



OFFICE OF THE CITY CLERK
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**C-34263*

July 7, 2008

City Clerk File Nos.:
ORDS C34256 thru
C34264

COUNCIL ACTION MEMORANDUM

RE: FINAL READING ORDINANCES C34256 THROUGH C34264 – COMP PLAN AMENDMENTS

During its 6:00 p.m. Legislative Session held Monday, June 30, 2008, the Spokane City Council considered Final Reading Ordinances C34256 through C34264, with no further public testimony taken. Council's actions are depicted below.

Final Reading Ordinance C34259

Upon Unanimous Roll Vote, the Spokane City Council **passed Final Reading Ordinance C34259** amending the Spokane Comprehensive Plan Land Use Map for Application #Z2006-074-LU amending the Land Use Plan Map of the City's Comprehensive Plan from "Residential 4-10" to "Office" for one parcel located at 2410 East 29th Avenue. (Staff approved; Plan Commission approved 8 to 0)

City Priority: Growth Management

Final Reading Ordinance C34258

Upon 6-0 Roll Call Vote (Council Member French abstaining), the Spokane City Council **passed Final Reading Ordinance C34258** amending the Spokane Comprehensive Plan Land Use Map for Application Z2006-067-LU amending the Land Use Plan Map of the City's Comprehensive Plan from "Residential 4-10" to "CC Core – Employment Center" for twenty-two parcels located at 432 East Central Avenue. (Staff approved; Plan Commission approved 8 to 0)

City Priority: Growth Management

Council Member French noted the reason for his abstention is because he has real estate that could be considered competitive to this application and he wishes to avoid any conflict of interest or the appearance thereof.

Final Reading Ordinance C34262

Upon Unanimous Roll Call Vote, the Spokane City Council **passed Final Reading Ordinance C34262** amending the Spokane Comprehensive Plan Land

Use Map for Application #Z2006-084-LU amending the Land Use Plan Map of the City's Comprehensive Plan from "Office" to "Commercial" for two parcels located at 1505 West Northwest Boulevard. (Staff approved; Plan Commission approved 8 to 0)

City Priority: Growth Management

Final Reading Ordinance C34264

Upon Unanimous Roll Call Vote, the Spokane City Council **passed Final Reading Ordinance C34264** amending the Spokane Comprehensive Plan Land Use Map for Application #Z2007-075-LU amending the Land Use Plan Map of the City's Comprehensive Plan from "Residential 4-10" to "Office" for two parcels located at 6215 North Maple Street and 6214 North Ash Street. (Staff approved; Plan Commission approved 10 to 0)

City Priority: Growth Management

Final Reading Ordinance C34263

Subsequent to Council and staff comment, the following action was taken:

Upon 0-7 Roll Call Vote (with all Council Members voting "no"), the Spokane City Council **rejected Final Reading Ordinance C34263** relating to Application #Z2007-073-LU proposing to amend the Land Use Plan Map of the City's Comprehensive Plan from "Residential 4-10" to "Residential 15-30" for five parcels located at 3400 South Southeast Boulevard. (Staff denied; Plan Commission denied 6 to 4)

City Priority: Growth Management

Final Reading Ordinance C34260

Council Member French noted that prior to coming on to the City Council, the applicant for Ordinance C34260 had hired an architect and a contractor to build the first of two structures. Mr. French stated the structures were about 80 percent complete when they terminated the services of the first architect and contractor and hired him for assistance to finish up the first building, which was predominantly interior work. Mr. French commented he was then asked to duplicate the facility on the adjacent piece of ground, and he did provide that service. Mr. French noted he has absolutely no financial interest in the project and has not been involved in the project for at least six, if not seven years. He further noted he has discussed this matter with the (Acting) City Attorney, and the (Acting) City Attorney concurred that there is no conflict of interest with him participating on this item. Mr. French then provided comments in favor of Ordinance C34260. Subsequent to comments in opposition of Ordinance C34260 by Council Members Apple and Rush, the following action was taken:

Upon 1-5 Roll Call Vote (Council Member French voting "aye," Council President Shogan and Council Members Allen, Apple, McLaughlin, and Rush voting "no," and Council Member

Corker abstaining), the Spokane City Council rejected **Final Reading Ordinance C34260** relating to Application #Z2006-075-LU seeking an amendment of the Land Use Plan Map of the City's Comprehensive Plan from "Residential 4-10" to "Residential 10-20" for two parcels located at 3230 and 3224 East 18th Avenue. (Staff approved; Plan Commission denied 7 to 1)

City Priority: Growth Management

(Clerical Note: During Council's consideration of Ordinance C34260 at its meeting held June 9, 2008, Council Member Corker noted he would be recusing himself from this matter because in June of 2006 he served as the agent for the applicant and continued in that capacity until his election in November of 2007. He noted that since that time, the agent function was assumed by another party; however, because of his involvement, he would recuse himself from this matter.)

Ordinances C34261, C34256, and C34257 (Options 1 and 2)

Council President Shogan requested that Planning Director Leroy Eadie provide a summary of the meeting held this past week between the proponents and opponents in order to achieve a compromise with Ordinances C34261, C34256, and C34257. Mr. Eadie noted that representatives for the applicants and the neighborhood met this past Thursday, along with the consultant Bill Grimes, who has been working on this process. He noted there were some new principles agreed upon; however, there were some areas that were not agreed upon. He commented the two notable areas of disagreement were in the designation of the type of center (a neighborhood center versus a district center) and also in the zoning designation (CC1 versus CC2). Mr. Eadie advised the neighborhood would like a neighborhood center designated with CC1 zoning and the applicants are supporting their application with a district center with CC2 zoning. Following Mr. Eadie's comments, the following action was taken and subsequently withdrawn:

Motion by Council Member Allen, seconded by Council Member Rush, to give both the applicants and the neighborhood five minutes to recap the events of the past week; **carried unanimously**. (Clerical Note: This motion is considered to be null and void and was subsequently withdrawn by Council Member Allen. See comments below.)

Assistant City Attorney Mike Piccolo noted the Council previously closed the testimony and limited the time to submit additional material and that time has passed so there is no opportunity for public testimony. He also noted the Council did not advertise this as a public hearing. Mr. Piccolo advised the only option is that once the Council has the amended ordinances approved for final vote, testimony can be opened to those changes from the original ordinance. Council Member Allen inquired if his motion was null and void. Mr. Piccolo advised that is correct. In light of Mr. Piccolo's comments, Council Member Allen withdrew his

motion. Council Member Allen then introduced substitute versions of Option 2 for Ordinances C34261, C34256, and C34257. He noted the modified Option 2 versions reflect some of the additional design principles and some of the things the (Southgate) neighborhood has come up with. The following action was taken:

Motion by Council Member Allen, seconded by Council President Shogan, that this (revised versions of Option 2 for Ordinances C34261, C34256, and C34257) substitute for the Option 2 that is on the record; **carried unanimously.**

Council Member Allen, with assistance from Planning Director Leroy Eadie, reviewed the changes made to the substitute versions of Option 2. Mr. Eadie commented that two of the items listed in the substitute ordinances (distributed to City Council) relate to design and really City Council only needs one or the other. One of the items reads (Letter "D"): "Implement thoughtful design appropriate to the context." The other one reads (Letter "E"): "Create a consistent design theme throughout the three sites." Mr. Allen explained that one of the duplicate principles was extracted. (Clerical Note: The extracted item [Letter "D"] read, as follows: "Implement thoughtful design appropriate to the context.") Subsequent to Council discussion and staff comment, the following actions were taken:

Motion by Council Member Allen, seconded by Council Member McLaughlin, to add the additional language to this document to include: "All buildings and the integrated site plan shall be subject to the City of Spokane Design Review process, with a representative from the Southgate Neighborhood designated to participate in the Design Review process. **Motion carried unanimously.**

Motion by Council Member Rush, seconded by Council Member Allen, that Item No. 6, "Effective Date," be amended to add to the end of the sentence, removing the period, to say: "or a finding by the Eastern Washington Growth Management Hearings Board affirming this amendment, should an appeal to this amendment be filed." **Motion rejected 1-6 (Council Member Rush voting "aye" and Council President Shogan and Council Members Allen, Apple, Corker, French, and McLaughlin voting "no").**

Motion by Council Member French, seconded by Council Member Corker, to amend paragraph "M" so that the limitation on other buildings to 40,000 square feet or less be increased to 60,000 square feet. **Motion carried 4-3 (Council President Shogan and Council Members Allen and Rush voting "no").** (Clerical Note: Due to the extraction of letter "D" and the re-lettering of items, the "M" referenced in Mr. French's motion becomes letter "L" in the

finalized ordinance. Also, as a result of this amendment, the sentence under letter “L” now reads: “All other buildings will be limited to 60,000 square feet or less.” The sentence previous to Mr. French’s amendment read, as follows: “All other buildings will be limited to 40,000 square feet or less, except that one grocery store of up to 60,000 will be permitted.”)

Motion by Council Member Rush, seconded by Council President Shogan, to strike the following “WHEREAS” paragraph (from Ordinances C34261, C34256, and C34257): “WHEREAS, the evidence before the Council indicates that the applicants attended as many as 14 Southgate Neighborhood Meetings and made presentations regarding the Subject Applications at six of the meetings in satisfaction of the intent of the neighborhood planning process envisioned under the Comprehensive Plan as implemented in the City’s development regulations; and.” **Motion carried 4-3 (Council Members Corker, French, and McLaughlin voting “no”).**

Council President Shogan noted the Council now has Option 2, as amended, for Agenda Items S1.g (Ordinance C34261), h (Ordinance C34256), and i (Ordinance C34257). Council Members commented on the matters. An additional proposed amendment to the ordinances was presented, with the following action being taken:

Motion by Council Member Rush, seconded by Council Member Allen, to amend all three ordinances (C34261, C34256, and C34257) by adding Section “P” (to read): “Should any building on subject property stand vacant for a period in excess of three years, property owner shall remove that building and return the property to its natural state.” **Motion rejected 2-5 (Council President Shogan and Council Members Apple, Corker, French, and McLaughlin voting “no”).**

Upon inquiry of Council President Shogan as to whether the Council could now approve Option 2 for Agenda Items S1.g (Ordinance C34261), h (Ordinance C34256), and i (Ordinance C34257), Assistant City Attorney Mike Piccolo advised there should be a motion to approve the proposed amendments as submitted by Council Member Allen (the substitute versions of Option 2), with the subsequent amendments, with the distinction that one of the ordinances (Ordinance C34256) has 135,000 square feet language and the other two (Ordinances C34261 and C34257) do not. Council President Shogan commented his understanding of what the Council is voting on is the wording of Option 2 for Agenda Items S1.g (Ordinance C34261), h (Ordinance C34256), and i (Ordinance C34257), as amended. Subsequently, the following action was taken:

Motion by Council Member French, seconded by Council President Shogan, to so move (as advised by Mr. Piccolo to approve the proposed amendments as submitted by Council Member Allen [the substitute versions of Option 2], with the subsequent amendments, with the distinction that one of the ordinances [Ordinance C34256] has 135,000 square feet language and the other two [Ordinances C34261 and C34257] do not). **Motion carried unanimously.**

Assistant City Attorney Mike Piccolo suggested the Council approve the separate document prepared by staff (entitled “Supplemental Findings and Conclusions of the Spokane City Council – Applications Z2006-083-LU, Z2005-113-LU & Z2005-114-LU”) as part of the ordinances which has more detailed findings of fact.

Motion by Council Member French, seconded by Council Member Corker, to so move (to approve the separate document prepared by staff entitled “Supplemental Findings and Conclusions of the Spokane City Council – Applications Z2006-083-LU, Z2005-113-LU & Z2005-114-LU”) as part of the ordinances; **carried 6-1 (Council Member Rush voting “no”).**

The City Council then took the following actions:

Upon 6-1 Roll Call Vote (Council Member Rush voting “no”), the Spokane City Council **passed Option 2 of Final Reading Ordinance C34261, as amended,** relating to Application #Z2006-083-LU and amending the Land Use Plan Map of the City’s Comprehensive Plan from “Residential 4-10” and “Residential 15-30” to “CC Core – District Center” (and amending the Zoning Map to CC2-DC) for six parcels located at 3146 East 44th Avenue.

Upon 6-1 Roll Call Vote (Council Member Rush voting “no”), the Spokane City Council **passed Option 2 of Final Reading Ordinance C34256, as amended,** relating to Application Z2005-113-LU and amending the Land Use Plan Map of the City’s Comprehensive Plan from “Residential 4-10” and “Residential 15-30” to “CC Core – District Center” (and amending the Zoning Map to CC2-DC) for two parcels located at 4901 South Regal Street.

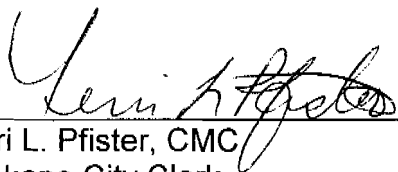
Upon 6-1 Roll Call Vote (Council Member Rush Voting “no”), the Spokane City Council **passed Option 2 of Final Reading Ordinance C34257, as amended,** relating to Application #Z2005-114-LU and amending the Land Use Plan Map of the City’s Comprehensive Plan from “Residential 4-10” to “CC Core – District Center” (and amending the Zoning Map to CC2-DC) for one parcel located at 5222 South Regal Street.

Clerical Note No. 1: Since the City Council considered and passed Options 2 for Ordinances C34261, C34256, and C34257, no actions were taken on Options 1 of the ordinances.

Clerical Note No. 2: As a result of the passage of Options 2 for Ordinances C34261, C34256, and C34257, an "X" was marked in the blank of each ordinance indicating "Approval of Application." (Application #Z2005-113-LU [Ordinance C34256] and Application #Z2005-114-LU [Ordinance C34257] are approved "subject to the condition that the applicants enter into a binding agreement implementing the voluntary transportation impact fees identified in the MDNS.")

Clerical Note No. 3: Options 2 for Ordinances C34261, C34256, and C34257, included language amending the City of Spokane Land Use Map. The language in each ordinance reads, in part, as follows: "That the Spokane Comprehensive Plan Land Use Map be amended from 'Residential 4-10' and 'Residential 15-30' to 'CC Core – District Center.'" In addition, Options 2 for Ordinances C34261, C34256, and C34257, included language amending the City of Spokane Zoning Map. The language in each ordinance reads as follows: "Amendment of Zoning Map. That in order to implement the new land use designation the City of Spokane Zoning Map is amended with respect to the Property to CC2-DC."

Clerical Note No. 4: Since Council approved the Supplemental Findings and Conclusions as part of the ordinances, a new section was added to the end of each of the finalized ordinances (C34261, C34256, and C34257), which reads: "Supplemental Findings. The Supplemental Findings and Conclusions attached hereto are hereby adopted."



Terri L. Pfister, CMC
Spokane City Clerk

- c: City Council
Mike Ekins, Plan Commission Chair
Leroy Eadie, Planning Director
Tami Palmquist, Planning Services
Marla French, Planning Services
Pat Hall, Planning Services
James Richman, Assistant City Attorney
Mike Piccolo, Assistant City Attorney

RECEIVED

MAY 21 2008



AGENDA SHEET FOR COUNCIL MEETING OF: June 2, 2008

CITY CLERK'S OFFICE SPOKANE, WA

Submitting Dept.

Contact Person/Phone No.

Council Sponsor

Planning Services Department

Tami Palmquist 625-6157

Al French

ADMINISTRATIVE SESSION

- o Contract
o Report
o Claims

LEGISLATIVE SESSION

- o Emergency Ord
o Resolution
o Final Reading Ord
X First Reading Ord
o Special Consideration
X Hearing: 6-9-08
o Public Safety

CITY PRIORITY

- o Communications
o Economic Development
X Growth Management
o Human Services
o Neighborhoods
o Public Safety
o Quality Service Delivery
o Racial Equity/Cultural Diversity
o Rebuild/Maintain Infrastructure

- CLERK'S FILE
RENEWS
CROSS REF
ENG
BID
REQUISITION

STANDING COMMITTEES

(Date of Notification)

o Finance

o Neighborhoods

X Planning/Community & Econ Dev: 3-3-08

Neighborhood/Commission/Committee Notified: Plan Commission workshops: 2-27, 3-12 and 3-26-08; Plan Commission Public Hearing: 4-9-08 Deliberations: 4-23-08 Action Taken: Recommend denial

AGENDA

WORDING:

(If contract, include the term.)

An Ordinance Relating to Application #Z2007-073-LU proposing to amend the Land Use plan Map of the City's Comprehensive Plan from "RESIDENTIAL 4-10" to "RESIDENTIAL 15-30" for Five parcels located at 3400 S. Southeast Boulevard.

BACKGROUND:

(Attach additional sheet if necessary)

Nine applications are being considered concurrently through the annual Comprehensive Plan Amendment cycle as required by the Growth Management Act. Two amendments have been held over from the 2006 cycle because of additional analysis and review. Five amendments have been held over from the 2007 cycle in order to consider them concurrently with the two 2008 amendments, this being one of them. All nine of the applicant's proposals are consistent with Comprehensive Plan policy, and the applicants have fulfilled the public participation and notification requirements. Plan Commission has held their Public Hearings on the amendments and recommended approval of four Land Use Map amendments and denial of five Land Use amendments.

RECOMMENDATION:

PASS

Table with Fiscal Impact and Budget Account sections. Fiscal Impact: o N/A. Budget Account: o N/A. Expenditure: \$ #. Revenue: \$ #. X Budget Neutral.

ATTACHMENTS: -Include in Packet:

Ordinance, Plan Commission Findings & Conclusions, Minority Report, Staff Report (Department Comments, SEPA Determination, Public Comments - ON FILE)

On file for Review in Office of City Clerk: MSP

SIGNATURES:

Looy EADIE Department Head

Teresa Soder by Lori Meyer Division Director

Maibach Senior Finance

Legal

Chief Operating Officer for Mayor

Council President

DISTRIBUTION:

Mike Ekins, Plan Commission Chair
James Richman, Legal Dept.

Pat Hall, Planning Services
Tami Palmquist, Planning Services

Marla French, Planning Services
Leroy Eadie, Planning Services

COUNCIL ACTION:

FIRST READING OF THE ABOVE ORDINANCE WAS HELD ON June 2, 2008 AND FURTHER ACTION WAS DEFERRED. CITY CLERK

June 9, 2008: See Council Action Memorandum dated June 16, 2008, for Council action on June 9, 2008.

REJECTED by SPOKANE CITY COUNCIL on 06/30/08 by a UNANIMOUS ROLL CALL VOTE