



ORDINANCE NO. 3078

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON REZONING CERTAIN PROPERTIES FROM "BUSINESS-TECHNICAL PARK (BTP)", "MULTIPLE RESIDENTIAL MEDIUM DENSITY (RMM)", "PLANNED UNIT DEVELOPMENT/PUD (ORDINANCE 2189/98RZN0001)", AND "PLANNED COMMERCIAL DEVELOPMENT (PCD)" TO "ALDERWOOD-CITY CENTER TRANSITION AREA (ACC) ZONE", PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION

WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws of the State of Washington; and

WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce ordinances of all kinds relating to municipal affairs and appropriate to the good government of the City; and

WHEREAS, on March 14, 2005, the Lynnwood City Council passed Ordinance No. 2553 adopting the City Center Sub-Area Plan as an amendment to the City of Lynnwood Comprehensive Plan; and

WHEREAS, the City Center Sub-Area Plan adopted by Ordinance No. 2553, identified an approximate 276 acre area as the Lynnwood City Center; and

WHEREAS, in adopting the City Center Sub-Area Plan and other City Center related ordinances in March 2005 the City Council designated an approximate 53 acre area in the northern portion of the North End District of the City Center Sub-Area as "Study Area"; and

WHEREAS, in this "Study Area", the City Center zoning map (Ordinance No. 2555 and Ordinance No. 2625) did *not* change the zoning from Business Technical Park (BTP), Multiple Residential Medium Density (RMM), Planned Unit Development – PUD (Ordinance 2189/98RZN0001), and Planned Commercial Development (PCD) to City Center (CC); and

WHEREAS, the "Study Area" designation arose in the latter part of the City Center planning process, in response to concerns from residents of the neighborhood west of 36th Ave.

W. about the impact of new development on their properties (particularly shadowing and interference with views to the east); and

WHEREAS, the intent of the "Study Area" designation was to revisit the allowable density/intensity of new development in this area as part of the 2006 Comprehensive Plan amendment process, which was subsequently deferred to the 2007 Comprehensive Plan amendment process; and

WHEREAS, on September 24, 2007 the Lynnwood City Council approved Ordinance No. 2695 amending the City Center Sub-Area Plan and Future Land Use Plan Map, designating that portion of the North End that is north of the extension of 194th St. SW. as the "Alderwood Manor-City Center Transition Area"; and

WHEREAS, the "Study Area" is located between the Alderwood Mall and the City Center but has special circumstances and features that do not apply to properties either in the rest of the City Center or adjoining Alderwood Mall; and

WHEREAS, in 2008 the City proceeded with a planning study of the "Study Area" that sought to balance future (market-driven) redevelopment of the area while minimizing adverse impacts on the neighborhood to the west of 36th Avenue; and

WHEREAS, the planning study resulted in the development of proposed amendments to the zoning code and to the development of Alderwood-City Center Transition Area Design Guidelines ("Project Documents"); and

WHEREAS, the City Council has found it appropriate to amend the City of Lynnwood zoning code by adopting a new "Alderwood-City Center Transition Area" zone and as well as Alderwood-City Center Transition Area Design Guidelines; and

WHEREAS, the City Council has determined that it is in the best interests of the City to rezone certain properties between the Lynnwood City Center and the Alderwood Mall to the "Alderwood-City Center Transition Area (ACC)" zone ("Proposed Rezone"); and

WHEREAS, the ("Proposed Rezone") was sent to the Washington State Department of Commerce for the State agency review process as required by RCW 36.70A.106, acknowledged by Commerce as having been received March 12, 2012, with no comments provided by State agencies, and

WHEREAS, on March 7, 2012 the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the "Proposed Rezone"; and

WHEREAS, the Planning Commission held work sessions on the "Proposed Rezone" on February 9, 2012 and February 23, 2012, and then held duly noticed public hearings on April 26, 2012 and May 10, 2012; and

WHEREAS, following completion of the public hearings and after discussion of testimony made at the public hearings, the Planning Commission recommended to the City Council approval of the "Proposed Rezone" May 10, 2012; and

WHEREAS, the City Council then held work sessions on the "Proposed Rezone" recommended by the Planning Commission on May 7, 2012, June 4, 2012 and July 28, 2012, with a duly noticed public hearing on the "Proposed Rezone" on June 11, 2012; and

WHEREAS, the City Council then held additional work sessions on the "Proposed Rezone" by the Planning Commission on April 21, 2014 and July 7, 2014, followed by a duly noticed public hearing on the "Proposed Rezone" on July 14, 2014; and

WHEREAS, after considering the testimony and information provided at the public hearing, the City Council finds that it is in the interest of the public health, safety and welfare to adopt this ordinance:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES ORDAIN AS FOLLOWS:

Section 1: The recitals above are adopted as findings that support passage of this ordinance.

Section 2: Rezoning. The Zoning Map of the City of Lynnwood is hereby amended to designate the properties shown on "Exhibit A" to the Alderwood-City Center Transition Area (ACC) Zone, as illustrated, southerly to the designated City Center-North zone.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the 28th day of July, 2014.

APPROVED:



Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines, Jr., Finance Director

APPROVED AS TO FORM:

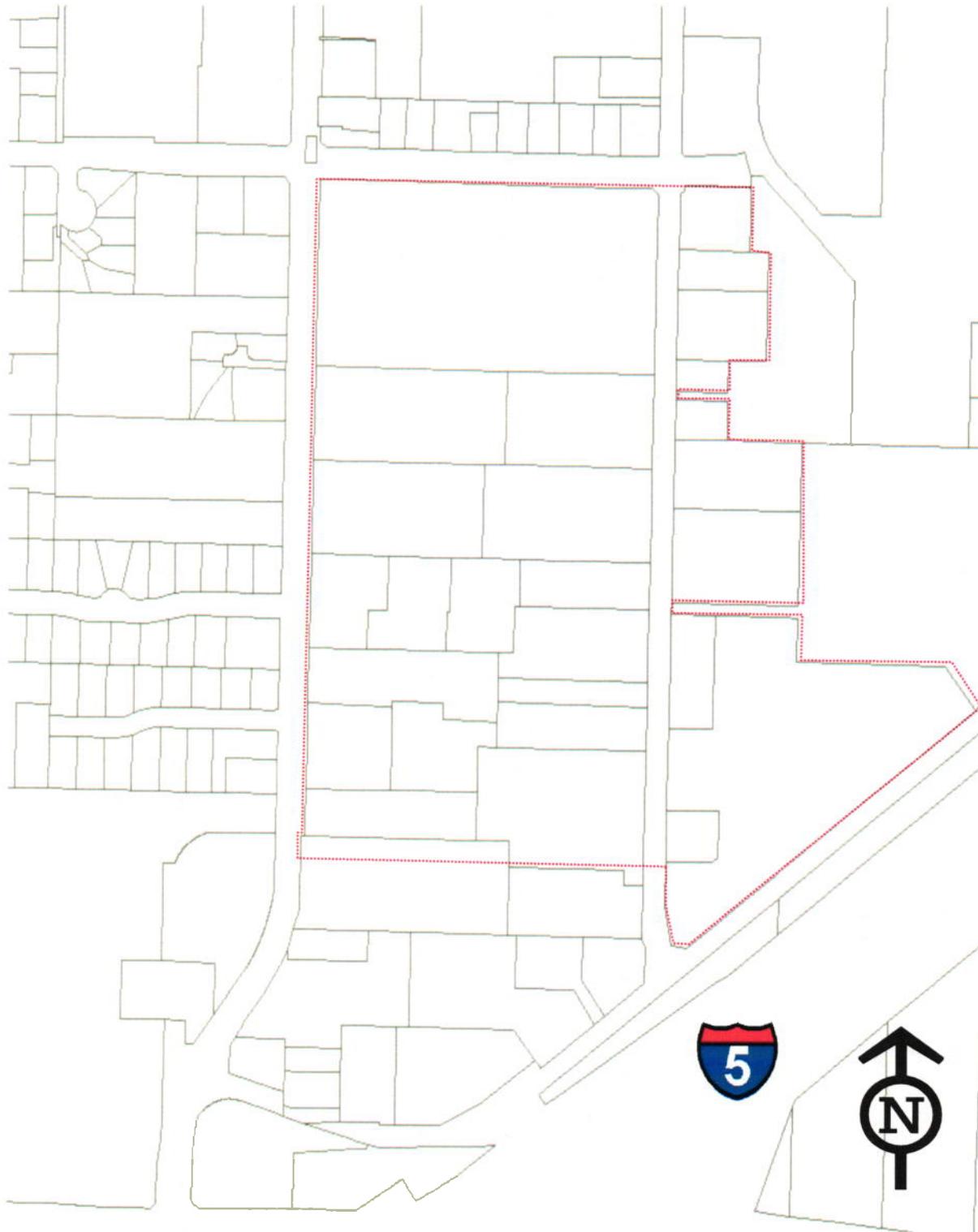


Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 08/08/2014
PASSED BY THE CITY COUNCIL: 07/28/2014
PUBLISHED: 08/11/2014
EFFECTIVE DATE: 08/16/2014
ORDINANCE NUMBER: 3078

Exhibit A

Transition Area Parcel Map



..... Transition Area

NOTE: Streets, lots and plats on this map are maintained by the Snohomish County GIS Department and may not be current.



On the, 28th day of July, 2014 the City Council of the City of Lynnwood, Washington, passed ordinance 3078. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE 3078

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON REZONING CERTAIN PROPERTIES FROM "BUSINESS-TECHNICAL PARK (BTP)", "MULTIPLE RESIDENTIAL MEDIUM DENSITY (RMM)", "PLANNED UNIT DEVELOPMENT/PUD (ORDINANCE 2189/98RZN0001)", AND "PLANNED COMMERCIAL DEVELOPMENT (PCD)" TO "ALDERWOOD-CITY CENTER TRANSITION AREA (ACC) ZONE", PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION

The full text of this ordinance will be mailed upon request.

DATED this 11th day of August, 2014.


Lorenzo Hines Jr., Finance Director



LYNNWOOD
WASHINGTON

CERTIFICATE

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3078 of the City of Lynnwood, Washington, entitled as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON REZONING CERTAIN PROPERTIES FROM "BUSINESS-TECHNICAL PARK (BTP)", "MULTIPLE RESIDENTIAL MEDIUM DENSITY (RMM)", "PLANNED UNIT DEVELOPMENT/PUD (ORDINANCE 2189/98RZN0001)", AND "PLANNED COMMERCIAL DEVELOPMENT (PCD)" TO "ALDERWOOD-CITY CENTER TRANSITION AREA (ACC) ZONE", PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION

That said ordinance was passed by the Council on July 28, 2014 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on August 11, 2014.


Lorenzo Hines, Jr., City Clerk of the
City of Lynnwood, Washington