RESOLUTION NO. 17-0380

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, CONDITIONALLY APPROVING THE APPLICATION FOR A PLANNED RESIDENTIAL DEVELOPMENT FOR DOMUS HOMES (FILE NO. 16-5633), FOR ONE COMMERCIAL LOT AND 55 TOWNHOMES LOCATED EAST OF MERIDIAN AVE. E. AT 10413-11TH STREET E. IN EDGEWOOD, ADOPTING FINDINGS AND CONCLUSIONS IN SUPPORT

WHEREAS, Craig Peck of Peck and Associates submitted an application seeking approval of a Planned Residential Development (PRD) for Domus Homes (File No. 16-5633) on October 28, 2016; and

WHEREAS, on January 11, 2017, the City issued a Determination of Non-significance (DNS) for the application, which was not appealed; and

WHEREAS, on February 9, 2017, the Edgewood Hearing Examiner held an open public hearing on the PRD, and issued his recommendation for approval of the PRD on February 27, 2017, subject to 56 conditions; and

WHEREAS, on June 13, 2017, the Edgewood City Council considered the PRD application in a closed record hearing, and voted to continue the hearing until June 27, 2017; and

WHEREAS, on June 27, 2017, the Edgewood City Council held the continued closed record hearing on the PRD application, voted to approve it subject to conditions; and

WHEREAS, on July 11, 2017, the Edgewood City Council voted to approve this Resolution incorporating its findings and conclusions supporting its decision;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Appearance of Fairness/Conflict of Interest. At the outset of both the June 13 and June 27, 2017 closed record hearings, the Mayor asked whether any member of the decision-making body had any appearance of fairness/conflict of interest issues to disclose. None of the Councilmembers had any to disclose and the Mayor had none. The Mayor asked the public whether there were any objections on appearance of fairness/conflict of interest grounds of any decision-makers, and there was no response.

Section 2. Staff Report. The staff report was provided by Aaron Nix on June 13,
2017, which summarized the application and the action taken by the Hearing Examiner in his February 27, 2017 decision.

Section 3. Deliberations. During the June 13, 2017 closed record hearing, there was a discussion regarding the traffic impacts of the proposed PRD. As a result, the hearing was continued until June 27, 2017 so that the decision-makers could review the traffic study provided by the applicant as well as the review of that traffic study by the City’s consultant.

Section 4. Criteria for Approval. EMC Section 18.50.095(N) requires that the decision to approve a PRD be based on the following:

1. Suitability of the site area for the proposed development;

2. Requirements of the subdivision code, if applicable, for the proposed development;

3. Reasons for density bonuses or adjustments;

4. Any recommended mitigation measures and conditions of approval, including, without limitation, the amount and location of open space areas;

5. Time limitations for the entire development and specified stages;

6. Development in accordance with the Edgewood Comprehensive Plan; and

7. Public purposes that have been served by the proposed development.

Section 5. Hearing Examiner’s Recommendation. On February 27, 2017, the Hearing Examiner issued his written decision recommending approval subject to 56 conditions. With regard to the above criteria for approval, the Examiner found that EMC Section 18.50.095(N) was satisfied. (See, pages 9X through 10X of the February 27, 2017 decision.)

Section 6. Title Issue. During the June 27, 2017 continued closed record hearing, Dexter Meacham interrupted the hearing by claiming that the PRD was proposed to be located on his property. He handed out a copy of a deed. After the hearing, Carol Morris, City Attorney, reviewed this deed with the documentation provided by Mr. Peck, applicant, for the property. She provided her analysis to staff in an e-mail dated June 28, 2017 of the conveyances. Based on the language of the conveyances, she determined that the Deed handed out by Mr. Meacham did not affect the Domus PRD application. However, this determination was qualified by the fact that the deeds mention property identified by different legal descriptions. An engineer is required to read and interpret the different legal descriptions in the documents. City Staff, specifically, the City’s Senior Engineer, Jeremy Metzler, P.E., reviewed the documents supplied by both parties and concluded that, while both describe a
common non-exclusive easement across Mr. Meacham’s property, the real property legal description produced by Mr. Meacham describes different property than that provided with the Domus PRD application.

**Section 7. Traffic Issues.** The site plan shows access provided from Meridian (SR 161) via 11th Street East, which the applicant proposes to construct to City standards. (H.E. Recommendation, No. 6, p. 6X.) This is a condition of approval recommended by the Examiner in condition No. 38, p. 16X (which requires that the applicant submit offsite access improvement construction plans for review and approval to the City Engineer, prior to final plat approval).

Access is also provided via a north-south street located in the western portion of the site that will be connected to the north-south street serving the View Pointe residential development on the abutting parcel to the south. The applicant will extend this road to the north property line to allow an eventual connection to the north to 8th Street. (H.E. Recommendation, No. 6, p. 6X.)

Councilmember Meyers had questions about the Traffic Impact Study and the fact that the shopping center was not mentioned in it. Councilmember Christopherson echoed these comments and noted the appearance of a future entrance and wondered about opposing entrances in that area. Assistant City Administrator Nix explained that 12th Street Court East and 8th Street East are the designated major connectors, and that 11th is not designed to be a major connector. He also noted that the developer is paying impact fees to make the necessary transportation improvements for traffic flow and enhancements.

Councilmember Christopherson commented that the density was concentrated in a short distance. While he understood that Domus has jumped through all the hoops, he noted that everyone wants a piece of Meridian.

Craig Peck, civil engineer and representative for Domus Homes clarified that the traffic analysis was done during the peak hours. He also noted that the developer is not in favor of a right hand turn at the proposed driveway entrance at 11th Street East and Meridian. Mr. Peck stated that the developer would make improvements to 11th (20 foot wide with curbs and gutter). In addition, they will be replacing the driveway approach on 11th with a textured driveway, so it will continue to look like a driveway and not a “through road.”

**Section 8. Park.** Councilmember Creley asked about a recreational park area. As stated in the Hearing Examiner’s Recommendation, “the applicant proposes 43,996 square feet of open space, which also includes a park tract of 17,131 square feet.” (Id., No. 12, p. 7X.)

**Section 9. Emergency Vehicle Access.** Councilmember Shook questioned compliance with parking requirements and emergency vehicle access. As required by the Hearing Examiner’s Recommendation:
The onsite private road shall include, at a minimum, a 20-foot drive lane per City of Edgewood Local Street cross-section and PCC Section 17.B.20.040, Table 17B.20.040-3, a minimum 1.5 foot curb and gutter section on both sides of the road, a stormwater system per EMC 13.05, a 4-foot landscaping strip, and a 5-foot concrete sidewalk. Any dead-end segment of road with centerline length over 150 feet must have an EVA turnaround. The site development plans must be submitted to the City of Edgewood and be approved prior to site development commencement.

*Id.*, No. 35, p. 16X. Additional street construction requirements are included in the Hearing Examiner’s Recommendation, Conditions 32-42, pages 15-17X.

**Section 10. Deliberations, Vote and Final Decision.** City Attorney Morris explained to the Council that their decision should be conditioned upon the review of the deeds provided by Mr. Meachum and the developer, because the City could not determine title issues.

The Council continued their deliberations and voted to approve the PRD, subject to a review of the deeds by staff. On July 11, 2017, the City Council considered these findings of fact and conclusions, and determined that the PRD application satisfied the requirements of EMC Section 18.50.095(N).

**Final Decision:** The City Council hereby adopts and incorporates by reference, the Hearing Examiner’s Recommendation dated February 27, 2017, approving the Domus Homes Planned Residential Development, subject to the 56 conditions set forth therein.

**Section 11. Distribution, Appeals.**

A. There is no administrative appeal of this decision. Appeals may be filed according to chapter 36.70C RCW.

B. A copy of this decision shall be provided to the applicant, and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. On July 12, 2017, the City Clerk mailed a copy of this Resolution to the following:

Craig Peck & Associates, applicant
11402- 40th Avenue East
Tacoma, WA 98446

Jeanette Wheeler
17817 - 28th Avenue E.
Tacoma, WA 98445-4321

Jeff Stokes
909 Meridian East
Edgewood, WA 98371

Carol Hubbird
10601 - 10th Street Court East
Edgewood, WA 98372
Dave Zahradnik  
927 Meridian  
Edgewood, WA 98372

Jim Otness  
973 Altandena Drive  
Fircrest, WA 98466

Dexter Meacham  
1009 Meridian Avenue East  
Edgewood, WA 98372

Pierce County Assessor (this is required by RCW 36.70B.130)  
2401 S. 35th St., Room 142  
Tacoma, WA 98409-1498

C. Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of re-evaluation.


ATTEST:

[Signature]
Daryl Eidinger, Mayor

Rachel Pitzel, City Clerk