

ORDINANCE NO. 273

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 19, THE OFFICIAL ZONING MAP OF THE CITY OF UNIVERSITY PLACE, BY GRANTING FOUR REZONE REQUESTS TO IMPLEMENT COMPREHENSIVE PLAN MAP AMENDMENTS AND ADOPTING FINDINGS AND CONCLUSIONS.

WHEREAS, on July 6, 1998 the City of University Place adopted a Comprehensive Plan, in compliance with Chapter 36.70A RCW the State of Washington Growth Management Act; and,

WHEREAS, Ordinance No. 235 establishes procedures for amending the City of University Place Comprehensive Plan and states that Comprehensive Plan amendments necessitating a change to the zone map shall be processed concurrently; and,

WHEREAS, the City of University Place advertised the Comprehensive Plan amendment/rezone process, solicited applications, held an open house to assist individuals interested in applying for Comprehensive Plan map amendments with concurrent rezones; and,

WHEREAS, three privately initiated Comprehensive Plan map amendments with concurrent rezone applications were submitted to the City by the July 19, 1999 deadline; and;

WHEREAS, the City of University Place City Council initiated a Comprehensive Plan map amendment with concurrent rezone in August 1999; and,

WHEREAS, the proposed Comprehensive Plan map amendments with concurrent rezone requests were noticed to adjoining local governments, the County, numerous state agencies as well as special interest groups and individual citizens; and,

WHEREAS, a SEPA Determination of Non-Significance (DNS) on the plan amendments and concurrent rezones was issued on January 20, 2000 with an appeal period ending February 17, 2000 with one comment letter received during the SEPA comment period and no appeals being filed; and,

WHEREAS, the required State agency 60-day review period on the Comprehensive Plan amendments with concurrent rezones began on January 21, 2000 and expired on March 21, 2000 with no comments having been received from state agencies; and,

WHEREAS, on October 20, 1999 the City of University Place Planning Commission held a public hearing on the Comprehensive Plan amendments and concurrent rezones and forwarded a recommendation to the City Council on November 17, 1999; and,

WHEREAS, the City Council held a study session on the Comprehensive Plan map amendments with concurrent rezones on March 13, 2000 with a public hearing on April 17, 2000; and,

WHEREAS, the City Council has approved the four requested Comprehensive Plan map amendments and each map amendment necessitates a concurrent zone change to ensure implementation of the Comprehensive Plan; and,

WHEREAS, the City Council has determined that amending the University Place zoning map is in the public interest, protects the public health, safety and welfare and complies with the Growth Management Act; and,

WHEREAS, the City Council finds that two of the four zone changes necessitate conditions to implement comprehensive plan policies to ensure compatibility with adjacent single family residential uses; NOW THEREFORE,

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

Section 1. Findings Adopted. The City Council hereby adopts the Findings and conclusions attached as Exhibit "A".

Section 2. Rezone Request Granted to Fred Meyer Stores, File #: APP99-0001. The request from Fred Meyer Stores to amend the zone map from "R1" (Single Family Residential) to "NC" (Neighborhood Commercial) for property located at the northwest corner of 67th Avenue West and Bridgeport Way West (6305 Bridgeport Way West) as shown on Exhibit "B" is hereby granted.

Section 3. Rezone Request Granted to David Mogleston/Ken and Linda Still File #: APP99-0002. The request from the David Mogleston/Ken and Linda Still to amend the zone map from "R1" (Single Family Residential) to "MU-O" (Mixed Use-Office) for parcels located in the west side of the 3300-3400 block (approximately) of Bridgeport Way West (the subject parcels do not front Bridgeport Way West) as shown on Exhibit "C" is granted subject to the following conditions of approval:

Conditions of Rezone

1. For the zone change to be effective, parcels subject to the zone change shall be combined (lot combination) with those parcels under common ownership fronting on Bridgeport Way West. (As the zone change request involves parcels with two separate property owners, each lot combination may be pursued separately; however, the zone change will only be effective for those parcels that have undergone the lot combination.)
2. Hillside. The westerly sloped hillside area shall be established and maintained with native vegetation. Non-native vegetation shall be removed and native vegetation established and maintained in such a way as to maintain slope stability. Plans for re-vegetation shall be reviewed and approved by the city prior to work being performed.
3. Landscaping. Level 3 landscaping shall be provided between any parking area and the rear lot line, excluding the area of the hillside.
4. Minimum Rear Yard Building Setback. 120 feet (depth of rear parcels, excluding the 33 feet of vacated Menlo Drive right-of way).
5. Parking Area Rear Yard Setback. The greater of:
 - a) 50 feet; or,
 - b) 20 feet from top of hillside; or,
 - c) the recommendation of any geo-technical assessment and/or report.
6. Fence. A solid 100 percent, sight-obscuring six-foot high fence or wall. The location and materials of the fence or wall shall be approved by the Planning and Community Development Director.
7. On Site Lighting. On-site lighting shall be shielded or directed away from abutting or adjacent residential uses.

Section 4. Rezone Request Granted. Pierce County Fire Protection District #3. APP990003. The request to amend the zone map from "PF" (Public Facilities) to "MU-O" (Mixed Use-Office) for property located at 7909 40th Street West as shown on Exhibit "D" is hereby granted subject to the following conditions of approval:

Conditions of Rezone

1. The maximum building height on the subject property shall be limited to 25 feet.
2. The minimum rear yard landscape buffer width shall be 20 feet.

Section 5. Rezone Request Granted. City of University Place, File #: APP99-0004. The request from the City of University Place to amend the zone map from "Single Family" (R1) to "Public Facilities" (PF) for property located in the 7200-7300 Block (approximate) of Cirque Drive (south side) as shown on Exhibit "E" is hereby granted.

Section 6. 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 7. Publication and Effective Date. A summary of this ordinance, consisting of its title, shall be published in the official newspaper of the City of University Place. This ordinance shall be effective five (5) days after its publication.

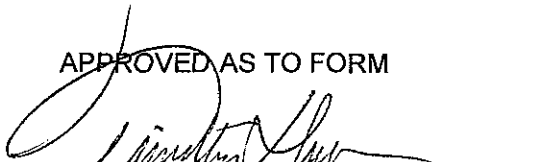
PASSED BY THE CITY COUNCIL ON MAY 1, 2000


Lorna Smith, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM


Timothy X. Sullivan, City Attorney

Date of Publication: May 5, 2000
Effective Date: May 10, 2000

**ORDINANCE 273
EXHIBIT A**

FINDINGS AND CONCLUSIONS

1. On July 6, 1998 the City of University Place adopted a comprehensive plan, in compliance with Chapter 36.70A RCW the State of Washington Growth Management Act.
2. In May 1999, the City Council adopted Ordinance 235. Ordinance 235 establishes procedures for amending the comprehensive plan and states that comprehensive plan amendments necessitating a change to the zone map shall processed concurrently.
3. The City of University Place initiated amendments to the comprehensive plan map with concurrent zoning map amendments in 1999.
4. The City of University Place advertised the comprehensive plan amendment/rezone process, solicited applications, and held an open house to assist individuals interested in applying for comprehensive plan map amendments with concurrent rezones in June 1999.
5. Three privately initiated comprehensive plan map amendments with concurrent rezone applications were submitted to the City by the July 19, 1999 deadline for privately initiated applications.
6. The City of University Place City Council initiated a comprehensive plan map amendment with concurrent rezone in August 1999.
7. A SEPA Determination of Non-Significance (DNS) on the plan amendments and concurrent rezones was issued on January 20, 2000 with an appeal period ending February 17, 2000. One comment letter was received during the SEPA comment period and no appeals being filed. Notice of the SEPA determination was provided to adjoining local governments, the County, numerous state agencies including the Department of Ecology, as well as various special interest groups and individual citizens.
8. The required State agency 60-day review period on the comprehensive plan amendments and concurrent rezones began on January 21, 2000 and expired on March 21, 2000. No comments were received from state agencies outside of acknowledgement from Department of Community, Trade and Economic Development of the submittal.
9. On October 20, 1999 the City of University Place Planning Commission held a public hearing on the comprehensive plan

amendments and concurrent rezones. Notice of the public hearing was provided in the city's official newspaper, posted on property subject to the plan map amendment/rezone requests, posted in public places, mailed to adjacent property owners and mailed to an interested parties mailing list.

10. The Planning Commission forwarded its recommendation to the City Council on November 17, 1999 regarding the comprehensive plan text amendments and the four (4) plan map amendments with concurrent rezones.
11. The Planning Commission recommended approval of several text amendments and three of the four plan map amendments/rezones. The Planning Commission recommended denial of one plan map amendment/rezone.
12. The City Council held a study session on the comprehensive plan map amendments with concurrent rezones on May 13, 2000 with a public hearing on April 17, 2000. Notice of the public hearing was provided in the city's official newspaper, posted on property subject to the plan map amendment/rezone requests, posted in public places, mailed to adjacent property owners and mailed to an interested parties mailing list.
13. The City Council has approved the four requested Comprehensive Plan map amendments. Each map amendment necessitates a concurrent zone change to ensure the zoning code's consistency with the comprehensive plan.
14. The City Council has determined that amending the University Place zoning map is in the public interest, protects the public health, safety and welfare, implements the comprehensive plan, and complies with the Growth Management Act.
15. The City of University Place Comprehensive Plan includes policies seeking protection of residential uses and that promote compatibility between different land uses. Policy LU1E seeks to provide buffering between different types of land uses, Policy LU2A seeks the preservation of the single family residential character and indicates that such use be protected from conflicting or inappropriate nearby land uses; Policy LU3E seeks to promote commercial development compatible with surrounding single family uses through quality design and buffering.
16. The City Council finds that two of the four zone changes, APP99-0002 Mugleston/Still and APP99-0003 Pierce County Fire District #3, necessitate the imposition of approval conditions to implement comprehensive plan policies to ensure compatibility with adjacent single family residential uses.

17. Since the adoption of the Comprehensive Plan the City of University Place has adopted design standards for the Commercial, Mixed Use, Mixed Use-Office and Town Center zones. Implementation of design standards will foster additional compatibility with residential uses for those rezone requests seeking a Mixed Use-Office "MU-O" designation (APP99-0002 Mugleston/Still and APP99-0003 Pierce County Fire District #3) through emphasizing quality site design as called for in Comprehensive Plan policy LU3E.
18. University Place Comprehensive Plan Policy LU3G discourages expansion of "linear retail strips". None of the four proposed rezones results in an expansion of a linear retail strip. Three of the four rezones are not to a retail commercial designation. The fourth rezone, Fred Meyer Stores, creates a stand alone retail node but is not bordered by or adjacent to any other commercial retail zoning.

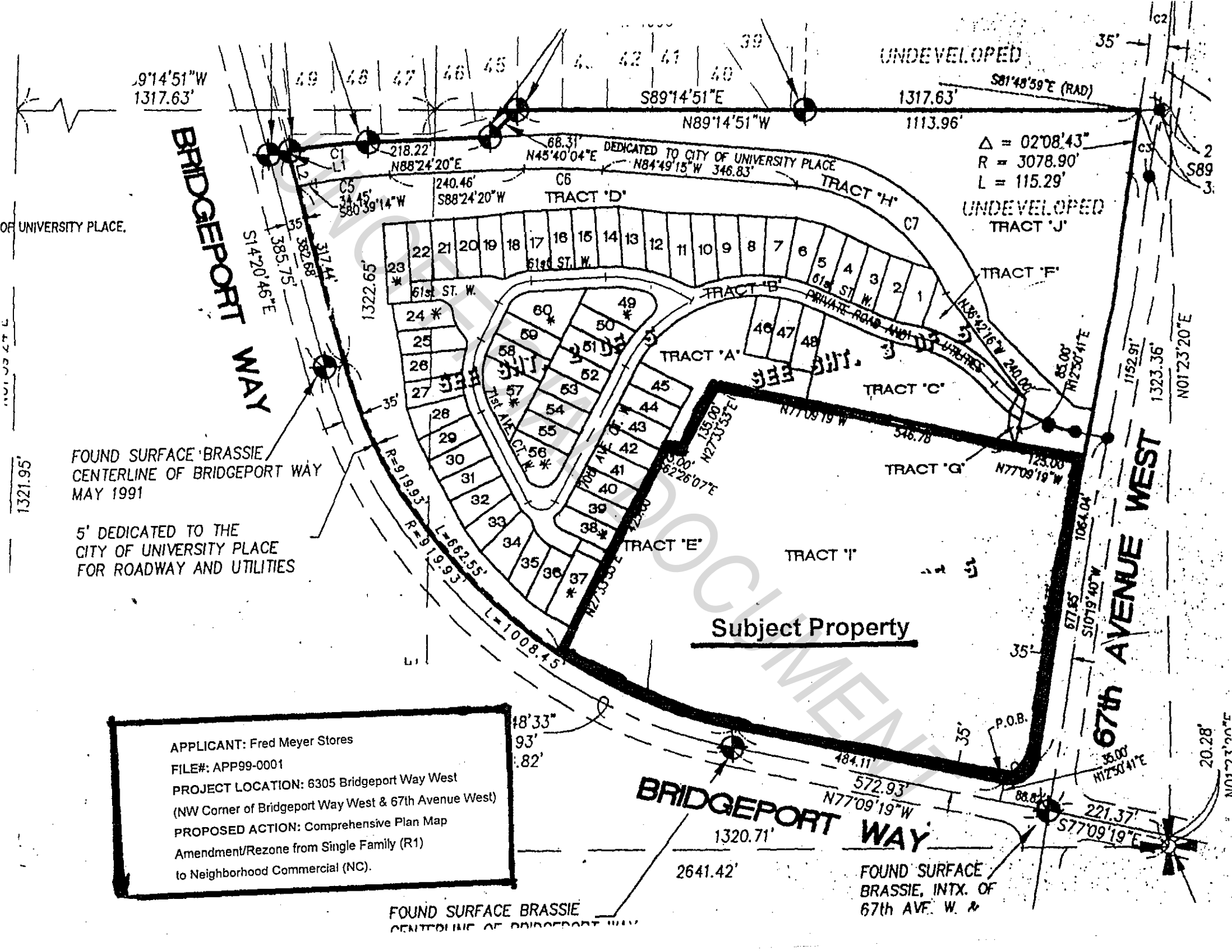
Conclusions

1. The proposed comprehensive plan map amendments with concurrent rezone requests were noticed throughout the process to adjoining local governments, the County, numerous state agencies as well as special interest groups and affected citizens.
2. Significant opportunities for public and agency comment have been provided for during the comprehensive plan amendment and rezone process. This includes notice to state agencies as part of the State 60 day review process, SEPA notice, as well as notice of the Planning Commission and City Council public hearings.
3. The rezone requests will not have a probable significant adverse impact upon the environment.
4. The proposed rezones are consistent with the Comprehensive Plan. Two rezones warrant the imposition of conditions to fully implement the Comprehensive Plan policies that call for compatibility with adjacent single family residential uses.
5. None of the rezone requests, if granted, promotes a linear retail strip.
6. The City Council has determined that amending the City of University Place zoning map is in the public interest, protects the public health, safety and welfare, implements the Comprehensive Plan, and complies with the Growth Management Act.

EXHIBIT B

APP99-0001
Fred Meyer Stores

UNOFFICIAL DOCUMENT



9°14'51"W
1317.63'

BRIDGEPORT WAY

OF UNIVERSITY PLACE.

FOUND SURFACE BRASSIE
CENTERLINE OF BRIDGEPORT WAY
MAY 1991

5' DEDICATED TO THE
CITY OF UNIVERSITY PLACE
FOR ROADWAY AND UTILITIES

UNDEVELOPED

$\Delta = 02'08'.43"$
 $R = 3078.90'$
 $L = 115.29'$

UNDEVELOPED
TRACT 'J'

Subject Property

67th AVENUE WEST

BRIDGEPORT WAY

FOUND SURFACE
BRASSIE, INTX. OF
67th AVE. W. &

APPLICANT: Fred Meyer Stores
FILE#: APP99-0001
PROJECT LOCATION: 6305 Bridgeport Way West
(NW Corner of Bridgeport Way West & 67th Avenue West)
PROPOSED ACTION: Comprehensive Plan Map
Amendment/Rezone from Single Family (R1)
to Neighborhood Commercial (NC).

FOUND SURFACE BRASSIE
CENTERLINE OF BRIDGEPORT WAY

EXHIBIT C

APP99-0002

David Mugleston/Ken and Linda Still

UNOFFICIAL DOCUMENT



APPLICANTS/OWNERS: Ken and Linda Still/David Mugleston
 FILE #: APP99-0002

PROJECT LOCATION: 3300-3400 block (approximate) of Bridgeport Way West (west side).
 (Lots 7-20 inclusive of Block 16 of Menlo Park Plat, along with westerly 33' of vacated Menlo Drive West). The subject parcels do not abut Bridgeport Way West.

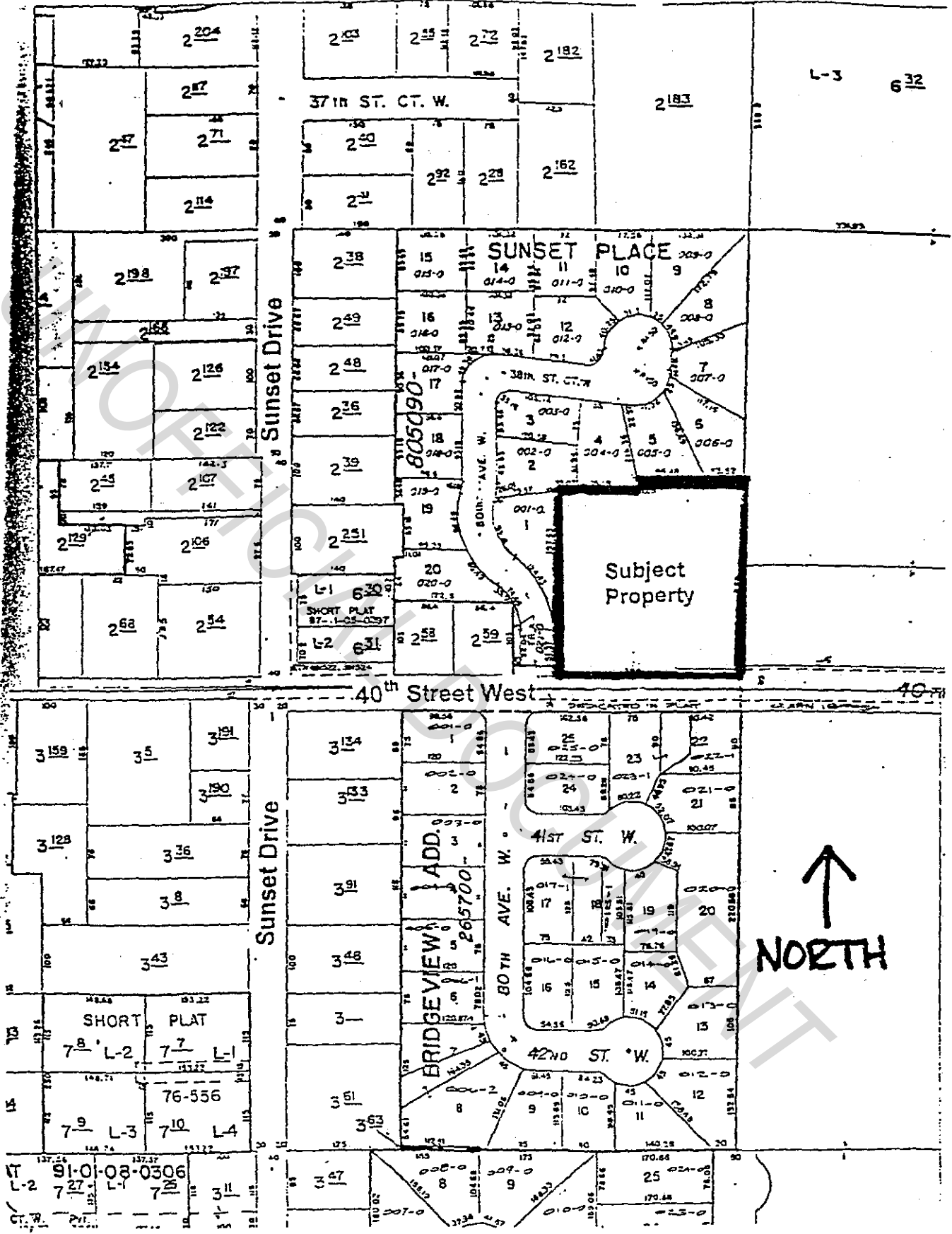
PROPOSED ACTION: Comprehensive Plan Map Amendment/Rezone from "Single Family" (R1) to "Mixed Use-Office" (MU-O).

EXHIBIT D

APP99-0003

Pierce County Fire Protection District #3

UNOFFICIAL DOCUMENT



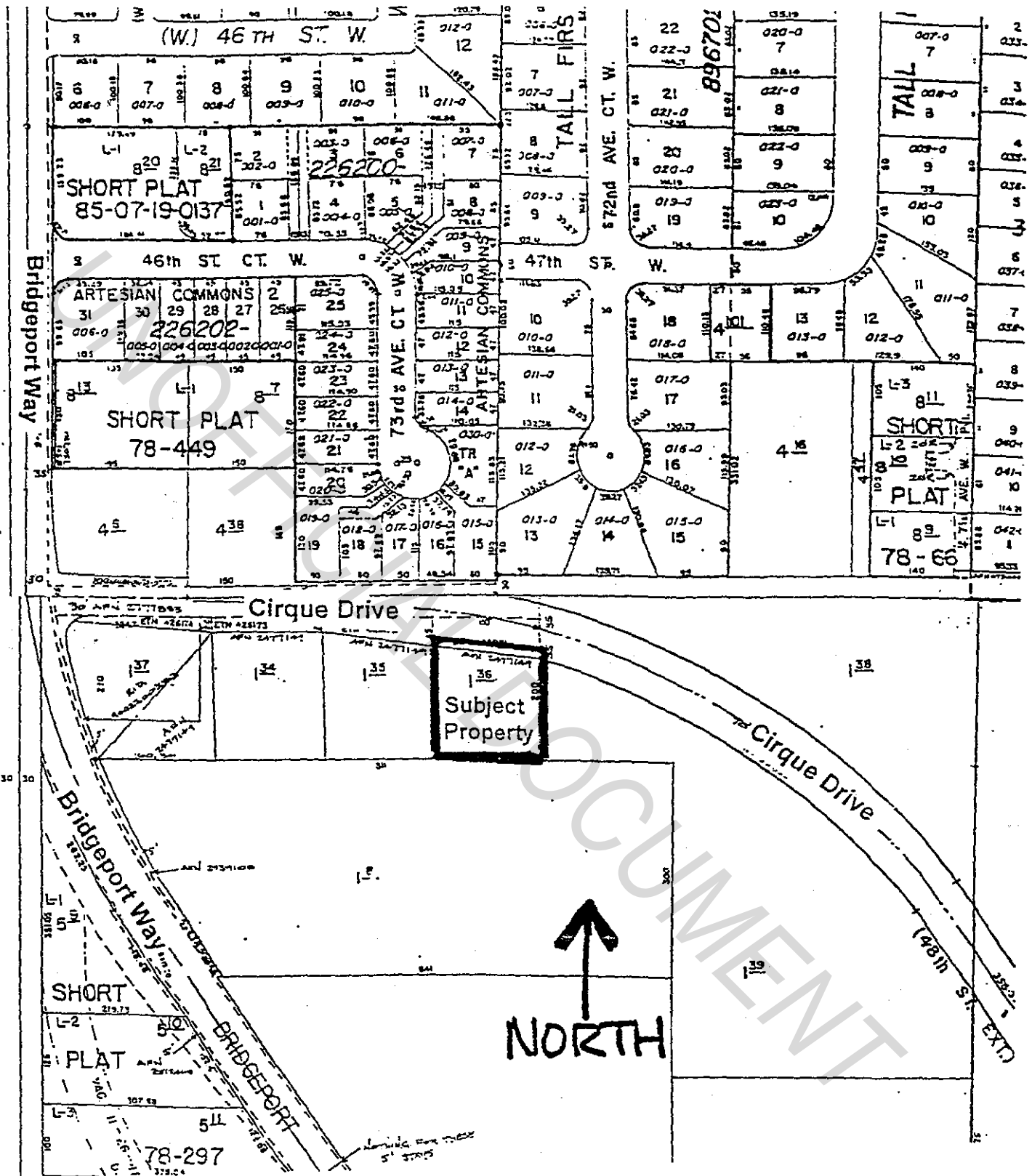
APPLICANT: Pierce County Fire District #3
 FILE #: APP99-0003
 PROJECT LOCATION: 7909 40th Street West, University Place (See map on reverse).
 PROPOSED ACTION: Comprehensive Plan Map Amendment/Rezone from "Public Facilities" (PF) to "Mixed Use-Office" (MU-O).

EXHIBIT E

APP99-0004

City of University Place

UNOFFICIAL DOCUMENT



APPLICANT: City of University Place
 FILE #: APP99-0004

PROJECT LOCATION: Located in the 7200-7300 Block (approximate) of Cirque Drive (south side). Parcel Number 0220221036.

PROPOSED ACTION: Comprehensive Plan Map Amendment/Rezone from "Single Family" (R1) to "Public Facilities" (PF).