

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1845

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, APPROVING WITH CONDITIONS A MAJOR AMENDMENT TO THE PORT LANDING (FORMERLY ASHLEY PARK) PLANNED RESIDENTIAL DEVELOPMENT AND AMENDING ORDINANCE NO. 1454

WHEREAS, on May 28, 2002, following a Planning Commission recommendation and a public hearing, the Fife City Council passed Ordinance No. 1454, approving the Planned Residential Development (“PRD”) for Ashley Park, a 9.85 acre site located at 2701 62nd Avenue East. This approval was for 49 senior apartment units (55 and older) and 103 condominium dwelling units, for a total of 152 dwelling units, with associated open space, parking, landscaping, storm drainage and utilities; and

WHEREAS, on October 31, 2006, the project was granted a minor revision pursuant to FMC 19.52.110. The minor revision reduced the number of dwelling units to 126. The 126 dwelling units included 27 units reserved for senior housing (55 and older); and

WHEREAS, the site plan for the Ashley Park Planned Residential Development was recorded with the Pierce County Auditor on March 21, 2008, under Recording No. 200803215005; and

WHEREAS, after recording of the site plan, the original developer completed three buildings, including two multi-family dwelling structures and one community building. One additional multi-family dwelling structure for senior housing was nearly completed and a foundation was poured for a fifth building; and

WHEREAS, construction ceased during the “Great Recession,” the development subsequently went through foreclosure and was eventually purchased by Port Landing, LLC on March 21, 2013; and

WHEREAS, due to the PRD approval extension granted by Ordinance No. 1785, as amended, the Ashley Park PRD is now effective until September 18, 2014; and

WHEREAS, on June 18, 2013 Port Landing, LLC (the “Applicant”) submitted a complete application for a major amendment to the Ashley Park PRD, renamed Port Landing PRD; and

WHEREAS, the major changes proposed in the application are:

1. An increase in the number of dwelling units. Specifically, the dwelling unit increases from 126 approved and recorded in 2008 to the proposed 164 dwelling units with this proposal.
2. The building types will change from Townhome and Carriage Houses with up to 7 units per building, to Multi-Family buildings with 6, 8 and 10 units per building.
3. The previously approved design included 27 senior housing units; these senior housing units would be eliminated with this proposed amendment.
4. Two and three story buildings are included within this proposal (The previously approved PRD included two story buildings).
5. The new parking design includes open carports as opposed to garages as originally approved.
6. Additional parking will be provided with the proposed amended PRD site plan.
7. The amount of Active Open Space is proposed to increase by including a swimming pool adjacent to the existing recreation building.
8. A new 2-story management office will be added to the existing recreation building to include an exercise room.
9. A fourteen (14) foot wide reduced buffer is being proposed along the southern property line with a minimum six (6) foot tall wood stockade fence pursuant to FMC section 19.64.130(A)(2); and

WHEREAS, on June 27, 2013 a revised Mitigated Determination of Nonsignificance was issued for the proposed amendment pursuant to the State Environmental Protection Act; and

WHEREAS, on August 5, 2013 the Planning Commission reviewed the PDR amendment application at a public meeting and recommended that the City Council approve the request subject to conditions; and

WHEREAS, on September 10, 2013, the City Council held a duly noticed public hearing on the proposed PRD amendment; and

WHEREAS, on September 10, 2013, the City Council extended the public hearing to submit written comments.

WHEREAS, the City Council considered comments at the hearing and documents and records submitted; now, therefore

THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON
DO ORDAIN AS FOLLOWS:

Section 1. Findings and Conclusions. The findings and conclusions set forth in the Staff Report attached hereto as Exhibit A are hereby adopted and incorporated as the finding and conclusions of the Council. The Council makes the following additional findings and conclusions:

- A. The proposed PRD major amendment:
1. Is consistent with the goals and policies of the comprehensive plan;
 2. Is consistent and compatible with the zoning and existing uses of the adjacent properties and the vicinity;
 3. Meets the review criteria described in FMC Chapter 19.52;
 4. Is consistent with the purpose, criteria and regulations of FMC Chapter 19.52;
 5. Will promote rather than detract from the public health, safety, morals and general welfare.
- B. That the proposed project's noise, activity, lighting, aesthetics and viewing impacts are sufficiently mitigated such that the requested buffer yard variation is appropriate for the affected properties and the immediate vicinity provided that a six foot concrete panel or block wall on the South property line is constructed. The wall shall be located within four feet of the property line and not closer than ten feet from the buildings on the north side of the wall.
- C. The buffer yard variation will provide a greater level of protection for adjacent and affected properties from the proposed use and structure on the subject property.
- D. The buffer yard variation will contribute to the city's goal of a neighborhood-like atmosphere.

Section 2. The PRD major amendment application for Port Landing PRD, Case No. PRD13-0001, is hereby approved, subject to the following conditions:

- A. Applicant shall construct a six foot concrete panel or block wall on the South property line. The wall shall be located within four feet of the property line and not closer than ten feet from the buildings on the north side of the wall.
- B. All light mounted on the south side of buildings 13 thru 17 shall be installed at a height no greater than six (6) feet from grade.
- C. Compliance with the mitigation measures set forth in the Revised Mitigated Determination of Nonsignificance dated July 27, 2013.

Section 3. All conditions of the PRD as established in Ordinance No. 1454 shall remain in effect, as hereby amended:

Ordinance No. 1454, Exhibit A, Paragraph 16 is amended to read: "The project will be subject to both water and sewer General Facilities Charges (GFC's). The fees shall be paid at the time the water and sewer permits are issued."

Ordinance No. 1454, Exhibit B, Paragraph 7 is amended to read: "A maximum of 164 dwelling units will be permitted on the site."

Section 3. The Applicant shall submit to the City for recording a revised site plan for the Port Landing PRD in compliance with FMC 19.52.070 and in conformance with the site plan attached hereto as Exhibit B within thirty days of the effective date of this Ordinance.

Section 4. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 5. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 24th day of September 2013.

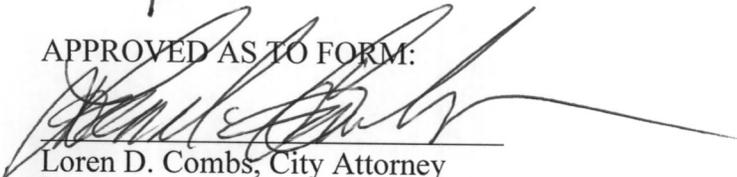
Passed by the City Council on the 24th day of September, 2013.


David K. Zabell, City Manager

ATTEST:


Carol Etgen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney

Published: 9/26 /2013
Effective Date: 10/1 /2013