

ORDINANCE NO. 2018-____

AN ORDINANCE rezoning parcels 181321-42402 and -42537 from Single Family Residential (R-1) to Large Convenience Center (LCC) and amending the Zoning Map of the City of Yakima.

WHEREAS, on July 10, 2018, Bill Hordan submitted an application requesting the zoning classification of parcels 181321-42402 and -42537, located at 113 and 115 N. 56th Ave., to be rezoned from Single-Family Residential (R-1) to Large Convenience Center (LCC) on the official zoning map (hereinafter "RZ#009-18"); and

WHEREAS, pursuant to YMC 6.88, the SEPA Administrative Official issued a Determination of Nonsignificance on August 28, 2018; and

WHEREAS, the Future Land Use designation of the subject property is Commercial Mixed Use, which is consistent with the proposed LCC zoning district; and

WHEREAS, notice of the Yakima Planning Commission open record public hearing was properly provided; and

WHEREAS, in accordance with YMC 15.23, the Yakima Planning Commission held an open record public hearing on September 26, 2018 to hear testimony from the public, consider the Rezone, and provide a recommendation to the Yakima City Council; and

WHEREAS, after testimony and a review of the record, pursuant to the approval criteria set forth in YMC § 15.23.030, the YPC unanimously recommended approval of the Rezone from Single-Family Residential (R-1) to Large Convenience Center (LCC); and

WHEREAS, the YPC recommendation was signed by the Chair on October 10, 2018, a copy of which is found in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, pursuant to YMC 15.23.030(E), and after the required notice was properly provided, the Yakima City Council held a public hearing on November 13, 2018 a public meeting regarding the rezone request; and

WHEREAS, the City Council of the City of Yakima, having considered the record herein, the comments received at the public meeting held November 13, 2018, and the recommendation from the Planning Commission, hereby finds and determines that approval of the requested Rezone is in the best interest of the residents of the City of Yakima and will promote the general health, safety and welfare; now, therefore

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Findings, Analysis and Conclusions. Subject to the specific terms of this ordinance, the Yakima City Council adopts the October 10, 2018, findings, conclusions, recommendations and conditions of the Yakima Planning Commission for RZ#009-18. A copy of said recommendation is attached as Exhibit "A".

Section 2. Any and all official Zoning or other similar maps shall be amended or modified to reclassify the subject real property set forth herein consistent with the above sections of this ordinance.

Section 3. Authorization to File. The City Clerk is hereby authorized and directed to file a certified copy of this ordinance with the Yakima County Auditor.

Section 4. Severability/Validity. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 13th day of November, 2018.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____

Exhibit "A"
YPC Recommendation



DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

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YAKIMA PLANNING COMMISSION

**RECOMMENDATION TO THE YAKIMA CITY COUNCIL
FOR
REZONE
RZ#009-18 & SEPA#018-18**

October 10, 2018

WHEREAS, The City of Yakima adopted the Yakima Comprehensive Plan 2040 in June 6, 2017; and

WHEREAS, The City of Yakima last amended its Title 15 Zoning Ordinance on June 6, 2017; and

WHEREAS, The Washington Growth Management Act and local ordinances provide a process for the annual review of amendments to the Plan as requested by citizens, property owners and/or local government; and

WHEREAS, Under the provisions of YMC Ch. 1.42 the Yakima Planning Commission (YPC) is responsible for the review of these applications and for recommending the approval, modification or denial of each request; and

WHEREAS, On July 10, 2018 an application for a Rezone was submitted by Hordan Planning Services, on behalf of Datal Properties LLC, to Rezone from Single-Family Residential (R-1) to Large Convenience Center (LCC), parcels 181321-42402 and -42537 (City File RZ#009-18); and

WHEREAS, The applications were considered complete for processing on July 31, 2018 and public notice was provided, in accordance with the provisions of YMC Ch. 15.23, on August 2, 2018; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on August 28, 2018, which was not appealed (City File SEPA#018-18); and

WHEREAS, The Yakima Planning Commission held an open record public hearing on September 26, 2018 to hear testimony from the public, consider the Rezone, and provide a recommendation to the Yakima City Council;



Now therefore, the Yakima City Planning Commission presents the following findings of fact, conclusions, and recommendation to the Yakima City Council:

APPLICATION #: RZ#009-18, SEPA#018-18
APPLICANT: Hordan Planning Services, on behalf of Datal Properties LLC
APPLICANT ADDRESS: 410 N. 2nd St., Yakima, WA 98901
PROJECT LOCATION: 113 & 115 N. 56th Ave
PARCEL(S): 181321-42402 and -42537

FINDINGS OF FACT:

1. The applicant requests to Rezone from Single-Family Residential (R-1) to Large Convenience Center (LCC).
2. The subject parcels are approximately 0.63 acres in size and are surrounded by residential and commercial uses and zoning.
3. The City of Yakima Planning Division provided a detailed staff report to the Planning Commission for review during their September 26, 2018 public hearing, with the recommendation of APPROVAL of the proposed rezone.
4. The proposed Rezone from Single-Family Residential (R-1) to Large Convenience Center (LCC) is consistent with the applicable approval criteria in YMC § 15.23.030, as follows:
 - a. Bill Hordan from Hordan Planning Services testified on behalf of the applicant in favor of the proposed rezone.
 - b. The property is suitable for uses within the LCC zoning district and will facilitate future commercial development.
 - c. The LCC zoning district is an implementing zone of the Commercial Mixed Use Future Land Use Designation.
 - d. The property is currently capable of being served by all necessary public utilities, or have utilities extended, and can be accessed by public streets.
 - e. The proposed Rezone is considered compatible with the surrounding neighborhood and no mitigation is proposed at this time.
 - f. The public need for this Rezone is to provide for additional developable commercial land.
5. During YPC deliberation, it was decided to adopt the recommendation as presented by the Planning Division.

CONCLUSIONS

1. The Rezone is minor in nature;
 2. No adverse impacts have been identified;
 3. No written comments or testimony were received in opposition to the request;
 4. This proposal underwent Environmental Review;
 5. The proposed Rezone from Single-Family Residential (R-1) to Large Convenience Center (LCC) is consistent with the Yakima Urban Area Zoning Ordinance and Yakima Comprehensive Plan 2040;
 6. Parcels 181321-42402 and -42537 are recommended to change from Single-Family Residential (R-1) to Large Convenience Center (LCC).
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MOTION

Based on the testimony and evidence presented during the public hearing, it was moved and seconded that the City of Yakima Planning Commission draft findings of fact and forward a recommendation of approval to the Yakima City Council. The motion carried unanimously.

RECOMMENDATION

The Planning Commission of the City of Yakima, having received and considered all evidence and testimony presented at the public hearing, and having received and reviewed the record herein, hereby recommends that the City Council of the City of Yakima APPROVE the proposed Rezone from Single-Family Residential (R-1) to Large Convenience Center (LCC) for file RZ#009-18.

RECOMMENDED this 10th day of October, 2018.

By: Debra A. Rose vice chair
for Patricia Byers, Chair
Yakima Planning Commission
