

PLANNING BOARD MINUTES

December 12, 2001

Chair John Dewhirst called the regular meeting of the Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

PRESENT

John Dewhirst, Chair
Beverly Lindh, Vice Chair
Virginia Cassutt
Bruce Witenberg
Joanne Langendorfer
Cary Guenther

ABSENT

Jim Crim

STAFF PRESENT

Rob Chave, Planning Division Manager
Steve Bullock, Associate Planner
Karin Noyes, Recorder

Mr. Crim was excused from the meeting.

PRESENTATION BY MAYOR HAAKENSEN FOR RETIRING BOARD MEMBER

Mayor Haakenson thanked Mr. Witenberg for his 6½ years of service to the City as a member of the Planning Board. He also thanked the other Board members for the time they have put in as volunteers. He presented a plaque to Mr. Witenberg on behalf of the City Council and himself in recognition of his service.

APPROVAL OF MINUTES

MOTION BY LINDH, SECONDED BY MS CASSUTT, TO APPROVE THE MINUTES OF NOVEMBER 28, 2001 WITH THE FOLLOWING CORRECTIONS:

1. THE NAME "PARKS" SHOULD BE CHANGED TO "PARK" THROUGHOUT THE DOCUMENT.
2. PAGE FOUR, FIFTH PARAGRAPH, FOURTH LINE, FIRST WORD, CHANGE TO "IT."

MOTION CARRIED.

ANNOUNCEMENT OF AGENDA

No changes were made to the proposed agenda.

REQUESTS FROM THE AUDIENCE

Council Member Marin, 18918 – 80th Avenue West, expressed his thanks for the great work the Board did on the PRD ordinance. He said they did an excellent job, and the new ordinance is a great addition to the City.

CONTINUED PUBLIC HEARING ON PROPOSED REZONE FROM RS-8 TO RS-12 FOR PROPERTY LOCATED BETWEEN OLYMPIC VIEW DRIVE AND 80TH AVENUE WEST (FILE NO. R-2001-168)

Mr. Chave recalled that as a result of the last public hearing, the City Attorney, City staff, the Park's Attorney, and the City's Land Use Attorney have met to discuss the rezone issue and agreed on a process to follow to have a PRD actually developed on the property. Mr. Cobb, the Park's Attorney, provided a copy of the agreement tonight, signed by Dr. and Mrs. Park. It appears to be the same agreement that was negotiated by all parties at the meeting.

Mr. Chave explained that the proposed agreement would ensure that there is a timeline for the PRD. He noted that by January 4, 2002 the owners have agreed to submit an application for a contract rezone. This would specifically amend Section 1.2 of the contract rezone, which would provide for a greater building pad. He explained that the original contract rezone included a limitation of 21 percent of the net building area for the footprint of the homes and any other structures on the property. The staff and City Attorney's conclusion regarding this request is that the developer would not be able to obtain the same number of lots identified in the original contract rezone if the footprint limitation is not changed.

Mr. Chave said that, assuming that the City Council approves the rezone request, the owners would follow up with an application for a complete PRD and subdivision within 90 days. Within 90 days of the submission of the PRD application, the application would also be required to assure that the project satisfies all of the City's regulations and is ready for preliminary PRD approval. As part of the agreement, the City would be responsible to respond to all inconsistencies and problems associated with the PRD application within 30 days after application submittal. Mr. Chave said there is also a clause in the agreement stating that in the event the Parks fail to meet any of the deadlines in the agreement, they will not contest, appeal or otherwise challenge any attempt by the City to rezone the property to something other than R-8.

Mr. Chave advised that City staff is interested in getting this project completed and the proposed agreement provides a timetable and some assurance that the project development will occur. He suggested that the Board continue the public hearing to a date certain a few months from now to see if there is progress made on the action as identified in the timeline. If it appears that the conditions are being complied with, the City may decide to withdraw the rezone application entirely. If the hearing is continued to the first meeting in April, the Council would have sufficient time to act on any rezone request that comes through.

Steve Cobb, 102nd Avenue South, Suite 150, identified himself as the Park's Attorney. He said he wants to make sure the Board understands that the City and Dr. and Mrs. Park are all cooperating to resolve this issue. He referred to the contract rezone that was approved in 1997, and advised that he will be presenting an application to amend the contract to fit in with the new PRD ordinance that was recently approved by the City Council. The applicant will be holding the City to certain timelines, as well, and it will be interesting to see if they can keep with these timelines as they try the new PRD ordinance for the first time. He emphasized that Dr. and Mrs. Park want to move the project along as quickly as possible.

Mr. Chave noted two additional pieces of correspondence received by the Port over the past few weeks regarding the rezone proposal.

MOTION BY MR. WITENBERG, SECONDED BY MS. CASSUTT, TO CONTINUE THE PUBLIC HEARING TO APRIL 10, 2002. MOTION CARRIED UNANIMOUSLY.

Mr. Chave advised that all those who attended the first public hearing or contacted the City regarding the issue would be notified of the continuation.

CONTINUED REVIEW AND DISCUSSION OF PROPOSED NEW BUSINESS AND RESIDENTIAL MIXED-USE ZONE (BR) AND POTENTIAL REZONE OF PROPERTIES IN THE VICINITY OF STEVENS HOSPITAL AND EDMONDS/WOODWAY HIGH SCHOOL

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Mr. Chave referred the Board to the memorandum that was provided by staff regarding this issue. Attached to the memorandum was an updated draft of the proposed ordinance that includes all of the comments made by the Board to date and an updated map showing the area identified for possible inclusion in the new zoning designation. Also attached were maps illustrating the area identified as high-rise zoning, and a copy of the CG and CG-2 zoning description from the Development Code. He noted that it is difficult to create a matrix showing the similarities between the CG zones and the proposed new BR zone. However, the Board should note that anything that is allowed in any other zone in the City is allowed in the CG zone. Mr. Bullock referred the Board to the land use map that uses generic colors and numbers to identify the types of uses and number of units on each site.

Mr. Dewhirst recalled that at the last meeting the Board inquired how the SEPA review would fall into the process of creating the new BR zone. Mr. Chave explained that if there is going to be a significant increase in the density of the development allowed in an area, the traffic patterns would also be significantly impacted. Therefore, a SEPA analysis would have to be done as part of the update to the Transportation Plan Element of the Comprehensive Plan. This is scheduled to take place next year, and a consultant has already been hired to do this work. He said the new zone would involve substantially higher buildings and more dwelling units than were identified in the traffic analysis that is currently in the Comprehensive Plan. Therefore, staff recommends that the Board defer taking any action on the zoning change until the transportation element has been updated. The Board could proceed with the development of the language for the development code, but they would not actually change the zoning until the new traffic analysis is done.

Mr. Dewhirst suggested that when the Planning Board gets to the point of making a recommendation to the Council, the issue will be very controversial and the City will be placed at risk if the Board were to make a recommendation for approval before the SEPA review has been done. Mr. Chave said the Council could not consider any site specific rezone, but they could consider a land use action that is not site specific. However, he cautioned that people tend to get confused and it would probably be better to identify the specific areas that the BR zone would be applied to at the same time the new zoning designation is considered. He suggested that at this time, the Board could work on getting the new zoning ordinance as close as possible to what they want to proceed with. Once the transportation plan element is ready for public review, a public hearing could be held to address both issues.

Mr. Dewhirst said that he was surprised that the new draft crossed out the provision that would allow a height of up to 80 feet (Page 2, Item 9). He said that after looking at the new map that has withdrawn most of the area on the west side of 76th Avenue, he still feels that giving an incentive of extra height in the BR zoned area is important. He said he would be in favor of retaining the condition as originally discussed to allow development up to 80 feet with a conditional use permit. He said much of his concern about additional height was related to the properties on the west side of 76th Avenue. He felt that withdrawing the majority of the properties west of 76th Avenue is still appropriate to protect the single-family residents.

Mr. Chave suggested that if the Board decides to defer all of their recommendation regarding this issue until after the Comprehensive Plan has been updated, they could also consider modifying the high rise node properties to specify which properties in the new BR zone would be eligible for the 80-foot height limit. That would alleviate many of the fears that have been expressed by the public. The BR zoning designation could include a clause stating that properties within the area identified as high rise in the Comprehensive Plan could develop up to 80 feet in height with a conditional use permit. The Board agreed that this type of approach would be appropriate and would be consistent with the way they deal with the extra height allowed in the CG zone, as well.

Mr. Witenberg asked what the setbacks would be between properties that are allowed to develop up to 80 feet in height but are located next to residential zones. Mr. Chave suggested that language could be included to restrict the height of development in areas of the BR zone that are adjacent to residential zones.

Mr. Dewhirst said he talked with the traffic engineer about the idea of traffic calming devices on 215th Street and 73rd Place West. The traffic engineer did not make a commitment either way. Mr. Chave said he also discussed this issue with the traffic engineer. The traffic engineer said the City's intent is to consider traffic calming as part of the transportation plan update. The engineering staff has been alerted that this is an area that needs further consideration.

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Mr. Dewhirst referred the Board to the draft he prepared as an alternative for the Purpose Section (Section 16.52.000). The Board concurred that the alternative proposed by Mr. Dewhirst should replace the purpose section that is already in the proposed ordinance.

Next, Mr. Dewhirst referred to Section 16.52.010—Uses, and inquired if medical and dental laboratories would be permitted in the new BR zone. He suggested that since this zone surrounds the hospital area, it might be best to include this use specifically to make sure it does not become an issue in the future. Ms. Noel inquired if there are certain types of laboratories (i.e. toxic chemicals, etc.) that should not be allowed in this zone. Mr. Chave noted that laboratories would be a permitted use in the BR zone with a conditional use permit. He added that small laboratories as part of medical clinics would be permitted outright in the BR zone.

The Board agreed that Section 16.52.010.C.9 should be reinserted, making the 80-foot height limit subject to the high rise node only.

Mr. Guenther inquired if outdoor coffee shops and restaurant dining would be allowed in the BR zone. Mr. Chave said staff would have to check the code because the provisions in the code that allow encroachment into the sidewalks in the downtown area are specific to the downtown or BC zone. If outdoor dining were to be allowed in the BR zone, this provision would have to be amended, as well.

Mr. Witenberg suggested that if the Board wants to allow a height of up to 80 feet for some areas of the BR zone, they should provide clear rationale to support this recommendation—especially since last week they talked about limiting the height to 50 feet. He suggested that an 80-foot height limit might be hard to sell to the community. If the Board feels this height is appropriate, they should clearly articulate the rationale behind their recommendation. Mr. Guenther suggested that in order to make development in the area more economically viable, they need to allow for more living area to be created on the upper floors.

The Board discussed whether a 50 or 80-foot height limit would be more appropriate for the BR zone. Mr. Witenberg suggested that the most important thing to consider is how to structure the notice that is sent out to the public in order to collect the most helpful comments. Ms. Cassutt agreed that it is important that the public clearly understand the reasons why the Board is proposing the new zone and the benefits that would be provided to the community if the height limit were increased. She said the public needs to understand that the Board must make difficult decisions in order to broaden the tax base to support the community.

Mr. Witenberg suggested that the concept of the proposed new zone, in general terms, is to create some kind of transition between the multi-family residential and general commercial zones. The Board could take that as a starting point to support the proposed new zone, and then they could suggested to the public that the Board is considering this transition area having a height limitation of between 50 and 80 feet with or without a conditional use permit. This would help the Board solicit helpful public input regarding the issue.

The Board agreed that since they have additional time to work on the proposal, they should come up with graphics that depict the setbacks from residential areas, as well as setbacks amongst the commercial buildings. They could also compare the 80-foot height limit to Steven's Hospital to give the public an accurate idea of exactly how high 80 feet is.

Mr. Dewhirst suggested that the Board create criteria as part of the zoning designation. If a property is located within the high-rise node and meets the criteria identified, then development could occur up to 80 feet. This would help the community understand the standard by which applications would be judged. He noted that the development code does not include criteria for evaluating height.

Mr. Witenberg said that the City of Seattle allows additional height in exchange for benefits to the public such as usable open space, plaza area, etc. He suggested that this opportunity should be considered by the Board, as well.

Next, the Commission reviewed the revised map that was provided by staff. Mr. Dewhirst said that he drove around the areas identified on the map and particularly noted the properties zoned RM-1.5 on the northeast portion of the map. Some of

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these properties were included in the proposed new district, but the area east of 72nd Avenue was not. He suggested that for consistency, this entire area should be included as part of the new district. Ms. Noel noted that a portion of this property is identified as high-rise node.

Mr. Dewhirst recalled that there was testimony from a resident who lives along 72nd Avenue West, just north of 212th Street. This person has a business in this location, and he suggested that all of the small industrial areas that are currently located within the City be retained. Mr. Dewhirst said he would like to recommend that the block between 74th Avenue West on the west and 72nd Avenue West on the east, and 212th Street on the south and 210th Street on the north be split down the middle. The western half could be in the new BR zone and the rest could remain as CG-2.

Mr. Chave suggested that the Board consider the high rise overlay and provide helpful input for the Comprehensive Plan transportation study. He recalled that the Board just discussed the option of specifying a certain portion of the BR zone as a high rise node with an overlay that would allow development of up to 80 feet in height with a conditional use permit. Mr. Dewhirst suggested that anything east of 76th Avenue could be identified as high rise. Mr. Chave suggested that perhaps a better boundary would be to extend the line that separates the CG-2 property from the BN property all the way north. Everything to the east would be considered part of the high rise node.

The Board's concluded that the area in the RM-1.5 zone that is east of 72nd Avenue West and north of 210th Street should be included in the proposed BR zone. The eastern half of the block between 212th and 210th Streets and 72nd and 74th Avenues should be excluded from the BR zone proposal. The 80-foot height limit with a conditional use permit should be limited to the area south of 208th Street down to the RM-1.5 properties. The western boundary would be the edge of the BN zone extended to the north and south.

Mr. Dewhirst referred to the lots north of 216th Street that are currently zoned RM-2.4 and questioned whether these lots should be excluded from the proposed BR zone. Mr. Chave noted that there was a previous request from a property owner in this area that some of the lots be rezoned to RM-1.5, but this request was turned down because the Board wanted to consider the zoning of these lots as a whole. In addition to the RM-2.4 lots identified by Mr. Dewhirst, Mr. Chave advised that there are two more lots that could be included in the BR zone, as well. One lot is in the northeast corner of the RM-2.4 zone and the other is identified as lot 21510. Mr. Dewhirst suggested that these properties could be advertised as possibly becoming part of the BR zone, but the height should be a maximum of 50 feet.

Mr. Bullock referred to the properties west of the northwest corner of 212th Street and 76th Avenue West. He advised that many of these lots are already developed and used as medical office space. He suggested that if the intent is for this intersection to develop at a greater height, the property on the west side of 76th should also be considered as part of the BR zone. The Board agreed that all of the property zoned BN should be part of the proposed BR zone, as well as the property that is located one lot to the west. However, they agreed that these properties should be limited to a maximum height of 50 feet.

Mr. Chave advised that staff would make the changes as proposed by the Board and provide a new, updated map for the Board's review prior to the next meeting.

CONTINUED REVIEW OF ALTERNATIVES FOR A NEW DESIGN REVIEW PROCESS INTEGRATED WITH THE PROPOSED NEW DESIGN GUIDELINES

Mr. Bullock advised that the last ADB meeting was rather long, but they did discuss the Planning Board's proposal for the new design review process. The meeting minutes are not yet available. Therefore, he said he would attempt to provide a summary of the ADB's reaction.

Mr. Bullock reported that Mr. Michel expressed his feeling that the process proposed by the Board would lengthen the review process because it includes two reviews, and the applicant would also be required to make application much earlier in the design process. He made an articulate argument as to why he feels the proposal is inconsistent with the City Council's

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direction to shorten the length of the review process. Mr. Bullock advised that the ADB also discussed that the new design guidelines would provide more direction for application review.

Mr. Bullock reminded the Board that one of the major reasons for having design review take place early in the process is that a lot of the decisions regarding site organization are made early on. With the current process, the applicant makes all of the decisions before coming to the City with an application. He is then not very willing to make significant changes to his plans. He agreed that the new guidelines give a lot more direction to the applicant. However, it was the ADB's recommendation that if the City wants to have a review process that is short and simple, they should leave the process the way it is now and allow the design guidelines to have an early interaction with the applicants. They felt that would be consistent with the direction expressed by the City Council.

Mr. Witenberg suggested that since this issue will ultimately end up in a public hearing, it would be appropriate for the ADB to provide their recommendations to the Board in writing. Mr. Chave said the Board could use the ADB minutes to review their position and then they could allow the ADB to formally comment after the Board has flushed out the draft proposal.

Mr. Witenberg said his understanding is that the ADB would like to have an opportunity to work with the design guidelines, using the current review process, to see whether or not the guidelines could resolve the perceived defaults in the current process before the entire review process is changed. Mr. Bullock agreed that is the ADB's exact position on the matter. Mr. Witenberg suggested that after trying the guidelines for a while, the ADB might come to the conclusion that the process needs to be changed. Ms. Cassutt said her impression is that the ADB does not want to make any changes to the current review process. Even if problems arise in the future, she did not feel they would be willing to make any changes.

Mr. Witenberg said the Board certainly has the option of making a recommendation to change the ADB review process. But regardless of what the Board's recommendation is, once the ADB is no longer a quasi-judicial body, it is highly unlikely that it could be re-instituted as such again in the future. If it is found, at a later date, that the perceived problems had nothing to do with the review process, it would be too late to reverse the decision.

Mr. Witenberg suggested that if the Board were to allow the ADB to try the design guidelines instead of changing the process now, they would need to come up with some method for measuring whether or not the problems have been addressed by the design guidelines. He noted that since the thresholds to identify what items need ADB review was changed, the number of applications requiring ADB review was reduced substantially, as well.

Mr. Chave referred the Board to the flow chart that was provided to illustrate both the existing process and the proposed new review process. He noted that the existing process applies to major, minor and consent items. There are a lot more items that go through the existing ADB review process as opposed to the proposed process that only applies to major projects. Anything that does not trip the threshold as a major project would require only staff review.

Mr. Chave advised that the big difference between the existing and the proposed process is the City's involvement in the project comes much earlier in the proposed process and deals with concepts rather than a select design. The proposed process would not require that an applicant already have a design selected, but they take a risk by not doing so. Hopefully, applicants will learn that it is better to come before the City for review early in the process. Mr. Witenberg felt this would solve the problems the developers experience at the conceptual level before a significant amount of time and money has been spent on the design.

Mr. Chave suggested that some developers may view the proposed process as more lengthy because they will have to be involved with the City for a longer period of time. Mr. Witenberg inquired if it would be possible for staff to place a timeline on the proposed process. Mr. Chave answered that it is difficult to place hard dates on this process because so much depends on when each step is made.

Mr. Guenther said that developers consider the time it takes to review each submittal. Given this length of time, they may feel that the additional submittals are making the time frame longer. Mr. Witenberg pointed out, however, that the projects requiring this type of review are larger projects that have potentially more impact.

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Mr. Chave said one could argue that the actual time line for the proposed review process would no be much different. The contact with the City would be longer and earlier in the process, but that is to the developer's advantage. Hopefully, their project won't get "blown out of the water" at the first hearing because they didn't do their design right. The applicant would receive more feedback earlier in the process to create a design that works. The process would not be any longer than the current process. Another argument is that a lot fewer projects require this type of review process. Many small projects only require a staff review.

Mr. Bullock stressed that in the proposed process, the ADB would provide feedback earlier and then make a recommendation later. He felt that the actual timeframe could be shorter than the existing process because the applicant would know what is expected as a result of the pre-application meeting. Also, because there is no public hearing late in the process, there is less chance of the project getting sent back for further review. Mr. Chave agreed that because projects would be advertised for public comment early in the process, the public issues can be dealt with early in the design phase. Instead of issuing a notice for a public hearing, they would issue a notice of decision and the appeal period would start after that decision is made. Mr. Bullock suggested that perhaps the proposed process would take 2-3 weeks less time.

Ms. Cassutt and Ms. Noel both felt that the Board should move forward with their recommendation on the proposed process. They felt the developers would be better served by working with the City early in the process on major projects. Mr. Guenther felt that the proposed process would be appropriate, as well. He said the guidelines spell out what is required. When applicants meet with the City in a pre-application meeting, the City can identify the deficiencies early on. Mr. Dewhirst noted that contact with the neighborhoods comes early in the process so that their concerns can be addressed early, as well. This makes a better working relationship with all parties so there are fewer conflicts when the application reaches the decision level.

Mr. Dewhirst summarized that the Board's consensus was to pursue the proposed design review process. He recommended that the proposed option be presented for public hearing at the second meeting in January, 2002. For the first meeting in January he asked that staff prepare a summary paragraph for each of the steps in the process. He pointed out that the ADB would be invited and encouraged to provide their input at the public hearing.

THE BOARD TOOK A 20-MINUTE BREAK AT 8:50 P.M. THEY RECONVENED AT 9:10 P.M.

VIEWING OF VIDEO TAPE RELATED TO CITY OF LYNNWOOD'S PLANS FOR REDEVELOPMENT OF THEIR COMMUNITY BUSINESS DISTRICT

The Board viewed the videotape provided by Mr. Dewhirst to illustrate the City of Lynnwood's plans for redevelopment of their community business district. No specific comments were made regarding the video presentation.

ELECTION OF PLANNING BOARD OFFICERS

MOTION BY MS. LINDH, SECONDED BY MS. CASSUTT, TO ELECT MR. DEWHIRST AS THE PLANNING BOARD CHAIR AND MR. CRIM AS THE PLANNING BOARD VICE CHAIR. MOTION CARRIED UNANIMOUSLY.

ADMINISTRATIVE REPORTS

Mr. Dewhirst advised that he and Ms. Lindh worked with staff to prepare an extended agenda for the first three months of 2002. He noted that the Board needs to complete their review of the ADB review process so that the entire design guidelines package can be forward to the Commission for public hearing and decision. The retreat will be scheduled for the first part of February, perhaps at a regular meeting. The second half of the PRD issue (Planned Communities) is coming up early next year, as well. There will also be a significant number of Comprehensive Plan reviews and updates to consider. Staff will present a review of these amendments at the Board's first meeting in January.

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Mr. Chave reviewed that a major portion of the Board's 2002 work schedule will include a rewrite of the code. He noted that the City Council has approved funding for Phase 1 of this project. The Council also approved funding for the follow up parking study. The parking inventory has been completed, and the analysis of the inventory data will follow. He suggested that the first three months of 2002 would be busy for the Board. He advised that the draft urban design guidelines should be coming before the Board as part of the Comprehensive Plan amendments next year. Also, on March 13 the transportation plan policies and overview will be presented to the Commission, and staff anticipates that before that time, a public open house will have been held on the topic.

Mr. Dewhirst noted that sometime after the Board's retreat, they need to meet jointly with both the ADB and the City Council.

PLANNING BOARD CHAIR COMMENTS

Mr. Dewhirst thanked Mr. Witenberg for his hard work on the Board. He said he has done a lot for the Board and the City and his insight will be missed.

PLANNING BOARD MEMBER COMMENTS

Mr. Witenberg thanked all of the Board members, and expressed that the Board has come a long way in the six years he has participated. He said the current Board is an excellent group who comes prepared each meeting to face hard issues. He thanked the staff for providing the background information the Board needs to do their job. He also thanked Jeff Wilson, a previous staff member, for helping get his neighborhood annexed into the City.

Mr. Witenberg said the Board should not forget the opportunities they have to initiate topics for discussion on their own. They do not have to rely on the Mayor or the City Council solely for issues that are important to the community. The Board should take the initiative, like they did with the BR zone, to provide discussion in areas that may help enhance the quality of life in the community.

Mr. Witenberg expressed that it is also important to enhance the stature of the Board, as has been accomplished through meetings with the Mayor, Council President, ADB Chair and Planning Board Chair. He encouraged the Board to continue these meetings, as well as joint meetings with the City Council, Planning Board and ADB. He said these meetings give the Board an opportunity to be well rounded and get various perspectives on issues. He also encouraged the Board to continue to give every opportunity for citizen participation.

Mr. Witenberg also thanked Diane Cunningham who does a lot of the "behind the scenes" work for the staff.

Mr. Bullock said he would miss Mr. Witenberg's unique perspective on issues.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 9:30 P.M.

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