SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: **Action A -7**

DATE: May 24, 2007

SUBJECT: **Resolution 07-11**
Hearing Examiner Recommendation: Conditional Use Permit to construct a Mini-Lube (with a small restaurant attached) on the site of Hoot Owl Mini-Mart.

CONTACT PERSON: Rick Cisar, Director of Community Development

SUMMARY:

The Council held the Closed Record Hearing during the May 24, 2007 Council meeting. Refer to the Hoot Owl Mini Lube Closed Record Hearing for detailed attachments.

The Hearing Examiner held an Open Record Hearing on April 24, 2007 and considered a request for the Hoot Owl Mini Lube File Number CUP 06-005. 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 to GRANT a Conditional Use Permit to construct a Mini-Lube subject to the 5 Conditions on Page 13 of the Recommendation included in the Closed Record Hearing file.

RECOMMENDED MOTION:
I move to adopt Resolution 07-11 approving the Conditional Use Permit to construct a Mini-Lube (with a small restaurant attached) on the site of the Hoot Owl Mini-Mart.

COUNCIL ACTION:
DATE:

ATTACHMENTS:
1. Resolution No. 07-11

CITY OF SULTAN
Sultan, Washington

RESOLUTION NO. 07-11

A RESOLUTION OF THE CITY OF SULTAN APPROVING THE CHRIS DAMIANIDIS CONDITIONAL USE PERMIT TO CONSTRUCT MINI-LUBE
CITY OF SULTAN FILE NUMBER NO. CUP06-005

WHEREAS, Chris Damianidis submitted an Application to the City of Sultan on October 11,2006 for Approval of a Condition Use Permit (CUP) to construct a mini-lube with small restaurant attached; and

WHEREAS, the City Planner issued a letter of complete Application to Paul Cavassa, project engineer, on December 29, 2006; and

WHEREAS, the Responsible Official for the City issued a Determination of Non-Significance (DNS) for the proposal on January 19, 2007 and no appeals to that Threshold Determination were received by the City; and

WHEREAS, The Planning Staff, on March 13, 2007 issued a Staff Report and recommendation of approval with conditions for the Hoot Owl Min Lube proposal; and

WHEREAS, The Design Review Board conducted a meetings on December 15, 2005 and again on February 9, 2006 to review the Hoot Owl Min-Lube Conditional Use Application and recommend approval of the project: and

WHEREAS, the Hearing Examiner conducted an Open Record Public Hearing on the proposal on April 24, 2007; and

WHEREAS, the Hearing Examiner on April 24, 2007 made Findings of Fact and Conclusions based upon, the testimony and evidence submitted at the open record hearing and the Examiner's site view, and issued a recommendation to approve the Conditional Use Permit to construct a Mini-Lube subject to 5 conditions; and

WHEREAS, the City Council at a regular meeting held on May 24, 2007 accepted the Hearings Examiner's report and recommendation, including the Findings of Fact and Conclusions, and Approved the Conditional Use Application Number CUP06-005 with the 5-Conditions recommend by the Hearing Examiner; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON AS FOLLOWS:

Section 1. The City Council adopts the Hearing Examiner's Findings of Fact and Conclusions of Law and finds that the Damianidis/Hoot Owl Mini-Lube Conditional Use application satisfies the provisions of SMC Chapter 21.04.050..

Section 2. The Hearing Examiner's Recommendation contained five conditions, which are adopted as the conditions of approval..

Section 3. The Applicant, Chris Damianidis finds the conditions of approval for their Conditional Use Permit File Number Cup06-005 acceptable and did not request reconsideration of the Hearings Examiner's recommendation.

Section 4. The Conditional Use Permit for Chris Damianidis,, CUP05-006 is **Approved** subject to the conditions imposed.

PASSED by the City Council and **APPROVED** by the Mayor this _____ day of _____, 2004.

CITY OF SULTAN

By_____
BEN TOLSON, MAYOR

Attest:

By_____
LAURA KOENIG, CITY CLERK

Approved as to form:

By_____
THOM GRAAFSTRA, CITY ATTORNEY