



Community and Economic Development Planning Division

18204 59th Avenue NE, Arlington, WA 98223

Planning Commission STAFF REPORT & RECOMMENDATION

To: Planning Commission
From: 
Amy Rusko, Planning Manager
Date: May 2, 2023
Regarding: Hernandez 204th Street Rezone – PLN #1031

A. INTRODUCTION

The Hernandez 204th Street Park Rezone is a privately-initiated amendment to the City of Arlington Comprehensive Plan and Zoning Map, submitted under the 2023 Comprehensive Plan Update Docket cycle.

B. GENERAL INFORMATION

Applicant: City of Arlington
Project Description: Rezone
Requested Action: Recommendation to City Council

C. DETAILED PROJECT INFORMATION

The Comprehensive Plan Amendment and Zoning Map Amendment is a privately initiated proposal to rezone three properties along 204th Street (Cemetery Road). The subject parcels are listed under tax parcels 31051000405100, 31051000403300 and 31051000404500. The total proposed rezone acreage of all three parcels is approximately 1.18 acres. The three parcels are not part of a current subdivision and are occupied with a single-family residence on each of the parcels.

The proposed rezone would take the property out of the Residential Low Capacity zoning designation and change the property to the Neighborhood Commercial with Mixed-Use Overlay. The rezoning of the property would allow for commercial and residential uses under the mixed-use development regulations.

Approval by the City Council is required for all rezone applications. If the request is granted, the City's Future Land Use Map, City's Official Zoning Map, Regulating Plan Place Type Map, and Village Center Transect Map (AMC Chapter 20.110) would need to be amended.

D. REGULATORY REQUIREMENTS

1. SEPA Compliance

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

- a. The Determination of Non-Significance (DNS) was issued on April 24, 2023.
- b. The DNS was published in the Everett Herald and posted at City Hall, Smokey Point Post Office, Arlington Library, the City Website, and the physical site on April 26, 2023.
- c. The DNS was mailed to property owners within 500' of the property on April 26, 2023.
- d. The DNS public comment period will be open from April 26, 2023 to May 10, 2023.

2. Public Notification / Involvement

- a. Presentations and/or updates on the proposed land use action to the Planning Commission will occur on May 2, 2023, and May 16, 2023.
- b. A Public Hearings will be held at Planning Commission in person located at Arlington City Council Chambers on the following date, May 16, 2023.
- c. A Notice of Public Hearing at the May 16, 2023, Planning Commission meeting was posted at the City Hall, Smokey Point Post Office, Arlington Library, the City Website and the physical site on April 26, 2023.
- d. A Notice of Public Hearing at the May 16, 2023, Planning Commission meeting was mailed to property owners within 500' of the property on April 26, 2023.

3. Washington State Department of Commerce Notification

The Hernandez 204th Street Rezone was submitted to the Washington State Department of Commerce (DOC) on April 11, 2023, and the DOC will notify the City that if it is in procedural compliance with RCW 36.70A.106.

E. BACKGROUND INFORMATION

The property owners provided the application and submittal information for the rezone on January 30, 2023. The city-initiated submittal was added to the 2023 Preliminary Docket. The preliminary docket was taken before the Planning Commission on March 7, 2023 and March 21, 2023. The Planning Commission made a recommendation to move the proposed docket item forward to the City Council. The final docket was taken before the City Council on April 10, 2023 and April 17, 2023. A public hearing was held at the Planning Commission meeting on March 21, 2023 and at the City Council meeting on April 17, 2023. The City Council approved the 2023 Final Docket through Resolution 2023-004.

F. ANALYSIS – AMC 20.96 AMENDMENTS

Staff has reviewed the rezone against Arlington Municipal Code 20.96 and finds that the applicant has met the intent of all applicable requirements and standards through the following analysis.

1. *AMC 20.96.026 – Selection and Decision Criteria Text and Zoning Map Amendments*

- a. *The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.*

The proposed rezone from the Residential Low Capacity to Neighborhood Commercial with Mixed-Use Overlay zone meets a variety of comprehensive goals and policies that are listed below:

GO - 1	Ensure City Goals and Policies are consistent with the Growth Management Act.
GO - 3	Work towards promoting and maintaining an urban environment within the City that enhances livability for its residents.
PO - 6.4	Land-use developments should be conducive to social interaction.
GH - 1	Diversify the City's housing stock.
PH - 1.1	A variety of housing types and densities should be encouraged on lands with a residential land-use designation.
GH - 2	Ensure the development of new multi-family housing and small single-family units occur within close proximity to commercial areas within the City.
PH - 2.1	Multi-family housing should be located close to commercial and employment centers, transportation facilities, public services, schools, and park and recreation areas.
PH - 2.3	Utilize Mixed Use mechanisms to incentivize housing within close proximity to commercial uses.
GL - 1	<p>Work to ensure that the character and location of land uses optimize the economic benefit, enjoyment by residents, and protection of natural resources while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation through implementation of the following:</p> <p>a) <u>Growth Management</u>: Manage growth so that the delivery of public facilities and services will occur in a fiscally responsible manner to support development and redevelopment within the City.</p> <p>c) <u>Neighborhood Conservation</u>: Achieve a well-balanced and well-organized combination of open space, commercial, industrial, recreation and public uses that are served by an efficient transportation network while protecting the fabric and character of residential neighborhoods.</p>
PL - 1.5	<u>Neighborhood Commercial (NC)</u> - This designation should provide for retail and service businesses that serve the limited convenience shopping and personal service needs to the immediate surrounding neighborhood. Generally, this designation is appropriate for lots that are located on the corner of an intersection where at least one adjacent road is classified as an arterial or greater.
GL - 4	Accommodate new development in a manner that supports a growth rate consistent with the goals of the State Growth Management Act but also preserves and enhances Arlington's quality of life, its natural environment, and its historical and cultural amenities.
PL - 4.8	The City should plan for a balanced mix of land uses based on land availability and the capacity to provide public services
GL - 7	Encourage a mix of residential densities throughout the City.
PL - 7.1	<p>All recommended changes in residential densities should be based on the following:</p> <p>a) The overall impact to surrounding properties;</p> <p>b) The general impact to the existing transportation network;</p> <p>c) The feasibility of the site and its situation for the proposed density;</p> <p>d) The availability/capacity of urban services such as water and sewer to serve the area;</p> <p>e) The vacant land supply within the City at the proposed density;</p> <p>f) Consistency with GMA growth targets and buildable land supply.</p>
PL - 7.2	Higher density residential uses should be located around commercial areas.
PL - 7.3	Vertical and Mixed Use developments with a residential component should be permissible in designated zones within the City.
GL - 9	Create pedestrian links between commercial and residential developments.
PL - 9.1	Where commercial and residential areas abut, new development proposals should include the design and construction of walkways, sidewalks or other non-motorized features to integrate and link commercial activities and other neighborhoods within the City.

GL - 10	Promote Neighborhood Commercial uses in appropriate places.
PL - 10.1	<p>A re-designation and rezoning of lots to neighborhood commercial may be approved by the City (at the City's discretion) when a lot meets all of the following criteria and any others as listed in Title 20 of the AMC:</p> <ol style="list-style-type: none"> 1. The lot is located at the intersection of two public rights-of-way, where at least one right-of-way has a roadway classification (whether existing or proposed) of arterial or greater OR is adjacent to another Neighborhood Commercial zoned lot and has direct access to an arterial roadway and is within 660 feet of an intersection. 2. The lot has existing and legal direct access to at least one arterial right-of-way prior to the reclassification and rezone request. The lot is adjacent to or abutting on at least one side to another lot zoned Neighborhood Commercial and/or residential (RULC, RLC, RMod, RMC, RHC).
MPP - DP - 2	Encourage efficient use of urban land by maximizing the development potential of existing urban lands, such as advancing development that achieves zoned density.
MPP - DP - 14	Preserve and enhance existing neighborhoods and create vibrant, sustainable compact urban communities that provide diverse choices of housing types, a high degree of connectivity in the street network to accommodate walking, bicycling and transit use, and sufficient public spaces.
MPP - DP - 15	Support the transformation of key underutilized lands, such as brownfields and greyfields, to higher density, mixed-use areas to complement the development of the centers and the enhancement of existing neighborhoods.
MPP - H - 1	Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.
MPP - H - 2	Achieve and sustain – through preservation, rehabilitation, and new development – a sufficient supply of housing to meet the needs of low-income, moderate-income, middle-income, and special needs individuals and households that is equitable and rationally distributed throughout the region.
MPP - Ec - 20	Provide an adequate supply of housing with good access to employment centers to support job creation and economic growth.
MPP - T - 11	Prioritize investments in transportation facilities and services in the urban growth area that support compact, pedestrian- and transit-oriented densities and development.

b. The proposed amendment is consistent with the scope and purpose of the City's zoning.

The proposed rezone is consistent with the City's Mixed-Use Development Regulation Transects, by providing mixed-use development at major intersections. The extension of the Neighborhood Commercial and Mixed-Use Overlay to the west would provide additional small commercial and residential uses along the 204th Street (Cemetery Road) corridor.

c. Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment.

The City of Arlington has provided areas around major intersections of the city to be zoned under the mixed-use overlay in the past. These areas follow the Mixed-Use Development Regulations. The need for additional housing units and to supply a variety of housing types in the city has increased in the past few years.

- d. *The proposed zoning is consistent and compatible with the uses and zoning of surrounding property.*

The proposed rezone to Neighborhood Commercial with Mixed-Use Overlay directly follows the Land Use Goals and Policies of the Comprehensive Plan under Goal 10 and Policy 10.1, listed above in the table, that specifically allows for the rezone of property adjacent to existing Neighborhood Commercial zoned properties. The subject parcels are adjacent to Neighborhood Commercial to the east. The subject parcels are located between 400 – 670 feet from the main 67th Avenue and 204th Street intersection. The properties to the north and west of the site are zoned Residential Low Capacity and the Arlington Cemetery to the south is zoned Public/Semi-Public. A mixed-use building was recently constructed to the east and a future mixed-use project would blend similar construction and uses.

- e. *The property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification.*

The subject property sits on the north side of 204th Street NE (Cemetery Road) and has direct access to the street for commercial uses. The properties are governed by the Mixed-Use Development Regulations and have specific uses within the T4-MS Transect. The building types that would be allowed in the transect are Main Street, Flex, Live/Work, Mid-Rise, Multiplex Large, and Stacked Flats. A requirement of the Mixed-Use Development Regulations is that the 1st floor of the building contains retail commercial space. The Mixed-Use Development Regulations require a minimum of 15 dwelling units per acre. It appears that the subject parcels could be developed at a rate of 15-30 dwelling units per gross acre, pending the number of stories and space for parking.

- f. *Adequate public services could be made available to serve the full range of proposed uses in that zone.*

The subject property has access to public water and sewer utilities, along with electricity and natural gas.

2. *AMC 20.96.060 – Section and Decision Criteria Comprehensive Plan and Zoning Map Amendments*

- a. *The amendment represents a matter appropriately addressed through the comprehensive plan, and the proposed amendment demonstrates a public benefit and enhances the public health, safety, and welfare of the city.*

The proposed rezone provides public benefit and enhances the public health, safety, and welfare of the city by providing a future mixed-use building with both commercial and residential uses that are part of a walkable neighborhood. The future project will also provide frontage improvements (sidewalks, street trees, parking, and accessible access).

- b. *The amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by city council.*

The amendment does not raise policy or land use issues since the Comprehensive Plan Goals and Policies directly allow for the extension of the Neighborhood Commercial zone through rezones as long as the requirements have been met.

- c. *The proposed amendment addresses significantly changed conditions since the last time the pertinent comprehensive plan map or text was amended. "Significantly changed conditions" are those resulting from unanticipated consequences of an adopted policy or changed conditions on the subject property or its surrounding area, or changes related to the pertinent comprehensive plan map or text, where such change has implications of a magnitude that need to be addressed for the comprehensive plan to function as an integrated whole.*

The City of Arlington has been working on finding property within the Smokey Point area for multiple years. Without knowing the exact property that could be purchased, the city waited until the property was purchased prior to rezoning to public / semi-public for the future use of a community park.

- d. *The proposed amendment is consistent with the comprehensive plan and other goals and policies of the city, the countywide planning policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code and other applicable law.*

There are twenty-seven (27) goals and policies from the City of Arlington Comprehensive Plan and Countywide Planning Policies that were used to show compliance for a future mixed-use project on the subject site.

G. FINDINGS AND CONCLUSIONS

1. Public meetings will be held before Planning Commission on May 2, 2023, and May 16, 2023.
2. The Hernandez 204th Street Rezone was submitted to the DOC on April 11, 2023, in accordance with RCW 36.70A.106 and the submittal will meet all DOC's procedural requirements.
3. On May 2, 2023, the Planning Commission will review the Hernandez 204th Street Rezone at their workshop meeting.
4. On April 26, 2023, a Notice of Public Hearing for the May 16, 2023, Planning Commission public hearing was posted at City Hall, Smokey Point Post Office, Arlington Library, the City Website, and the subject site.
5. On April 26, 2023, Notice of Public Hearing for the May 16, 2023, Planning Commission public hearing was mailed to all property owners within 500' of the subject property site.
6. The application for the Hernandez 204th Street Rezone, PLN#1031, has been reviewed for consistency with the Arlington Comprehensive Plan.
7. The Hernandez 204th Street Rezone, PLN#1031, has been reviewed in accordance with, and is consistent with, the Snohomish County Countywide Planning Policies.
8. The Hernandez 204th Street Rezone, PLN#1031, has been reviewed in accordance with, and is consistent with, the Multi-County Planning Policies.
9. The proposed Hernandez 204th Street Rezone, PLN#1031, was prepared in accordance with the Washington State Enabling Legislation (RCW 35A.63) and the Growth Management Act.
10. Documentation supporting the findings of fact is in file PLN#1031, which is adopted by reference into this approval.
11. Adoption of the proposed Hernandez 204th Street Rezone, PLN#1031, furthers public health, safety, and general welfare.

H. RECOMMENDATION

Staff recommends that the City of Arlington Planning Commission make a recommendation to the Arlington City Council to approve the Hernandez 204th Street Rezone, PLN#1031.