ORDINANCE NO. 2016- 13

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, APPROVING A SITE SPECIFIC REZONE FOR PARCELS 3605002300, 3605002310, 3605002322, AND 3605002280 LOCATED AT 303 AND 305 CENTER STREET WEST AND PENNSYLVANIA AVENUE SOUTH AND AMENDING THE EATONVILLE ZONING MAP BY CHANGING THE ZONING CLASSIFICATION FOR THE PROPERTY FROM MULTI-FAMILY RESIDENTIAL DISTRICT, HIGH DENSITY (MF-2) TO DOWNTOWN COMMERCIAL DISTRICT (C-1)

WHEREAS, the Town of Eatonville (the applicant) is the owner of the real property located at 305 Center Street West, Eatonville; Pierce County tax parcel numbers 3605002300; 3605002310 and 3605002322 and Audrey M. Baardson as Trustee is the owner of the property located at 303 Center Street West, parcel number 3605002280; and

WHEREAS, Audrey M. Baardson has appointed the Town as her agent for purposes of the site specific rezone application; and

WHEREAS, 3 of the 4 parcels within the rezone area are owned by the Town of Eatonville and already contain development that is commercial in nature, the Eatonville Community Center, parking facilities and accessory activities and uses; and

WHEREAS, the applicant has submitted an application to rezone the subject properties from Multi-Family Residential District, High Density (MF-2) to Downtown Commercial District (C-1); and

WHEREAS, all required fees associated with the rezone application have been paid by the applicant; and

WHEREAS, a SEPA Determination of Non-Significance was issued on June 8, 2016 and no comments were received; and

WHEREAS, on June 27, 2016, the Eatonville Planning Commission held a public hearing and received no public comment regarding the applicant's request to rezone the subject properties; and

WHEREAS, at least ten (10) days prior to the public hearing, notice of the public hearing was provided to all property owners within at least 300 feet of the proposed rezone and a public notice was posted on the subject property; and

WHEREAS, public notice was also published in the local newspaper at least ten (10) days prior to the public hearing; and

WHEREAS, having conducted the public hearing and considered the entire

record, including but not limited to the Planning Department's file, a staff report, and public comment, the Planning Commission has unanimously recommended approval of the application for the rezone of the subject property; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. Findings and Conclusions. Based on the Planning Department's file, the staff report prepared for the Planning Commission's public hearing (a copy of which is attached as Exhibit A), and the materials submitted at the public hearing, all of which are incorporated herein by reference, the Town Council identifies the following findings of fact as relevant to the applicant's request for a site specific rezone.

A. The Whereas clauses set forth above are adopted herein as findings of fact.

B. The Town's Comprehensive Plan land use designation for the subject property is Multi-Family. The current zoning designation for the subject property is Multi-Family Residential District, High Density (MF-2).

C. The Comprehensive Plan describes single family residential as the predominant land use in the Town. The residential land designation is described as encompassing both single family and multi-family development.

D. The Comprehensive Plan identifies the following as goals and policies in support of commercial land use: recognize and promote existing and future conditions that are supportive of the overall community; a large portion of the rezone area has historically been developed with community facilities, which are commercial in nature. Approval of the rezone will be balanced in recognition of existing conditions, neighborhood compatibility, and as well, be supportive and enhance economic vitality in the Town.

E. The abutting area land use designations are north: multi-family and commercial; south: multi-family; east: commercial; and west: multi-family.

F. The abutting area zoning designations are north: C-1 and MF-1; south: MF-2; east: C-1; and west: MF-2.

G. Development of the subject property will increase its tax assessed value and generate increased utility fees.

Section 2. Conclusions of Law. Based on the findings of fact set forth above in Section 1, the Town Council makes the following conclusions of law:

A. Section 18.09.050 of the Eatonville Municipal Code provides, in part:

C. Standards and Criteria for Granting a Request for Rezone. The following standards and criteria shall be used by the planning commission and town council to evaluate a request for rezone. Such an amendment shall only be granted if the town council determines that the request is consistent with these standards and criteria:

1. The proposed rezone is consistent with the comprehensive plan;

2. The proposed rezone and subsequent development of the site would be compatible with development in the vicinity;

3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated;

4. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone;

5. The proposed rezone will not adversely affect the health, safety and general welfare of the town.

B. The applicant has met its burden as to the five criteria set forth in EMC 18.09.050(C).

1. The rezone request is consistent with the Comprehensive Plan. The rezone request furthers the Plan's goals of encouraging business development in the Town's commercial core and maintaining a pedestrian-oriented Town center. The commercial land use designation furthers the goals and policies set forth in the Plan for commercial land use.
2. The proposed rezone and subsequent development of the subject property is compatible with development in the vicinity. The land area abutting the subject property has a land use designation of either commercial or multi-family and a zoning designation of either C-1 or MF-2. However, the existing pattern of actual land development abutting the subject property is undeveloped multi-family lots.
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the subject property. Center Street West is a paved public road that is developed with curb, gutter, sidewalk, and street lighting. The change from multi-family zone to commercial zone will not burden the existing transportation system.
4. As a result of the 2008 recession and its impact on residential development in the Town, multi-family residential development is not marketable. Rezoning the property to commercial will increase the likelihood the property will be further developed. These changed circumstances support the request to rezone.
5. The requested rezone has a substantial relation to the health, safety, and general welfare of the Town because the rezone furthers the goals of the Town's Comprehensive Plan.

Section 3. Final Decision. Based on the recommendation of the Planning

Commission and the findings of fact and conclusions of law set forth above, the Town Council approves the request to rezone and the Town of Eatonville Zoning Map is hereby amended by changing the zoning classification for the property located at 303 and 305 Center Street West, Pierce County tax parcels 3605002300; 3605002310; 3605002322 and 3605002280, from Multi-Family Residential District, High Density (MF-2) to Downtown Commercial District (C-1).

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 07/11/2016
2ND READING: 07/25/2016

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 25th day of July, 2016.

_____
Mike Schaub
Mayor

ATTEST:

_____
Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:

_____
Gregory A. Jacoby
Town Attorney