

ORDINANCE NO. 1522

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, amending section 3(8) of Ordinance No. 1485 modifying the expiration clause of the Planned Unit Development (hereinafter "PUD") entitled "Waterview Crossing."

WHEREAS, SSI Pacific Place, LLC (the Applicant) has requested a modification to the Termination section of the Waterview Crossing Development dated November 30, 2007 (the Agreement), and

WHEREAS, as part of the request to amend the Agreement, the Applicant has also requested that the expiration date of the PUD be modified to be consistent with the requested modifications to the Termination Section of the Agreement, and

WHEREAS, an amendment to the previously approved PUD is required to be processed as a PUD utilizing the same procedures, and

WHEREAS, as part of the *Pacific Ridge Neighborhood Plan*, the City adopted a SEPA Planned Action Ordinance to provide early identification of impacts and to help offset the cost of development in the area by conducting all the environmental analysis for the first 3,125,000 square feet of commercial development and 5,541 residential units, and

WHEREAS, the SEPA Official determined that the project was a project that implemented the Pacific Ridge SEPA Planned Action Ordinance; therefore, a threshold determination or EIS is not required pursuant to WAC 197-11-172, and

WHEREAS, notice of the public hearing and public meeting where given to the public in accordance with law, and

WHEREAS, the Des Moines Planning Agency reviewed the PUD Amendment at its regular meeting on October 3, 2011, and

WHEREAS, the Des Moines Planning Agency, after review of the requested amendment at a public meeting and consideration of the information provided by Administration, recommended that the City Council approve the amendment to the PUD, and

WHEREAS, the City Council, in a public hearing on October 13, 2011 considered the amendment to the PUD,

recommendations from the Planning Agency, and information provided by Administration, and

WHEREAS, at the public hearing held on the October 13, 2011 all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendment contained in this ordinance is appropriate; now therefore,

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

Sec. 1. Section 3 of Ordinance No. 1485 is amended to read as follows:

Approved deviations. Consistent with the provisions of DMMC 18.52.100 and DMMC 18.60.010 the following deviations are approved:

(1) The requirement of DMMC 18.31.080(1)(d)(iii) and 18.31.080(2)(b) regarding the Private Recreation Area Requirement is reduced from 40 square feet to 0 square feet for 75% of the total dwelling units within a given building provided that the building is greater than 35 feet in height.

(2) The requirement of DMMC 18.31.090(3)(a) establishing a minimum front yard setback for properties zoned Pacific Ridge Residential (PR-R) of 15 feet is reduced to 10 feet; provided, that for properties within the Pacific Ridge Residential zoning classification, the perimeter adjacent to a public right-of-way shall not be less than 15 feet.

(3) For parcels 1, 2, 3 and 4, as identified in Exhibit 3: The requirement of DMMC 18.31.090(4)(a) establishing a minimum side yard setback for the internal property lines for properties zoned Pacific Ridge Residential (PR-R) of 10 feet is reduced to 0 feet; provided that for properties within the Pacific Ridge Residential zoning classification, no yard area adjacent to

either a public right-of-way or private road shall be less than 10 feet.

(4) The requirement of DMMC 18.31.090(12)(c) of the Floor Area Clustering Building Height Bonus is reduced from 43,560 square feet to 38,000 square feet for Parcels 2 and 3 as illustrated on Exhibit 3.

(5) The requirement of DMMC 18.31.110(2) that the minimum ceiling height is 8'6" for all residential dwelling units is reduced to 8'0" for all residential dwelling units.

(6) For parcels 5, 6, 7, and 8, as identified in Exhibit 3: The requirement of DMMC 18.31.110(3) is waived for buildings that are less than 250 feet in length as measured along the face of the building substantially parallel to Pacific Highway.

(7) For parcels 1, 2, 3 and 4, as identified in Exhibit 3: The requirement of DMMC 18.31.110(3) is waived for buildings that are less than 250 feet in length as measured along the face of the building substantially parallel to 29th Avenue South.

(8) The requirement of DMMC 18.52.040 that the construction of the buildings within the Planned Unit Development must be completed within 3 years from the date of approval is modified so that the expiration of the Waterview Crossing PUD shall expire upon the termination of the Development Agreement, dated November 30th, 2007 or as subsequently amended, between the City of Des Moines and SSI Pacific Place, LLC; provided that once the project is complete the PUD deviations will remain in effect for the life of the individual buildings.

Sec. 2. 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. 3. Effective Date. This ordinance shall be in full force and effect five (5) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 20th day of October, 2011 and signed in authentication thereof this 20th day of October, 2011.


MAYOR

APPROVED AS TO FORM:



Assistant City Attorney

ATTEST:



City Clerk

Published: October 25, 2011

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1522, Adopted October 20, 2011

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance amends Section 3(8) of Ordinance 1485 modifying the expiration clause of the Planned Unit Development (hereinafter "PUD") entitled "Waterview Crossing."

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

Sandy Paul, CMC
City Clerk

Published: October 25, 2011