

ORDINANCE NO. 433

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DENYING A REQUEST TO AMEND THE CITY'S COMPREHENSIVE PLAN MAP BY CHANGING THE PLAN MAP DESIGNATIONS OF PARCELS 0220221015 AND 1016 LOCATED AT 5101 DRUM ROAD FROM R2 (RESIDENTIAL) TO MF (RESIDENTIAL) TO CONSTRUCT 21 CONDOMINIUM UNITS IN 7 TRIPLEXES AND 48 CONDOMINIUM UNITS IN FOUR 12-PLEXES SUBJECT TO CONDITIONS.

WHEREAS, on July 6, 1998 the City of University Place adopted its Comprehensive Plan, in compliance with Chapter 36.70A RCW the State of Washington Growth Management Act, with numerous and varied opportunities for public involvement, and

WHEREAS, RCW 36.70A.130 requires the Comprehensive Plan be subject to continuing review and evaluation and if necessary revision to insure the plan continues to comply with the Growth Management Act no later than December 1, 2004, and

WHEREAS, on February 9, 2004 the City Council adopted resolution 429 establishing a public participation program in accordance with RCW 36.70A.035 and 140 which included public notification, several Planning Commission public meetings including two public hearings, and

WHEREAS, University Place Municipal Code Chapter 16.10 provides that Comprehensive Plan Amendments including Plan Map Amendments may be privately initiated in accordance with the code, and

WHEREAS, on February 22, 2004 the City published notice in the Tacoma News Tribune announcing the City's intent to amend the Comprehensive Plan and inviting the submittal of applications for Comprehensive Plan amendments, and

WHEREAS, Mr. Bjorn Olson, having an interest in parcels 0220221015 and 1016 located at 5101 Drum Road, submitted an application to change the plan designations of parcels 0220221015 and 1016 from R2 (Residential) to MF (Multi-family Residential), and

WHEREAS, the City considered the Olson request at a public workshop on June 22, 2004, and during Planning Commission Study Sessions on August 4, 2004 and September 1, 2004, and

WHEREAS, on August 18, 2004 the Planning Commission held a public hearing on the Olson request receiving testimony from many concerned neighbors, and

WHEREAS, on September 22, 2004 the Planning Commission, after duly considering the matter and public testimony, made the following findings and voted to recommend to the City Council that the request be denied:

1. The City has adequate lands to accommodate its 20-year allocated population.
2. The proposed site plan was too conceptual to determine transportation impacts. The Planning Commission finds code requirements may reconfigure the site plan in unanticipated ways impacting surrounding single-family neighborhoods.
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.

4. The proposal does not appear to be in the public interest.
5. This rezone request should be reconsidered if the applicant can produce a more detailed conceptual site plan, addressing circulation, emergency vehicle access, traffic impacts, tree preservation and height, and

WHEREAS, the University Place City Council held a Public Hearing on November 1, 2004 and a study session to take public comment and discuss the proposed rezone request and,

WHEREAS, the City Council has determined that the Planning Commission's recommendation and associated findings are appropriate; NOW THEREFORE,

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

Section 1. Rezone Request Denied to Bjorn Olson File #: APP01-0004. Based on the findings of fact noted above, the request from Mr. Bjorn Olson to amend the plan map / zone map for a 5.7-acre parcel from R-2 (Residential) to MF (Multi-family) located at 5101 Drum Road, as shown on Exhibit "A" is hereby denied.

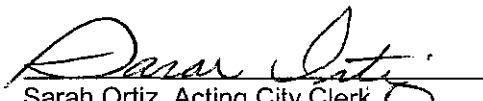
Section 2. Severability. If any section, sentence, clause or phrase of this Title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Title.

Section 3. Publication and Effective Date. 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.

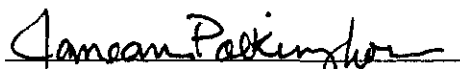
PASSED BY THE CITY COUNCIL ON THE 6TH DAY OF DECEMBER 2004.


Ken Grassi, Mayor

ATTEST:


Sarah Ortiz, Acting City Clerk

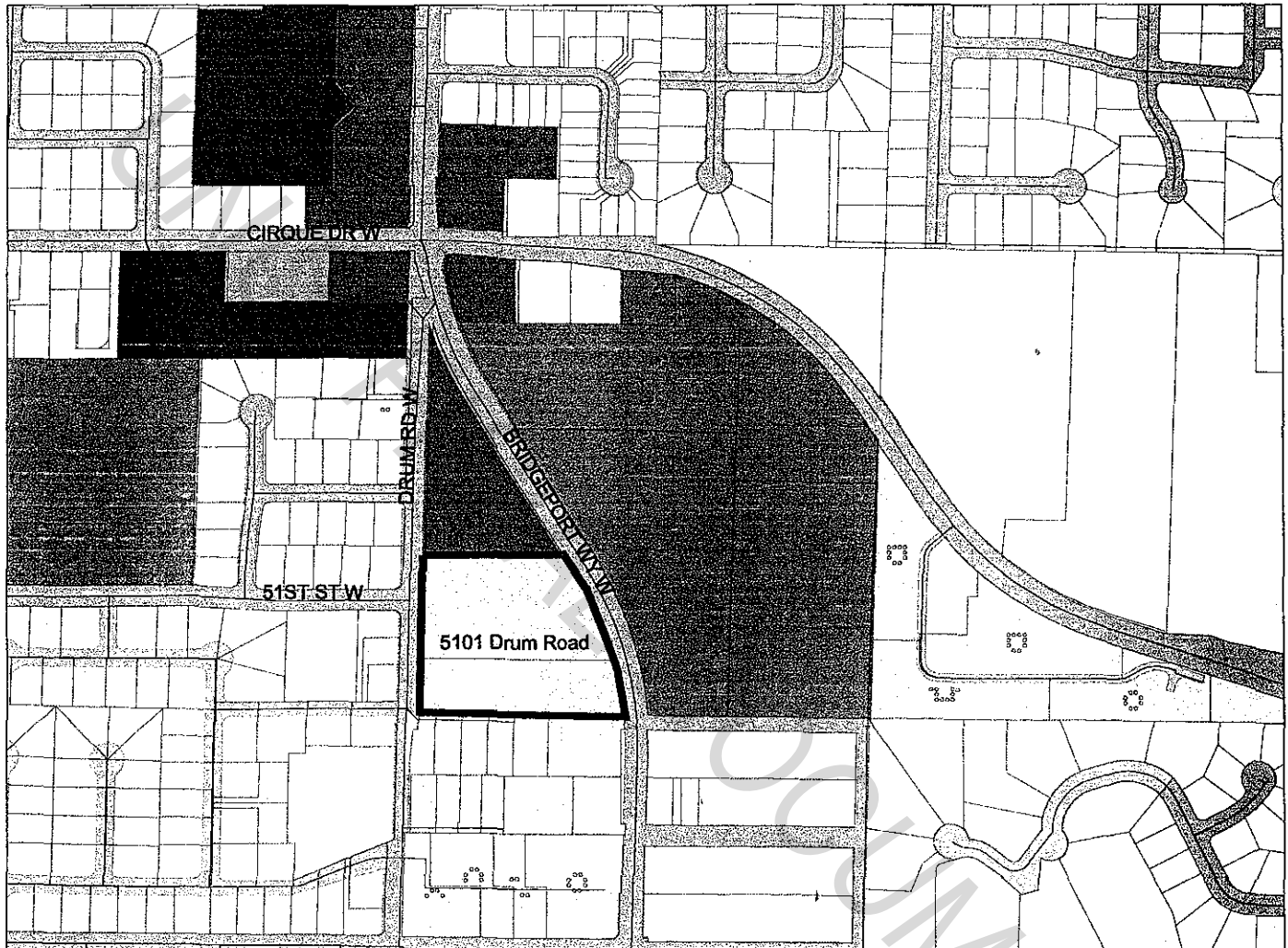
APPROVED AS TO FORM:


Janean Polkinghorn, City Attorney

Date of Publication: December 9, 2004
Effective Date: December 14, 2004

Exhibit A

Olson Rezone Request



- Roads - All*
- Tax Parcels (shifted)
- Zoning - UP**
- R1
- R2
- Multi-Family
- Town Center
- Neighborhood Commercial
- Mixed Use District
- Mixed Use - Office
- Commercial
- Light Industrial - Business Park
- Public Facility
- Street
- Railroad

