

July 14, 2014

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Final Action on the Wilburton Land Use Code Amendment implementing Comprehensive Plan policies for the Wilburton/NE 8th Subarea related to retail development along the 116th Avenue NE corridor.

### **FISCAL IMPACT**

There is no expected fiscal impact associated with the Land Use Code Amendment. Implementation of the amendment will be administered through the Development Services permitting system and subject to applicable permit fees.

### **STAFF CONTACT**

Carol Helland, Land Use Division Director, 452-2724  
*Development Services Department*

Kate Berens, Deputy City Attorney, 452-4616  
*City Attorney's Office*

### **POLICY CONSIDERATION**

Whether the City Council should adopt the Land Use Code Amendment proposed to apply to properties zoned Commercial Business (CB) within the Wilburton/NE 8th Subarea in order to implement Comprehensive Plan Policies S-WI-2, S-WI-3 and S-WI-4.

### **BACKGROUND**

In early 2008, the City completed updates to the Wilburton/NE 8<sup>th</sup> Subarea Plan which established a vision for the corridor. A key component to unlocking the land use vision identified in the plan was extension of NE 4<sup>th</sup> Street from 116<sup>th</sup> Avenue NE to 120<sup>th</sup> Avenue NE. Just last month the City reached a settlement with the impacted property owners to obtain all of the property necessary for the NE 4<sup>th</sup> extension.

Construction of NE 4<sup>th</sup> is currently underway, and adjacent property owners have identified new development projects that will implement some of the land uses identified as desirable for the area in the 2008 subarea plan update.

If rezoned to CB, property within Wilburton would be subject to the city-wide design guidelines and land use regulations governing development within the CB land use district. Those regulations include the general Community Retail Design District requirements in LUC Part 20.25I. The Wilburton comprehensive plan policies, however, including policies S-WI-2, 4 and 51, support some modifications to those generally applicable CB regulations and design guidelines. The proposed LUCA would create the changes needed to fully implement these policies for those areas of Wilburton that will be zoned CB as a result of the NE 4<sup>th</sup> extension.

The City Council initiated the proposed LUCA at its Council meeting on May 19 and indicated that the required public hearing associated with amendments be held by the City Council. The City Council held a Study Session on June 9 to discuss the proposed LUCA and a public hearing was held on June 23. Final action on the Land Use Code Amendment is requested at this July 14 meeting.

**Proposed LUCA:**

The proposed LUCA modifies certain dimensional requirements for property zoned CB in the Wilburton subarea. Refer to Attachment A. The LUCA is targeted to address the two issues implicated by the Wilburton subarea plan policies S-WI-2 (retail use size) and S-WI-4 (heights). The LUCA would include the following proposed code changes:

- Amends LUC 20.10.440 retail use chart to allow a single retail use to exceed 100,000 square feet in the Wilburton CB area through a development agreement that includes design guidelines addressing the bulk and scale issues associated with that size;
- Adds a new Note 46 to the dimension chart in LUC 20.20.010 to allow for a maximum height of 75 feet in areas of the Wilburton subarea zoned CB. Additional specificity was added to this note following testimony received at the public hearing held by the City Council on June 23, 2014. The footnote is now proposed to limit application of the 75 foot height limit to CB property located between 116<sup>th</sup> Ave NE and the BNSF corridor.

**Proposed Development Agreement:**

Target Corporation had previously requested a Development Agreement to implement the terms of the above described LUCA on a site in Wilburton. Earlier this month, Target announced that it was no longer intending to develop a store in Wilburton and cancelled its design review permit and request for the Development Agreement. No further action on the Development Agreement is needed.

Should another owner/developer desire to take advantage of the terms of the LUCA, a new development agreement, with appropriate design guidelines, would be initiated at that time.

**EFFECTIVE DATE**

If approved, Ordinance No. 6169 becomes effective on July 22, 2014.

**OPTIONS**

1. Adopt the Land Use Code Amendment proposed in Attachment A.
2. Do not adopt the Land Use Code Amendment proposed in Attachment A and provide the staff with alternative direction.

**RECOMMENDATION**

1. Adopt the Land Use Code Amendment proposed in Attachment A.

**MOTION**

I move adoption of the Land Use Code Amendment proposed in Attachment A to apply to properties zoned Commercial Business (CB) within the Wilburton/NE 8th Subarea in order to implement Comprehensive Plan Policies S-WI-2, S-WI-3 and S-WI-4.

**ATTACHMENTS**

- A. Proposed LUCA Ordinance No. 6169