



City Council

Ordinance Adopting Findings of Fact and Conclusions of Law on the Briggs Village Master Plan Amendment

Agenda Date: 4/1/2014
Agenda Item Number: 4.J
File Number: 14-0227

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

Title

Ordinance Adopting Findings of Fact and Conclusions of Law on the Briggs Village Master Plan Amendment

Recommended Action

City Manager's Recommendation:

Move to approve on second and final reading the attached ordinance containing Findings of Fact, Conclusions of Law and Decision amending the Briggs Village Master Plan with the adoption of the Consent Calendar.

Report

Issue:

Whether the proposed ordinance amending the Briggs Village Master Plan accurately reflects the City Council's directions to adopt the Design Review Board's and the Hearing Examiner's recommendations to approve the Applicant's requested amendments to the Briggs Village Master Plan with conditions.

Staff Contact:

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Tom Morrill, City Attorney, Legal Department, 360.753.8338

Presenter(s):

None. Consent Calendar.

Background and Analysis:

The background and analysis has not changed from the March 18, 2014 Council meeting when this item was passed on first reading.

At its January 28, 2014 Council Meeting, the Council considered the Hearing Examiner and the Design Review Board recommendations concerning the proposed amendments to the Briggs Village Master Plan (the Master Plan) submitted by the Applicant, Briggs Village LLC. The Design Review Board recommended approval of the requested changes which, in general, provide more specificity

and detail to roof form, articulation, public entries, fenestration, weather protection, building materials and design, landscape, signage and utility services. The Hearing Examiner recommended approval to the requested changes which, in general, reduce the required amount of commercial development in the Master Plan. The Hearing Examiner also recommended certain conditions, including a requirement that the Applicant construct a secondary access to the YMCA parking lot. Both the Design Review Board and the Hearing Examiner recommendations included provisions to allow for future additional commercial development up to the maximum allowed in the development code.

At the January 28, 2014 Council Meeting, Council considered oral comment from individuals who previously presented information to the Design Review Board or Hearing Examiner. Following presentation and questions, Council deliberated and directed staff to prepare an ordinance that adopts the Design Review Board's and Examiner's recommendations and approves the Master Plan amendments with conditions.

Council's direction at the January 28th meeting included a modification to "Condition 2" on pages 30-31 of the Hearing Examiner's recommendation to remove the provision that would potentially relieve the Applicant of the obligation to install the secondary access to the YMCA parking lot. The proposed ordinance modifies the former Condition 2 in the Hearing Examiner's Recommendation. The modification of the former Condition 2 can be found in the Conclusions of Law section of the proposed ordinance. The proposed ordinance also adds the modified condition as Condition 2 of the Decision section of the proposed ordinance.

At the January 28th meeting, Council also indicated that it agreed with the recommendation of the Design Review Board and the Hearing Examiner of providing flexibility for additional commercial development beyond the minimum 94,985 square feet requested by the Applicant. Conclusion 3 in the Conclusions of Law section of the proposed ordinance provides additional clarification that Briggs Village could be developed with up to 175,000 square feet of commercial space and confirms that 94,985 square feet of commercial development is the minimum allowed. In addition, Exhibit G to the proposed ordinance is a table that summarizes the minimum and maximum ratios of commercial development, with associated residential, that would be allowed under the amended Master Plan.

Attachment D to the proposed ordinance is the final version of the Briggs Village Master Plan, which includes the conditions and clarifications requested by Council. Attachment E to the proposed ordinance is the final version of the Briggs Village Master Plan Design Guidelines. Finally, the original ordinance approving the Briggs Village Master Plan, Ordinance No. 6299, had an attachment that set forth the various conditions of approval for the Master Plan and was titled "Combined Conditions of Approval." The "Combined Conditions of Approval" attachment has been replaced with a new updated attachment that adds this Council's new conditions to the previous conditions and deletes previous "Condition 6" concerning the development of a neighborhood park, which has already been completed. The new attachment is the "Briggs Village Master Plan as Amended Combined Conditions of Approval" found at Exhibit F.

Accordingly, the proposed ordinance has seven exhibits. They are as follows:

- A. Hearing Examiner's Findings of Fact, Conclusions of Law and Recommendation, dated December 31, 2013
- B. Design Review Board's Recommendation, dated August 30, 2013
- C. The Briggs Village Master Plan Amendment Staff Report to the Hearing Examiner,

dated December 16, 2013

- D. Volume 1 - Briggs Village Master Plan, dated March 2014
- E. Volume 2 - Briggs Village Design Guidelines, dated October 22, 2013
- F. Briggs Village Master Plan as Amended Combined Conditions of Approval
- G. Summary Table of Approved Changes (Minimum & Maximum)

Neighborhood/Community Interests (if known):

At the January 28, 2013 City Council meeting, Council was presented with comments and information both in support of and opposition to the proposed amendments. Written comments submitted to the Hearing Examiner are in the record and the oral comments presented at the Examiner's open record public hearing are summarized in the Examiner's Decision.

Options:

1. Move to approve on second and final reading the attached ordinance containing Findings of Fact, Conclusions of Law and Decision amending the Briggs Village Master Plan as part of adoption of the Consent Calendar.
2. Reschedule this item for Council discussion to provide additional direction to staff or to modify the proposed ordinance.