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City Council

Quasi-Judicial Decision Upon BranBar, LLC Rezone Application

Agenda Date: 11/1/2016
Agenda Item Number: 4.G
File Number: 16-1128

Type: ordinance **Version:** 2 **Status:** Passed

Title

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Recommended Action

Committee Recommendation:

Not referred to a committee. The Hearing Examiner held a public hearing and issued his recommendation (attached).

City Manager Recommendation:

None. City Manager is recusing himself.

Report

Issue:

Whether to approve on second reading the adoption of an Ordinance to amend the City of Olympia zoning map to rezone the BranBar property from Residential One Unit to Five Acres (R 1/5) to Residential Low Impact (RLI).

Staff Contact:

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Presenter(s):

Linda Bentley, Senior Planner, Community Planning & Development

Background and Analysis:

Background and analysis has not changed from first to second reading.

The Hearing Examiner held an open-record public hearing on July 25, 2016, and on August 4, 2016, after considering the facts and public comments, the Examiner recommended that the land use zoning of the BranBar property be changed from Residential One Unit to Five Acres (R 1/5) to Residential Low Impact (RLI). Further, the Hearing Examiner recommended that any future development of the BranBar property rely on primary access by a source other than the Cooper Crest roads, with an extension of Road Sixty Five NW being the likely option. The Road Sixty Five recommendation was based on the Transportation Chapter of the Comprehensive Plan and the

Transportation 2030 map. Further details may be found in the attached Hearing Examiner Decision and Exhibits. Exhibit 1 is the Hearing Examiner staff report and its attachments.

The change in zoning designation is consistent with the Comprehensive Plan; maintains public health, safety and welfare; is consistent with development regulations; results in compatible adjacent zoning districts; and planned or existing public facilities and services are adequate to support additional density. Both City staff and the Hearing Examiner recognize that the adjoining neighborhood is greatly concerned about traffic impacts, which concerns will be fully addressed at such time as a specific development is proposed.

As provided in OMC 18.58.020 regarding site-specific rezones, the City Council must now consider the Hearing Examiner recommendation and make the final decision. No further public comment or evidence is allowed. This is a closed record decision for Council.

Neighborhood/Community Interests (if known):

There was a great deal of public opposition to the rezone request, most of it coming from the adjoining Cooper Crest and Crestwood neighborhoods (collectively referred to as the "Cooper Crest Neighborhood"). The primary concerns expressed were about potential traffic impacts if the only access to the BranBar, LLC property was through the Cooper Crest Neighborhood. City Staff received a petition opposing the rezone signed by more than 150 residents of Cooper Crest. More than 30 of these residents appeared at the public information meeting on this rezone held December 10, 2015, and reiterated their opposition. Many of these individuals also provided written comment in opposition to the SEPA Determination of Nonsignificance ("DNS") issued June 22, 2016, although none of the nearby landowners appealed the DNS. Fourteen individuals testified during the public hearing conducted by the Hearing Examiner, 13 of them opposed to the rezone. Further details are contained in the attached Hearing Examiner Decision.

Options:

1. Move to adopt the Ordinance amending the official zoning map of Olympia and, in particular, revising the zoning of the BranBar, LLC property from Residential 1 Unit Per 5 Acres (R 1/5) to Residential Low Impact (RLI).
2. Move to adopt the Ordinance amending the official zoning map of Olympia with modifications.
3. Move to deny the rezone application.
4. Move to defer the decision to a later date.

Financial Impact:

No appreciable financial impact to the City of the rezone.

Attachments:

Ordinance

7-25-2016 Hearing Examiner Meeting Audio

Hearings Examiner Recommendation to Council

Exhibit 1 - Hearings Examiner Staff Report and Attachments

Exhibit 2

Exhibit 3

Exhibit 4

Exhibit 5

Exhibit 6

Exhibit 7

Exhibit 8

Exhibit 9

Exhibit 10

Exhibit 11