses and mixed use development per the General Commercial designation.

F. ANALYSIS

Staff recommends that the Planning Commission recommend for approval and adoption, the rezoning of tax parcel 31051100303100 from General Industrial to General Commercial by City Council.

G. FINDINGS AND CONCLUSIONS

1. Public meetings will be held on March 5, 2019, March 19, 2019, and April 16, 2019.
2. The Planning Docket and associated staff reports will be submitted to the DOC in accordance with RCW 36.70A.106 and the submittal will meet all DOC's procedural requirements.
3. On March 5, 2019, the Planning Commission will review a draft of the City of Arlington 2019 Comprehensive Plan Docket at their workshop meeting.
4. On February 19, 2019 a Notice of Public Hearing for the March 19, 2019 Planning Commission public hearing was posted at Arlington City Hall, Arlington Post Office, Smokey Point Post Office and the Arlington Public Library.
5. On March 29, 2019 a Notice of Public Hearing for the April 16, 2019 Planning Commission public hearing will be posted at Arlington City Hall, Arlington Post Office, Smokey Point Post Office and the Arlington Public Library.
6. The application for PLN#524 has been reviewed for consistency with the Arlington Comprehensive Plan and for internal consistency and the 2019 Comprehensive Plan amendments are consistent with, and internally consistent with, the Arlington Comprehensive Plan.
7. PLN#524 has been reviewed in accordance with, and is consistent with, the Snohomish County Countywide Planning Policies.
8. The proposed Comprehensive Plan Amendments were prepared in accordance with the Washington State Enabling Legislation (RCW 35A.63) and the Growth Management Act.
9. Documentation supporting the findings of fact is located in the file PLN#524, which is adopted by reference into this approval.
10. Adoption of the proposed Comprehensive Plan Amendments, PLN#524, furthers the public health, safety and general welfare.

H. RECOMMENDATION

Staff recommends that the Arlington Planning Commission make a recommendation to the Arlington City Council to adopt the AVS Communities Rezone, 2019 Comprehensive Plan Amendment, PLN#524.



civil & structural
engineering & planning

January 29, 2019

Marc Hayes
City of Arlington
Community and Economic Development
18204 59 Ave NE
Arlington, WA 98223

RE: Rezone Request, 6927 204th St. NE

Dear Mr. Hayes,

On behalf of the applicant and the property owner, we respectfully submit the attached application for a rezone for the property at 6927 204th St. NE, tax parcel number 31051100303100. The following pages include a narrative response to the auxiliary sheet checklist included in the Rezone application.

Please feel free to contact us with any questions as you process this request.

Sincerely,

A handwritten signature in blue ink that reads 'Carmel Gregory'.

Carmel Gregory
Planner

TABLE I – CHECKLIST**Written description of the land affected by the amendment if a change in zoning district classification is proposed.**

The land affected by the proposed change in zoning district classification includes one tax parcel (31051100303100) located within the City of Arlington in the Kent Prairie neighborhood. The subject parcel is highlighted on the attached parcel map. The parcel is part of three contiguous parcels under common ownership. The other two parcels (31051100303500 and 31051100303300) are zoned General Commercial (GC) and within the City's Horizontal Mixed Use overlay zoning. The subject parcel is zoned General Industrial (GI), although it is covered by the Horizontal Mixed Use Plan, within an area called out as "Proposed Mixed Use". All three parcels are currently unoccupied, although previous uses were manufacturing and warehouse.

The parcel is relatively flat and with limited vegetation. A stream runs through and adjacent to the north side of the property. An existing, unoccupied commercial structure constructed in 1952 is located on the parcel. The parcel is bordered to the south by 204th St. NE, to the west by the BNSF railroad right-of-way, to the north by an existing industrial park, and to the east by a vacant property. The property is within the City of Arlington's water and sewer districts. 204th St. NE is classified by the City of Arlington as an arterial.

Adjacent zoning includes GI to the north; GI to the west on the other side of the BSNF right-of-way; GI to the south across 204th St. NE., and GC abutting the property to the east. The adjacent GC zoning is part of a larger area of GC/HMU zoned properties surrounding the intersection of Highway 9 and 204th St. NE. Under the Horizontal Mixed Use plan, the subject property and contiguous parcels are designated as a blend of T4 MS (Transect 4 Main Street), T4 F (Transect 4 Flex) and T4N SV (Transect 4 Neighborhood Small Volume), with the more intensive zone fronting on 204th and least intensive zone abutting the north property line and stream.

The property is easily accessed from multiple modes of transportation, including the Centennial Trail (just feet from the site on the other side of the BNSF right-of-way), Community Transit (one pair of bus stops is located on the south edge of the site), and by car, within a mile of 67th Ave NE, Highway 9, and Highway 530.

The proposed rezone would allow the "Proposed Mixed Use" to be implemented across all three contiguous parcels as intended in the Horizontal Mixed Use plan. The three parcels together create a 20-acre site that is ideally situated for mixed use, with commercial and retail uses fronting on 204th St. NE and residential uses located along the north side of the site.

A written description of the proposed map change or a summary of the specific objective of any proposed change in the text of Title 20.

The applicant is requesting a rezone of the subject property from GI to GC, which would make the zoning consistent with the Horizontal Mixed Use plan, as well as with the adjacent properties along the 204th St. NE corridor. The intent of the rezone is to put in place the zoning to allow for a mixed-use development with commercial and multifamily units constructed across the combined 20-acre property.

The proposed rezone meets the criteria of AMC 20.96.026, with responses to each item below in italics:

1) The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan;

This proposed rezone is consistent with the City of Arlington's 2017 Comprehensive Plan. Specifically, the proposal:

- *Will contribute to a variety of housing types and densities, per Policy PH-1.1;*
- *Will locate multifamily housing near commercial and employment centers, transportation facilities, utilities, amenities, and other services, per Policies PH-2.1, PH-2.3, PL-7.1, and PL-7.2;*
- *Will promote mixed use development per Policy PL-7.3,*
- *Will contribute to an adequate employment land base and retail sales base per Policies PE-1.3 and PE-1.4;*
- *Will provide commercial uses within a neighborhood outside of the downtown area per Policy PE-1.12.*
- *Will allow for a range of commercial uses and mixed use development per the General Commercial designation in Policy PL-1.7.*

2) The proposed amendment is consistent with the scope and purpose of the city's zoning ordinances and the description and purpose of the zone classification applied for;

Per Arlington Municipal Code 20.36.020(d):

The general commercial (GC) zone is designed to accommodate commercial uses generally similar, though more intensive, to the types permissible in an Old Town business district. However, it is intended that this zone be placed along arterials to cater to commuters or as a transition in some areas between a highway commercial zone and a residential zone.

The proposed rezone is consistent with this description and purpose. The site is located along an arterial and adjacent to other GC-zoned properties, in a location that is well-suited for a variety of commercial uses.

3) Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment;

The intent of the rezone is to bring the subject parcel into compliance with the recently-adopted Horizontal Mixed Use plan. The parcel is part of the Kent Prairie focus area and located along the 204th corridor, which is intended to be a commercial/mixed use corridor.

4) The proposed zoning is consistent and compatible with the uses and zoning of surrounding property;

The proposed zoning is consistent with surrounding uses and zoning. It is the same as zoning immediately to the east of the property, and is compatible with the surrounding GI zoning.

5) The property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification;

The size and location of the site make it well-suited for mixed use commercial and residential development. It is easily accessed by multiple modes of transportation, near downtown Arlington, and contiguous with the commercial hub at Highway 9 and 204th St. NE.

6) Adequate public services could be made available to serve the full range of proposed uses in that zone.

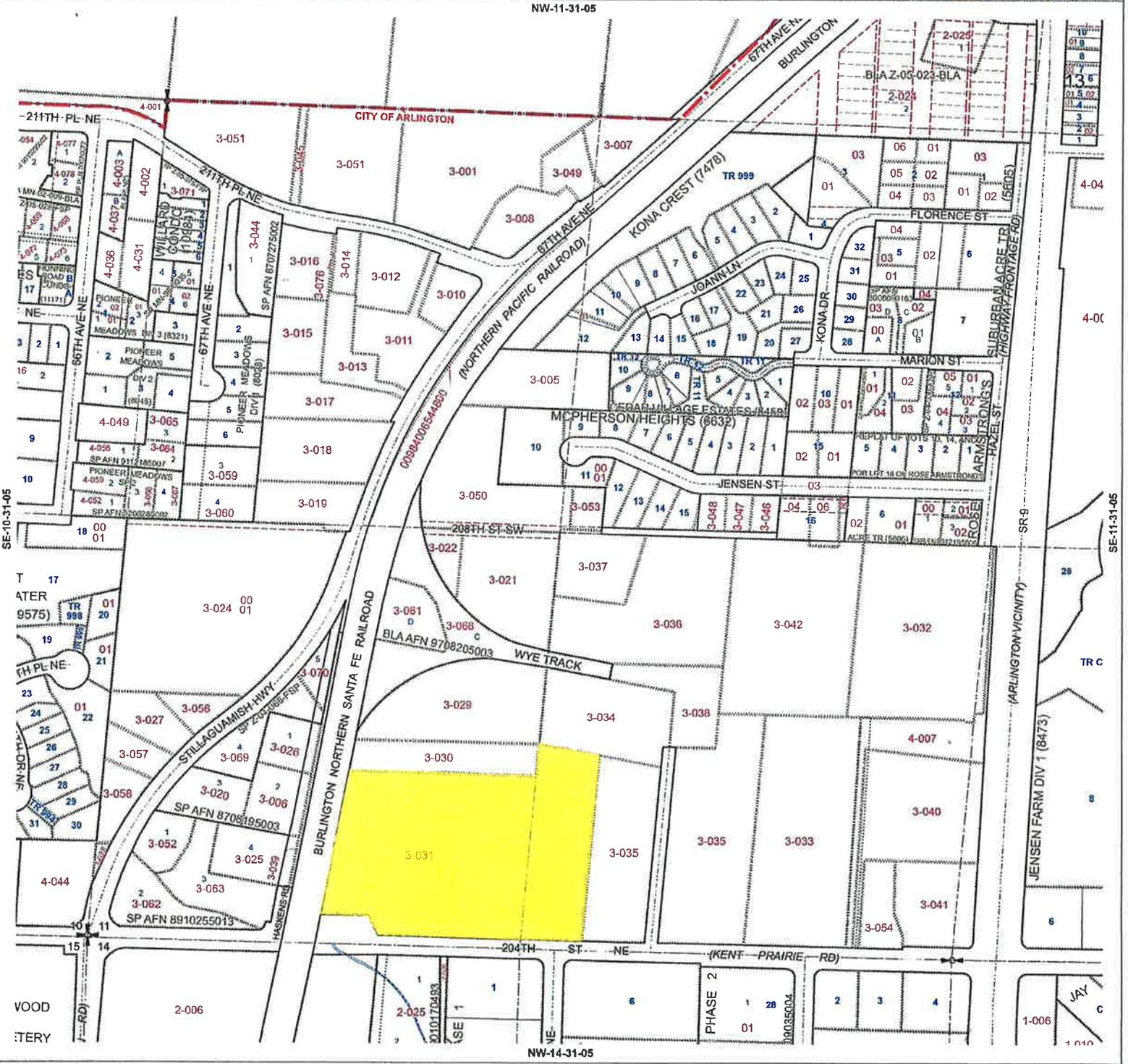
The site is located within the City of Arlington's water and sewer service areas, fire service area, and within the Arlington school district. The site has water, sewer, and stormwater infrastructure available in adjacent roads. Transit is also available to the site along 204th St. NE.

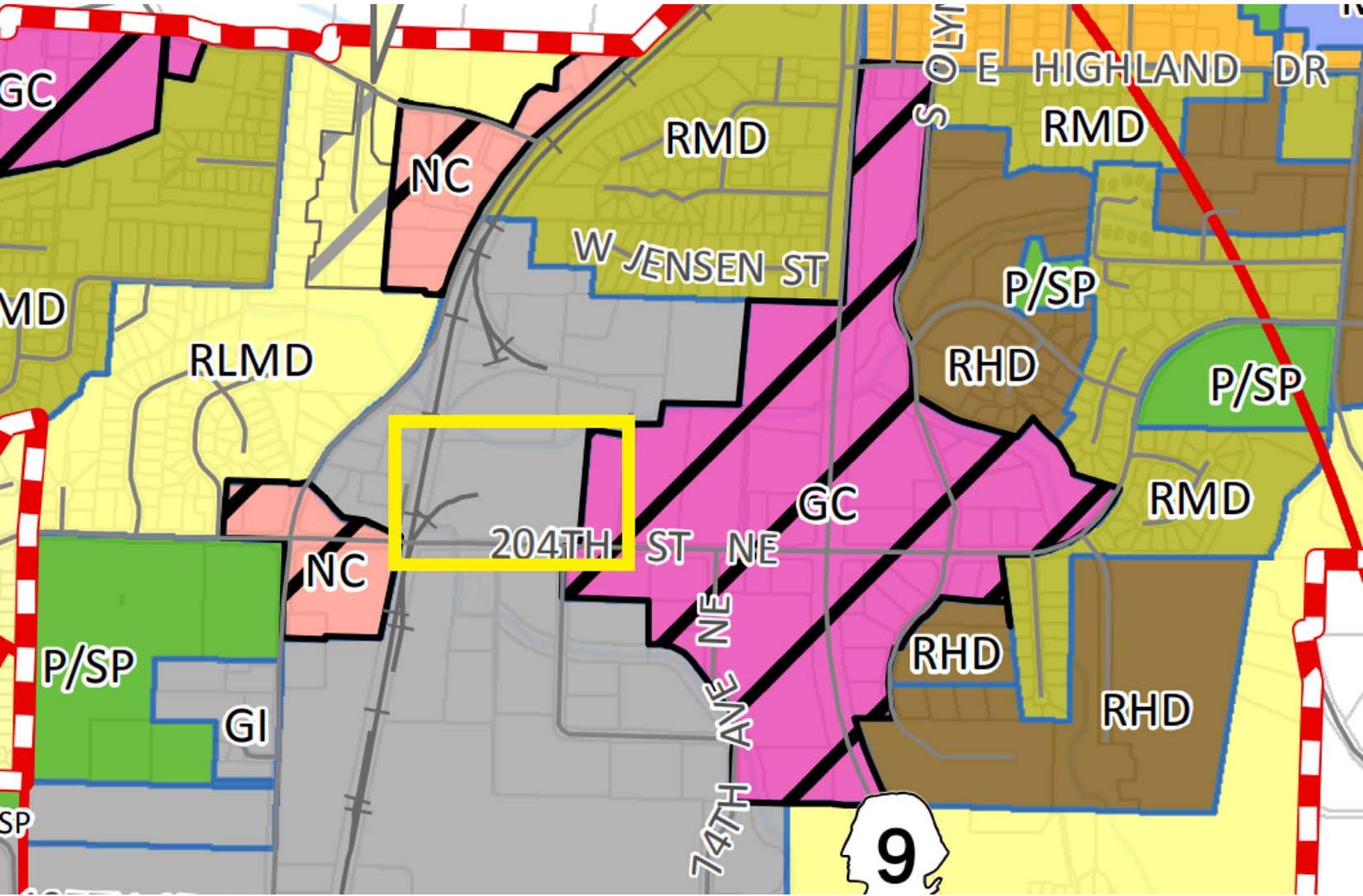
QUARTER	SECTION	TOWNSHIP N.W.B.L	RANGE E.W.M.	
SW	11	31	5	
Centerline	Lot	Block	Section	City Limits
Gov Lot	Subdiv	ROW	Quarter	Tax Acct
Major Water	Other Lot	Vac ROW	16th	Easement
Minor Water	Other Subdiv	Vac Lot		

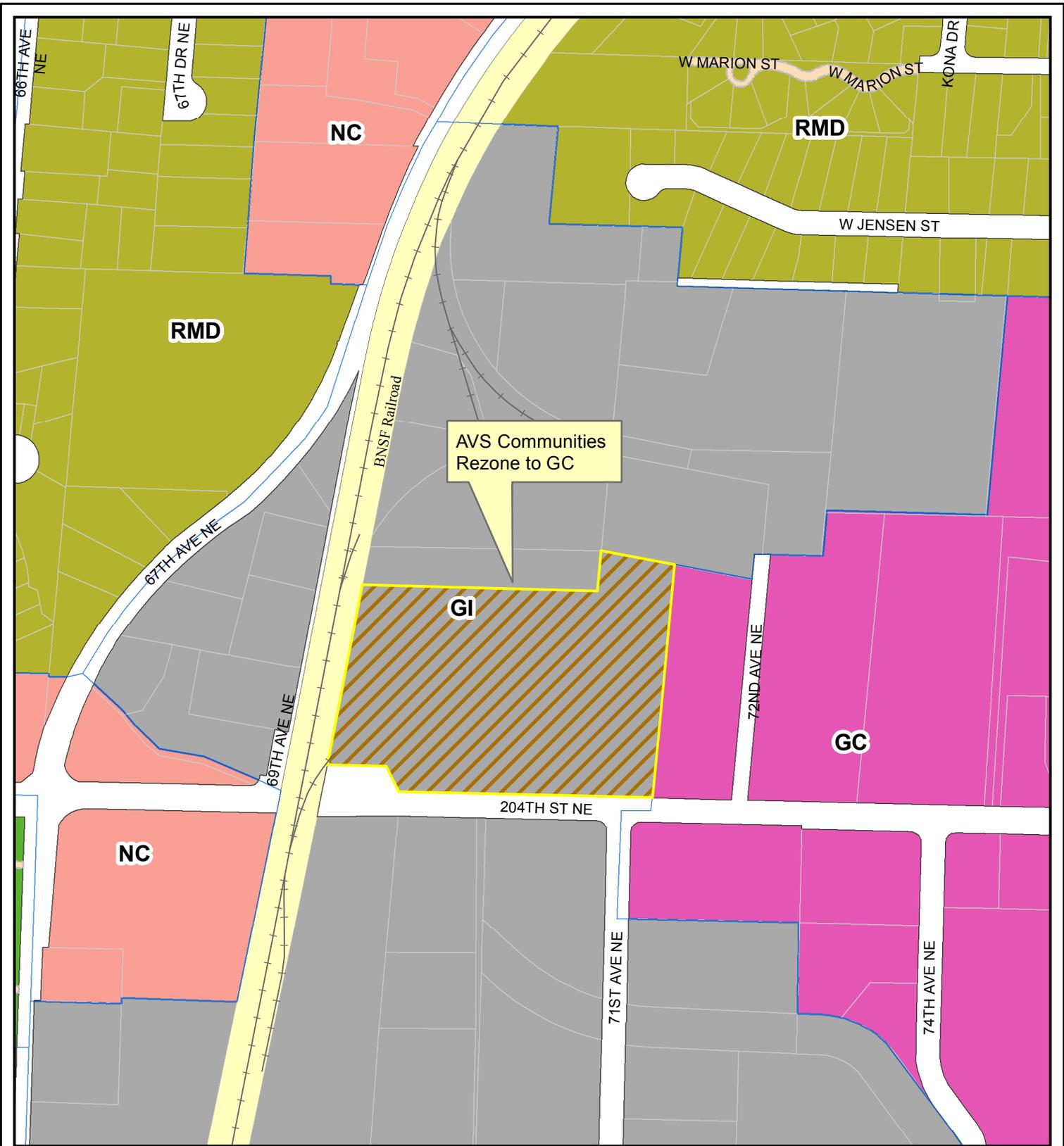
1 inch = 200 feet

Map produced on August 21, 2018

A product of the Assessor's Office
Snohomish County, Washington







AVS Communities
Rezone to GC

Legend

- Rezone to RHD
- City Limits
- Public Right of Way
- Assessor Parcels

Existing Zoning

- RMD = Moderate Density Residential
- NC = Neighborhood Commercial
- GC = General Commercial
- GI = General Industrial

Maps and GIS data are distributed "AS-IS" without warranties of any kind, either express or implied, including but not limited to warranties of suitability for a particular purpose or use. Map data are compiled from a variety of sources which may contain errors and users who rely upon the information do so at their own risk. Users agree to indemnify, defend, and hold harmless the City of Arlington for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data presented in the maps.

City of Arlington

AVS Communities Rezone

Scale: <p style="text-align: center;">1 inch = 333 feet</p>	File: <p style="text-align: center;">AVSCommunities8.5x11_19</p>
Date: <p style="text-align: center;">4/12/2019</p>	Cartographer: <p style="text-align: center;">kdh</p>

April 16, 2019
Planning Commission Public Hearing
Summary of Testimony

AVS Communities Rezone – PLN#524

1. Ruth Gonzales – 6823 211th Place NE
 - Rezoning this property to General Commercial is in keeping with the Comprehensive Plan
 - This is an appropriate location to rezone for multi-family adjacent to already commercial areas and very little single family is located near this with very little impact on existing single family.
 - Rezoning to General Commercial with the overlay is in keeping with the Comprehensive Plan and general zoning rules
2. Neil Knutson – 18825 42nd Drive NE
 - Likes the 9 acre site to be utilized as a mixed use development
 - Is in favor of the rezone
 - Location is excellent
 - Likes this plan and is interested to see how it builds out
 - Would like to see it go forward and expedited
 - What is proposed couldn't be any better than what is trying to be done to it

Grandview North Rezone – PLN#509

1. Michelle Lilgreen – 20913 67th Drive NE
 - Is in opposition of the rezone
 - Bought house in 2014 excited to move out of the city to a new to them home within a beautiful residential neighborhood
 - Main point of purchasing their home was to sit in backyard and look at blue sky with barn in background
 - When they bought their home they knew a vacant lot backed their property but heard it would potentially become storage units
 - Never would have guessed the beautiful barn and farm house would be torn down and three story high apartments with businesses on the first floor would be built on the vacant land that backs their home
 - Her family doesn't want this nor does the neighborhood
 - Doesn't blend with neighborhood identity or character of existing homes
 - Apartments and businesses are going to create more traffic and roads can't handle it
 - Already 5000 trips occurring daily on 211th as quoted in Cathy Devoir's letter attached to the Agenda

- Drivers speed down the road after exiting HWY 530 and don't drop down to the 25 MPH speed limit which makes it challenging for them to pull out of their neighborhood onto 211th
 - Concern of cars parking up and down the street of Pioneer Meadows to access the apartments and businesses
 - Their children play outside and ride bikes and they don't want their safety jeopardized
 - 211th is a dangerous road for pedestrians and adding apartments and businesses will increase pedestrian traffic
 - Concerned that the curb is the only thing to stop vehicles from pedestrian traffic heading towards Centennial Trail along 211th
 - Pedestrian don't fit in the path provided along 211th, path is not safe and hasn't seen any progress to address this
 - Wants healthy growth for the community but also wants to preserve the quality of life for all residence surrounding this property
 - Hoping vacant land behind her house would be a low key storage area
 - There are already similar businesses down town that they can access
 - Revenue shouldn't be more important than existing residence here in Arlington
 - Doesn't want three story apartments peering into her backyard
2. Debbie Dugger – 20919 67th Drive NE
- Opposes this proposition
 - Didn't like the postcards and would like the address on the cards instead of just a PLN#
 - Has a petition going with 36 people signed in opposition to the rezone
 - Wants neighborhood to stay as neighborhood and not be commercialized with huge apartments looking into backyards
 - Understands that Grandview built the duplexes on her road and that they fit in and would like to see that for this property
3. Ruth Gonzales – 6823 211th Place NE
- Property that is to be rezoned used to be a dairy farm
 - By doing this rezone taking property and portioning off a small bump out of what is a continuously portion of single family homes and those single family homes used to be part of the farm
 - Dividing line was set in 1995 to keep that property as a buffer as residential and turned the corner into Neighborhood Commercial
 - If the small piece is changed then the buffer is lost
 - Proposal dwarfs single family homes
 - Proposed structure is not in keeping with the neighborhood
 - Goals that are listed in the proposal are listed as supporting but can also be used to not support

- Overall impact on surrounding properties – neighbors think it's a negative impact
- General impact to existing transportation network – street is already undersized for traffic and has no drainage
- Would like the Public Hearing extended so people can submit written testimony

Complete Streets – PLN#513

1. Dwan Kinney – 70231 172nd Street NE
 - Sounds like a wonderful utopia plan but if we're going to have complete streets it doesn't seem to follow with the aggressive rezoning and high density zoning

York Rezone – PLN#515

1. Ruth Gonzales – 3823 211th Place NE
 - Surprised taken out of public park space
 - Was on planning Commission when City proposed to purchase the property and the main reason to purchase was for it to be a park
 - Doesn't remember how it was funded and hopes it wasn't funded through some sort of grant process because if it was and now taking that property out of a park status there may be some sort of repercussions
 - Appears to be a spot rezone as a small ½ acre property within a residential medium density zone with all single family homes
 - Feels can take same numbers of Comprehensive Plan Guidelines and use them in reverse
 - It doesn't blend in with adjacent surroundings and is mainly adjacent to single family homes
 - No option to expand high density unless take down existing single family homes and sees it as highly unlikely
 - Request that the rezone be denied and if City is able to sale the property it should be for single family homes

ORDINANCE NO. 2019--XXX

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON, APPROVING THE AVS COMMUNITIES PROPERTY ARLINGTON LAND USE MAP AMENDMENT AND CONCURRENT REZONE (PLN #524)

WHEREAS, the City of Arlington has the authority to regulate land uses within the City, and is in the process of its periodic annual review and update of the Comprehensive Plan; and

WHEREAS, included in the review of the Comprehensive Plan was a series of proposed amendments to the City of Arlington Comprehensive Plan and Zoning Map; and

WHEREAS, the City Planning Commission considered the proposed AVS Communities Property Land Use Map amendment and Concurrent Rezone (PLN #524) and conducted an open record public hearing on April 16, 2019 and recommended approval to the City Council; and

WHEREAS, the City Council considered the same at a workshop held on April 22, 2019, and considered them along with the Planning Commission recommendations, at their regular meeting conducted on May 6, 2019; and the City Council having determined approving said amendment was in the best interest of the City; and

WHEREAS, the City Council has considered the proposed AVS Communities property comprehensive plan amendment and concurrent rezone and finds it to be consistent with city and state law and in the best interests of the citizens;

NOW, THEREFORE, the City Council of the City of Arlington do hereby ordain as follows:

Section 1. Findings. The City Council adopts the following findings as required by AMC Chapter 20.96:

- a. The subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications.
- b. The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan;
- c. The proposed amendment is consistent with the scope and purpose of the city's zoning ordinances and the description and purpose of the zone classification applied for;
- d. Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment;
- e. The proposed zoning is consistent and compatible with the uses and zoning of surrounding property;
- f. The property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification; and

- g. Adequate public services can be made available to serve the full range of proposed uses in that zone.

Section 2. The City Council approves the AVS Communities Property Arlington Land Use Map Amendment and Concurrent Rezone (PLN #524). The comprehensive plan designation and Land Use Map for the Property identified on Exhibit "A" shall be modified from General Industrial to General Commercial, and the City's official zoning map shall be amended to reflect this change as depicted on the attached Exhibit "B".

Section 3. Severability. If any provision, section, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. The title of this Ordinance, which summarizes the contents of this ordinance, shall be published in the official newspaper of the City. The Ordinance shall take effect and be in full force five (5) days after the date of publication.

PASSED BY the City Council and APPROVED by the Mayor this 6th day of May, 2019.

CITY OF ARLINGTON

Barbara Tolbert, Mayor

Attest:

Erin Keator, City Clerk

Approved as to form:

Steven J. Peiffle
City Attorney