

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: C-9

DATE: June 26, 2008

SUBJECT: 12-month Extension Request: Preliminary Approval
Vodnick Lane Planned Unit Development Group Four Inc.

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:

1. Consider extension of Preliminary Approval of Vodnick Lane Planned Unit Development (PUD) for 12 months as provided by Sultan Municipal Code (SMC) 16.10.150(B).

STAFF RECOMMENDATION:

Staff recommends approval of the requested 12-month extension of preliminary approval.

SUMMARY:

To continue permit process for a Planned Unit Development (Chapter 16.10 SMC), an applicant must submit an application for Final Approval within 12 months of Preliminary Approval.

The applicant, Group Four Inc. is requesting a 12-month extension of that deadline as provided by SMC 16.10.150 B (Attachment A).

ANALYSIS:

1. Vodnick Lane was granted preliminary approval by the City Council on February 22, 2007. A Land Use Petition Appeal was filed on March 15, 2007. The appeal was dismissed by the Court on July 13, 2007. That date becomes the effective date of approval.
2. SMC 16.10.150 A. provides that an application for final PUD approval must be received within 12 months of preliminary approval. The deadline for filing final application for this development is July 13, 2008. Group Four Inc. is requesting an extension to July 13, 2009.
3. The Council may grant the requested extension if:
"... the city council finds that such extension is consiststene with the approval criteria required for each project and that no new information or change in circumstances justifies changing the city's previous preliminary PUD approval."
4. The Hearing Examiner issued a recommendation for approval to the City Council on June 15, 2006 (Attachment B).
5. Council granted Preliminary Approval of Vodnick Lane Preliminary PUD through Resolution No. 07-01 A (Attachment C). This Resolution modified certain of the

Hearing Examiners conclusions of law and conditions at Page 2 of the Resolution.

6. Review of the Hearing Examiner's recommendation, and Resolution 07-01 A, indicates that no substantive changes in circumstances justify changing the preliminary approval granted by the council in this resolution for an extension of one year from July 13, 2008.

ALTERNATIVES:

1. Do not grant the requested extension. Based on findings that significant changes in circumstances warrant termination of the preliminary approval, Council can deny the request. This will require the applicant to submit a new application for preliminary approval if they wish to continue with the project.
2. Grant the requested one year extension with additional conditions. Based on findings that changes in circumstances warrant additional or altered conditions of approval, but not termination of the preliminary approval, the council can offer modified conditions of approval. The applicant would then determine if those conditions are acceptable and that he is interested in continuing with the development.
3. Grant the requested extension under the current preliminary approval without additional conditions. This will authorize the developer to submit a final application under the conditions of Resolution 07-01 A, no later than July 13, 2009.

FISCAL IMPACT:

There is no fiscal impact related to an extension if there are no changed conditions that warrant additional conditions on the preliminary approval.

Fiscal impacts of changed conditions of approval would have to be determined once Council made such changes.

RECOMMENDED ACTION:

Approve the requested 12-month extension.

ATTACHMENTS:

Attachment A: May 29, 2008 Request for Extension, Letter from Group Four Inc.

Attachment B: Hearing Examiner Recommendation to Council, June 15, 2006.

Attachment C: Council Resolution No 07-01 A, February 22, 2007.