



CITY OF ARLINGTON NOTICE OF DECISION

Amended Zahradnik Binding Site Plan

The City of Arlington has issued a Notice of Decision for an Amended Binding Site Plan as required by Arlington Municipal Code. The following project has been **APPROVED**, with the conditions listed in the attached permit decision.

Project Name: Amended Zahradnik Binding Site Plan

Proponent: Eagle Peak Development, LLC

Project Number: PLN #941

Description of Proposal: The applicant has submitted a minor amendment application to modify the approved Zahradnik Binding Site Plan (PLN#941). The following are the proposed modifications:

1. Reconfiguration of lots 2 and 3 to separate the mixed-use buildings from the multi-family residential buildings.
2. Addition of lot 7 to accommodate the 4 multi-family residential buildings due to the changes of lots 2 and 3.
3. Minor lot size changes to lots 2, 3, 4, 5, 6

Location:

Permit Decision: Approved, with Conditions

Notice of Decision Date: February 21, 2023

End of Appeal Period: March 7, 2023

Appeals: A Party of Record may file an appeal of this decision within fourteen (14) calendar days from issuance of this Notice of Decision. Appeals shall be delivered to the City of Arlington and at 18204 59th Avenue NE, Arlington, WA 98223, pursuant the Land Use Petition Act, Chapter 36.70 RCW, by **5:00 PM on Tuesday, March 7, 2023.**

Staff Contact: Amy Rusko, Planning Manager, arusko@arlingtonwa.gov, 360-403-3550



Community and Economic Development
Planning Division

18204 59th Avenue NE, Arlington, WA 98223

**AMENDED BINDING SITE PLAN
STAFF REPORT AND PERMIT DECISION**

GENERAL INFORMATION

File Number: PLN #941

Project Title: **Amended Zahradnik Binding Site Plan**

Owner: Eagle Peak Development LLC

Applicant: Grandview North LLC

Contact: Cascade Surveying & Engineering

Description: Amended Binding Site Plan

Location: Northwest Corner of SR 9 and 172nd Street Intersection

Tax Parcel ID: 31052400302000

Lot Size: Approximately 16.80 acres

Soil Type: Tokul gravelly medial loam, 0-8 percent slopes

Zoning Classification: General Commercial with Mixed-Use Overlay

Land Use Designation: General Commercial with Mixed-Use Overlay

Proposed Use: Binding Site Plan for Mixed-Use Development

Decision Date: **February 21, 2023**

Decision: **APPROVED, with Conditions**

I. NATURE OF APPLICATION

A. Request

The applicant has submitted a minor amendment application to modify the approved Zahradnik Binding Site Plan (PLN#941). The following are the proposed modifications:

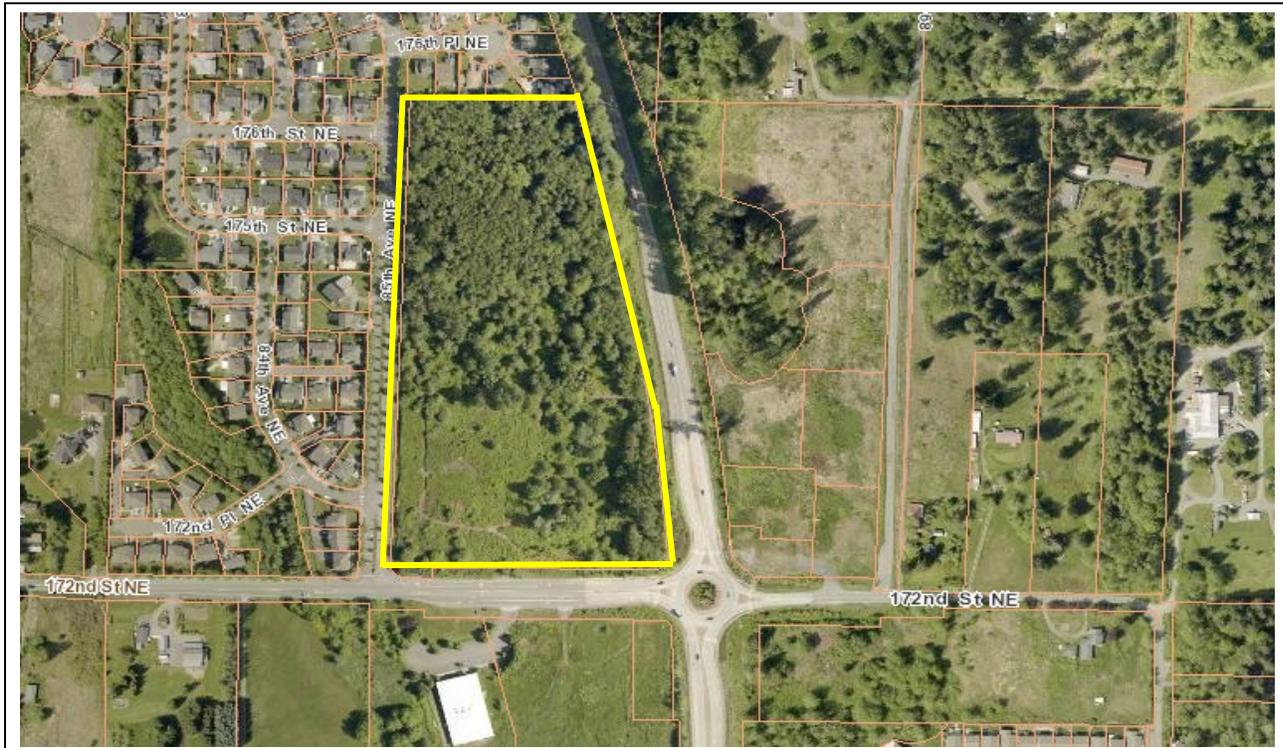
1. Reconfiguration of lots 2 and 3 to separate the mixed-use buildings from the multi-family residential buildings.
2. Addition of lot 7 to accommodate the 4 multi-family residential buildings due to the changes of lots 2 and 3.
3. Minor lot size changes to lots 2, 3, 4, 5, 6

B. Project Chronology / Background

A formal application for the minor amendment was submitted to the Community & Economic Development Department on February 14, 2023. Staff routed the material to City review staff on February 14, 2023. Staff determined that the application provided sufficient information to be considered complete. Notice of Complete Application was issued on February 17, 2023

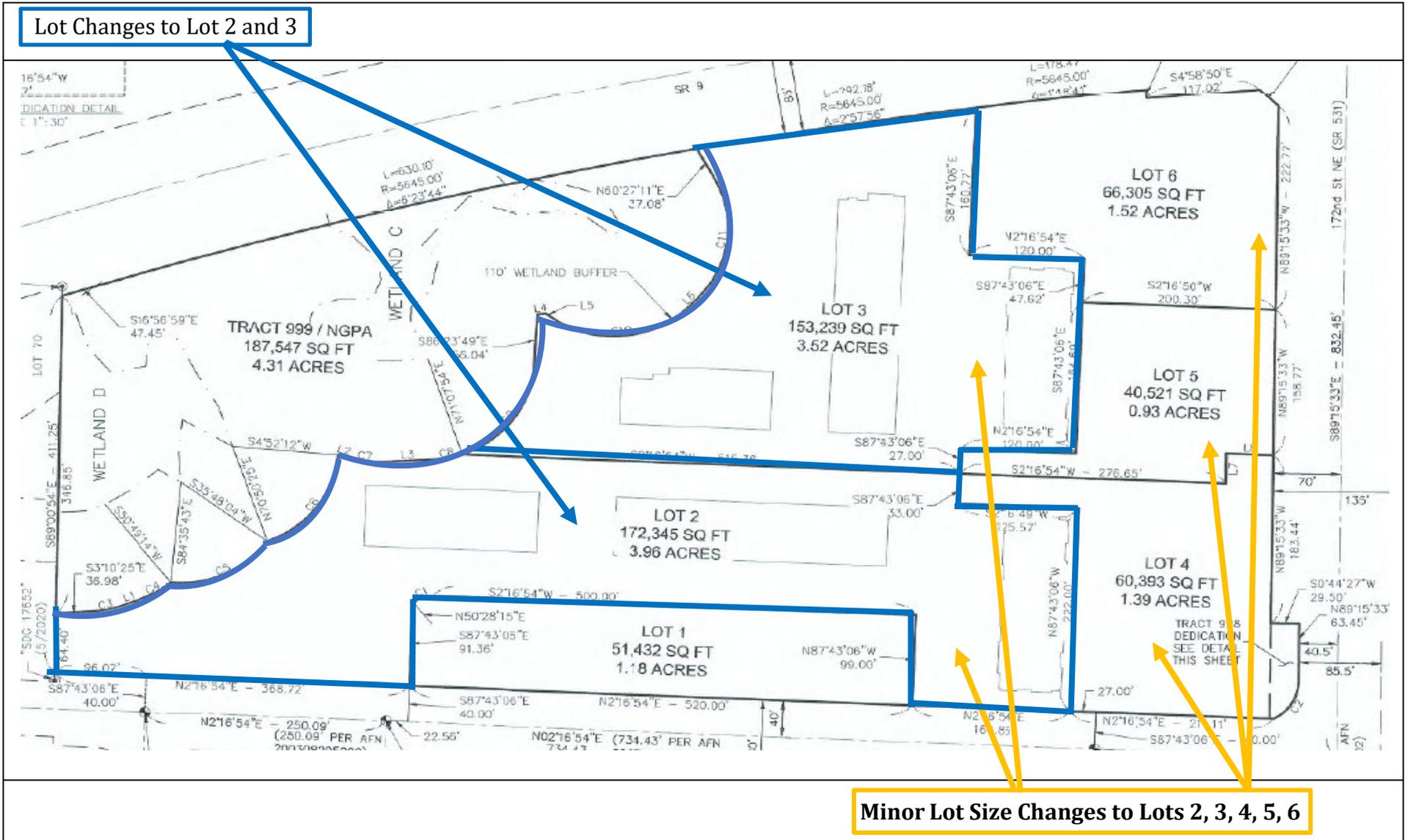
The original Zahradnik Binding Site Plan was approved by the Community & Economic Development Director on February 3, 2023 and recorded on February 10, 2023 under Auditor's File #202302105003.

C. Site Location / Description

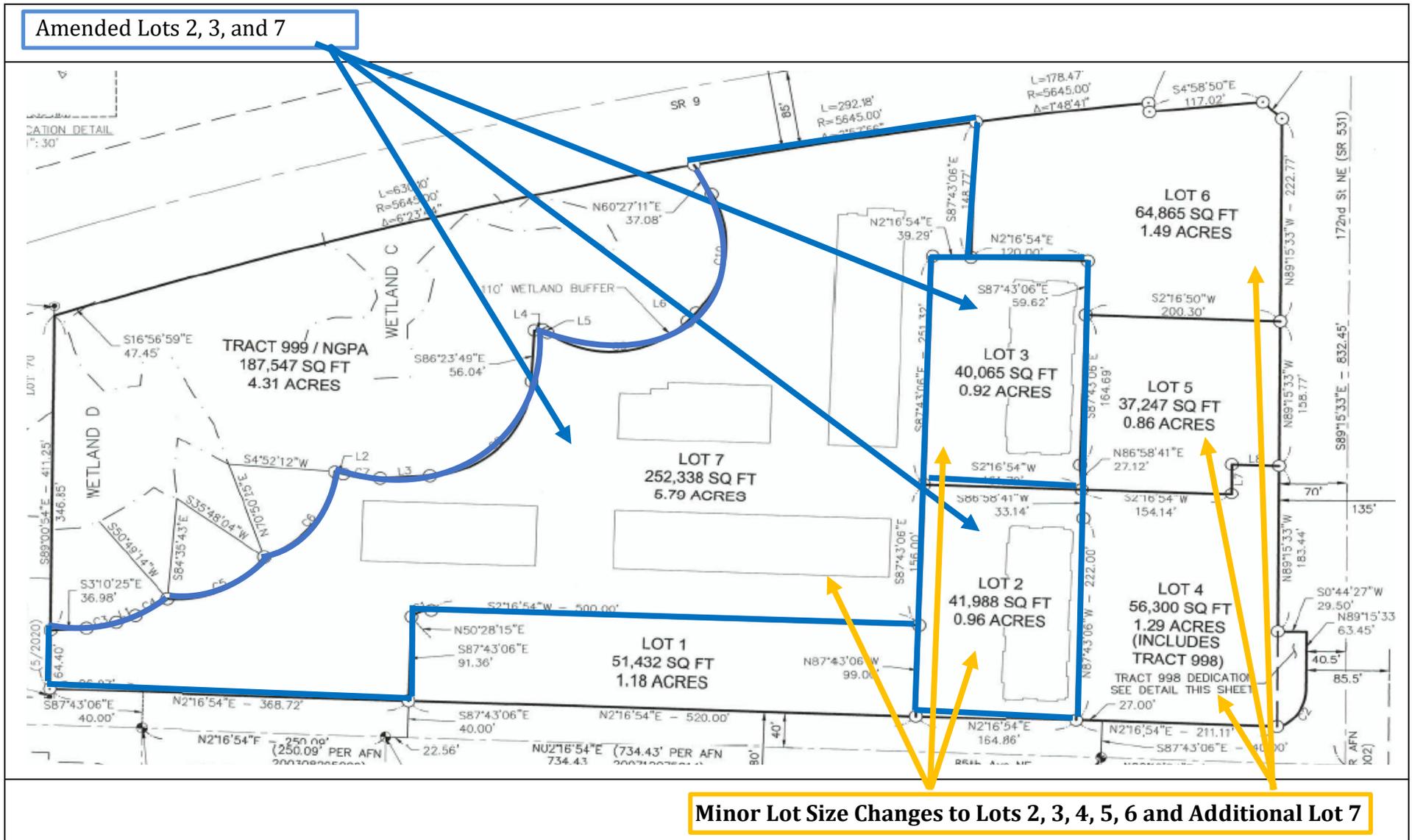


The project is located northwest of the State Route 9 and 172nd Street intersection.

D. Existing Zahradnik Binding Site Plan (PLN#1007)



E. Proposed Minor Binding Site Plan Amendment Map



II. PROJECT CONSISTENCY WITH TITLE 20 AMC, ZONING

A. Facts

1. The Zahradnik Binding Site Plan (PLN#941) was approved on February 3, 2023 for the creation of a total of 6 lots for the use of commercial/mixed-use/multi-family residential/townhomes on a combined 16.80 acre parcel.
2. AMC 20.16.435 (e)(1) Amendments. Once a binding site plan is recorded, any amendments from the site plan shall require the filing of an amended binding site plan.
3. The amendment to the binding site plan separates the 2 mixed use buildings to their own individual lots and places the 4 multi-family residential buildings on one lot.
4. The amendment to the binding site plan does not change the development intent of the property.
 - The site does not change in size, use or intensity.
 - The site contains the same number of proposed units and buildings.
 - The access throughout the site remains unchanged.
 - No changes to critical areas or NGPA areas.
 - No changes to the amount of open space required or provided.
5. The applicant has submitted an amendment request and sufficient supplemental materials for review and decision on the amendment.
6. Binding Site Plan Lot Sizes

Lot Number	Existing Binding Site Plan Lots	Amended Binding Site Plan Lots	Difference in Lots
Lot 1	1.18 acres 51,432 sf	1.18 acres 51,432 sf	No Change
Lot 2	3.96 acres 172,345 sf	0.96 acres 41,988 sf	-3.00 acres
Lot 3	3.52 acres 153,239 sf	0.92 acres 40,065 sf	-2.60 acres
Lot 4 (Includes Tract 988)	1.39 acres 60,393 sf	1.29 acres 56,300 sf	-0.10 acres
Lot 5	0.93 acres 40,521 sf	0.86 acres 37,247 sf	-0.07 acres
Lot 6	1.52 acres 66,305 sf	1.49 acres 64,865 sf	-0.03 acres
Lot 7	N/A	5.79 acres 252,338 sf	+5.79 acres
Tract 999	4.31 acres 187,547 sf	4.31 acres 187,547 sf	No Change
Total Lots	16.80 acres 731,782 sf	16.80 acres 731,782 sf	1 Additional Lot No Change to Area

B. Findings

Existing BSP	Amended BSP	Analysis	Meets
Total lots = 6	Total lots = 7	The change in the number of lots is considered insignificant due to no additional buildings being added to the site.	Yes
2 Mixed-Use Buildings 4 Multi-Family Buildings Constructed on 2 Lots	2 Mixed-Use Buildings 4 Multi-Family Buildings Constructed on 3 Lots	There is no change to the number of buildings expected to be built on the site.	Yes
Total units = 334	Total units = 334	There is no change to the number of units that are expected to be built on the site.	Yes
Lot Area Lots 2, 3, 4, 5, 6	Lot Area Lots now referred to as Lots 2, 3, 4, 5, 6 and 7	The lots sizes were adjusted but the total area of lots 2, 3, 4, 5, and 6 did not change when lot 7 was created.	Yes
Common Open Space and Dedication Areas	Common Open Space and Dedication Areas	There is no change to the square footage of the common open spaces, NGPA and dedication areas.	Yes
Environmental Impacts:			
Traffic Impact Analysis was based on 334 residential units and 51,500 sf of commercial	Traffic Impact Analysis was based on 334 residential units and 51,500 sf of commercial	The traffic trips, analysis, and calculations remain the same.	Yes
Roads System shown on the approved binding site plan.	Road System remains the same in the modified binding site plan.	No additional roads will be built within the binding site plan to accommodate the proposed modifications.	Yes
Critical Areas and NGPA located on the site.	The Critical Areas, NGPA remain the same in the modified binding site plan.	The proposed modifications to the binding site plan does not change the critical areas or NGPA, no additional analysis is required.	Yes
Preliminary Stormwater Approval with the approved binding site plan.	The stormwater for the site remains the same.	There are no additional units or acreage added to the binding site plan, therefore the drainage report and calculations for the site remain in effect.	Yes

III. ADMINISTRATIVE DECISION

The proposed project was found to be consistent with and meets the intent of the Arlington Zoning Code, Comprehensive Plan, and the Arlington Municipal Code, therefore the Amended Zahradnik Binding Site Plan (PLN #941) is hereby APPROVED, subject to the following conditions.

IV. CONDITIONS

Amended Binding Site Plan:

- All development shall be in substantial conformance with the approved Amended Binding Site Plan and Supplemental Drawings received on February 14, 2023 and the Landscape Plans received on December 30, 2022, subject to any conditions or modifications that may be required as part of the permit review.
- All conditions of the original Binding Site Plan, Community and Economic Development Director's Decision, dated February 3, 2023, shall be met.

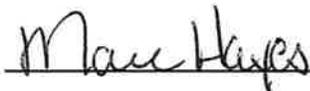
Final Action Needed:

- Once the notarized signatures of the owner(s), and mortgagee, if applicable, have been obtained by the applicant (black ink must be used), the applicant shall submit the Binding Site Plan documents to the City for City signatures in a format that meets Snohomish County map recording requirements.
- Once the appropriate City signatures have been obtained on the Binding Site Plan, the applicant shall record the completed BLA original at Snohomish County Auditor's Office, 3000 Rockefeller Avenue, Everett, WA. A Conformed Copy of the recorded original document shall be made, and the applicant (or applicant's agent) shall return either the original or conformed copy to the city. The applicant shall be responsible for the costs associated with recording and copying the Binding Site Plan.

V. APPEAL

This decision may be appealed pursuant to AMC 20.20.010, which provides for a hearing of the Permit Decision before the Hearing Examiner. Any aggrieved party of record may file an appeal within 14 days of the permit decision. An appeal shall be considered filed when a written notice of appeal, specifying the grounds and arguments, therefore, is delivered to the Department of Community and Economic Development by 5:00 PM on Tuesday, March 7, 2023, and the appeal fee as set by resolution is paid.

ORDERED THIS ON THE 21ST DAY OF February, 2023



Marc Hayes, Community and Economic Development Department Director

Distributed to the Following Parties:

Randy Devoir, Contact

Scott Wammack, Applicant

Raja Venugopal, Owner

Dave Nelson, Owner

Dave Ryan, Airport Director

Jim Kelly, Public Works Director

Jonathan Ventura, Police Chief

Katie Heim, Enterprise Data & Technology Manager

Dave Kraski, NCRFA Deputy Chief of Operations