

## D#38 PLANNED URBAN DEVELOPMENT (PUD) REGULATIONS

### SUPPLEMENTAL STAFF REPORT

**SUMMARY:** This Supplemental Staff Report provides responses to issues that were raised at a Planning Commission meeting regarding amendments to the Renton Municipal Code Development Regulations (Title IV). It also includes additional information that staff has identified as being necessary to include in the analysis for amendments.

#### General Description

This docket amendment was requested by Robert McCormick of Selah, Washington. Mr. McCormick has requested changes to RMC 4-9-150.E.1.a. *Residential* and 4-9-150.G.1. *Time Limits*. Staff has proposed amendments to the proposed changes submitted by Mr. McCormick as well as expanded this request to include further analysis of the City's PUD ordinance. Staff has proposed the following open space requirements for residential PUD's:

- 10 percent of the gross land area must be open space, which can include critical area buffers where an opportunity for passive recreation is provided via a low impact trail, a road edge, or similar proposal, and
- 50 square feet of concentrated recreation area or common space per unit within the proposal.

Based on the City's additional analysis, staff has proposed minor changes to the PUD ordinance, the addition of Sustainable Development Techniques as a public benefit option, the elimination of the prescriptive standards for public benefit for "Overall Design", and modification to the private open space standards for mix use PUD developments.

Additional Information: Under the existing PUD regulations, PUD's are permitted in all zones in the City with the exception of R-1, R-4, and COR. Under the analysis completed by Jones and Stokes, in 2004, these zones were not included in the PUD regulations because the R-1 and R-4 zones had clustering provisions and the COR zone had few prescriptive standards. Jones and Stokes analysis is correct. However, the PUD regulations allow for modification of other code sections beyond the development standard tables. These sections include Chapter 4-4 that includes such things as fencing, landscaping, and parking standards, Chapter 4-7 that includes lot sizes and block sizes, Section 4-6-060 Street Standards, and other sections of Title IV with pre-approval from the City. Based on the expanded ability to modify sections of Title IV, the opportunity to utilize PUD's should not be restricted by zone. The goal of any PUD is to provide for better use of the land in exchange for an identified public benefit. The opportunity to review and analyze a development idea that would result in better use of the land should not be restricted by zone but should be evaluated on the merit of the project's identified public benefit outweighing the requested development standard modifications. By permitting PUD's within all zones in the City, all citizens would have the opportunity to benefit from the development of a PUD.

Staff conducted an analysis of surrounding jurisdictions and their PUD regulations. The City's of Bellevue, Bothell, Kirkland, and Puyallup have no zoning restrictions in their PUD regulations. The City of Everett has no zone restrictions however, there is a minimum lot size requirement to utilize the PUD regulations, which varies based upon the zone. The City of Kent does not permit PUD's in their Agriculture zone, and are only permitted in their SR zones if the lot size is over 100 acres. Moreover, the majority of the surrounding jurisdictions did not restrict the use of PUD's by zone. As such, staff has proposed an additional modification to the PUD regulations that would permit PUD's within all zones in the City. See Attachment A for the updated proposed text amendments.

## **4-9-150 PLANNED URBAN DEVELOPMENT REGULATIONS:**

### **A. PURPOSES:**

There are two (2) principal purposes of the planned urban development regulations. First, it is the purpose of these regulations to preserve and protect natural features of the land. Second, it is also the purpose of these regulations to encourage innovation and creativity in the development of residential, business, manufacturing, or mixed use developments by permitting a variety in the type, design, and arrangement of structures and improvements.

In order to accomplish these purposes, this Section is established to permit development which is not limited by the strict application of the City's zoning, parking, street, and subdivision regulations when it is demonstrated that such new development will be superior to traditional development under standard regulations. In consideration of the latitude given and the absence of conventional restrictions, the reviewing agencies, Hearing Examiner, and City Council shall have wide discretionary authority in judging and approving or disapproving the innovations which may be incorporated into planned urban developments proposed under this Section.

### **B. APPLICABILITY:**

Any applicant seeking to permit development which is not limited by the strict application of the City's zoning, parking, street, and subdivision regulations in a comprehensive manner shall be subject to this Section. Any amendment to existing planned urban developments shall be subject to this Chapter.

**1. Zones:** Planned urban developments may be permitted in [the following all](#) zoning districts, when processed and approved as provided in this Section.:

~~a. All zones, except R-1, R-4 and COR.~~

### **2. Code Provisions That May Be Modified:**

a. In approving a planned urban development, the City may modify any of the standards of chapters 4-2, 4-4, and 4-7 RMC and RMC 4-6-060, except as listed in subsection B3 of this Section. All modifications shall be considered simultaneously as part of the planned urban development.

b. An applicant may request additional modifications from the requirements of RMC Title 4, except those listed in subsection B3 of this Section. Approval for modifications other than those specifically described subsection B2a of this Section shall be approved ~~by the City Council~~ prior to submittal of a preliminary planned urban development plan.

### **3. Code Provisions Restricted from Modification:**

**a. Permitted Uses:** A planned urban development may not authorize uses that are inconsistent with those uses allowed by the underlying zone, or overlay district, or other location restriction in RMC Title 4, including, but not limited to: RMC 4-2-010 to 4-2-080, 4-3-010 to 4-3-040, 4-3-090, 4-3-095, and 4-4-010.

**b. Density/Permitted Number of Dwelling Units:** The number of dwellings units shall not exceed the density allowances of the applicable base or overlay zone or bonus criteria in chapter 4-2 or 4-9 RMC;

**c. Planned Urban Development Regulations:** The City may not modify any of the provisions of this Section, Planned Urban Development Regulations;

**d. Procedures:** The City may not modify any of the procedural provisions of RMC Title 4, including, but not limited to, fees, submittal requirements, and other similar provisions found in chapters 4-1, 4-7, 4-8 and 4-9 RMC; and

**e. Specific Limitations:** The City may not modify any provision of RMC 4-3-050, Critical Areas Regulations, 4-3-090, Shoreline Master Program Regulations, 4-4-130, Tree Cutting and Land Clearing, 4-4-060, Grading, Excavation and Mining Regulations, chapter 4-5 RMC, or RMC 4-6-010 to 4-6-050 and 4-6-070 through 4-6-110 related to utilities and concurrency, except that provisions may be altered for these codes by alternates, modification, conditional use, or variance as specifically allowed in the referenced Chapter or Section. Such alternates, modification, conditional use, or variance applications may be merged with the consideration of a planned urban development per RMC 4-9-150H.

### **C. ROLES AND RESPONSIBILITY:**

**1. The Department of Community and Economic Development (CED):** CED shall be responsible for the general administration and coordination of this Section. However, all proposed Code modifications shall be reviewed at the same time by the Hearing Examiner.

**2. City Departments:** Applicable City departments shall review each proposed planned urban development in accordance with procedures in chapter 4-8 RMC and this Chapter as appropriate.

**3. Hearing Examiner:** The Hearing Examiner shall be the official City designee for the public hearings, or review of requested Code modifications, as well as the overall proposal itself.

### **D. DECISION CRITERIA:**

The City may approve a planned urban development only if it finds that the following requirements are met.

**1. Demonstration of Compliance and Superiority Required:** Applicants must demonstrate that a proposed development is in compliance with the purposes of this Section and with the Comprehensive Plan, that the proposed development will be superior to that which would result without a planned urban development, and that the development will not be unduly detrimental to surrounding properties.

**2. Public Benefit Required:** In addition, applicants shall demonstrate that a proposed development will provide specifically identified benefits that clearly outweigh any adverse impacts or undesirable effects of the proposed planned urban development, particularly those adverse and undesirable impacts to surrounding properties, and that the proposed development will provide one or more of the following benefits than would result from the development of the subject site without the proposed planned urban development:

**a. Critical Areas:** Protects critical areas that would not be protected otherwise to the same degree as without a planned urban development; or

**b. Natural Features:** Preserves, enhances, or rehabilitates natural features of the subject property, such as significant woodlands, native vegetation, topography, or noncritical area wildlife habitats, not otherwise required by other City regulations; or

**c. Public Facilities:** Provides public facilities that could not be required by the City for development of the subject property without a planned urban development; or

**d. Use of Sustainable Development Techniques: Design which results in a sustainable development; such as LEED certification, energy efficiency, use of alternative energy resources, low impact development techniques, etc.; or**

**~~de.~~ Overall Design:** Provides a planned urban development design that is superior ~~in one or more of the following ways~~ to the design that would result from development of the subject property without a planned urban development. A superior design may include the following:

**i. Open Space/Recreation:**

(a) Provides increased open space or recreational facilities beyond standard code requirements and considered equivalent to features that would offset park mitigation fees in Resolution 3082; and

(b) Provides a quality environment through either passive or active recreation facilities and attractive common areas, including accessibility to buildings from parking areas and public walkways; or

**ii. Circulation/Screening:** Provides superior circulation patterns or location or screening of parking facilities; or

**iii. Landscaping/Screening:** Provides superior landscaping, buffering, or screening in or around the proposed planned urban development; or

**iv. Site and Building Design:** Provides superior architectural design, placement, relationship or orientation of structures, or use of solar energy; or

**v. Alleys:** Provides alleys ~~to at least fifty percent (50%) of for~~ any proposed detached or attached units with individual, private ground related entries.

**3. Additional Review Criteria:** A proposed planned urban development shall also be reviewed for consistency with all of the following criteria:

**a. Building and Site Design:**

**i. Perimeter:** Size, scale, mass, character and architectural design along the planned urban development perimeter provide a suitable transition to adjacent or abutting lower density/intensity zones. Materials shall reduce the potential for light and glare.

**ii. Interior Design:** Promotes a coordinated site and building design. Buildings in groups should be related by coordinated materials and roof styles, but contrast should be provided throughout a site by the use of varied materials, architectural detailing, building orientation or housing type; e.g., single family, townhouses, flats, etc.

**b. Circulation:**

i. Provides sufficient streets and pedestrian facilities. The planned urban development shall have sufficient pedestrian and vehicle access commensurate with the location, size and density of the proposed development. All public and private streets shall accommodate emergency vehicle access and the traffic demand created by the development as documented in a traffic and circulation report approved by the City. Vehicle access shall not be unduly detrimental to adjacent areas.

ii. Promotes safety through sufficient sight distance, separation of vehicles from pedestrians, limited driveways on busy streets, avoidance of difficult turning patterns, and minimization of steep gradients.

iii. Provision of a system of walkways which tie residential areas to recreational areas, transit, public walkways, schools, and commercial activities.

iv. Provides safe, efficient access for emergency vehicles.

**c. Infrastructure and Services:** Provides utility services, emergency services, and other improvements, existing and proposed, which are sufficient to serve the development.

**d. Clusters or Building Groups and Open Space:** An appearance of openness created by clustering, separation of building groups, and through the use of well-designed open space and landscaping, or a reduction in amount of impervious surfaces not otherwise required.

**e. Privacy and Building Separation:** Provides internal privacy between dwelling units, and external privacy for adjacent dwelling units. Each residential or mixed use development shall provide visual and acoustical privacy for dwelling units and surrounding properties. Fences, insulation, walls, barriers, and landscaping are used, as appropriate, for the protection and aesthetic enhancement of the property, the privacy of site occupants and surrounding properties, and for screening of storage, mechanical or other appropriate areas, and for the reduction of noise. Windows are placed at such a height or location or screened to provide sufficient privacy. Sufficient light and air are provided to each dwelling unit.

**f. Building Orientation:** Provides buildings oriented to enhance views from within the site by taking advantage of topography, building location and style.

**g. Parking Area Design:** Provides parking areas that are complemented by landscaping and not designed in long rows. The size of parking areas is minimized in comparison to typical designs, and each area related to the group of buildings served. The design provides for efficient use of parking, and shared parking facilities where appropriate.

~~i. Design: Provides parking areas that are complemented by landscaping and not designed in long rows. The size of parking areas is minimized in comparison to typical designs, and each area related to the group of buildings served. The design provides for efficient use of parking, and shared parking facilities where appropriate.~~

~~ii. Adequacy: Provides sufficient on-site vehicular parking areas consistent with the parking demand created by the development as documented in a parking analysis approved by the City. Parking management plans shall ensure sufficient resident, employee, or visitor parking standards, and there shall be no reliance on adjacent or abutting properties unless a shared parking arrangement consistent with RMC 4-4-080 is approved.~~

**h. Phasing:** Each phase of the proposed development contains the required parking spaces, open space, recreation spaces, landscaping and utilities necessary for creating and sustaining a desirable and stable environment, so that each phase, together with previous phases, can stand alone.

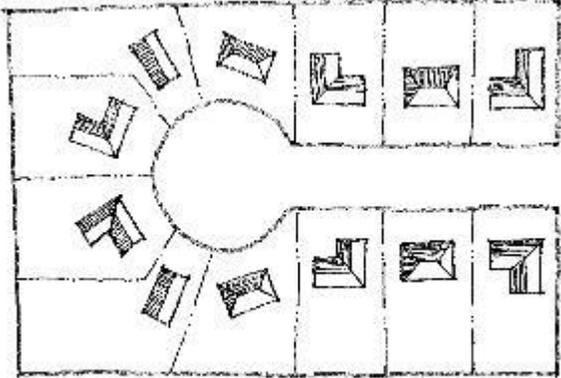
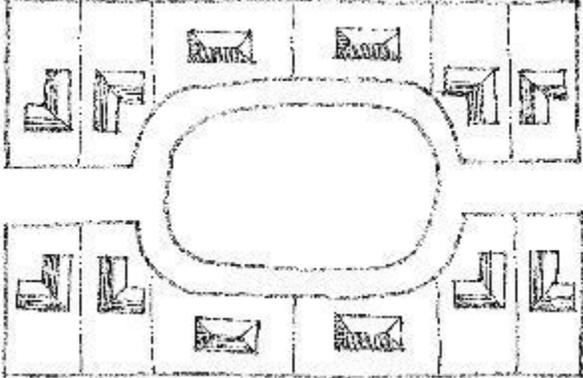
**4. Compliance with Development Standards:** Each planned urban development shall demonstrate compliance with the development standards contained in subsection E of this Section, the underlying zone, and any overlay districts; unless a modification for a specific development standard has been requested pursuant to RMC 4-9-150B.2.

#### **E. DEVELOPMENT STANDARDS:**

**1. Common Open Space Standard:** Open space shall be concentrated in large usable areas and may be designed to provide either active or passive recreation. Requirements for residential, mixed use, commercial, and industrial developments are described below.

**a. Residential:** For residential developments open space must equal at least 10 percent (10%) of the gross land area, which includes any critical area buffers where an opportunity for passive recreation is provided via a low impact trail or is protected by a road edge, or similar proposal. In addition, a minimum area of common space or recreation area equal to fifty (50) square feet per unit shall be provided in a concentrated space as illustrated in Figure 1. ~~For residential developments, open space must be equal to or greater in size than the total square footage of the lot area reductions requested by the planned urban development, as illustrated in Figure 1. The open space shall not include a critical area and shall be concentrated in large usable areas.~~ Stormwater facilities may be incorporated with the open space, common space or recreation area on a case-by-case basis if the Reviewing Official finds:

- i. The stormwater facility utilizes the techniques and landscape requirements set forth in The Integrated Pond, King County Water and Land Resources Division, or an equivalent manual, or
- ii. The surface water feature serves areas outside of the planned urban development and is appropriate in size and creates a benefit.

	
<p>Site Area: 1.5 acres  Typical Lot Size: 4,500 sq. ft.  Total Number of Lots: 12</p>	<p>Site Area: 1.5 acres  Typical Lot Size: 3,500 sq. ft.  Total Number of Lots: 12  Open Space: <del>4,500 s.f. minus 3,500 s.f. = 1,000 s.f. x 12 lots = 12,000</del> <u>7,134</u> sq. ft.</p>
<p><b>Standard Subdivision</b></p>	<p>Example Planned Urban Development Approach</p>

**Figure 1. Common Open Space Example**

**b. Mixed Use – Residential Portions:** Subsections E1bi to v of this Section specify common open space standards for the residential portions of mixed use developments.

i. Mixed use residential and attached housing developments of ten (10) or more dwelling units shall provide a minimum area of common space or recreation area equal to fifty (50) square feet per unit. The common space area shall be aggregated to provide usable area(s) for residents. The location, layout, and proposed type of common space or recreation area shall be subject to approval by the Reviewing Official. The required common open space shall be satisfied with one or more of the elements listed below. The Reviewing Official may require more than one of the following elements for developments having more than one hundred (100) units.

(a) Courtyards, plazas, or multipurpose open spaces;

(b) Upper level common decks, patios, terraces, or roof gardens. Such spaces above the street level must feature views or amenities that are unique to the site and provided as an asset to the development;

(c) Pedestrian corridors dedicated to passive recreation and separate from the public street system;

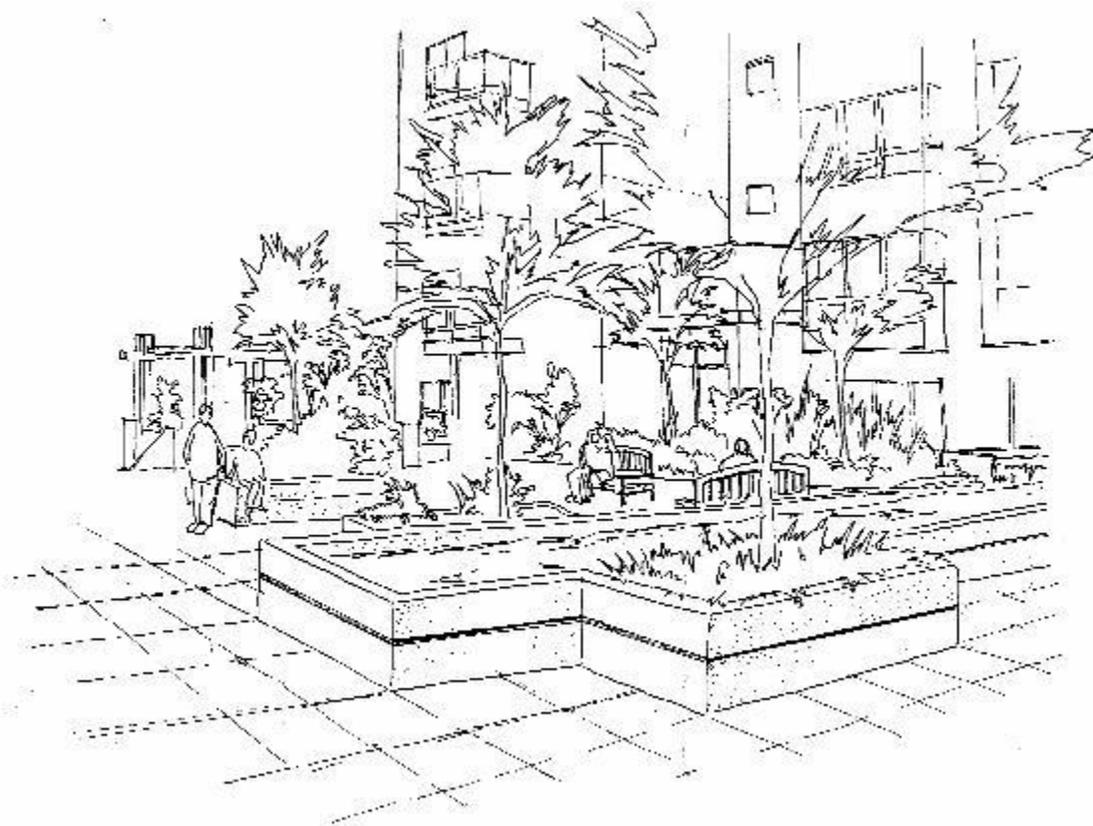
(d) Recreation facilities including, but not limited to: tennis/sports courts, swimming pools, exercise areas, game rooms, or other similar facilities; or

(e) Children's play spaces.

ii. Required landscaping, driveways, parking, or other vehicular use areas shall not be counted toward the common space requirement or be located in dedicated outdoor recreation or common use areas.

iii. Required yard setback areas shall not count toward outdoor recreation and common space unless such areas are developed as private or semi-private (from abutting or adjacent properties) courtyards, plazas or passive use areas containing landscaping and fencing sufficient to create a fully usable area accessible to all residents of the development.

iv. Private decks, balconies, and private ground floor open space shall not count toward the common space/recreation area requirement.



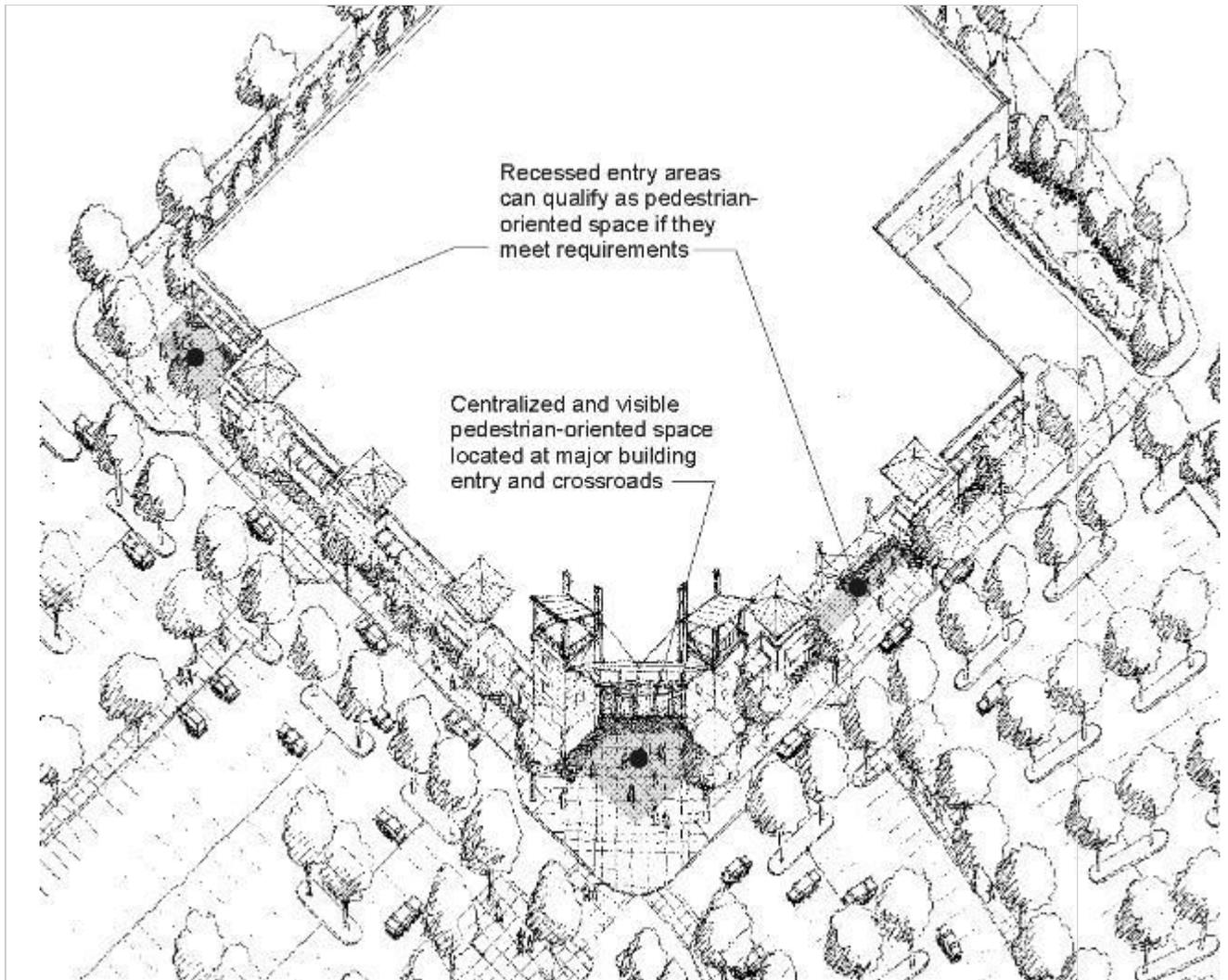
**Figure 2. A visible and accessible residential common area containing landscaping and other amenities.**

v. Other required landscaping, and sensitive area buffers without common access links, such as pedestrian trails, shall not be included toward the required recreation and common space requirement.

**c. Mixed Use Nonresidential Portions, or Commercial, or Industrial Uses:** The following subsections specify common open space requirements applicable to nonresidential portions of mixed use developments or to single use commercial or industrial developments:

i. All buildings and developments with over thirty thousand (30,000) square feet of nonresidential uses (excludes parking garage floorplate areas) shall provide pedestrian-oriented space according to the following formula:

1% of the lot area + 1% of the building area = Minimum amount of pedestrian-oriented space



**Figure 3. Examples of pedestrian-oriented space associated with a large scale retail building.**

ii. To qualify as pedestrian-oriented space, the following must be included:

(a) Visual and pedestrian access (including barrier-free access) to the abutting structures from the public right-of-way or a courtyard not subject to vehicular traffic,

(b) Paved walking surfaces of either concrete or approved unit paving,

(c) On-site or building-mounted lighting providing at least four (4) foot-candles (average) on the ground, and

(d) At least three (3) feet of seating area (bench, ledge, etc.) or one individual seat per sixty (60) square feet of plaza area or open space.

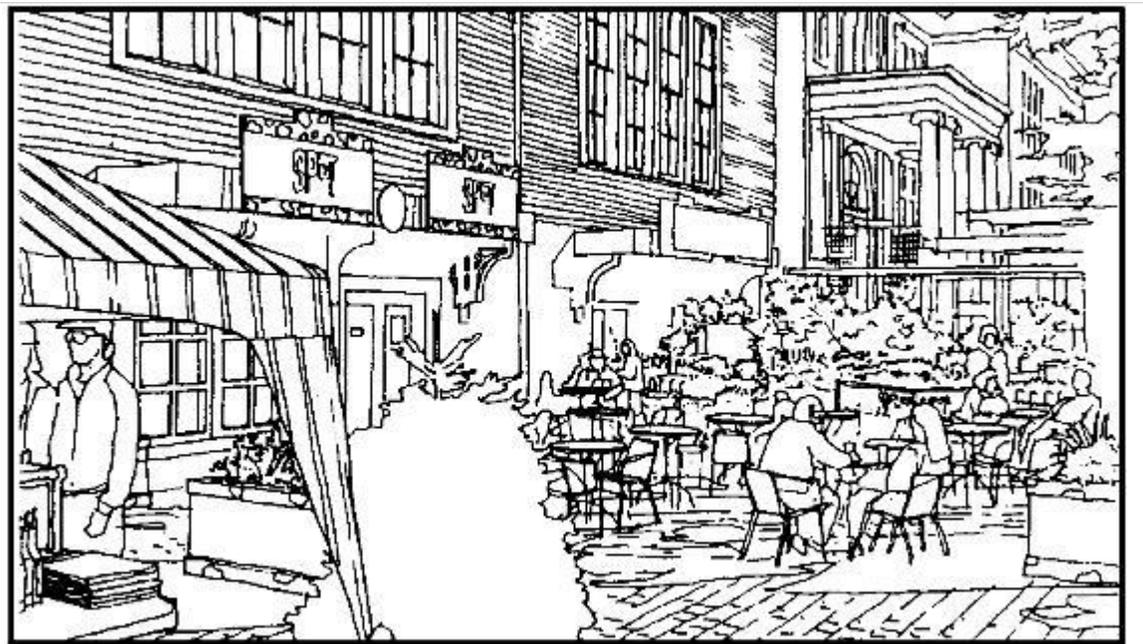
iii. The following features are encouraged in pedestrian-oriented space and may be required by the Reviewing Official.

(a) Pedestrian-oriented uses at the building facade facing the pedestrian-oriented space.

(b) Spaces should be positioned in areas with significant pedestrian traffic to provide interest and security – such as adjacent to a building entry.

(c) Pedestrian-oriented facades on some or all buildings facing the space consistent with Figure 4.

(d) Public seating that is durable or easily replaceable, maintainable, and accessible.



**Figure 4. Pedestrian-oriented spaces, visible from the street, including ample seating areas, movable furniture, special paving, landscaping components, and adjacent pedestrian-oriented uses.**

iv. The following are prohibited within pedestrian-oriented space:

(a) Adjacent unscreened parking lots,

(b) Adjacent chain link fences,

(c) Adjacent blank walls,

(d) Adjacent dumpsters or service areas, and

(e) Outdoor storage (shopping carts, potting soil bags, firewood, etc.) that do not contribute to the pedestrian environment.

**d. Open Space Orientation:** The location of public open space shall be considered in relation to building orientation, sun and light exposure, and local micro-climatic conditions.

**e. Common Open Space Guidelines:** Common space areas in mixed use residential and attached residential projects should be centrally located so they are near a majority of dwelling units, accessible and usable to residents, and visible from surrounding units.

i. Common space areas should be located to take advantage of surrounding features such as building entrances, significant landscaping, unique topography or architecture, and solar exposure.

ii. In mixed use residential and attached residential projects children's play space should be centrally located, visible from the dwellings, and away from hazardous areas like garbage dumpsters, drainage facilities, streets, and parking areas.

**2. Private Open Space:** Each residential unit in a planned urban development shall have usable private open space (in addition to parking, storage space, lobbies, and corridors) for the exclusive use of the occupants of that unit. Each ground floor unit, whether attached or detached, shall have private open space which is contiguous to the unit, ~~and shall be an area of at least twenty percent (20%) of the gross square footage of the dwelling units.~~ The private open space shall be well demarcated and at least ten fifteen feet (105') in every dimension. Decks on upper floors can substitute for some of the required private open space for upper floor units. For dwelling units which are exclusively upper story units, there shall be deck areas totaling at least sixty (60) square feet in size with no dimension less than five feet (5').

### **3. Installation and Maintenance of Common Open Space:**

**a. Installation:** All common area and open space shall be landscaped in accordance with the landscaping plan submitted by the applicant and approved by the City; provided, that common open space containing natural features worthy of preservation may be left unimproved. Prior to the issuance of any occupancy permit, the developer shall furnish a security device to the City in an amount equal to the provisions of RMC 4-9-060. Landscaping shall be planted within one year of the date of final approval of the planned urban development, and maintained for a period of two (2) years thereafter prior to the release of the security device. A security device for providing maintenance of landscaping may be waived if a landscaping maintenance contract with a reputable landscaping firm licensed to do business in the City of Renton is executed and kept active for a two (2) year period. A copy of such contract shall be kept on file with the Development Services Division.

**b. Maintenance:** Landscaping shall be maintained pursuant to requirements of RMC 4-4-070.

**4. Installation and Maintenance of Common Facilities:**

**a. Installation:** Prior to the issuance of any occupancy permits, all common facilities, including but not limited to utilities, storm drainage, streets, recreation facilities, etc., shall be completed by the developer or, if deferred by the Planning/Building/Public Works Administrator or his/her designee, assured through a security device to the City equal to the provisions of RMC 4-9-060, except for such common facilities that are intended to serve only future phases of a planned urban development. Any common facilities that are intended to serve both the present and future phases of a planned urban development shall be installed or secured with a security instrument as specified above before occupancy of the earliest phase that will be served. At the time of such security and deferral, the City shall determine what portion of the costs of improvements is attributable to each phase of a planned urban development.

**b. Maintenance:** All common facilities not dedicated to the City shall be permanently maintained by the planned urban development owner, if there is only one owner, or by the property owners' association, or the agent(s) thereof. In the event that such facilities are not maintained in a responsible manner, as determined by the City, the City shall have the right to provide for the maintenance thereof and bill the owner or property owners' association accordingly. Such bill, if unpaid, shall become a lien against each individual property.

**G. FINAL PLAN REVIEW PROCEDURES:**

**1. Time Limits:** The developer shall, within two (2) years of the effective date of action by the Hearing Examiner to approve the preliminary plan, submit to the Department of Community and Economic Development a final development plan showing the ultimate design and specific details of the proposed planned urban development or the final phase or phases thereof; provided, however, that for a preliminary plan approved concurrent with a preliminary subdivision, the developer shall submit the final development plan within five (5) years of the effective date of action by the Hearing Examiner to approve the preliminary plan-

Upon application by the developer, the Hearing Examiner may grant an extension of the approved preliminary plan for a maximum of twelve (12) months. Application for such extension shall be made at least thirty (30) days prior to the expiration date of preliminary plan approval. Only one such extension may be granted for a planned urban development. If a final development plan is not filed within the identified time limits such two (2) years or within the extended time period, if any, the planned urban development preliminary plan shall be deemed to have expired or been abandoned. To

activate an expired or abandoned planned urban development, a new application is required.