

# REZONE OF PROPERTY CRITERIA

## Planning & Community Development

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1. **Purpose:** A rezone is a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Changes to the zoning classification that apply to a parcel of property are text changes and/or amendments to the official zoning map.
2. **Decision Criteria:** The City may approve or approve with modifications an application for a rezone of property if:
  - a. The rezone is consistent with the Comprehensive Plan;

*Applicant's Response:* With the approval of the proposed Comprehensive Plan Amendment designating the parcels as Mixed Use 2, the proposed rezone to CB-Community Business will be consistent with the Comprehensive Plan.

**Comment:** The rezone is not consistent with the Comprehensive Plan. The current Comprehensive Plan designation for both parcels is Medium Density Residential and both parcels are Zoned Residential, 8 units/acres (R-8). The historic business activities have been illegal and continuing these business activities is illegal in this designation. The Comprehensive Plan and Zoning does not allow business activities in these residential areas except for very limited circumstances.

The Comprehensive Plan is a 20-year plan that articulates the community's vision and is a reflection of community values. The goals and policies included in this Plan provide a basis for the City's regulations and guide future decision making as well as address anticipated populations and employment growth and how facilities and services will be maintained or improved to accommodate the expected levels of growth. The Comprehensive Plan has gone through extensive study, professional review, public review, and environmental analysis. There is no reason or rule in the Comprehensive Plan that states that the City will re-designate and re-zone properties that owners have continuously violated the designations and zoning. Suggested amendments usually address changing conditions, not fixes for ongoing violations.

- b. The rezone will not adversely affect the public health, safety or general welfare;

*Applicant's Response:* The proposed rezone will allow the existing uses to continue operating with no change to the current uses. The current uses do not adversely affect the public health, safety, or general welfare. The rezone simply expands the CB zoning from the west side of the relatively small parcels to the east side of the parcels.

**Comment:** The existing uses have been illegal performed on a Residential-zoned parcel for over 14 years at 1510 NE 170<sup>th</sup> St and the Applicant has recently purchased a second Residential-zoned parcel at 1517 NE 170<sup>th</sup> St and immediately began illegal business operations on this parcel as well which have created significant adverse environmental, traffic, and social justice impacts on the neighborhood that have gone un-mitigated. A Comprehensive Plan Amendment and Rezone is not an appropriate tool for enforcing existing designations and zoning and will only reward zoning violators and encourage other violators to seek the same resolution.

The current illegal business use is incompatible with Residential-zoned properties and neighborhoods and generates significant adverse, unacceptable, and incompatible light, glare, noise, odor, parking, traffic, environmental, and social justice impacts on the neighborhood and public health, safety, and general welfare. The rezone would allow for any allowable business use in the residential neighborhood in the future and all associated adverse impacts that go along with the businesses. Public and residents health and safety will be directly impacted by the air, odor, emissions, idling, hazardous/toxic chemical storage and use, traffic, and increased risk of fire and explosion. The general welfare of the neighborhood, citizens, and community will be adversely impacted as documented in the many opposing comments on this proposal. All of neighborhood's residents, minorities, senior citizens, disabled persons, families/children, and at least one day care will be significantly adversely impacted by this proposal.

The neighborhood does not believe that the proposal is just simply moving the line as this change will be a permanent change that will allow any business use in the future and the neighborhood will take the brunt of all of the significant adverse impacts that have been well documented elsewhere in the opposing comments.

c. The rezone is warranted in order to achieve consistency with the Comprehensive Plan;

*Applicant's Response:* With the approval of the proposed Comprehensive Plan Amendment designating the parcels as Mixed Use 2, the proposed rezone to CB-Community Business will be consistent with the Comprehensive Plan.

**Comment:** The Applicant's statement assumes that the Comprehensive Plan Amendment is valid, which is not true. The re-zone to CB is not valid as the Comprehensive Plan designates the parcels as Medium Density Residential which does not allow CB or CB type businesses.

d. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and

*Applicant's Response:* The rezone will not be detrimental to the uses in the vicinity and allows the existing uses to continue as they do today. Future development of the parcels will be required to adhere to the transition requirements between commercial and residential zones.

**Comment:** The neighborhood and community believe that the Applicant's answer is grossly inaccurate and false. The rezone is materially and significantly detrimental to adjacent uses (residential neighborhood) as a result of all of the air, odor, emissions, idling, hazardous/toxic chemical storage and use, traffic, parking congestion, increased risk of fire and explosion, environmental, and social justice impacts mentioned elsewhere by opposing comments. In addition, the rezone is materially and significantly detrimental to adjacent property (residential property) based on all of the opposing comment reasons that are mentioned herein and elsewhere on the record for the February 7, 2019 Planning Commission meeting.

The immediate vicinity property owners will receive significant detrimental social impacts (notwithstanding all of the environmental, health, and traffic impacts) by disproportionately impacting less advantaged residents, minorities, senior citizens/elderly, disabled persons, and young families/children that live closer to the edge of business zones and this proposal. These impacts are also financial (property values and lower demand for resale), as well as, all of the aforementioned business impacts.

The Applicant acknowledges that future development will happen and that only the future developments will adhere to any transition requirements. The Applicant does not state that they will adhere to the transition standards. But then again, then don't adhere to Shoreline's Comprehensive Plan Amendment or Zoning either.

e. The rezone has merit and value for the community.

***Applicant's Response:** The rezone allows the existing business to operate as it has over the last 20 years. The owners, Melissa and Joseph Irons, are very involved and connected with the Shoreline Community, both personally and professionally. They have taken efforts to be good neighbors with the nearby properties.*

**Comment:** The Applicant correctly points out that this proposal only selfishly benefits them and their business. It is well documented in the opposing comments and the January 23, 2019 Meeting Summary by Attendees that the neighborhood and community do not share the Applicant's opinion on the benefit, merit, or value of this proposal and do not view the Applicant as a good neighbor. A good neighbor would not push a Comprehensive Plan Amendment and Rezone onto their neighbors and demand that in addition to the amendment and rezone, the City does it for free. There is no merit in approving an amendment and rezone to satisfy a long term, repetitive violator of the Shoreline Comprehensive Plan, Zoning, municipal code, policies, laws, and regulations and this proposal has absolutely no value for the community. Shoreline should enforce the existing Comprehensive Plan and Zoning, not change the rules for violators. This will set a bad precedence for future violators demanding the same resolution to violations.

In summary, the Applicant does not adequately meet any of the criteria for a rezone.

Submitted by Save Shoreline Neighborhoods citizen group on February 6, 2019.