

ORDINANCE NO. _____

AN ORDINANCE 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" FOR SIX PARCELS LOCATED AT 3146 E. 44TH AVENUE.

WHEREAS, land use amendment applications Z2007-073-LU and Z2007-075-LU were submitted by the October 31, 2007 deadline for Plan Commission review during the 2008 amendment cycle. Land use amendment applications Z2006-067-LU, Z2006-074-LU, Z2006-075-LU, Z2006-083-LU, Z2006-084-LU were carried over from the 2007 amendment cycle, and applications Z2005-113-LU and Z2005-114-LU were carried over from the 2006 amendment cycle (collectively the "Comprehensive Plan Amendment Applications"); and

WHEREAS, application #Z2006-083-LU relates to property located at 3146 E 44th Avenue, on contiguous parcel numbers 34032.9157, .9156, .9005, .9006, .9007, and .0003 (the "Property"); and

WHEREAS, application #Z2006-083-LU seeks to amend the Land Use Map of the City's Comprehensive Plan for the Property from "Residential 4-10" and "Residential 15-30" to "CC Core – District Center" with a corresponding adjustment to the City's zoning map to CC2-DC (the "Subject Application"); and

WHEREAS, Staff requested comments from agencies and departments on November 28, 2006, and a 30-day public comment period ran from September 21, 2007 to October 22, 2007; and

WHEREAS, the Washington State Department of Community Trade and Economic Development (CTED) and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on November 21, 2007; and

WHEREAS, the Spokane City Plan Commission held workshops to study the Comprehensive Plan Amendment Applications on October 10 and 24, 2007 and November 14, 2007; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were released on November 9, 2007 for the Comprehensive Plan Amendment Applications. The public comment period for the SEPA determination ended on October 22, 2007; and

WHEREAS, notice of the SEPA Checklist and Determination, the Land Use Plan Map changes, and the Zoning Map changes, and announcement of the December 12, 2007 Plan Commission Public Hearing was published in the Spokesman-Review on Wednesday, November 28, 2007. Notice of the January 9, 2008 Plan Commission Public

Hearing was published in the Spokesman-Review on Wednesday, December 26, 2007; and

WHEREAS, notice was posted on the Property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on November 26, 2007, and December 27, 2007; and

WHEREAS, the staff report prepared by the City's Planning Services Department found that the Subject Application met all the criteria and recommended approval of the Application; and

WHEREAS, the Spokane Plan Commission conducted public hearings on December 12, 2007 and January 9, 2008, and deliberated on January 23, 2008 and February 13, 2008, for the Comprehensive Plan Amendment Applications, including the Subject Application; and

WHEREAS, the Plan Commission voted 5 to 3 to recommend denial of this Subject Application because, in the opinion of a majority of the Commission, the proposal should be addressed through a neighborhood planning process; and

WHEREAS, a minority of the Plan Commission prepared and submitted a report favoring approval of the Subject Application; and

WHEREAS, although the City's Comprehensive Plan indicates that the exact location, boundaries, size, and mix of land uses in a potential neighborhood center should be determined through the neighborhood planning process, it contemplates the City initiating the designation process at the request of private interests and leaves the details and further refinement of the neighborhood centers to the neighborhood planning process; and

WHEREAS, the City's Comprehensive Plan also distinguishes between neighborhood centers and centers of a more regional nature and does not subject district and regional centers to a neighborhood planning process; and

WHEREAS, even if the Comprehensive Plan did subject a district center to a neighborhood planning process, the Subject Application has been through a process that involved substantial neighborhood notification and participation process, satisfying the underlying intent of the neighborhood planning contemplated by the Comprehensive Plan and fully satisfying GMA's public notice and participation requirements; and

WHEREAS, the Comprehensive Plan is a guide and not a document designed for making specific land use decisions, conflicts concerning a proposed use are resolved in favor of more specific regulations; and

WHEREAS, the City's development regulations do not specifically require applicants for a CC CORE designation to proceed through a neighborhood planning process and instead indicate that in the absence of an existing neighborhood or center planning group, an applicant should meet with whatever representative neighborhood councils regarding a comprehensive plan amendment proposal; and

WHEREAS, the evidence before the Council indicates that the applicants attended as many as 14 Southgate Neighborhood Meetings and made presentations regarding the Subject Application as 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

WHEREAS, approval of the Subject Application will create greater compatibility of approved land uses on the Property with neighboring land uses; and

WHEREAS, there is evidence in the record that the ratio of commercial to residential land uses in the vicinity of the Property is well below the City average resulting in residents in the vicinity traveling to other neighborhoods in the City for goods and services in conflict with the goals and policies of the Comprehensive Plan; and

WHEREAS, traffic analysis supplied by the applicant demonstrates that a disproportionate share of traffic originates in the vicinity of the Property and travels to and from other parts of the City for commercial purposes; and

WHEREAS, approval of the Subject Application is likely to reduce cross-city vehicle trips; and

WHEREAS, one of the Comprehensive Plan's transportation policies recognizes that the City should maintain "healthy commercial centers ... that satisfy the shopping and service needs of residents to reduce the amount of driving, utilize existing transportation infrastructure and services, and maintain the city's commercial tax base." Approval of the Amendment Application is consistent with this policy as it will reduce the amount of traffic during peak travel hours and maximize utilization of the existing transportation infrastructure; and

WHEREAS, the Subject Application is consistent with the land use goals of the Comprehensive Plan, which indicates that centers "are designated where the potential for center development exists." This potential is evident from the existing and planned land uses, such as Shopko, The Village at Regal Pond, and Southgate Center, which already serve a customer base that goes beyond the immediate neighborhood. Indeed, the area's District Center qualities were confirmed in the City's 2001 comprehensive planning process; and

WHEREAS, for the foregoing reasons, the City Council disagrees with the Plan Commission and finds that the approval of the Subject Application is fully consistent

with the goals and policies of the Growth Management and City's Comprehensive Plan; and

WHEREAS, the Subject Application is consistent with the goals and purposes of the Growth Management Act; and

WHEREAS, the Subject Application is consistent with and implements the current version of the City's Comprehensive Plan; and

WHEREAS, the City Council has considered the cumulative effects of the Comprehensive Plan Amendment Applications; and

WHEREAS, SEPA review has been completed on the Subject Application; and

WHEREAS, the Subject Application will not adversely affect the City's ability to provide the full range of urban public facilities and services; and

WHEREAS, the Subject Application results in a net benefit to the general public by reducing the amount of traffic during peak travel hours and maximizing utilization of the existing transportation infrastructure; and

WHEREAS, the Subject Application will not have a significant adverse effect on the public; and

WHEREAS, the Subject Application is consistent with relevant legislative actions and/or changes to state and federal regulations; and

WHEREAS, approval of the Subject Application does not require amendment of the City's current Comprehensive Plan and capital facilities program which anticipate adequate public infrastructure to maintain adopted levels of service; and

WHEREAS, to ensure internal consistency, approval of the Subject Application to amend the Land Use Map will warrant a corresponding adjustment to the City's zoning map; and

WHEREAS, the Subject Application is consistent with the Countywide Planning Policies, the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional Transportation Improvement Plan, and official population growth forecasts; and

WHEREAS, the land use designation requested by the Subject Application conforms with the appropriate location criteria identified in the Comprehensive Plan; and

WHEREAS, the Property is suitable for the land use designation proposed in the Subject Application; and

WHEREAS, the map amendment requested in the Subject Application will implement applicable Comprehensive Plan policies better than the current map designation for the Property; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions and recommendations from the Planning Services Staff Report for the same purposes; and

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. _____ Application denied.
2. _____ Approval of Application. That Application #Z2006-083-LU is approved.
3. Amendment of Land Use Map. That the Spokane Comprehensive Plan Land Use Map be amended from “Residential 4-10” and “Residential 15-30” to “CC Core – District Center” for six parcels located at 3164 E. 44th Avenue.
4. 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.

Passed by the City Council _____, 2008

Joe Shogan, Council President

Attest: _____
City Clerk

Dated: _____
Mary Verner, Mayor

Approved as to form:

Assistant City Attorney

