

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance 589 dealing with Comprehensive Plan Minor Amendments, Public Health Laboratory CPA, and amendment to SMC Section 16.05
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director PADS Steven Szafran, AICP, Associate Planner Steven Cohn, Senior Planner

PROBLEM/ISSUE STATEMENT:

The State Growth Management Act limits Council action on proposed Comprehensive Plan Amendments (CPAs) to no more than once a year, with a few exceptions such as initial adoption of subarea plans. This year the Council's review package will include the Public Health Lab Master Plan (PHL) amendment and the several unrelated amendments that are relatively minor in scope. This agenda memo discusses the minor amendments; the PHL amendment is addressed in a separate report together with the PHL Master Plan.

This agenda item was discussed at the December 6, 2010 study session.

FINANCIAL IMPACT:

The proposed amendments would have no direct financial impact.

RECOMMENDATION

Motion to approve Ordinance 589 that includes the Comprehensive Plan Amendment for the PHL and additional unrelated amendments to the Comprehensive Plan, and amendment to SMC Section 16.05 dealing with the Comprehensive Plan.

Approved By:

City Manager 

City Attorney 

BACKGROUND

This set of amendments was recommended by the Planning Commission following its public hearing on November 4, 2010. These are being forwarded for action under RCW 36.70A.130 which states that the Council can review amendments to the Comprehensive Plan no more often than once a year.

PROPOSAL & ANALYSIS

This proposal is file number 301690. There are five amendments in this package.

1. Add language about the Ballinger neighborhood in appropriate sections of the Comprehensive Plan where other neighborhoods are discussed.

Reason for change: The existing Plan doesn't address the Ballinger commercial/mixed use area. In the Community Profile section of Introduction to the Comprehensive Plan and in other sections, this proposal would add narrative dealing with the Ballinger neighborhood. (The page numbers cited refer to the location of text in the Comprehensive Plan).

p. 21 – Neighborhoods

Ballinger. The Ballinger neighborhood, in the Northeast portion of the city, is bordered by Mountlake Terrace, Lake Forest Park, and the North City neighborhood. It is an area of single family homes, apartments and condominiums. It is served by the commercial area bordering both sides of Ballinger Way and home to a variety of retail stores, banks and other service uses, and a variety of commercial uses.

North City. Founded around the late 1930s and early 1940s, this neighborhood is located in the northeastern portion of Shoreline and is south of the Ballinger neighborhood bounded by I-5, NE 175th Street and the eastern edge of the City.

p. 23 – Mixed Use and Commercial Areas

Other mixed use and commercial areas include North City, Ridgecrest, Richmond Beach and Ballinger. The North City business district is located on 15th Avenue NE between N 170th and N 185th Streets. This district serves the local community and neighboring communities. The Hillwood/Richmond Beach Highlands commercial area is located on NW 185th Street Richmond Beach Road and 8th Avenue NW. The Richmond Beach commercial area is located on 15th Avenue NW and Richmond Beach Road. It They serves the City's northwest neighborhoods including Hillwood, Richmond Beach, Richmond Highlands, and Innis Arden. The Ridgecrest Business District is located at north of NE 145th Street Avenue NE between along 15th Avenue and Lake City Way NE. It serves the City's southeast neighborhoods including Ridgecrest and Briarcrest. The Ballinger commercial area is located along Ballinger Way and extends from 15th Avenue NE to approximately 25th Avenue NE. The diverse mix of businesses in the district serves not only the local neighborhood in Shoreline, but also the residents of neighboring cities of Mountlake Terrace and Lake Forest Park.

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Ballinger Road Way NE and 19th Avenue NE: Northbound and Southbound at LOS F

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Ballinger Road Way NE and 19th Avenue NE

2. Modify the Land Use Map to reflect recent public ownership of parks and open space parcels and re-designate them as "Public Open Space".

See Attachment 1 for new map delineations.

Reason for change: This amendment updates the Comprehensive Plan map to reflect park and open space acquisition since the most recent Comprehensive Plan update.

3. Remove references to "Regional Business (RB) zone" and replace with "Mixed Use Zone (MUZ)".

Reason for change: This amendment brings the zoning references up to date.

There are a few references to the RB zone in the Comprehensive Plan. This change would modify footnote to Table LU-4, Capacity in Multi Family Zones on page 99 of the plan to read: "It's estimated that the remaining 344 additional units of the City's housing target could be accommodated in the City's Regional Business MUZ zoning district (City of Shoreline Planning and Development Services, 2003)."

Other changes are reflected below.

4. Proposal: Modify Land Use Goal and Policy 17, 18, and 19.

Mixed Use and Commercial Land Use

LU17: The Mixed Use designation applies to a number of stable or developing areas ~~and to the potential annexation area at Point Wells.~~ This designation is intended to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses. This designation should be reflected in zoning and development standards that achieve transition between adjoining uses of different intensities. Transition can be accomplished through appropriate design solutions or, alternatively, through decreased density or intensity.

Depending on circumstances, appropriate zoning designations for the area may include, Neighborhood Business, Community Business, Office, Mixed Use Zone, Regional Business, Industrial, R-8, R-12, R-18, R-24 and/or R-48.

Commercial Land Use

LU18: The Community Business designation applies to areas within the Aurora Corridor, North City and along Ballinger Way NE Road. This designation provides for taller buildings with retail, office and service uses and high density greater residential uses of densities than are allowed in purely residential zones. Significant pedestrian connection and amenities are anticipated. ~~Some Limited industrial uses might be allowed~~ are permitted under certain circumstances. Depending on circumstances, appropriate zoning designations for this area ~~might~~ may include the Neighborhood Business, Community Business, Regional Business Mixed Use Zone, Office, R-12, R-18, R-24, or R-48.

LU19: The Regional Business designation applies to an area within the Aurora Corridor north of N 185th St. and south of N 192nd St. provides for retail, office, service, high density residential and some industrial uses, and greater residential densities than are allowed in purely residential zones. Significant pedestrian connections and amenities are anticipated as the area redevelops.

~~Depending on circumstances~~, appropriate zoning designations for this area may include Community Business, Office, ~~Regional Business~~ Mixed Use Zone, Industrial, R-12, R-18, R-24 or R-48.

Commission rationale for proposed changes:

- Merge the titles of the areas together to create a "Mixed Use and Commercial Land Use" section that clarifies that commercial designations permit residential uses as well.
- Add narrative language that provides additional context for vision in Mixed Use and Community Business designated areas.
- Staff initially proposed to eliminate LU-19, believing that the narrative does not provide a distinction between Community Business and Regional Business land use districts. The Commission was uncomfortable proposing its deletion, preferring to address the question as part of the upcoming Comprehensive Plan Update. Staff intends to raise the question about whether "appropriate zoning" should be in these and other Land Use district definitions when the Comprehensive Plan Update is discussed next year.

5. *Modify Land Use Policy to reflect Public Health Lab recommendation that transferred 5 acres from the Fircrest Campus to the Public Health Lab Campus.*

Reason for change: This amendment is a follow up to the Public Health Lab Master Plan and associated Comprehensive Plan amendment that was heard by the Commission earlier in the year.

LU43: The Campus land use designation applies to four institutions within the community that serve a regional clientele on a large campus....

These areas include...

2. Fircrest Campus: The Fircrest Campus is an approximately 83-78 acre site.....

3. Public Health Laboratory Campus: An approximately 12 7 acre site...

Amendment of the Comprehensive Plan Criteria

1. *The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies*

The amendments are consistent with the Growth Management Act in that they help define where appropriate growth and economic development should be encouraged.

2. *The amendment addresses changing circumstances, changing community values; incorporates a subarea plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan*

These amendments address changing circumstances. They update references to the Ballinger neighborhood which was not addressed adequately in the existing plan. In terms of changing values, they clarify that most commercial areas in Shoreline are also appropriate for residential uses.

3. *The amendment will benefit the community as a whole; will not adversely affect community facilities, the public health, safety or general welfare*

The amendments benefit the community by making more explicit that vision for Ballinger and other commercial/mixed use districts in the City.

TIMING AND SCHEDULE

Notice to Washington State Dept. of Commerce	September 27, 2010
Planning Commission Study Session	October 7, 2010
SEPA determination issued	October 14, 2010
Public Hearing Notice	October 13, 2010
Public Hearing	November 4, 2010

Additional modification to the SMC suggested by City Attorney

As staff was reviewing other documents, it was discovered that there is an outdated reference to the Comprehensive Plan in Section 16.05 of the Shoreline Municipal Code. The genesis of the section is unclear; the City Attorney has told us that, since the Comprehensive Plan is a required publication, there is no need to reference it in the SMC. Both are stand alone documents. Therefore, as part of this Comprehensive Plan update package, the reference will be removed.

RECOMMENDATION

Motion to approve Ordinance 589 that includes the Comprehensive Plan Amendment for the PHL and additional unrelated amendments to the Comprehensive Plan, and amendment to SMC Section 16.05 dealing with the Comprehensive Plan.

ATTACHMENTS

1. Revised Map showing new areas designated as Public Open Space
2. Planning Commission November 4, 2010 draft minutes.
3. Ordinance 589

over to Section 20.50.520. Mr. Forry said that if the Commission desires, staff could bring back an additional amendment to clarify the term "root mat width." Commissioner Broili observed that the term "root mat width" is used correctly in all cases except the third sentence of Section 20.50.520. He agreed to forward his information to staff again. The Commission agreed it would be appropriate to recommend approval of the staff's proposed amendments, with the understanding that Section 20.50.520 would be brought back to the Commission at some point in the future to address the issue of "root mat width."

Commissioner Esselman pointed out that in the last sentence in Section 20.50.520, the word "site" should be replaced with "sight."

THE MOTION TO RECOMMEND APPROVAL OF STAFF'S PROPOSED AMENDMENTS TO EXHIBIT 5 (ATTACHMENT 4 IN STAFF REPORT) WAS APPROVED UNANIMOUSLY.

Closure of Public Hearing

The public hearing was closed.

LEGISLATIVE PUBLIC HEARING ON COMPREHENSIVE PLAN AMENDMENTS

Chair Wagner referred to the rules and procedures for the public hearing and noted that there was no one in the audience to participate. The hearing was opened and staff was invited to present the Staff Report.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Cohn referred the Commission to the five proposed Comprehensive Plan amendments. He noted that staff agrees with the Commission's recommendation that they not propose any changes to the appropriate zoning designations. However, they would like to discuss the concept again as part of the overall Comprehensive Plan update. He reminded the Commission that the proposed amendments are considered minor. Mr. Szafran noted that the word "may" was added to each of the proposed zoning designations to make it clear that just because a zoning designation is included on the list does not mean a rezone to one of the designations on the list would be automatically approved. This decision would be based on the individual circumstances of a property.

Questions by Commission to Staff

For clarification, Mr. Cohn advised that Mixed-Use (MUZ) is a zoning designation, and Regional Business (RB) is a Comprehensive Plan designation. He noted that this would be made clearer when the Comprehensive Plan is updated in the near future. Commissioner Moss noted that Regional Business is identified as a potential appropriate zone in Land Use (LU) Policies LU-17, LU-18 and LU-19. Mr. Cohn agreed it would be appropriate to replace RB with MUZ.

Public Testimony

There was no one in the audience to participate in the public portion of the hearing.

Deliberations

COMMISSIONER MOSS MOVED TO RECOMMEND APPROVAL OF STAFF'S PROPOSED COMPREHENSIVE PLAN AMENDMENTS LISTED IN EXHIBIT 1 (NOVEMBER 4TH PUBLIC HEARING STAFF REPORT). COMMISSIONER KAJE SECONDED THE MOTION.

The Commission continued to discuss the proposed amendments to LU-17, LU-18 and LU-19 and agreed upon a friendly amendment to change them as follows:

- Replace all references to Regional Business with Mixed-Use (MUZ).
- Change the last sentence of LU-17, LU-18 and LU-19 to read, "Depending on the circumstances, appropriate zoning for the area may include . . ."
- Separate the last sentence in LU-18 and LU-19 into a stand-alone paragraph, similar to LU-17.
- In LU-18, change the word "might" to "may."

Commissioner Moss observed that staff made a change to LU-43 to identify the correct acreage for the Fircrest Campus. However, the Public Health Lab Campus size should be updated, as well. Mr. Cohn noted that this change was made as part of the recent Comprehensive Plan change related to the Public Health Lab Campus.

Commissioner Esselman observed that LU-17 is about using mixed uses as a transition between lower and higher densities; therefore, the words "mixed-use site" in the third sentence appears to be redundant. She suggested the third sentence be changed to read, "This designation should be reflected in zoning standards that achieve transition between the intensity of uses between sites." Chair Wagner questioned how this would be applied to a situation of Mixed-Use next to Community Business, where no transition would be necessary. The intent is to provide a transition between commercial and solely residential functions. Mr. Cohn said there could also be a need for transition between varying intensities of residential uses. He suggested that the generic language proposed by Commissioner Esselman would be appropriate.

The Commission agreed upon a friendly amendment to change the third sentence in LU-17 to read, "This designation should be reflected in zoning standards that achieve transition between adjoining uses of different intensities."

Commissioner Kaje again referred to LU-17 and questioned if "zoning standards" should be changed to "zoning and development standards." He noted the code language talks about transition via zoning and via physical development standards. Mr. Cohn said the intention is to include both. **The Commission agreed to a friendly amendment to add "and development" between "zoning" and "standards."**

Commissioner Esselman referred to the section titled, "Mixed Use and Commercial Areas" (Page 56 of Staff Report) and questioned if the language in the 4th sentence should be made more specific by changing "Hillwood/Richmond Beach commercial area" to "Hillwood/Richmond Highlands commercial area." She noted that Richmond Beach is to the west and has its own commercial area on 15th and

Richmond Beach Road. Mr. Cohn explained the intent was to be generic. However, he would support the proposed change, as well. Commissioner Esselman recommended that the Richmond Beach commercial area also be added to this section. Mr. Szafran noted that in the 4th sentence, the reference to "Northwest 185th Street" should be changed to "Richmond Beach Road."

The Commission agreed upon a friendly amendment to change the 4th sentence to read, "The Hillwood/Richmond Highlands commercial area is located on Richmond Beach Road and 8th Avenue Northwest. An additional sentence would be added to read, "Richmond Beach commercial area is located at 15th Avenue Northwest and Richmond Beach Road." The 5th sentence should be changed by replacing "it serves" with "they serve." They also agreed to remove the "italic" formatting.

Commissioner Behrens recommended that the 4th sentence in the "Mixed Use and Commercial Areas" section (Page 56 of the Staff Report) should also be amended by placing the words "mixed use and" before "commercial." He also recommended that the first sentence of LU-17 be amended by adding the words "and commercial" after "mixed use" so it is consistent with the title. Mr. Szafran noted that the title is generic and applies to Mixed Use (LU-17), Community Business (LU-18) and Regional Business (LU-19). The Commission indicated they did not support the proposed change to LU-17.

The Commission approved a friendly amendment to change the last sentence in the "Mixed Use and Commercial Areas" section (Page 56 of the Staff Report) to read, "The diverse mix of businesses in the district serves not only the local neighborhood in Shoreline, but also the residents in the neighboring cities of Mountlake Terrace and Lake Forest Park."

THE COMMISSION UNANIMOUSLY APPROVED THE MOTION TO RECOMMEND APPROVAL OF STAFF'S PROPOSED COMPREHENSIVE PLAN AMENDMENTS LISTED IN EXHIBIT 1 (NOVEMBER 4TH PUBLIC HEARING STAFF REPORT), INCLUDING SEVERAL FRIENDLY AMENDMENTS.

Closure of Public Hearing

The public hearing was closed.

DIRECTOR'S REPORT

Mr. Cohn did not have additional items to report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

ORDINANCE NO. 589

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE COMPREHENSIVE PLAN TO ADD LANGUAGE DESCRIBING THE BALLINGER NEIGHBORHOOD; MODIFY THE LAND USE MAP TO IDENTIFY NEW AREAS OF PUBLIC OPEN SPACE; REMOVE REFERENCES TO REGIONAL BUSINESS ZONE AND REPLACE WITH MIXED USE ZONE; MODIFY LAND USE GOALS LU17, 18, AND 19; AND MODIFY LU 43 TO SUBTRACT 5 ACRES FROM THE FIRCREST SITE TO BE ADDED TO THE PUBLIC HEALTH LAB SITE

WHEREAS, the Growth Management Act requires cities to consider amendments to the Comprehensive Plan only once a year; and

WHEREAS, the Planning Commission considered Comprehensive Plan amendments logged in during the 2009 calendar year together with implementing regulations at a study session on October 7, 2010 and a Public Hearing held on November 4, 2010; and

WHEREAS, the City's Responsible Official issued a DNS on the Comprehensive Plan Amendments on October 14, 2010; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in Title 20.30.340 for adoption of amendments to the Comprehensive Plan and Development Code; now therefore

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Comprehensive Plan Amendment. The Shoreline Comprehensive Plan is amended as follows:

- a. Figure LU-1 of the Comprehensive Plan is amended as set forth in Exhibit A attached hereto.
- b. Language regarding the Ballinger Neighborhood and other commercial areas found on pages 21, 23, 148 and 149 of the Shoreline Comprehensive Plan is amended as set forth in Exhibit B attached hereto.

- c. Table LU 4 and Policies LU 17, LU 18, LU 19, and LU 43 of the Shoreline Comprehensive Plan are amended as set forth in Exhibit B attached hereto.

Section 2. Repeal. Chapter 16.05 of the Shoreline Municipal Code is repealed in its entirety.

Section 3. Severability. 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 4. Publication, Effective Date. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

ADOPTED BY THE CITY COUNCIL ON DECEMBER 13, 2010.

Keith McGlashan, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Publication Date: December 13, 2010
Effective Date: December 18, 2010

p. 21 – Neighborhoods

Ballinger. The Ballinger neighborhood, in the Northeast portion of the city, is bordered by Mountlake Terrace, Lake Forest Park, and the North City neighborhood. It is an area of single family homes, apartments and condominiums. It is served by the commercial area bordering both sides of Ballinger Way and home to a variety of retail stores, banks and other service uses, and a variety of commercial uses.

North City. Founded around the late 1930s and early 1940s, this neighborhood is located in the northeastern portion of Shoreline and is south of the Ballinger neighborhood bounded by I-5, NE 175th Street and the eastern edge of the City.

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p.30**Mixed Use and Commercial Land Use**

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development standards that achieve transition between adjoining uses of different intensities. Transition can be accomplished through appropriate design solutions or, alternatively, through decreased density or intensity.

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