ROLL CALL was answered by Councilmembers Bassett, Carlson, Collins, Lilquist, Perrie, and Mayor Barry.

Others present were City Manager Barkley; City Attorney Pidduck; Senior Planner Smith; Fire Chief Elliott; Deputy Clerk Keno; and approximately 16 members of the audience.

Also present: Robert Kelley, applicant, and his attorney, Jeff Slothower.

The purpose of the special meeting is a public hearing to consider an application from Robert Kelley for a contract zone change from Residential Suburban (RS) zoning classification to Residential Medium (RM) density classification for approximately 3.2 acres situated west of Willow Street and north of Mountain View Avenue to allow development of a 38-unit condominium project. The proposed contract terms are: a maximum of 12 units per acre with units being four-plex or less; access to be limited to/from Willow Street only via a private driveway; perimeter fencing of at least six feet (6’) tall and secured gate at entrance; all buildings to be single story.

The special meeting was called to order by Mayor Barry at 7:14 p.m. The proceedings are being tape recorded by the City Clerk.

Mayor Barry read the opening statement and asked Council the standard appearance of fairness questions. Mayor Barry disclosed a conversation with Mrs. Grauerholz regarding the direction she should take and his referral of her to the Planning Commission. The rezone was not discussed.

Senior Planner Smith summarized the agenda report. In addition to the documents contained in the October 10, 2005 agenda packet, Mr. Smith requested the following exhibits be added to the official record:

Exhibit (AI) – October 6, 2005 letter from Attorney Jeff Slothower to Mayor Barry and Ellensburg City Council (provided to Council in its October 7, 2005 Friday mail packet)

Exhibit (AJ) – October 6, 2005 letter from Allen and Billie Harmon to Attn: City Clerk, City of Ellensburg (provided to Council in its October 7, 2005 Friday mail packet)

Exhibit (AK) – October 8, 2005 letter from Greg L. Allwine to Ellensburg City Council

Exhibit (AL) – October 6, 2005 letter from James Price, President, Willow Glen Homeowners
Mayor Barry added all of these exhibits into the record as well as the agenda.

The question before Council is the rezone of the property from RS to RM; it is not a development proposal at this time. Senior Planner Smith reviewed the rezone criteria to be met by the applicant, the Goals and Policies of the Comprehensive Plan and the Comprehensive Plan Future Land Use Map. He also briefly reviewed the Public Works Department’s infrastructure comments. Traffic counts on Willow Street will still be at level “C” of service if the rezone is approved.

Council asked questions of staff.

Jeff Slothower, 201 W. 7th, attorney for the applicant, Robert Kelley, stated that by this rezone application Mr. Kelley is trying to fill a share of the real estate market that is not being met. There is a demand for single family housing for the “over 50” segment of the population. Mr. Kelley plans a duplex configuration for the property that would be an adult community—catering to individuals over 50 years of age with no children residing full time in the units. The applicant feels the impact on the surrounding neighborhood would not be anymore of an impact than single family housing.

Council asked questions of Mr. Slothower.

Mr. Slothower reviewed exhibit (AI) outlining Ellensburg Municipal Code Section 13.62.12 which establishes the rezone criteria Mr. Kelley must meet and how Mr. Kelley’s application meets that criteria for City Council approval of the rezone. He explained the condominium concept in general as well as the covenants, conditions and restrictions that can be made non-modifiable provisions of the contract rezone.

Mr. Kelley is willing to waive all conditional use options within the RM zone if the rezone is approved.

The rezone will be consistent with the City’s zoning ordinance. The project Mr. Kelley intends to develop meets the intent of the RM zone. Additionally, the contract provisions Mr. Kelley proposes will mitigate any adverse impacts upon existing or anticipated land uses in the City. The rezone is consistent with Ellensburg Municipal Code Section 13.62.12 and will benefit not only the surrounding neighborhood, the individuals living there, the businesses doing business there and the entire community.

Council asked questions of Mr. Slothower.

Mayor Barry opened the floor to public testimony.

Don Diebert, 1106 E. Spokane Ave., representing the Board of the Willow Glen Homeowners Association, stated the Association is not against change in Ellensburg and did not have a concern with the original PUD proposed for this property. The Board has public and traffic safety concerns with the proposal having only one access point in combination with the increased traffic and speeding
on Willow Street as a result of the configuration of the new High School parking lot.

Don Morris, 1119 E. Spokane Ave., questioned whether the traffic count on Willow Street was performed before or after the new configuration at the High School. There is now a lot of speeding on Willow Street. The majority of Willow Glen residents consist of two individuals per house. They want the zoning to stay like it was when they bought their property. They didn’t expect to have high density next to them.

Jim Price, 1127 E. Spokane Ave., stated that rezoning the property RM would create a separate island in opposition to the goals and policies in the comprehensive plan. There are no significant changes that warrant a change to RM.

Lee Bates, 1509 Brick Road, opposes the rezone because it mixes high density units with single family homes, lowers property values, and increases noise complaints and traffic. He wants Council to stop these types of rezones.

Darin Clark, 1110 E. Mt. View, expressed concern about the number of buildings and stated he would much rather see the higher density with the adult residence requirement. He agrees this project would be a lot less impact on the area. If an entrance were placed on the Mt. View side of the project it would line up exactly with his driveway on the south side of Mt. View. He doesn’t think Willow Street should be an issue. The Rosewood complex behind him does not generate the number of trips that teenagers generate. He would be concerned if the project was multi-story.

Kathy Grauerholz, 1115 E. Spokane Ave., stated her major concerns are with density. She is concerned about the potential 160 home development that has been approved by the County east of Willow Glen. She questioned the meaning of level of service “C”, when the last traffic study was done on Willow Street and whether it was done since the new high school was built. If the contract rezone is approved, she questioned what would happen to the empty pasture east of Willow Street when it is developed. What is the guarantee that the proposed condominium homeowners association will follow through with the “over 50, no children” designation for the project?

Senior Planner Smith answered the level of service questions by referring to Attachment M at page 26 of the agenda, a July 21, 2005 memorandum from Gordon Crane, City Engineering Tech. Those studies do not factor in age. Level of service “C” is based on how long you will delayed at stop signs, intersections, etc. A level of service “C” is as low as the City wants to go on collector streets. The Public Works Department indicates this project will not impact that level of service. The City has no jurisdiction over the unincorporated area east of the property where the housing development preliminarily approved by the County is located. If the contract rezone is approved it will require the development to be in compliance with the terms of the contract rezone. A condition of the rezone can be that all language in the documents would be subject to review and approval of the City Attorney. In answer to earlier inquiry, the traffic count on Willow Street was probably not done since the new High School opened.
Barbara Newman, 709 S. Alder Street, urged Council to accept Mr. Slothower’s proposal to “lock in” a 50 plus age requirement for the proposal and to make it as ironclad as possible.

Robert Fordan, 1125 E. Holbert, encouraged Council to look at a traffic impact fees on future developments.

Wayne Clemens, 705 S. Alder Street, stated his concern about gated access into the property and the possibility of an accident.

Billie Harmon, 708 S. Willow Street, stated she cannot cross the street to pick up the mail until after 2:00 p.m. because of the traffic, and condominiums are not compatible in the area.

Allen Harmon, 708 S. Willow Street, expressed concern about the single entry on Willow Street. Traffic is a big problem. He encouraged Council to put into the contract an entry off Mt. View Avenue as well as Willow Street.

Jeff Slothower, applicant’s attorney, stated under state law there is no right to rely on a particular zone being in place forever. All property is subject to rezone through the public process. Mr Kelley will be mitigating pedestrian safety concerns by constructing a sidewalk on both Mt. View Avenue and Willow Street. Mr. Kelley’s proposal, while technically more dense than the Willow Glen development, will be catering to the same type of individuals as Willow Glen. The developments should compliment each other. The change of circumstances is clearly present in this situation. The condominium documents create a homeowner’s association with rules and regulations on how that association operates including not having anyone residing there who is under 50 years of age. Those are enforceable just like the covenants that affect the Willow Glen property. The contract rezone has to be drawn so that it is enforceable now and in the future. The Willow Glen homeowners will have the same guarantee they have now for their own development. While the City has no road impact fee mitigation measures—Mr. Kelley will be improving half width street improvements, curb, gutter and sidewalks which is a significant capital outlay.

The gates on the gated entry would be set into the property from the road so there would be room to stop off the road before turning into the property. This development will be compatible with the surrounding area. Council should approve the rezone. The conditions Mr. Kelley initially volunteered and the additional ones he has been willing to add to address the public concern clearly make this a compatible rezone that benefits the City and doesn’t harm the City or any of its citizens.

Council asked questions of Mr. Slothower.

Fire Chief Elliott stated his Department would recommend a vehicle strobe system such as an Opticom system for the gated entry. With this mitigation on access the one access point to the property is acceptable to the Department.

Senior Planner Smith clarified that Public Works staff never advocated a single access point—that is
what the applicant brought forward. Staff does not oppose an additional entrance on Mt. View Avenue; however, if a single entrance is to be provided it should be located on Willow Street due to the average daily trip count.

Council asked questions of staff.

Darin Clark, 1110 E. Mt. View Avenue, stated Mt. View Avenue is a main road that is only going to get busier.

Jerald Newman, 709 S. Alder, stated Council could solve some of the neighbors’ concerns by requiring two entrances.

Allen Harmon, 708 S. Willow Street, stated double access to the property should be considered.

Don Diebert, 1106 E. Spokane Ave., stated the issue is putting more traffic on Willow Street.

Don Morris, 1119 E. Spokane Ave., stated when Willow Glen was created the City forced the developer to put a water retention area to collect ground surface water. If a road is put through there then there will be no water retention area and it would also do away with Willow Glen’s tennis and basketball courts and gazebo.

There being no further testimony, Mayor Barry closed the public hearing.

Direct staff to prepare enabling documents approving the Kelley contract zone change request Carlson

with the following conditions:

• Total of 38 units for the property.

• Maximum of twelve units per acre with units being a fourplex or less.

• Access be limited to and from Willow Street via private drive.

• Perimeter fencing of at least six feet tall secured by a gate at the entrance.

• All buildings to be single story.

• Occupants and owners of the condominium complex must be at least 50 years of age with a provision prohibiting children from residing on the premises.

• Owners and occupiers of specific units shall not park vehicles out of doors or on the street.

• All lighting in the project be downward facing, non-reflective lighting.

• A gated entry via the type that is approved by the Fire Department specifically consisting of an
Opticom system.

• The development must meet all City staff requirements from the Public Works Department, Energy Services Department, Fire Department and Community Development Department.

• All conditional use options within the RM zone are waived.

• All documentation for meeting the rezone conditions shall be subject to review and approval of the City Attorney.

Amend to add two access points—one on Willow Street and one on Mountain View Avenue. Lillquist

Vote on amendment. Carlson, Collins, Barry, Perrie-no(Bassett, Lillquist-yes)

Amendment defeated.

Amend to delete requirement for perimeter fencing and gated entrance and, if Lillquist gated entry is used, it be of a type approved by the Fire Department.

Vote on amendment. Bassett, Carlson, Collins, Barry, Perrie-no(Lillquist-yes)

Amendment defeated.

Vote on main motion. Approved

**ADJOURN** Adjourn at 10:00 p.m. Carlson

Affirmed

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Mayor

ATTEST: _________________________ City Clerk