ORDINANCE NO. 1677

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON approving the preliminary Planned Unit Development (hereinafter "PUD") entitled Des Moines Creek Business Park, Phase IV, subject to conditions specified herein.

WHEREAS, Panattoni Development Company, Inc. (hereinafter, the Applicant) owns, has a contract to purchase, or holds options to purchase the Property legally described in Exhibit 1, attached hereto and incorporated by reference herein, and

WHEREAS, the applicant filed an application for a PUD in order to correlate comprehensively the provisions of Title 18 DMMC and other ordinances the City, and

WHEREAS, whenever public necessity, convenience, and general welfare require, the boundaries of the zones established on maps by this title, the zone of property uses in this title, or other provisions of this title may be amended by the adoption of a PUD pursuant to DMMC 18.30.050, and

WHEREAS, Development Services determined that the application met the procedural submittal requirements on March 14, 2017 and subsequently issued a notice of complete application, and

WHEREAS, projects within the Pacific Ridge Neighborhood are not required to conduct a separate environmental analysis as part, if the development is consistent with the SEPA Planned Action adopted as part of the *Pacific Ridge Neighborhood Plan*, and

WHEREAS, establishment of the SEPA Planned Action did not create a categorical exemption from the requirements of the SEPA, but completed the review at the programmatic level instead of a project level, and

WHEREAS, the applicant was still required to submit a SEPA Checklist in order to verify that the project is consistent with the *Pacific Ridge Neighborhood Plan EIS* and the SEPA Planned Action Ordinance pursuant to WAC 197-11-172, and

WHEREAS, an environmental checklist for the PUD is submitted to the City of Des Moines and was reviewed by the SEPA responsible official for the City of Des Moines, and

WHEREAS, the SEPA official determined that the project was consistent with the Planned Action Ordinance and as such a threshold determination or EIS is not required pursuant to WAC 197-11-172, and

WHEREAS, the City Council, in a public hearing on April 13, 2017 considered the PUD application provided by Administration, and

WHEREAS, the City Council finds that the conditions contained in this Ordinance are appropriate and necessary for the preservation of the public health and welfare; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Findings of fact. The findings of fact set forth in Exhibit 2, attached hereto and incorporated by this reference, are adopted in full by the City Council in support of its decision to approve the PUD subject to specific conditions.

Sec. 2. Decision criteria. The criteria used in making the decision are those required by DMMC 18.230.030. The City Council finds that the PUD is in compliance with the required criteria, as set forth in the findings of fact in Exhibit 2, adopted above.

Sec 3. Approval subject to conditions. The PUD is approved subject to the following conditions and modifications:

(1) The Applicant shall submit a Design Review Application pursuant to chapter 18.235 DMMC. The proposal shall be reviewed for substantial compliance with the provisions of the Zoning Code and other ordinances and codes of the City with the exception of deviations approved under the PUD.

(2) The Applicant shall submit a Lot Line Adjustment or Short Subdivision Application in accordance with Title 17 DMMC consistent with the approved PUD layout.

(3) A Technical Information Report prepared by a licensed civil engineer to be submitted with civil site plans.

(4) An addendum to the Traffic Impact Analysis shall be prepared after traffic counts are collected in April 2017 by the Applicant and the City for the Furney Nursery site (parcels

0922049069, 0922049126, 0922049135, 0922049320, 0922049083, and 0922049053).

(5) Additional roof and/or building modulation, color changes, or windows shall be incorporated at the northeast and northwest corners of Building A and the southeast corner of Building B to provide a more unified design concept along the street frontages consistent with PRNDG 2.A. and 2.C.

(6) Additional architectural elements such as green screens, material/color changes, and vertical/horizontal reveals shall be incorporated into the north façade of Building A to further break up the mass of this long wall and provide a positive visual transition to the adjacent commercial property to the north as required by PRNDG 1.D. and 2.C.

(7) Additional pedestrian access points shall be provided from Building B to the corner of South 216th Street and along 24th Avenue South to make it easier, safer and more comfortable to walk from the street to the building entries and for pedestrians and disabled persons to access nearby transit facilities and neighboring businesses and services consistent with PRNDG 1.H.

(8) Additional amenities that are attractive to employees shall be incorporated near office areas consistent with PRNDG 1.I.

Sec. 5. Compliance with other law. Nothing in this Ordinance shall be construed as excusing the applicant from compliance with all federal, state, or local statutes, ordinances, or regulations applicable to this PUD other than as expressly set forth herein.

Sec. 6. Ordinance attached to approval documents. A certified copy of this Ordinance, along with the herein referenced findings of fact shall be attached to and become a part of the evidence of the approval of said PUD to be delivered to the applicant.

Sec. 7. Distribution of Ordinance following Council action. Certified or conformed copies of this Ordinance shall be delivered to the following:

(1) City of Des Moines Planning, Building and Public Works Department;

(2) South King Fire and Rescue; and

(3) City Clerk of the City of Des Moines.

Sec 8. Distribution of Ordinance by planning official. Within five days following adoption of this Ordinance, the planning official shall distribute the Ordinance to the applicant, and to each person who submitted timely written or oral testimony to the City Council for inclusion in the record.

Sec. 9. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

Sec. 10. Effective date. This Ordinance shall take effect and be in full force five (5) days after its final passage by the Des Moines City Council in accordance to law.

ADOPTED BY the City Council of the City of Des Moines, Washington this 13th day of April, 2017 and signed in authentication thereof this 13th day of April, 2017.

MAYOR

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: April 18, 2017

I, Bonnie Wilkins, City Clerk, do hereby certify that the foregoing is a true and correct copy of the original instrument on file and of record in my office in Des Moines, Washington 98198

DES MOINES CREEK BUSINESS PARK, PHASE IV LEGAL DESCRIPTIONS

ORDINANCE NO. 1677, EXHIBIT 1

APRIL 13, 2017

TAX PARCEL 0922049134 (STALGIS)

LOT 2 OF KING COUNTY SHORT PLAT NO. 182055, RECORDED MARCH 02, 1982 UNDER RECORDING NO. 8203020645 IN KING COUNTY WASHINGTON;

EXCEPT THAT PORTION CONVEYED TO THE CITY OF DES MOINES, A WASHINGTON MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, ITS SUCCESSORS AND ASSIGNS, BY STATUTORY WARRANTY DEED RECORDED AUGUST 15, 2011 UNDER RECORDING NO. 20110815000232.

TAX PARCEL 0922049003 (ONO)

THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE NORTH 684 FEET;

AND EXCEPT THE WEST 30 FEET FOR 24TH AVENUE SOUTH;

AND EXCEPT THE SOUTH 30 FEET FOR SOUTH 216TH STREET;

AND EXCEPT THE PORTION CONVEYED TO THE CITY OF DES MOINES, A WASHINGTON MUNICIPAL CORPORATION, IN A STATUTORY WARRANTY DEED RECORDED OCTOBER 19, 2004 UNDER RECORDING NO. 20041019001731;

ALSO EXCEPT THE PORTION CONVEYED TO THE CITY OF DES MOINES, A WASHINGTON MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, BY STATUTORY WARRANTY DEED RECORDED NOVEMBER 16, 2011 UNDER RECORDING NO. 20111116000697.

TAX PARCEL 0922049342 (CARLSON)

THE SOUTH 72.50 FEET OF THE NORTH 410.78 FEET OF THE WEST 168 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 30 FEET THEREOF CONVEYED TO KING COUNTY FOR ROAD.

EXCEPT THAT PORTION CONVEYED TO THE CITY OF DES MOINES, A WASHINGTON MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, ITS SUCCESSOR AND ASSIGNS FOR THE USE OF THE PUBLIC RECORDED AUGUST 15, 2011 UNDER RECORDING NO. 20110815000222, IN KING COUNTY, WASHINGTON.

TAX PARCEL 0922049399 (CHEEMA)

LOT 1, KING COUNTY SHORT PLAT NUMBER 182055, RECORDED MARCH 2, 1982 UNDER RECORDING NUMBER 8203020645, IN KING COUNTY, WASHINGTON, BEING A PORTION OF THE FOLLOWING DESCRIBED TRACT:

THE SOUTH 150.72 FEET OF THE NORTH 684 FEET OF THE EAST 213 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON.

EXCEPT THE PORTION CONVEYED TO CITY OF DES MOINES FOR THE USE OF THE PUBLIC AS RECORDED OCTOBER 5, 2011 IN DEED UNDER RECORDING NO. 20111005000641.

TAX PARCELS 0922049069, 0922049126, 0922049135, 0922049320, 0922049083, AND 0922049053 (FURNEY)

PARCEL I:
NORTH 200 FEET OF WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER IN SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 30 FEET FOR 24TH AVENUE SOUTH;

EXCEPT THAT PORTION CONVEYED TO CITY OF DES MOINES, A WASHINGTON MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, ITS SUCCESSORS AND ASSIGNS, BY STATUTORY WARRANTY DEED RECORDED FEBRUARY 21, 2012 UNDER RECORDING NO. 20120221000487.

PARCEL II:
SOUTH 138.28 FEET OF THE NORTH 338.28 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 30 FEET FOR 24TH AVENUE SOUTH;

ALSO EXCEPT THAT PORTION CONVEYED TO CITY OF DES MOINES, A WASHINGTON MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, ITS

SUCCESSOR AND ASSIGNS, BY STATUTURY WARRANTY DEED RECORDED FEBRUARY 21, 2012 UNDER RECORDING NO. 20120221000486.

PARCEL III:
PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER IN SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, LYING WEST OF THE WEST MARGIN OF PRIMARY STATE HIGHWAY NO. 1 (PACIFIC HIGHWAY SOUTH);

EXCEPT THE NORTH 200 FEET AND THE SOUTH 360.82 FEET.

PARCEL IV:
NORTH 200 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER IN SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, LYING WEST OF THE WEST MARGIN OF PRIMARY STATE HIGHWAY NO. 1 (PACIFIC HIGHWAY SOUTH).

PARCEL V:
THAT PORTION OF THE SOUTH 180 FEET OF THE NORTH 480 FEET OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING WEST OF THE WEST MARGIN OF PRIMARY STATE HIGHWAY NO. 1 (PACIFIC HIGHWAY SOUTH).

PARCEL VI:
THE SOUTH 345.72 FEET OF THE NORTH 684 FEET OF THE WEST ½ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M. IN KING COUNTY, WASHINGTON;

LESS THE WEST 30 FEET THEREOF FOR COUNTY ROAD;

AND LESS THE NORTH 72.5 FEET OF THE EAST 138.0 FEET OF THE WEST 168 FEET THEREOF;

AND LESS THE SOUTH 150.72 FEET OF THE EAST 213 FEET OF THE WEST 243 FEET THEREOF;

ALSO EXCEPT THAT PORTION CONVEYED TO CITY OF DES MOINES, A WASHINGTON MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, ITS SUCCESSORS AND ASSIGNS, BY STATUTORY WARRANTY DEED RECORDED FEBRUARY 21, 2012 UNDER RECORDING NO. 20120221000490.

FINDINGS OF FACT

ORDINANCE NO. 1677, EXHIBIT 2

APRIL 13, 2017

Upon review of an application requesting approval of an Planned Unit Development (hereinafter "PUD") entitled "Des Moines Creek Business Park, Phase IV" the Des Moines City Council, following a public hearing hereby adopts the following Findings of Fact and Conclusions of Law:

1. PUDs are classified as Type IV Land Use Actions at DMMC 18.20.070 and are a quasi-judicial matter. Type IV land use actions require public hearing with the City Council pursuant to DMMC 18.20.190.

2. Des Moines Creek Business Park, Phase IV is envisioned to be a light industrial warehouse development project within the Pacific Ridge Neighborhood.

3. The scope of development as currently envisioned, consists of two one-story tilt-up concrete buildings (approximately 266,013 and 246,108 square feet respectively) with associated loading/truck yards, parking, landscaping, and storm water detention.

4. The proposal includes one car ingress/egress point from Pacific Highway South, one car ingress/egress point from 24th Avenue South, and two primary truck ingress/egress points, one off of 24th Avenue South and one off of South 216th Street.

5. There are no wetlands, streams, or other undevelopable critical areas present on the subject property.

6. The Property presently consists of several separate contiguous tax lots and is located within the Pacific Ridge Commercial Zone and is bordered on the west by 24th Avenue South, on the east by Pacific Highway South, on the south by South 216th Street, and to the north by the jurisdictional boundary with the City of SeaTac; and

7. The Des Moines Comprehensive Plan has designated the project site as Pacific Ridge Commercial.

8. The project is consistent with the Goals, Policies, and Strategies of the Des Moines Comprehensive Plan.

9. DMMC 18.31.010, et seq. was enacted by the City to implement the Des Moines Comprehensive Plan, Pacific Ridge Neighborhood Improvement Plan, and other adopted policies for the commercial and residential areas of Pacific Ridge, including, inter alia, the transformation of Pacific Ridge into a new urban community that takes advantage of its geographic location, local and regional transportation linkages, stable soils, and view potential; the replacement of lower-scale, existing buildings with new larger scale and higher structures that will dramatically enhance the appearance, character, economics, and safety of the area; and exhibit superior design features that makes Pacific Ridge inviting to residents and businesses, complements other areas of Des Moines, and fosters community pride.

10. The conditions approved as part of the PUD will produce a development which would be as good as or better than that resulting from the traditional lot by lot development, by applying to large areas.

11. The conditions are necessary to correlate comprehensively the provisions of Title 18 and other ordinances and codes of the City.

12. The conditions will permit flexibility that will encourage a more creative approach in the development of land that will result in a more efficient, aesthetic, and desirable use of open area, while at the same time, maintaining substantially the same population density and area coverage permitted in the Pacific Ridge Commercial Zone.

13. The conditions will permit flexibility in design, placement of buildings, use of open spaces, circulation facilities to best address the topography change across the site.

14. The City of Des Moines has established minimum design standards through the adoption of the Pacific Ridge Design Guidelines and City's Design Review Code codified as chapter 18.235 DMMC to: (1) promote the public health, safety, and general welfare of the citizens of the City; (2) recognize that land use regulations aimed at the orderliness of community growth, the protection and

enhancement of property values, the minimization of discordant and unsightly surroundings, the avoidance of inappropriateness and poor quality of design and other environmental and aesthetic objectives provide not only for the health, safety, and general welfare of the citizens, but also for their comfort and prosperity and the beauty and balance of the community; (3) protect, preserve, and enhance the social, cultural, economic, environmental, aesthetic, and natural values that have established the desirable quality and unique character of the City; (4) promote and enhance construction and maintenance practices that will tend to promote visual quality throughout the City ; (5) recognize environmental and aesthetic design as an integral part of the planning process.

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1677, Adopted April 13, 2017.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance approves the preliminary Planned Unit Development (hereinafter "PUD") entitled Des Moines Creek Business Park, Phase IV, subject to conditions specified therein.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins, CMC
City Clerk

Published: April 18, 2017