

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OLYMPIA,  
WASHINGTON, ADOPTING COUNCIL FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND DECISION CONCERNING THE BRIGGS VILLAGE MASTER PLAN  
AMENDMENT FILE NO. 13-0039.**

WHEREAS, the Briggs Village Master Plan was approved by the Olympia City Council on December 16, 2003, by virtue of Ordinance No. 6299; and

WHEREAS, on January 28, 2014, the City Council considered a request to amend the Briggs Village Master Plan; and

WHEREAS, for the reasons set forth in the Findings of Fact, Conclusions of Law and Decision below, the City Council has determined that amendments to the Briggs Village Master Plan should be approved with certain conditions.

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1. Adoption of Council Findings of Fact, Conclusions of Law and Decision.** The following Council Findings of Fact, Conclusions of Law and Decision in the Briggs Village Master Plan Amendment File No. 13-0039 are hereby adopted:

**FINDINGS OF FACT**

1. This matter came before the City Council on the recommendations of the City of Olympia Hearing Examiner and the City of Olympia Design Review Board.
2. On March 21, 2013, Briggs Village, LLC (the Applicant) applied for an amendment to the Briggs Village Master Plan (the Master Plan). The proposed revisions, as set forth in the Hearing Examiner's Findings of Fact, were as follows:
  - (a) Reduce the allowed office space from 113,850 square feet to a range between 5,000 square feet (minimum) and 31,000 square feet (maximum).
  - (b) Reduce the allowed retail space from 60,240 square feet to a range between 33,700 square feet (minimum) and 60,700 square feet (maximum).
  - (c) Reduce the allowed grocery space from 50,000 to 30,285 square feet in recognition of the permitted store having that size.
  - (d) Increase the community uses area by 3,900 square feet to recognize the actual size of the YMCA building.
  - (e) Retain the minimum required ratios for residential and commercial areas but reduce the total number of parking spaces by 302 stalls in connection with the reduced commercial space. The eliminated parking spaces would include the 272 underground parking stalls and 30 off-street parking spaces.

- (f) Revise the required commercial building stories from two and three stories to allow one-story buildings but with a minimum 24-foot façade.
- (g) Retain the currently allowed 810 residential units but adjust the building types by (1) reducing the number of single-family units by 17 units and multi-family units by 78 units; (2) increase the number of other housing units by 95; and (3) revise and expand the building design guidelines.

The Hearing Examiner's Findings of Fact, Conclusions of Law and Recommendation, dated December 31, 2013, is attached hereto as Exhibit A.

3. The Design Review Board conducted public meetings on July 25, 2013, August 8, 2013, and August 29, 2013, to consider the Applicant's proposed amendments to the Master Plan Design Guidelines. On August 30, 2013, the Board issued its recommendation to approve the proposed amendments with certain conditions. The Design Review Board's Recommendation, dated August 30, 2013, is attached hereto as Exhibit B.
4. The Olympia Hearing Examiner conducted an open record public hearing on the proposed Master Plan amendments on December 16, 2013, and held the record open to December 20, 2013, for additional written testimony. On December 31, 2013, the Hearing Examiner issued his Findings of Fact, Conclusions of Law and Recommendation, recommending approval of the proposed Master Plan amendments, subject to the conditions requested by the Design Review Board and City staff. The Hearing Examiner's findings of fact include the adoption of certain factual descriptions from the Briggs Village Master Plan Amendment Staff Report dated December 16, 2013. The Briggs Village Master Plan Amendment Staff Report, dated December 16, 2013, is attached hereto as Exhibit C.
5. In regular session on January 28, 2014, the City Council, having reviewed the written materials and the record and the recommendations of the Design Review Board and the Olympia Hearing Examiner, considered the staff report and recommendations of City staff, and heard oral presentations by the City's Community Planning and Development Department, the Applicant's representatives, and six participants.
6. Council accepts and adopts the August 30, 2013, recommendation of the Design Review Board to approve the proposed amendments to the Master Plan Design Guidelines.
7. Council adopts all findings of fact in the Hearing Examiner's Recommendation dated December 31, 2013.
8. Any finding of fact more properly deemed a conclusion of law shall be considered as such.

BASED ON ITS CONSIDERATION OF THE FOREGOING, the Olympia City Council hereby enters the following:

**CONCLUSIONS OF LAW**

1. Council adopts all Conclusions of Law and analysis in the Hearing Examiner's Recommendation dated December 31, 2013.
2. The conditions recommended by the Design Review Board and the Hearing Examiner that are set forth on pages 30-31 of the Hearing Examiner's Recommendation are adopted with the exception that Condition (2) is re-written as follows:

"The Applicant shall construct the secondary access to the YMCA parking lot to the Briggs Town Center north-south private street (Maple Lane). The City will secure written

consent from the YMCA for the Applicant to construct improvements associated with the secondary access on YMCA property. After the City secures the written consent, this secondary access shall be completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store or the next commercial building permit for Briggs Village, whichever occurs first."

3. The Design Review Board's Recommendation and the Hearing Examiner's Recommendation include provisions for allowing the Briggs Village Master Plan to be developed as requested by the Applicant while providing flexibility to allow for increases in the Commercial components of the Briggs Village from the minimum allowed amount of 94,985 square feet to the maximum allowed amount of 175,000 square feet, and further provide that the Applicant shall be required to submit for Land Use Approval and Design Review with each future development and meet applicable requirements to include Briggs Village Master Plan and Amendment, OMC 18.05; 18.05A, 18.57, design review and Public Works EDDS.
4. Consistent with the Hearing Examiner's Recommendation, the Council determines there are no conflicts with the City's adopted plans, policies and ordinances, and sufficient evidence was presented as to the impact on the surrounding area.

BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, the Olympia City Council hereby enters the following:

#### **DECISION**

Briggs Village Master Plan Amendment File No. 13-0039 is hereby approved with the following conditions:

1. Ordinance No. 6299 is amended to allow the proposed one-story commercial structures with a minimum 24-foot exterior façade (30-foot on building corners), and continue to allow two (2) or three (3) story commercial buildings to a maximum of 175,000 square feet, pursuant to OMC 18.05.050, provided they contain at least the ten percent (10%) residential mix (OMC 18.05.050(C)) and meet the parking codes contained in OMC 18.38.
2. The Applicant shall construct the secondary access to the YMCA parking lot to the Briggs Town Center north-south private street (Maple Lane). The City will secure written consent from the YMCA for the Applicant to construct improvements associated with the secondary access on YMCA property. After the City secures the written consent, this secondary access shall be completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store or the next commercial building permit for Briggs Village, whichever occurs first.
3. The Applicant shall reconstruct the existing 90-degree turn along Maple Lane to a three-way intersection and to allow the access to the YMCA parking lot described above. This realignment shall be rebuilt to meet City of Olympia Public Works Engineering Design and Development Standards. This realignment shall be completed prior to issuance of a Certificate of Occupancy for the Briggs Village Grocery Store or the next commercial building permit for Briggs Village, whichever occurs first.
4. The Applicant shall be required to submit for Land Use Approval and Design Review with each future development and meet applicable requirements to include Briggs Village Master Plan and amendments, OMC 18.05, 18.05A, 18.57, design review and City of Olympia Public Works Engineering Design and Development Standards.
5. Ordinance No. 6299 is hereby amended by replacing the "Briggs Village Master Plan Development Volume 1, dated November 2003" with the "Briggs Village Master Plan Development Volume 1, dated

March 2014." The "Briggs Village Master Plan Development Volume 1, dated March 2014" is attached hereto as Exhibit D.

6. Ordinance No. 6299 is hereby amended by replacing the "Briggs Village Design Guidelines, Volume 2, dated November 2003" with the "Briggs Village Design Guidelines Volume 2, dated October 22, 2013." The "Briggs Village Design Guidelines Volume 2, dated October 22, 2013" is attached hereto as Exhibit E.
7. Ordinance No. 6299 is hereby amended by replacing the "Briggs Village Master Plan Combined Conditions of Approval," with the "Briggs Village Master Plan as Amended Combined Conditions of Approval." The "Briggs Village Master Plan as Amended Combined Conditions of Approval" is attached hereto as Exhibit F.
8. The approved amendments to the Briggs Village Master Plan provide for a mix of grocery, retail and office space with a required minimum of 94,985 square feet of total commercial space and an allowed maximum of 175,000 square feet of total commercial space, with associated residential. The minimum and maximum amounts for the different types of commercial uses and associated residential are set forth in a table titled "Summary of Approved Amendment Changes" that is attached hereto as Exhibit G.

**Section 2. Amendment of OMC 18.05.120.** Olympia Municipal Code Section 18.05.120 is hereby amended to read as follows:

**18.05.120 Briggs Village**

Effective December 16, 2003, the Olympia City Council approved and adopted the Briggs Village Master Plan, the details and regulations of which are found in Ordinance No. 6299, on file with the City Clerk. Effective \_\_\_\_\_, 2014, the Olympia City Council approved and adopted amendments to the Briggs Village Master Plan, the details and regulations of which are found in Ordinance No. \_\_\_\_\_ (this Ordinance), on file with the City Clerk. The City Clerk is hereby authorized and directed to insert the effective date and number of this Ordinance in this section.

**Section 3. Amendment of the Official Zoning Map.** The City Manager or his designee is hereby authorized and directed to amend the City of Olympia Official Zoning Map depicting the "UV" (Urban Village zoning district) as follows:

UV – Briggs Village ORD. \_\_\_\_\_ [insert this ordinance #] and ORD. 6299 Eff. 12/16/03

The Mayor is authorized but not required to sign an Official Zoning Map reflecting this Ordinance.

**Section 4. Ordinance No. 6299.** All remaining provisions of Ordinance No. 6299 not herein amended or supplemented shall remain in full force and effect.

**Section 5. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 6. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 7. Effective Date.** This Ordinance shall take effect five (5) days after publication, as provided by law.

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**



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CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**