

RESOLUTION NO. 1046

A RESOLUTION OF THE CITY OF DES MOINES, WASHINGTON approving the preliminary modified subdivision entitled Landmarque, (hereinafter, the subdivision) subject to conditions specified herein.

WHEREAS, Landmark Homes, Inc. (hereinafter, the applicant) filed an application on March 31, 2006 for a preliminary modified subdivision, and

WHEREAS, Development Services determined that the application met the procedural submittal requirements on April 14, 2007 and subsequently issued a notice of complete application, and

WHEREAS, the subdivision is located on property within the RA-3600 and CC zones, and

WHEREAS, the subdivision provides opportunities for unique and innovative development designs not able to be accomplished under standard subdivision requirements, and

WHEREAS, an environmental checklist for the subdivision was 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 adverse environmental impacts could occur and subsequently issued a Mitigated Determination of Non-Significance for the subdivision, and

WHEREAS, the environmental documents have been available for review with the subdivision application during the review process, and

WHEREAS, the Des Moines Planning Agency reviewed the subdivision at its regular meeting on May 7, 2007, and

WHEREAS, the Des Moines Planning Agency, after review of the subdivision at a public meeting and consideration of the recommendations by administration, recommended approval of the application subject to specific conditions, and

WHEREAS, the City Council, in a public hearing on May 24, 2007 considered the subdivision, the environmental documents, recommendations from the Planning Agency, and recommendations from administration; now therefore,

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

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

**Sec. 2. Decision criteria.** The criteria used in making the decision are those required by DMMC § 17.20.030 and chapter 18.10 DMMC. The City Council finds that the is in compliance with the required criteria, as set forth in the findings of fact in Exhibit 1, adopted above.

**Sec 3. Approved Deviations.** Consistent with the provisions of DMMC 17.36.010 and 18.52.100 the following deviations to the subdivision code are approved:

Subdivision Layout and Design Deviations (DMMC 17.36)

(1) All lots within the subdivision will not meet the lot depth to width ratio, and

(2) Two alleys will be built to private street standards but will serve more than four lots. Tract D will serve 17 lots and Tract H will serve 16 lots, and

(3) The requirement to have a minimum distance of 30 feet between driveway and intersection is not met for the joint driveway of lots 54 and 55, and

(4) The intersection of the alleys and the public ROW is less than 100 feet from the nearest intersection, and

(5) The ROW width for South 263<sup>rd</sup> Street and 21<sup>st</sup> Place South is reduced to 50 feet from 60 feet.

**Sec. 4. Approval subject to conditions.** Landmarque is approved subject to the following conditions and modifications:

(1) The applicant shall comply with the SEPA Environmental Mitigation Agreement dated March 26, 2007.

(2) Submittal of a complete landscaping plan consistent with the conceptual landscaping elements included in this packet.

(3) The applicant will combine tract "G" into tract "E" in order to form one continuous 37,446 square feet (0.86 acre) City owned park.

(4) Homes constructed within the proposed subdivision will be consistent with the conceptual home designs included in this packet.

(5) When the same or similar building designs are located on the same block, the developer shall differentiate that design through the use of at least two different building materials and different color schemes.

(6) Submittal of a complete wetland mitigation plan consistent with the conceptual wetland mitigation plan dated November 7, 2006 provided by the applicant.

(7) The applicant shall provide a deed for the surface water detention/park tract and the environmental sensitive area tract to transfer the ownership of the tracts to the City of Des Moines prior to City Council review of the final plat.

**Sec. 5. Approved Preliminary Modified Subdivision Plat Map Entitled Landmarque.** The Preliminary Modified Subdivision in Exhibit 2, attached hereto and incorporated by this reference, is adopted in full by the City Council.

**Sec. 6. Compliance with other law.** Nothing in this resolution shall be construed as excusing the applicant from compliance with all federal, state, or local statutes, ordinances, or regulations applicable to this subdivision other than as expressly set forth herein.

**Sec. 7. Resolution attached to approval documents.** A certified copy of this resolution, along with the herein referenced findings of fact and preliminary plat, shall be attached to and become a part of the evidence of the approval of

said preliminary modified subdivision to be delivered to the applicant.

Sec. 8. Distribution of resolution following council action. Certified or conformed copies of this resolution 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 9. Distribution of resolution by planning official. Within five days following adoption of this resolution, the planning official shall distribute the resolution to the applicant, and to each person who submitted timely written or oral testimony to the City Council for inclusion in the record.

Sec. 10. Reconsideration. A request to reconsider this decision of the City Council may be made by the applicant, or by any person who submitted timely written or oral testimony to the City Council for inclusion in the record. The request for reconsideration, in the form of a letter, shall be delivered to the Planning, Building, and Public Works department within 10 days following the date of adoption of this resolution. The request shall contain a clear reference to the preliminary subdivision to be reconsidered and a statement of the specific factual findings or conclusions of the City Council disputed by the person filing the request for reconsideration. The City Council shall reconsider a decision if the council finds that an error of fact, law, or procedure that is more likely than not to affect the outcome of the decision has been made; or if the person requesting reconsideration is seeking to enter previously unavailable information that is more likely than not to affect the outcome of the decision. The request for reconsideration shall be processed in conformance with City Council rules of procedure, Chapter 4.12 DMMC.

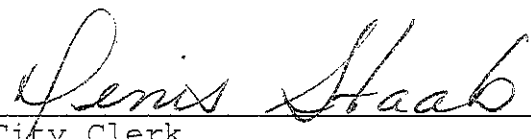
ADOPTED BY the City Council of the City of Des Moines, Washington this 14th day of June, 2007 and signed in authentication thereof this 14th day of June, 2007.

  
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 M A Y O R

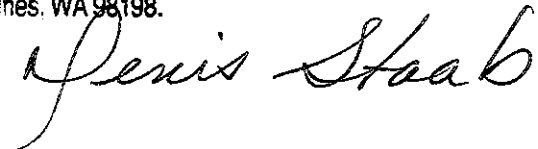
APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 City Attorney

ATTEST:

  
 \_\_\_\_\_  
 City Clerk

Denis Staab, 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, WA 98198.



## FINDINGS OF FACT

### RESOLUTION NO. 1046, EXHIBIT 1

June 14, 2007

The Des Moines City Council, upon review of an application requesting approval of a preliminary modified subdivision allowing for the subdivision of 67 single residential lots and in consideration of information communicated during a public hearing hereby finds:

(A) Modified Subdivision

1. Except where otherwise stated herein, the proposed plat is consistent with the applicable provisions of the comprehensive plan, zoning code, and other City polices and regulations.
  - a. The developer has submitted the requisite permit applications for a preliminary plat utilizing the provisions of a modified subdivision codified in Chapter 17.20 of the Des Moines Municipal Code.
  - b. The application specifically requests to divide 10.04 acres of underdeveloped land into 68 lots for residential use and 1 lot for commercial use.
  - c. The zoning for the property is RA-3600 and CC
  - d. The Preferred Land Use Map for the Des Moines Comprehensive Plan indicates the subject property as preferred for townhouse and commercial developments.
  - e. The Des Moines Planning, Building, and Public Works Department issued a written notice of complete application on April 14, 2007 providing official notice that the application met the procedural submittal requirements established by the City.
  - f. The Des Moines Planning, Building, and Public Works Department issued a notice of preliminary modified subdivision application on May 16, 2006.
  - g. A MDNS was issued in accordance with WAC 197-11-350 and DMMC 16.04.110 on March 26, 2007.
  - h. A public comment period for the MDNS was provided from February March 26, 2007 to April 10, 2007 for the SEPA determination.
  - i. The Des Moines Planning Agency met on May 7, 2007 to review the subdivision. There were no public comments at the meeting. The Planning Agency recommended that the Council approve the preliminary modified subdivision. The Planning Agency voted 4-1 in support of this recommendation.
  - j. The Des Moines Planning, Building, and Public Works Department provided a notice of public

hearing on May 10, 2007 and provided an additional public comment period from May 11, 2007 to May 24, 2007.

- k. At the May 24, 2007 public hearing, an opportunity to receive public comment was afforded to that applicant and interested citizens regarding the proposed modified subdivision.
2. There are adequate provisions for drainage ways, rights-of-way, sidewalks, easements, water supplies, sanitary waste, fire protection, power service, parks, playgrounds and schools. These provisions include:
- a. The City has reviewed Traffic Analysis prepared by Traffic Engineers and Transportation Planners dated June 30<sup>th</sup> 2006.
  - b. The subdivision is served by the development of 4 new public rights-of-way, consistent with City requirements.
  - c. The road layout provides connections to Pacific Highway South.
  - d. Emergency vehicular access is also provided by through an additional connection to 20<sup>th</sup> Avenue South. This connection is controlled by an opticom gate.
  - e. Deviations to the street standards are authorized by DMMC 18.52.100 and DMMC 17.36.010.
  - f. The City has reviewed a Technical Information Report prepared by Daley-Morrow-Poblete, Inc dated March 25, 2006; revised June 30, 2006, October 31, 2006, and February 15, 2007.
  - g. The proposed surface water detention vault is consistent with the 2005 King County Surface Water Design Manual.
  - h. All electrical and communication systems shall be installed underground by the applicant. Existing above-ground electrical and communication systems located in all rights-of-way adjoining the proposed subdivision and extending from the subdivision to the nearest utility pole also shall be undergrounded.
  - i. New fire hydrants within the subdivision will be installed by the applicant. Installation of the new fire hydrant will be done concurrently with the installation of the required right-of-way improvements.
  - j. All sewer, water, or surface water utilities will be within the ROW or contained within the appropriate easement.

- k. The applicant is constructing a 23,040 square foot public park.
  - l. As part of the City's MDNS the applicant will be required to pay school impact fees to the Federal Way School District in the amount of \$62,532.00.
3. The proposed plat design will serve the public use and interest and is consistent with the public health, safety, and welfare.
- a. Staff reviewed the proposal and coordinated with the neighboring jurisdiction of Kent.
  - b. Copies of the site plan were provided to the City of Kent during the review of the subdivision since the City of Des Moines jurisdictional boundaries end on the western edge of Pacific Highway South. On August 15, 2006, the City of Des Moines received an email from the City of Kent's Engineering Department which concurred with the proposed intersection of South 263<sup>rd</sup> Court and Pacific Highway South
4. Additional amenities are provided in the modified subdivisions that are not normally found in a standard subdivision. These amenities include:
- a. An increased relationship between the public and private realms through the placement of the homes in close proximity to the sidewalk.
  - b. The visual impact of the automobile has been de-emphasized through the use of alley lot homes and street-facing garages located back behind front porches.
  - c. The developer has agreed to incorporate the 14,406 square feet of open space contained in Tract G into Tract E for use as part of the public park. With the inclusion of tract "G" there would be a significant amount of active and passive open space strategically placed together to provide one large area for pedestrians to engage in recreational opportunities. Approximately 85,000 square feet or 20% of the site has been set aside as an open active and passive recreational area.
  - d. Design of infrastructure improvements has been done in such a manner as to enhance the community not just on a functional level but on a visual level. For example, instead of a standard stormwater pond, a storm detention vault will be constructed with a 23,000 square foot City own park on top of the vault.

(C) WETLAND "A"

1. The City has reviewed a wetland delineation report prepared by Sewall Wetland Consulting, Inc. (formerly

B-12 Wetland Consulting, Inc.) dated November 7, 2006.

2. Wetland "A" is an isolated 9,021 square foot scrub-shrub wetland. Vegetation within Wetland A consists mainly of red osier dogwood, willow, and Himalayan.
3. Wetland "A" is classified as an important wetland, due to its size (less than 1 acre), presence of two vegetative classes, and the fact that it is not located in a stream corridor.
4. Pursuant to DMMC § 18.86.070 "Important" wetlands require a 35 foot buffer measured from the wetland edge.
5. The wetland will be placed within a separate tract and deeded to the City at the time of final plat.

(D) WETLAND "B"

1. The City has reviewed a wetland delineation report prepared by Sewall Wetland Consulting, Inc. (formerly B-12 Wetland Consulting, Inc.) November 7, 2006.
2. Wetland "B" is an isolated 9,113 square foot scrub-shrub wetland. Vegetation within the Wetland B consists mainly of one black cotton wood, red-osier dogwood, sitka willow, red alder, hardhack, softrush, and creeping butter cup.
3. Wetland "B" is classified as an important wetland, due to its size (less than 1 acre), presence of two vegetative classes, and the fact that it is not located in a stream corridor.
4. Pursuant to DMMC § 18.86.070 "Important" wetlands require a 35 foot buffer measured from the wetland edge.
5. Fragmentation of the wetland occurred as early as 1962 when the school and church were built on the adjacent property (Tax Parcel 2822049025).
6. Further impact to the wetland and corresponding buffer along the easterly property line was due to the development of Kent's Regional Detention Facility in approximately 2003.
7. The applicant will constructed a replacement wetland around wetland "A" at a ratio of 1:1

