

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: Consent C 1C

DATE: February 14, 2008

SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the January 24, 2008 Caleb Court Closed Record Hearing as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

MOTION:

Move to accept the consent agenda as presented.

COUNCIL ACTION:

DATE:

CITY OF SULTAN COUNCIL MEETING – January 24, 2008

PUBLIC HEARINGS:

The Closed Record hearing and the public appeal hearing on the Caleb Court Preliminary Subdivision and Planned Unit Development was called to order by Mayor Eslick.

Councilmembers present: Champeaux, Wiediger, Slawson, Davenport-Smith, Flower, Blair and Doornek.

There were no objections to the Council participation.

Staff: The staff report was presented by Reid Shockey. The City Council is to conduct a Closed Record Hearing and Public Appeal Hearing to consider the Hearing Examiner's Recommendation dated November 13, 2007 (Exhibit 1) for the Caleb Court Preliminary Planned Unit Development Subdivision and the Appeal from Freed LLC in accordance with SMC 2.26.150(C), (D), (E), and (F). The Hearing Examiner recommended denial of the Planned Unit Development and returning for modification of the Preliminary Subdivision, based on three (3) issues of noncompliance. The Hearing Examiner recommendation includes revised conditions of approval in case the Council does not concur with the reasons for denial of the Planned Unit Development. The following issues of noncompliance were raised by the Hearing Examiner, and form the basis of his recommendation of denial, as well as the Applicant's appeal issues.

1. The Caleb Court Preliminary PUD and Subdivision proposes street right-of-way width reductions and alternative street design, which do not serve the public interest. The Caleb Court proposed right-of-way reductions are appropriate in that they are consistent with SMC 16.10.120(B)(4)(b).
2. The Caleb Court Preliminary PUD and Subdivision proposes a cul-de-sac length that is over the maximum allowed length, which does not serve the public interest. The proposed cul-de-sac length meets the public interest in that it provides safety and privacy for the residents of Salmon Run North and the proposed Caleb Court development and alternative intersections would be unsafe or inappropriate.
3. The Caleb Court Preliminary PUD and Subdivision does not meet the requirements for police concurrency under the City's concurrency management system in SMC 16.108. That both the Police Services Agreements proposed by the Applicant meet the Concurrency requirements of SMC 16.108 and are consistent with previous agreements submitted and approved by the City.

In their appeal filing the Applicant requests that the City Council find that:

1. Right-of-way Reduction and Alternative Street Design: The Caleb Court Preliminary PUD and Subdivision proposes street right-of-way width reductions and alternative street design, which do not serve the public interest.

The Caleb Court Preliminary PUD and Subdivision proposes a reduced right-of-way width of thirty-five (35) feet. The street section would include two (2) paved travel lanes, no parking lanes, curbs and gutters, concrete sidewalks on both sides, and planter strips on both sides between the sidewalk and the front yards of the abutting properties. The planter strips and four (4) feet of the sidewalk would be placed in easements on private property.

The standard street section, per the City's Design Standards and Specifications, calls for a sixty (60) foot right-of-way, with two (2) paved travel lanes, parking lanes on both sides, curbs and gutters, planter strips on the street edge, and concrete sidewalks on both sides.

CITY OF SULTAN COUNCIL MEETING – January 24, 2008

A PUD allows approval of reduced right-of-way width where separation of vehicular and pedestrian traffic is proposed and where adequate off-street parking is provided [SMC 16.10.120(B)(4)(b)]. This means that in order to approve reduced right-of-way, the Applicant will have to show that moving vehicles and pedestrian traffic are separated by planter strips and parked cars, and that enough off-street parking is provided so that the loss of on-street parking is compensated for. Here, the right-of-way width reduction is not offset by separating vehicles and pedestrians. The proposed design would position moving vehicles and pedestrians directly adjacent to one another, as the sidewalk and the roadway would not be separated by parked vehicles and/or planter strips. This requirement is not met, and this modification may provide adequate pedestrian safety.

For this project, the right-of-way is reduced by placing the required sidewalks and planting strips in easements on each side of the street, which is not one of the provisions in the Code for allowing reduced right-of-way. Setbacks for houses are measured from the property line, and allowing this would mean much smaller distances between the homes and the sidewalk (i.e. small yards). This project would provide an eleven (11) foot setback between the back of the sidewalk and the front of the homes.

Staff Response:

The street standard requirements for this project are clearly not met. The proposed right-of-way reductions are not permitted under the PUD Code in SMC 16.10.120(B)(4)(b), which allows right-of-way reductions only when there is a separation of moving vehicles and pedestrian traffic, and when there is enough off-street parking. In this case, there is likely adequate off-street parking – each property will provide at least four (4) parking spaces, which is double the maximum required for single-family residences. The right-of-way reduction does not meet the requirement for separation of vehicular and pedestrian traffic. In a standard street section, moving vehicles would be separated from pedestrians on sidewalks by both a line of parked vehicles and a planter strip. For this project, the on-street parking is removed, and the planter strip is placed behind the sidewalk – between the sidewalk and the neighboring residence. The effect of this is that the planter strip becomes front yard landscaping and does not serve its primary purpose of creating an aesthetic on the street, and providing a small landscaped buffer for the pedestrian. If the City ever decided to improve the street in the future, there would be insufficient right-of-way to build a full street section within the thirty-five (35) feet of right-of-way proposed. This would require the City to buy property from the abutting private owners. This could be costly for the City in the future.

Cul-de-Sac Length: The Caleb Court Preliminary PUD and Subdivision proposes a cul-de-sac length that is over the maximum allowed length, which does not serve the public interest. The Caleb Court PUD and Subdivision proposes a cul-de-sac length of 760 feet long measured from High Street, with a turnaround located at the end of the Sultan Run North, which leads into the proposed project. The City's Design Standards and Specifications allow a cul-de-sac to be no longer than 300 feet. The proposed cul-de-sac exceeds this standard by 460 feet. Coupled with the proposed right-of-way reductions with Caleb Court, emergency vehicle access would be significantly hindered within this area. The Hearing Examiner recommends that the street be re-designed to stub out at the south property line for future extension south to intersect with High Avenue, which would provide an intersection spacing of 250 feet from the intersection of High Avenue/Salmon Run North. There are three (3) parcels south of Caleb Court that are likely to be redeveloped given the current zoning and surrounding development.

CITY OF SULTAN COUNCIL MEETING – January 24, 2008

Staff Response:

There are two (2) modifications to the City's Design Standards and Specifications proposed by this project. The first is the reduced right-of-way. The Hearing Examiner's Recommendation makes it clear the impact that employing both modifications would have on the emergency vehicle access. The Hearing Examiner recommends that instead of a cul-de-sac, the street be stubbed at the south property line so that it can create a through-street back to High Avenue. The Council may want to support the cul-de-sac, as long as the reduced right-of-way is not approved. The turnaround that will be constructed at the entrance to Caleb Court and the provision of four (4) off-street parking spaces per lot justifies the length of the cul-de-sac. The stub at the south property line is an option for the Applicant to pursue. The City's Traffic Engineer has not provided an opinion on whether the connection back to High Avenue would serve the City's interests. Before requiring a stub, the Traffic Engineer should weigh in with an opinion. While the cul-de-sac length that other jurisdictions allow is not relevant to this case, Council may want to consider an amendment to the City's Design Standards that increases the maximum length of a cul-de-sac. Staff can initiate a revision to the Design Standards to make them more consistent with good development.

2. Police Concurrency: The Caleb Court Preliminary PUD and Subdivision does not meet the requirements for police concurrency under the City's concurrency management system in SMC 16.108.

The Caleb Court Preliminary PUD and Subdivision does not meet the requirements for police concurrency under SMC 16.108. The Hearing Examiner recommends a condition (Condition #24) be placed on the project that requires that the Police LOS be met prior to occupancy of the units of this development.

Staff Response:

The Applicant has proposed two (2) development agreements that would pay a proportional share of police services to the City. These agreements should be a condition of approval, which under the Hearing Examiner's Recommendation, they are not. Instead, he's replaced that condition with a separate condition, which the Council has seen before with all PUD's since AJ's Place in 2006. The condition recommended by the Hearing Examiner, and approved by Council in one (1) previous PUD, for Hammer PUD, requires that the Police Services LOS requirements in existence at the time of final building permit inspection would be met before approval of occupancy could be granted. Greens Estates, also on the agenda for January 24, 2008, will also have this condition regarding Police LOS. Council should recognize that by approving Hammer PUD, and considering Greens Estates PUD and Twin Rivers Ranch Estates Subdivision tonight with the same condition, a policy is being set regarding Police LOS requirements. In order to be consistent, this project should be subject to the same condition as these other PUD's, and future PUD's will be required to meet this requirement. Although it would not impact this project, Council should consider revising or repealing the Police LOS Standard, as it is not required by state law for compliance with the Growth Management Act. Staff could present a revision or repeal at a future Council Meeting. This would remove the requirement from the Code under SMC 16.108, but would not revise the LOS standard in the City's Comprehensive Plan, which is being completed under a separate process. This would maintain the LOS as a goal in the Comprehensive Plan for the City to achieve, but remove the requirement for applicants to meet them with each new development.

Council Comments: Discussion was held regarding the width and location of the road and cul-de-sac. Council members would like to see a connection road proposed in the plat.

CITY OF SULTAN COUNCIL MEETING – January 24, 2008

Applicant Input:

Mark Lamb representative for the applicant:

Street width: The applicant proposed a private road of 30 feet and staff proposed 35 feet with a pedestrian separation. The PUD code provides for flexibility. They are prepared to go up to 50 foot wide street with a planter strip on each side.

Cul de sac lengths: Will comply with City requirements for a cul-de-sac or stub out for future street.

Level of Service for Police: The City can't put the burden on the owner of the property to meet the Level of Service. The applicant is willing to pay for the impact but the City should not condition the occupancy permit based on level of service being met. No one will build if they can't get an occupancy permit. They would like a new resolution approving the recommendation of the Hearing Examiner with modification.

Discussion:

The size of the cul-de-sac was a concern. Access for the garbage truck and emergency vehicles was a concern. Off street parking and location of intersections was discussed.

On a motion by Councilmember Blair seconded by Councilmember Doornek, the public hearing was closed. All ayes.

On a motion by Councilmember Flower, seconded by Councilmember Slawson the hearing was reopened to allow public comment. All ayes.

Kathy Hardy, City Attorney, advised that an open record hearing was held before the Hearing Examiner and at this time the Council is holding a closed record hearing and the City can not take additional public comments on the matter.

Public Input:

Scott Zaffram: President of Salmon Road homeowners Association. The road was supposed to go into 5th Street and the Planner changed the plan. This development is not compatible with other units in the area. The lots are small and will lower the real estate values. Traffic, real estate value and police are an issue.

Mark Lamb objected to new information being introduced to the Council.

Mike McCorry: The length of cul-de-sac doesn't matter, the number of garage stalls determines how many cars will be on the street and how emergency vehicles can access the area.

Leah Laventor: Moved to Sultan for a better quality of life. With fifteen houses on 750 foot long street, parking will occur on the street and prevent emergency access.

Vern Nelson: Advised that when he developed Salmon Run North he was required to bring the cul-de-sac to the adjoining property. If he had to comply, everyone should.

On a motion by Councilmember Flower seconded by Councilmember Slawson, the public meeting was closed. All ayes.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk