

ORDINANCE NO. 2019-____

AN ORDINANCE rezoning parcel 191330-33022 from Two-Family Residential (R-2) to Small Convenience Center (SCC) and amending the Zoning Map of the City of Yakima.

WHEREAS, on April 23, 2019, Gary Delaney submitted an application requesting the zoning classification of parcel 191330-33022, located at 1414 S. 2nd Ave., to be rezoned from Two-Family Residential (R-2) to Small Convenience Center (SCC) on the official zoning map (hereinafter "RZ#005-19"); and

WHEREAS, pursuant to YMC 6.88, the SEPA Administrative Official issued a Determination of Nonsignificance on July 2, 2019; and

WHEREAS, the Future Land Use designation of the subject property is Community Mixed Use, which is consistent with the proposed SCC 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 July 24, 2019 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 Yakima Planning Commission recommended approval of the Rezone from Two-Family Residential (R-2) to Small Convenience Center (SCC); and

WHEREAS, the Yakima Planning Commission recommendation was signed by the Chair on August 5, 2019, 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 September 17, 2019 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 September 17, 2019, and the recommendation from the Yakima 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 September 17, 2019, findings, conclusions, recommendations and conditions of the Planning Commission for RZ#005-19. The legal description of the property is as follows: E 35.7 FT OF W 167.7 FT OF S1/2 SW1/4 SW1/4 SW1/4 EX N 72 FT & EX S 130 FT. A copy of said recommendation is attached as Exhibit "A". The conditions of the property have changed substantially, as it is currently a landlocked R-2 parcel adjacent to SCC zoning. The rezone furthers the goals of the comprehensive plan by allowing increased commercial development in the SCC zoning district.

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 17th day of September, 2019.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Publication Date: _____

Effective Date: _____

Exhibit "A"
Planning Commission Recommendation



DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division
Joseph Calhoun, Manager
129 North Second Street, 2nd Floor, Yakima, WA 98901
ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

YAKIMA PLANNING COMMISSION

RECOMMENDATION TO THE YAKIMA CITY COUNCIL
FOR
REZONE
RZ#005-19 & SEPA#018-19

August 5, 2019

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

WHEREAS, The City of Yakima last amended its Title 15 Zoning Ordinance on December 16, 2018; 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 April 23, 2019 an application for a Rezone was submitted by Gary Delaney, to Rezone from Two-Family Residential (R-2) to Small Convenience Center (SCC), parcel 191330-33022 (City File RZ#005-19); and

WHEREAS, The applications were considered complete for processing on May 31, 2019 and public notice was provided, in accordance with the provisions of YMC Ch. 15.23, on June 7, 2019; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on July 2, 2019, which was not appealed (City File SEPA#018-19); and

WHEREAS, The Yakima Planning Commission held an open record public hearing on July 24, 2019 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#005-19, SEPA#018-19
APPLICANT: Gary Delaney
APPLICANT ADDRESS: 404 N. 1st St., Yakima, WA 98901
PROJECT LOCATION: 1414 S. 2nd Ave.
PARCEL(S): 191330-33022

FINDINGS OF FACT:

1. The applicant requests to Rezone from Two-Family Residential (R-2) to Small Convenience Center (SCC).
2. The subject parcel is approximately 0.11 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 July 24, 2019 public hearing, with the recommendation of APPROVAL of the proposed rezone.
4. The proposed Rezone from Two-Family Residential (R-2) to Small Convenience Center (SCC) is consistent with the applicable approval criteria in YMC § 15.23.030, as follows:
 - a. Gary Delaney, the applicant, testified in favor of the proposed rezone.
 - b. The property is suitable for uses within the SCC zoning district and will facilitate future commercial development.
 - c. The SCC zoning district is an implementing zone of the Community 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. One written comment was received in opposition to the request;
4. This proposal underwent Environmental Review;
5. The proposed Rezone from Two-Family Residential (R-2) to Small Convenience Center (SCC) is consistent with the Yakima Urban Area Zoning Ordinance and Yakima Comprehensive Plan 2040;
6. Parcel 191330-33022 is recommended to change from Two-Family Residential (R-2) to Small Convenience Center (SCC).

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 Two-Family Residential (R-2) to Small Convenience Center (SCC) for file RZ#005-19.

RECOMMENDED this 5th day of August, 2019.

By: _____


Patricia Byers, Chair
Yakima Planning Commission