

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: C-5

DATE: April 24, 2008

SUBJECT: Change in Resolution Number for Caleb Court Preliminary PUD and Subdivision

CONTACT PERSON: Erin Martindale, Planner

ISSUE:

The issue before the Council is to correct a resolution number for Caleb Court Preliminary Planned Unit Development (PUD) and Subdivision.

The Council approved Resolution Number 08-05 on February 14, 2008 accepting the Hearing Examiner's recommendation and denying the Joshua Freed LLC Planned Unit Development; Remanding the proposed subdivision application for a 16 Lot Planned Unit Development (Caleb Court) and returning the application to the applicant for modification.

The final resolution had an incorrect Resolution Number. The final resolution shows Resolution Number 05-08. This is a scrivener's error that should be corrected by the Council.

The attached corrected Resolution 08-05 has no other text changes.

This also has no effect on Resolution 08-12, which was brought before the Council for approval on April 10, 2008. This resolution accepted the Hearing Examiner's Recommendation and approved the correct Caleb Court PUD and Subdivision application for a 15 lot Planned Unit Development.

STAFF RECOMMENDATION:

Authorize the Mayor to sign corrected Resolution 08-05 (Attachment 1) which shows the correct resolution number.

ATTACHMENT

Attachment 1 – Resolution 08-05, Accepting the Hearing Examiner's Recommendation, and Denying the Joshua Freed LLC Planned Unit Development; Remanding the proposed Subdivision application for a 16-lot Planned Unit Development (Caleb Court) and Returning Application to the Applicant for Modification.

CITY OF SULTAN
Sultan, Washington

RESOLUTION NO. ~~05-08~~ 08-05

A RESOLUTION OF THE CITY OF SULTAN ACCEPTING THE HEARING EXAMINER'S RECOMMENDATION AND DENYING THE JOSHUA FREED LLC PLANNED UNIT DEVELOPMENT; REMANDING THE PROPOSED SUBDIVISION APPLICATION FOR A 16 LOT PLANNED UNIT DEVELOPMENT (CALEB COURT) AND RETURNING THE APPLICATION TO THE APPLICANT FOR MODIFICATION

WHEREAS Joshua Freed LLC (Applicant) filed an application for approval of Caleb Court, a 16-lot Planned Unit Development (PUD) subdivision for single family development;

WHEREAS an open record hearing was convened before the City's Hearing Examiner on October 9, 2007 on the application. Said hearing was continued to and concluded on November 1, 2007.

WHEREAS, the City Hearing Examiner issued a Recommendation dated November 13, 2007 for Denial of the PUD request without prejudice based on Findings and Conclusions affecting three elements of the applicant's plan;

WHEREAS, the applicant, on November 26, 2007 appealed the Recommendation and requested a closed record hearing;

WHEREAS the application came before the City Council for a closed record hearing and appeal by the applicant on the "Recommendation" on January 24, 2008;

WHEREAS the City Council has determined based upon a review of the open record hearing to accept the Hearing Examiner's Findings of Fact and Conclusions of Law.

NOW, THEREFORE:

A. The City Council accepts the Recommendation of the Hearing Examiner dated November 13, 2007, including the Findings of Fact and Conclusions of Law therein.

B. Specifically the City Council finds as follows:

1. The Examiner found that the proposed reduction in public right-of-way width for the new Road A, an extension of Salmon Run North, is not justified primarily because the design does not provide for a landscaped separation of vehicles and pedestrians; and does not provide for adequate off-street parking.

The Council believes that a more appropriate design meeting City design standards, and compatible with existing Salmon Run North Rd. would include:

- a minimum fifty foot (50') right of way,
- thirty-two feet (32') of pavement between curbs
- a sidewalk extension similar in design to that existing along Salmon Run North Rd.
- additional on-street guest parking spaces

2. The Examiner found that the proposed cul de sac length of approximately 750 feet as measured along Salmon Run North was too far in excess of the current City standard of 300 feet.

The Council believes that a more appropriate road design would consider a future extension of Salmon Run North (proposed Road A) south to High Street. This would necessitate a dead-end street terminating at the southerly plat boundary. Said dead-end street would not constitute a permanent cul de sac as defined by SMC 16.150.030 (47). The Council agrees with the applicant's engineer that until the extension of said dead end street to High Street occurs, a cul de sac turnaround design allowing unimpeded turning movements is superior to a "hammerhead" or other configuration. The Council is supportive of a "cul de sac" design solution with the right of way boundary coterminous with the southerly property boundary. This should be considered a short term street improvement, not a permanent cul de sac; therefore the length requirement for a cul de sac will not apply.

The Council takes official notice of the City's Design Standards that require that a sign be placed at the end of a dead-end street disclosing to the public and future property purchasers that eventual extension of Salmon Run North to High Street will occur.

3. The Examiner found that the Staff erred in concluding that the application meets the concurrency standard for police services. The Examiner found that a Police Services Agreement to pay fees to meet police concurrency standards does not meet the requirements of Chapter 16.108 SMC. The Examiner did find that conditions could be added to require that concurrency requirements be met prior to final plat approval or building permit issuance.

The Council concurs in the Examiner's finding and will require that the applicant meet the City's Police Concurrency requirement in effect at the time of first occupancy of units in Caleb Court.

C. The Caleb Court Planned Unit Development is hereby denied without prejudice and the application is hereby returned to the applicant for modification to meet approval criteria.

PASSED BY THE Sultan City Council and **APPROVED** by the Mayor this 14th day of February 2008.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST:

Laura Koenig, City Clerk