



## Hearing Examiner

### **PUBLIC HEARING - Case: Woodbury Crossing Replat, 13-0094**

**Agenda Date:** 10/14/2013  
**Agenda Item Number:** 2.A  
**File Number:** 13-1037

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**Type:** public hearing **Version:** 1 **Status:** Passed

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#### **Title**

PUBLIC HEARING - Case: Woodbury Crossing Replat, 13-0094

#### **Report**

##### **Applicant:**

Lennar Northwest Inc., 12815 Canyon Rd E Suite F, Puyallup WA 98372

##### **Representative:**

Mr. Chris Ferko, Barghausen Consulting Engineers, Inc., 18215 72<sup>nd</sup> Ave S, Kent WA 98032

#### **Type of Action Request:**

Replat of Woodbury Crossing Phase 1 recorded plat map to:

- Convert Phase 1 Lots 67 and 74 to zero lot detached single family (from the existing two unit townhouse);
  - Increase the Lot 74 width from 35.55 feet to 40 feet and decrease lot 73 width by 4.45 feet to 30.99 feet;
  - Relocate shared wall line on lots 67 - 74; and
- Convert future Phase II Lots 122 & 123 from single family detached to attached single family (two unit townhouse).

#### **Project Location:**

South of the 4500 Block Mud Bay Road and west of Kaiser Road, along Greenwood Drive SW and 4<sup>th</sup> Avenue SW. Specifically, Woodbury Crossing Phase I platted Lots 67 - 74 (addressed as 4509, 4611, 4617, 4621, 4623, 4627 & 4629 Greenwood Drive SW); and Master Plan Approved Phase 2 Lots 122 & 123 (located at the northwest corner of Rosewood Drive and 4<sup>th</sup> Way SW).

#### **Legal Description:**

Lengthy legal description is on file with the city. A portion of Section 36 Township 18 Range 2W Quarter NE NW & SE NW SS090056OL LT 1 document 4112869.

#### **Shoreline Environment:**

None.

**SEPA Determination(s):**

A SEPA Mitigated Determination of Non-significance was issued for the Woodbury Crossing on November 25, 2005. No appeals were filed and the MDNS became final on December 14, 2005. (On file with the city) The replat is exempt.

**Public Notification:**

Public notification for this hearing was mailed to property owners within 300 feet, recognized neighborhood association(s), posted on the site, and published in *The Olympian* on or before October 3, 2013, in conformance with Olympia Municipal Code (OMC) 18.78.020.

**Submitted by:**

Steven Friddle, Principal Planner, 360.753.8591 on behalf of the Site Plan Review Committee

**Legislative Background:**

The Woodbury Crossing 385-unit residential Neighborhood Village Master Planned Development was first submitted to Thurston County on November 24, 2004. By agreement between the County and City, city staff assumed responsibility for the County's review in October 2005. The Thurston County Hearing Examiner granted conditional approval of the proposed 2-phase master plan in March 2006 (On file with the City) and the site was annexed into the City of Olympia in October 2007. The Woodbury Crossing Master Plan was adopted by City Council Ordinance 6655 on September 15, 2009 (Attachment #1 Ordinance and Attachment # 2 Site Plan dated September 15, 2009). Phase I final plat was approved by the City Council September 15, 2009 and recorded on September 25, 2009 (Auditor File # 4112869 See Attachment # 3, Sheet 2 of 13 ).

On May 25, 2012, Olympia Hearing Examiner Tom Bjorgen approved the applicant's Master Plan Amendment to allow three phases (instead of the approved 2 phases) and to eliminate alleys on certain blocks (See Attachment 4, Sheet 1 of 1 date stamped received 1/11/12). The Examiner's Decision is on file with the City.

**Site and Project Description:**

Woodbury Crossing totals 58.3 acres proposed to be built out in three phases and is located in west Olympia, south of Mud Bay Road and west of Kaiser Road (See Attachment # 5, Sheet 1 of 1 Woodbury Crossing). Only the Phase 1 final plat has been approved and recorded (Auditor File # 4112869). Phases II and III has not commenced. Construction of roads was completed and buildings construction is ongoing for Phase 1. Lots 67 through 74 comprise of 0.72 acres located south of Greenwood Drive and west of south and west of the southern terminus of Cherrywood Drive SW (See Attachment # 6, Sheet 11 of 13). Future Phase 2 Lots 122 & 123, which have Master Plan approval and have not received preliminary plat approval or been recorded, will total approximately 9,100 Sq. Ft. (See Attachments # 4 and 5 Sheet 1 of 1 Woodbury Crossing)

A field error during Phase I building construction that results in the misplacement of three townhome units between lots 67 - 74. More specifically, instead of four approved two-unit single-family townhomes being constructed on Lots 67/68, 69/70, 71/72 and 73/74, three townhomes were shifted west one lot and incorrectly constructed on lots 68/69, 70/71 and 72/73, leaving two remnant end lots 67 and 74 that two-unit townhome cannot be constructed.

Since attached townhomes cannot be built on lots 67 and 74 due to the error, as discussed in the

analysis below, the applicant proposed replat modifications to Phase 1 and Phase II of the Woodbury Crossing Master Plan to realize the full build out consistent with the Master Plan. Specifically, to meet the residential unit count and mix by exchanging zero lot -single family unit types from Phase II Lots 122 & 123 with the Phase 1 two-unit Townhomes on Lots 67 & 74.

**Surrounding Land Uses:**

Properties to the north, west and east are a mix of single family residential (single-family townhouses and zero lots). To the south, across an alley, Open Space Tract J, and the Affinity Senior Housing Apartments.

- I. Regulatory Framework:** The proposed replat application was submitted on August 12, 2013, and is subject to applicable standards of that date. This Woodbury Crossing replat of a portion of the recorded Phase I plat must comply with OMC 17.16, 17.28; 18.05; 18.05.140 (Ordinance 6655), 18.57 and 18.82 as discussed below.

**Staff Response and Recommended Finding:** The Hearing Examiner has review authority pursuant to 18.82.120(D) & (G) on Preliminary Plats (OMC 17.16); Replats (OMC 17.28) and Master Plan Development OMC 18.57.100© & 18.57.120. Approval of a final replat modification will be the preview of the Olympia City Council on Final Plat.

**II. Subdivision OMC 18.28 Replat:**

- A. OMC 17.28.10 Generally. *A replat of a recorded plat shall proceed as specified by this title for the approval of a preliminary plat except as modified by this chapter.*

**Staff Response and Recommended Finding.** The proposed replat is following the preliminary plat process (OMC 17.16.050-090). The Hearing Examiner conducts the public hearing and issues a written decision. The applicant must comply with the Examiner's decision prior to action by City Council for final re-plat action.

- B. OMC 17.28.020 Multiple ownership. *Where the lots within a recorded plat are held in more than one ownership, the application for replat shall not be accepted by the city for processing unless accompanied by the signatures of all property owners within the plat whose lot boundaries would be altered or affected by the replat. A title report or plat certificate, showing the names of all persons with a real or possessory interest in the plat whose lot boundaries would be affected by the replat and any restrictions encumbering the land, shall be submitted with the application for replat.*

**Staff Response and Recommended Finding.** The lots are currently held in one ownership. However, a condition of approval will require that if one or more lots are sold, the final plat map shall include signatures of all property owners within the plat whose lot boundaries would be altered or affected by the replat. A title report or plat certificate, showing the names of all persons with a real or possessory interest in the plat whose lot boundaries would be affected by the replat and any restrictions encumbering the land, shall be submitted with the Final plat map.

- C. OMC 17.28.030 Alteration of installed improvements. *Whenever a replat will involve the relocation, removal or reconstruction of existing plat improvements or open space, the whole of*

*the land embraced in the plat(s) proposed to be replatted shall constitute an assessment district for the purposes of financing said relocation, removal or reconstruction. Assessment rates and requirements shall be established by the Council at the time of replat approval.*

**Staff Response and Recommended Finding.** The replat does not involve or require the relocation, removal or reconstruction of existing plat improvements or open space.

D. OMC 17.28.040 Recording. *Any replat shall be filed and recorded with the county auditor and shall thereafter be the lawful plat and substitute for all former plats; provided, that should a plat be vacated and not otherwise altered or replatted, it shall only be necessary to file with the county auditor the order, resolution or ordinance vacating the same, and the auditor shall thereupon note upon the original plat the part thereof so vacated.*

**Staff Response and Recommended Finding.** If the replat is approved, the applicant will need to meet the conditions of the Examiner's preliminary approval prior to submittal of final approval by the City Council and then recording by the Thurston County Auditor's office.

E. OMC 17.28.050 Power of Council not affected. *Nothing in this chapter shall in any way change, limit or affect the power now vested in the Council to vacate streets and parts of streets.*

**Staff Response and Recommended Finding.** The proposal does alter the streets and the City Council will take action on the Final plat.

### III. Subdivision OMC 17.16 Preliminary Plat

**Staff Response and Recommended Finding.** As described in OMC 17.28.010, the proposed replat is following the preliminary plat process prescribed in OMC 17.16. The Hearing Examiner conducts a public hearing on the proposed amendments based upon the review of the criteria outlined in this staff report and issues a written decision prior to action by City Council for final plat.

### IV. Olympia Unified Development Code and Ordinance # 6655:

**Staff Response and Recommended Finding.** As proposed, the scope of the Woodbury Crossing proposed amendments result in compliance with Unit Mix contained in the approved Master Plan and will meet setbacks addressed in OMC 18.05.080 Table 5.05 Residential Development Standards as follows:

#### A. Woodbury Crossing Village - OMC 18.05.140 states that:

"On September 15, 2009, the Olympia City Council approve and adopted the Woodbury Crossing Master Plan, the details and regulations of which are found in Ordinance No. 6299. . ." (See Attachment #1)

Section 1A of Ordinance 6655 provides incorporation by reference of the Woodbury Crossing Master Plan. The Master Plan provides requirements to provide a specified mix of housing types (triples, duplex, attached townhomes and zero lot line and standard lots (See Tables on Attachment # 4 & 5). There are to be 221-zero lot line detached single family units and 18 attached single family townhome units.

Attached townhomes cannot be built on lots 67 and 74 due to the construction error and the applicant's proposal through replat modifications to Phase 1 and future Phase II of the Woodbury Crossing Master Plan by exchanging zero lot single family unit types from Phase II Lots 122 & 123 with the Phase 1 two unit townhouses on Lots 67 & 74 to realize the full build out consistent with the Master Plan residential unit count. The specific replat proposal includes the necessary revisions to the lines and narrative as follows:

**1. To Record an amended Sheet 11 of 13 (Attachment #6):**

- Convert Phase I Lots 67 and 74 to zero lot detached single family (from the existing two unit townhouse); by Increasing Lot 74 width from 35.55 feet to 40 feet and decreasing lot 73 width by 4.45 feet to 30.99 feet (as further discussed in IV.b below)
- Relocate shared wall lines on lots 67 - 74; and
- Revise the "Note" narration at the bottom of the sheet accordingly.

**2. To Record an amended Sheet 4 of 11 (Attachment #7)**

Revise notes and Restrictions #11 to accurately reflect the amendments on Sheet 11 of 13; and

**3. Commit future Phase II Lots 122 & 123 to be attached single family from townhomes (from zero lot line detached single family).**

**B. Neighborhood Villages Zoning - OMC Chapter 18.05**

**Staff Response and Recommended Finding (Attachment #8).** The scope of the Woodbury Crossing proposed amendments are limited to issues address in OMC 18.05.080 Table 5.05 Residential Development Standards. In summary, the proposed modifications are consistent with the development standards (and previously permitted approved under Ordinance #6655) as shown in attachment #8.

**C. Master Planned Development - MPD Chapter 18.57**

**Staff Response and Recommended Finding.** Pursuant to 18.57 the City Council approved Ordinance 6299. Subsequently, Phase 1 Plat was approved and then recorded in September 2009. The review of the proposed plat amendment to Phase 1 is subject to OMC 18.57.100(I) Amendments. The proposed amendments are consistent with 18.05 standards and Ordinance 6299 (OMC 18.05.140) as described above.

**D. Land Use Review and Approval Chapter 18.60.**

**Staff Response and Recommended Finding.** Pursuant to 18.60.080(B)(3) that states:

*"When a public hearing is required prior to land use approval, the Site Plan Review Committee shall issue its recommendation to the Hearing Examiner in a manner that will provide the Hearing Examiner sufficient time to issue a notice of final decision within 120 days of the date of complete application."*

The Site Plan Review Committee met on Wednesday, September 25 and provided the staff response and recommended findings contained in this staff report.

**V. STAFF (SPRC) RECOMMENDATION** - Pursuant to OMC 18.72.100, Olympia's Site Plan Review Committee provides the following recommendations to the Hearing Examiner:

1. If one or more lots are sold, the final plat map shall include signatures of all property owners within the plat whose lot boundaries would be altered or affected by the replat. A title report or plat certificate, showing the names of all persons with a real or possessory interest in the plat whose lot boundaries would be affected by the replat and any restrictions encumbering the land, shall be submitted with the Final plat map.
2. The applicant shall submit an amended final plat map Sheet 11 of 13 for City Council action that:
  - Convert Phase I Lots 67 and 74 to zero lot detached single family (from the existing two unit townhouse); by Increasing Lot 74 width from 35.55 feet to 40 feet and decreasing lot 73 width by 4.45 feet to 30.99 feet (as further discussed in IV.b below)
  - Relocates shared wall lines on lots 67 - 74; and
  - Revises the "Note" narration at the bottom of the sheet accordingly.
3. The applicant shall submit an amended final plat map Sheet 4 of 11 for City Council action that amends the notes and Restriction #11 to accurately reflect the amendments on Sheet 11 of 13; and
4. Future Phase II Lots 122 & 123 shall be designated, platted and constructed consistent with this Decision as Single-Family Townhouse attached.