

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: A-2
Vodnick Lane Appeal, Public Meeting and Closed Record Hearing

DATE: January 11, 2007

SUBJECT: APPEAL/CLOSED RECORD HEARING
Hearing Examiner Recommendation Condition of Approval Number 17 and related Findings and Conclusions : Brickyard Properties, LLC 23 Lot Planned Unit Development and Plat (Vodnick Lane) File Number No. RAFPPUD05-004 (Appeal Request, Hearing Examiner Recommendation, Staff Report, and Plat Map attached).

CONTACT PERSON: Rick Cisar, Director of Community Development

SUMMARY: The Hearing Examiner held an Open Record Hearing on May 15, 2006, and a Remand Hearing on November 9, 2006 for the Preliminary Planned Unit Development Subdivision (Vodnick Lane) File Number RAFPPUD05-004.. Based on the Findings of Fact, Principles of Law, Discussion and Conclusions, the testimony and evidence submitted at the Hearing, the Hearing Examiner's site visit, the Hearing Examiner RECOMMENDS that the Preliminary Planned Unit Development Subdivision (Vodnick Lane) File Number RAFPPUD05-004 be Approved subject to the 25 conditions as outlined on pages 28 through 31 of the Hearing Examiner's November 17, 2006 Recommendation.

The Applicant, Brick Yard Properties, LLC on, December 7, 2006 submitted a Appeal Request to the Hearing Examiner's Condition of approval #17 (Level of Service (LOS) Police Services) on page 30 of the Hearing Examiner's Recommendation. As noted in the Appeal, this Condition is inconsistent with prior determinations made by the City Council in the attached Resolutions Numbers. 06-06, 06-07 06-09A, and 06-11 A.

**ALTERNATIVES:
& ACTIONS:** The City Council, in considering the Vodnick Lane Development and Appeal Request, has the option to:

- (1) Approve the Hearing Examiner's Recommendation,; or
- (2) Approve the project with the Applicants Appeal Request (page 2 of Appeal); or
- (3) Approve the request based on the Council's own set of Findings and Conclusions; or

- (4) Deny the request based on the Council's own set of Findings and Conclusions.

To assist the City Council in their evaluation of this project and the Recommendations, Staff has attached the following:

- (a) The November 2, 2006 Staff Report that provides a project Overview and site plan.
- (b) The Hearing Examiner's November 17, 2006 Recommendation with 25 Conditions.
- (c) The Applicant, Brick Yard Properties, LLC Appeal Request dated December 7, 2006.
- (d) Resolutions Numbers. 06-06, 06-07, 06-09A, and 06-11A.
- (e) Comments received from Parties of Record who received notice of the Filing of the Appeal .

**Analysis of
Alternatives:**

1. Alternative 1 would Approve the project but, in this case imposed a Condition by the Hearing Examiner that can not reasonably be met by either the City or the Developer. (Resolution 01-07A).
2. Alternative 2 would Approve the project with a Condition that the Developer provide a "Voluntary Agreement for Police Services" and agree to fund their proportionate share (16%) of the cost of one police officer for one year (Resolution 01-07B). This Alternative is consistent with City's Council's previous Action and Approvals for the Steen Park Subdivision, Cascade Breeze Subdivision, Skoglund Estates Planned Unit Development, and the AJ's Place Binding Site Plan. (Resolution's 06-06, 06-07, 06-09A, and 06-11A).
3. Alternative 3 would Approve the Project with the City Council establishing their own set of Findings and Conclusions based on the Hearing Examiner's Public Hearing Record and the City's Council's Appeal Hearing Record.
4. Alternative 4 would Deny the Project with the City Council establishing their own set of Findings and Conclusions based on the Hearing Examiner's Public Hearing Record and the City's Council's Appeal Hearing Record.

Staff has prepared two Resolutions for Alternates 1 and 2. Resolution Number 01-07A accepting the Hearing Examiner's Recommendation with 25 Conditions and Resolution 01-07B approving the Hearing Examiner's Recommendation with 25 Conditions and a revised Condition Number 17 addressing Police Level of Service (LOS). These

Resolutions can be considered by the City Council under the Action Items of the Agenda.

FISCAL IMPACT:

Processing of the Appeal Request and the potential revenues to fund an incremental share (16%) of Police Officer Position for one year.

STAFF

Resolution

RECOMMENDATION

In consideration of City Council's previous actions, Approve

07- 01 B under Action Item A-2 which provides for the Approval of the Preliminary Planned Unit Development Subdivision (Vodnick Lane) with Conditions 1 through 16 and 18 through 25 as Recommended by the Hearing Examiner and a new Condition 17 to read as follows:" The Applicant offers to execute a Developer Agreement to pay Applicant's incremental share for a Police Officer consistent with Resolutions 06-06, 06-07, 06-09A, and 06-11A.

COUNCIL ACTION:

DATE:

- ATTACHMENTS:**
1. November 2, 2006 Staff Report and Recommendations
 2. November 17, 2006 Hearing Examiner Recommendation
 3. December 5, 2006 Applicants Appeal of Hearing Examiners Decision
 4. Resolutions Numbers 06-06, 06-07, 06-09A, and 06-11A
 5. Comments received from Parties of Record on the Appeal Request
 - a. Comments received from Ron Kraut on January 3, 2007