

TOWN OF EATONVILLE

Agenda Staff Report

Agenda Item No.:	_____	Meeting Date:	<u>February 24, 2014</u>
Subject:	<u>Public Hearing: Aviator Heights</u>	Prepared by:	<u>Greg Jacoby</u>
	<u>Request for Plat Modification</u>		<u>Town Attorney</u>
	_____	Atty Routing No:	<u>019-13</u>
	_____	Atty Review Date:	<u>February 19, 2014</u>

Summary: The owner of the Aviator Heights development has submitted a request to modify certain conditions of the preliminary plat approval that the Council issued in 2007. When the Town receives a request for plat modification EMC 17.22.100 sets forth the procedure to be followed, which includes a mandatory public hearing. During the public hearing the developer is expected to address: 1) why the modification is necessary; 2) whether the plat as modified would make appropriate provision: for public health, safety and general welfare; open spaces; drainageways; streets or roads; potable water supplies; sanitary wastes; parks and recreation; playgrounds; and schools, including sidewalks to assure safe walking conditions for students; and 3) whether the modifications promote the public use and interest.

Once the hearing is opened, staff will make a short presentation followed by a more detailed presentation from the developer and his representatives. After the two presentations, the general public will be invited to comment.

This is a quasi-judicial hearing because it involves the legal rights of private parties to develop land. Accordingly, the appearance of fairness doctrine applies and the council's decision must be based on the record (i.e., testimony, public comment, written submittals). The town attorney will address these issues prior to the opening of the public hearing.

There is a separate agenda item for Council deliberations and direction to staff.

Recommendation: Staff recommends that the Mayor open the public hearing.

Motion for consideration: N/A

Fiscal Impact: None.

Attachments:

Aviator Heights Preliminary Plat Modification Submittal (AHBL; February 19, 2014)

Aviator Heights Preliminary Plat
**Additional Information and
Modifications to Minor Modification
Application**

APPLICANT:

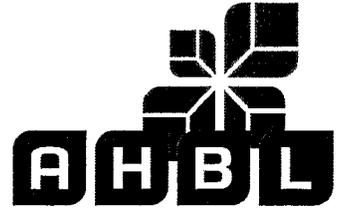
Pacific Northwest Development
and Land Company, LLC

AGENT:

Lisa Klein, AICP
AHBL, Inc.
2215 North 30th Street, Suite 300
Tacoma, WA 98403
P: 253.383.2422

DATE:

February 19, 2014



February 19, 2014

Mr. Doug Beagle
Town Administrator
Town of Eatonville
201 Center Street West
Eatonville, WA 98328

Project: Aviator Heights Preliminary Plat, AHBL No. 2130492.10/.30
Subject: Minor Modification to Aviator Heights Preliminary Plat
Additional Information and Modifications to Application

Dear Doug:

We submitted our application for the above referenced project on January 15, 2014. In that application package, we described and illustrated our proposed revisions for your and Council review. Today we are submitting an updated Minor Modification Exhibit, supplemental detail and information, and a couple of proposed changes to our previously requested modifications. It is our intent to review these modifications with Council at the public hearing scheduled for February 24, 2014. Enclosed please find the following:

- Revised Proposed Minor Modification Exhibit 1, dated February 19, 2014
- Cooperation Agreement for Weyerhaeuser Road construction from Lynch Creek Quarry dated August 30, 2013
- Two letters from the real estate community

Additional Information

Revised Exhibit

The revised Minor Modification Exhibit 1 has been updated to reflect the completion of recent topographic boundary and as-built survey. This exhibit accurately reflects the constructed improvements, lot lines, and dimensions. We have overlaid the proposed modifications described in our original application and as modified herein. This includes a roadway cross section and the entirety of the plat boundaries, including Tract A.

Condition #2 Regarding Weyerhaeuser Road Design – Additional Information

We obtained a letter of cooperation on August 30, 2013, from Dave Randles of Lynch Creek Quarry regarding the construction of the Weyerhaeuser Road improvements. The letter describes their agreement, their acknowledgement of the duplicative requirements, as well as the following:

- Sharing of their roadway design drawings (which they have done, and a copy was provided in the January 15 submittal package).
- Sharing of the construction costs so that there is a single contract for construction.
- Their intent to begin construction in spring of 2014.

Civil Engineers

Structural Engineers

Landscape Architects

Community Planners

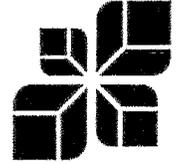
Land Surveyors

Neighbors

TACOMA

2215 North 30th Street
Suite 300
Tacoma, WA 98403-3350
253.383.2422 TEL
253.383.2572 FAX

www.ahbl.com



This is provided as additional/supplemental information. The proposed revision to Condition #2, as described in our letter dated January 15, 2014, does not change.

Condition #3 – Private Roadway – Modified Request and Additional Information

Condition #3 is related to the private roadway serving the 23 residential lots. We originally requested three changes to the Condition of Approval and are now requesting two changes. We are still requesting a private gate and to eliminate the use of the roadway by airplanes. We are no longer requesting to modify the 60-foot wide access and utilities easement to one 50-foot plus 5-foot utilities easements on each side. After further review of EMC 17.08.535 and 17.08.542, both of which describe how front yards are the distance from the building to the property line (and not the edge of the access easement, as was our previous assumption), we are comfortable that we have the needed flexibility in locating the buildings on the lots, given the rear yard topography.

Our request for a private gate at the entrance to the private road is important to the marketability of the homes. As described in the attached two letters from a licensed real estate agent and a lender, the gate on the private road is an amenity to the project that establishes the neighborhood as an exclusive community and sets it apart from the tough competition. It provides an added value for lending and marketing, and maintains property values. With the significant difficulties our region has experienced over recent years in the housing market and a current improved but highly competitive market, the private gate is an added feature that ensures timely sales and a better project. At our presentation to Council, we will provide photographs of the type of gate proposed and the entry methods that are acceptable for emergency services.

The Town Council has the authority to approve gates on private roads, as stated in the following code section:

17.18.180 Private streets.

Private streets shall be constructed to meet or exceed the design standards established on the road standards for the town. Public access to developments or parts of developments containing private streets shall not be limited by the use of gates or other measures except when such limitation is approved by the town as a part of the consideration of the related preliminary land division approval or by approval in writing by the public works director. [Emphasis added]

With the described changes, we propose to modify Condition #3 as follows. Please note that the revised condition correctly references EMC 17.18.180, not EMC 17.18.170, as previously stated.

Condition #3. The proposed private road within the development is sufficient for continued processing; however, it should be noted on the face of the plat that this is a private road, ~~taxiway,~~ and utility easement. Roadway design and construction shall be in accordance with all applicable provisions of the EMC. All roadway plans shall be signed and stamped by an engineer and the plans shall be submitted to the town public works department for review and approval prior to construction. The proposed security gate ~~and turnaround is unacceptable as allowed per EMC 17.18.180 and is required to meet rapid entry access requirements for public safety and utility maintenance.~~ ~~to the town as it may interfere with the taxiing of aircraft on the designated aircraft access easement located on lot 1 and would make emergency vehicle access and town access to public utilities located within the development more difficult.~~ A maintenance agreement shall be created and recorded for the private road as a condition of final approval. The agreement shall be approved by the planning



director and public works director prior to being brought to council at final approval. The private road design including stormwater management and sidewalks ~~should be airplane compatible and shall be evaluated by the town public works director or his/her designee for compatibility. Five foot sidewalks are required on both sides of the proposed private road and around the cul-de-sac.~~

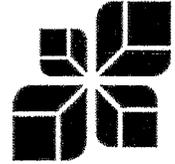
Condition #9 – Proposed Fencing Changes – Modified Request and Additional Information

Condition #9 requires a 6-foot wooden fence along the east side of Lots 13 through 23 and Tract D to prevent access and ensure safety. We propose security fencing in many locations on the project, including at this location, as required by Condition #9. We propose that the fencing type, however, be black vinyl cyclone, as this type of fence is attractive and is better for long-term maintenance. The commercial areas of the plat will be completely enclosed with a similar black vinyl cyclone fence. Fencing on the north boundary of the plat will be a requirement of the builder and stipulated as such in the project CC&Rs. The fencing locations are illustrated on the Minor Modification Exhibit 1 and depicted here.



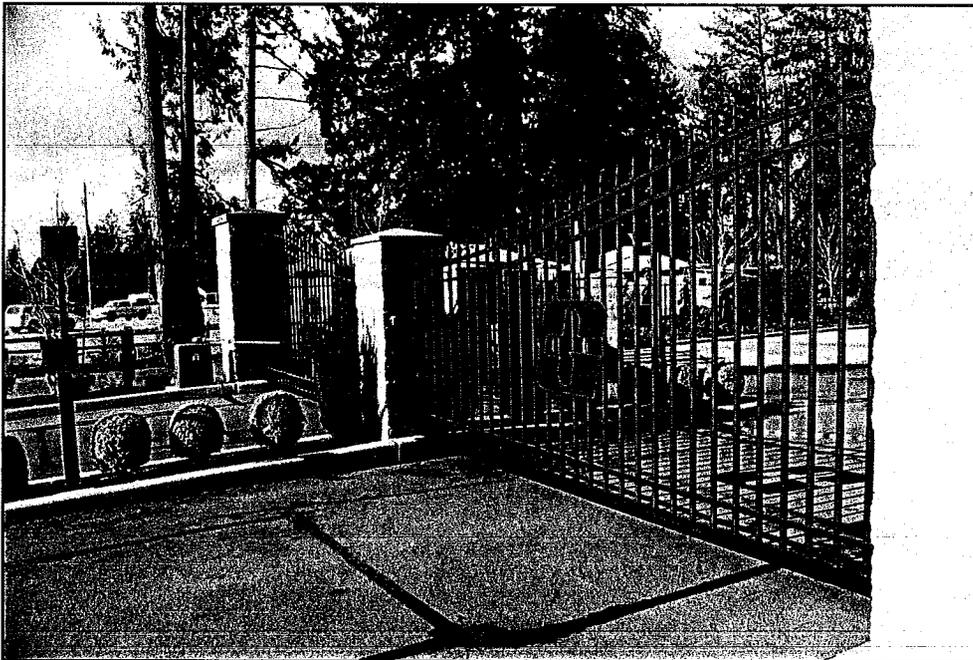
The proposed fencing is reflected in the following modification to Condition #9:

Condition #9. The applicant shall construct a 6-foot ~~wøøden~~black vinyl cyclone fence along the east side of lots 13-23 and Tract D as a means to prevent access to this private_section of Weyerhaeuser Road North and to ensure safety. The applicant shall be allowed to install a similar black vinyl cyclone fence around the perimeter of Tracts B and C.



New Condition #22

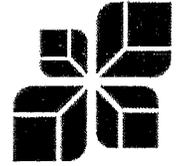
As presented in our application dated January 15, 2014, security gates are proposed at two locations on Tract B, one from the public road and one at the property line at the end of the runway. The gates are required to intentionally limit access to only the owners and renters (and their guests) of the units in these tracts. The security fencing and gates proposed for Tracts B and C are necessary to protect the uses proposed in those areas. There is no public access allowed to these areas. This is private property and any use by the general public would be a liability to the owner and potential security risk for the users. A gate at the end of the runway would be located on the property line and would not interfere with the taxiway or airplane turnaround abilities. There is a mutual benefit to keep the general aviation public out of the private property and limit airplane access to those needing access to their hangars. See Minor Modification Exhibit 1 for a depiction of the runway and turnaround area in relationship to the property line. The following is a depiction of the type of gate proposed from the public roadway. The gate at the end of the runway would be a roll-type fence to allow access by airplanes to the privately-owned hangars. These gates would be accessible by emergency and maintenance vehicles.



The gate and fencing at the south end of the runway are located in the Approach Surface and Runway Protection Zone 1 in the Airport Overlay District. These zones do not disallow fencing and gates, and refer to the underlying AP zoning height limits, which are 28 feet for residential structures and 35 feet for commercial structures.

New Condition #22. Per EMC 17.18.180, private gates are allowed to limit public access to the private, multi-use Tracts B and C per the locations shown on Minor Modification Exhibit 1 dated February 19, 2014. The gates shall be accessible by emergency vehicles and the Town of Eatonville as needed for maintenance of utilities. All construction shall be in accordance with Town of Eatonville public works standards and shall be approved by the public works director or his/her designee prior to construction.

Mr. Doug Beagle
February 19, 2014
2130492.10/.30
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Thank you for your review of our application for a Minor Modification. We look forward to the Town Council public hearing on Monday, February 24, 2014, and responding to questions so that the Council can make an informed decision.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Klein".

Lisa Klein, AICP
Associate Principal

LK/lsk

Enclosures

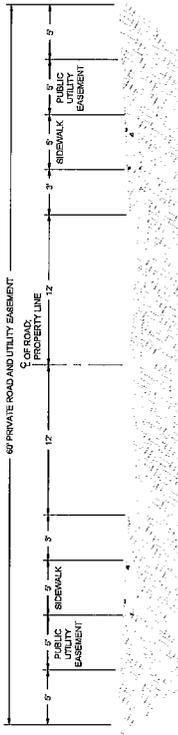
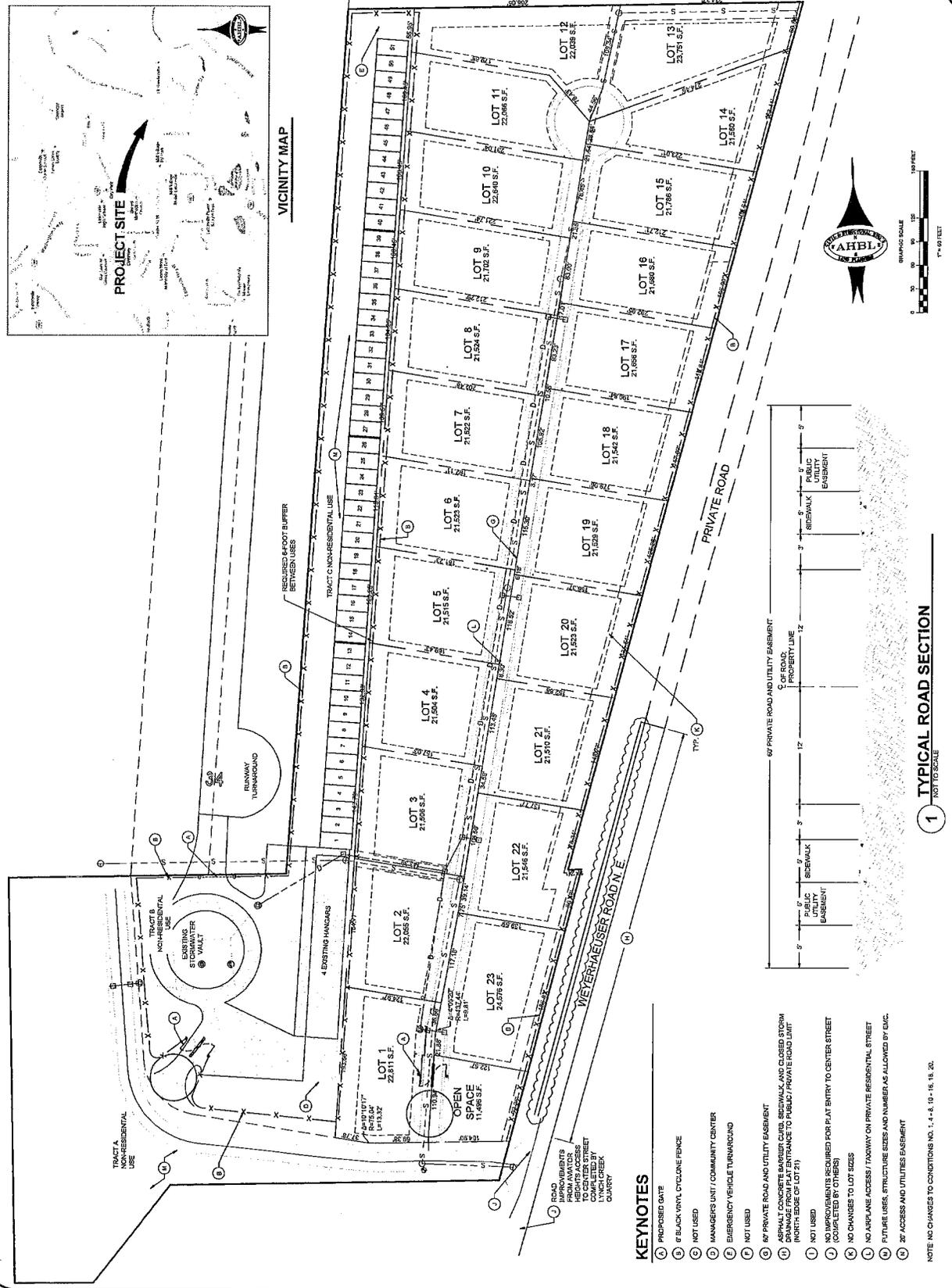
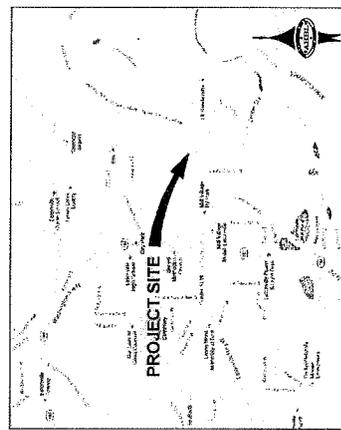
c: Dan Simon
Sean Comfort, AHBL

Q:\2013\2130492\WORDPROC\Letters\20140219 Ltr (Minor Modification-REV) 2130492.30.docx

NOT TO SCALE
 THIS PLAT IS SUBJECT TO THE RECORDS OF THE TACOMA COUNTY CLERK'S OFFICE AND THE TACOMA COUNTY ENGINEER'S OFFICE. ANY CHANGES TO THIS PLAT MUST BE APPROVED BY THE TACOMA COUNTY ENGINEER AND THE TACOMA COUNTY CLERK.

**MINOR
 MODIFICATION**

EXHIBIT 1
 of 8 Sheets



KEYNOTES

- 1 PROPOSED GATE
- 2 6" BLACK VINYL CYCLOPENE FENCE
- 3 NOT USED
- 4 MANAGERS UNIT / COMMUNITY CENTER
- 5 EMERGENCY VEHICLE TURNAROUND
- 6 NOT USED
- 7 6' PRIVATE ROAD AND UTILITY EASEMENT
- 8 ASPHALT CONCRETE BARRIER CURB, SIDEWALK AND CLOSED STORM DRAINAGE TO PUBLIC / PRIVATE ROAD LIMIT (NORTH EDGE OF LOT 21)
- 9 NOT USED
- 10 3' SIDEWALK (AS SHOWN FOR PLAT ENTRY TO CENTER STREET)
- 11 NO CHANGES TO LOT SIZES
- 12 NO AIRPLANE ACCESS / TANGWAY ON PRIVATE RESIDENTIAL STREET
- 13 FUTURE LINES, STRUCTURE SIZES AND NUMBER AS ALLOWED BY EDC.
- 14 30' ACCESS AND UTILITIES EASEMENT

NOTE: NO CHANGES TO CONDITIONS NO. 1, 4, 8, 10 - 14, 18, 20.

LYNCH

360-832-4269

CREEK QUARRY

Lynch Creek Quarry, LLC

Accounting Office: 19209 Canyon Rd. East, Puyallup, WA 98375 • Tel: (253) 531-6800 • Fax: (253) 847-4397

August 30, 2013

Mr. Doug Beagle
Town Administrator
Town of Eatonville
PO Box 309
Eatonville, WA 98328

Subject: Lynch Creek Quarry and Aviator Heights Improvements to Weyerhaeuser Road North

Dear Mr. Beagle:

As you are aware our company Lynch Creek Quarry, LLC (LCQ) was required to complete improvements to Weyerhaeuser Road North from Center Street north to a point past the frontage of the Aviator Heights Plat frontage. Last week I met with Mr. Dan Simon, Pacific Northwest Development Company, LLC (PNDC), who is completing the due diligence process for the potential purchase of the Aviator Heights Plat. The Aviator Heights plat was also required by the Town of Eatonville to complete improvements to Weyerhaeuser Road North from the plat entrance north along the plat frontage on the western side of the road. The purpose of our meeting was to discuss working collaboratively to complete our respective required improvements to Weyerhaeuser Road North.

Based upon the discussions at our meeting, LCQ is supportive to work collaboratively with PNDC to complete the construction of improvements to Weyerhaeuser Road North as required for the Lynch Creek Quarry and Aviator Heights Plat projects during the summer of 2014.

Our engineer, APEX Engineering will provide PNDC's engineer, AHBL, Inc. with electronic copies of the approved design for Weyerhaeuser Road North which will enable AHBL, Inc. to complete the engineering design of the improvements to Weyerhaeuser Road North which were required for the Aviator Heights Plat. LCQ and PNDC will execute an Agreement to allow for the cost sharing and construction of the required improvements to Weyerhaeuser Road North. A single contract will be awarded to construct both the required Lynch Creek Quarry and Aviator Heights improvements to Weyerhaeuser Road North. Construction would begin in the late spring of 2014 completed on or about October 1, 2014.

If you have any questions, please contact me at (253) 531-6800.

Sincerely,


Dave Randles
Lynch Creek Quarry, LLC

C: Dan Simon, Pacific Northwest Development Company, LLC
Geoff Sherwin, APEX Engineering, PLLC
Sean Comfort, AHBL, Inc.

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Date: February 14th, 2014.

To: Pacific Northwest Development
And Land Company, LLC.
c/o Mr. Dan Simon – Manager
P. O. Box 1709
Eatonville, Wa. 98328

Re: Aviator Heights, Eatonville, Washington 98328

To Whom it May Concern:

My Company, Venture Capital Financial Service Co., is a private portfolio lender that has been in business since 1985, and has financed land development projects all across the State of Washington.

I have been asked to write a letter of opinion in regards to the development located in Eatonville, Washington known as Aviator Heights.

As a finance Company, specializing in the finance of small to intermediate land subdivisions across the state, the added feature to any development having a private gated security entrance to its subdivision is and always has been an added value from a lending standpoint as well as a marketability standpoint with the public.

It has been our experience over the years that private gated features are added value to any new subdivision project and are preferred from a lending aspect as well as the buying public. Further, a private gated feature is essential now days with the buying public and move up buyers market and maintains higher values with marketability to come over the years over developments without them.

From my experience, and from a commercial lending standpoint as a subdivision development lender a gated entrance to the Aviator Heights subdivision would be highly desirable feature to this project and would be of strong interest in having one approved for our company.

Sincerely,

Shawn Adkins
Principal/Owner

Letter of Opinion of Valuation

Date: February 15, 2014

To: Pacific NW Development:

Re: Aviator Estates

I have done research on New Construction Homes in the Eastern section of Pierce County. Due to the market downturn and current attempt at a recovering Real Estate Market it is extremely important that every effort is made to understand the Market.

In order to be successful I believe that Aviator Estates must set itself apart as an exclusive sub-division. The project will be targeting the move-up borrower and it will be necessary to incorporate amenities that will be desirable to the move-up buyer. In order to be competitive in the market a private gate is essential. A gated community will help set Aviator Estates apart from the competition and help to make this a successful neighborhood.

Sincerely,
Jack L. Hansmann
Licensed Real Estate



253-221-6000

www.zillowpress.com/jackcash1



JACK L HANSMANN
JACKCASH@MSN.COM

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