

## PLANNING BOARD MINUTES May 25, 2005

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Vice Chair Freeman called the regular meeting of the Planning Board to order at 7:02 p.m. in the Council Chambers, Public Safety Complex, 250 – 5<sup>th</sup> Avenue North.

**BOARD MEMBERS PRESENT**

James Young, Chair  
Janice Freeman, Vice Chair  
Cary Guenther  
Virginia Cassutt  
John Dewhirst  
Judith Works  
Don Henderson

**BOARD MEMBERS ABSENT**

Jim Crim

**STAFF PRESENT**

Rob Chave, Planning Division Manager  
Karin Noyes, Recorder

Board Member Crim was excused from the meeting. Chair Young arrived at 7:12 p.m.

**READING/APPROVAL OF MINUTES**

**BOARD MEMBER WORKS MOVED TO APPROVE THE MINUTES OF MAY 11, 2005 AS CORRECTED. BOARD MEMBER DEWHIRST SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**ANNOUNCEMENT OF AGENDA**

No changes were made to the proposed agenda.

**AUDIENCE COMMENTS**

**Don Krieman, 24006 – 95<sup>th</sup> Place West**, urged the Board Members to review the videotape of the May 24<sup>th</sup> City Council Meeting. He said that at the end of the meeting, Mr. Hinshaw, the City's consultant for the Design Guidelines Project, said very nice things about the draft Design Guidelines the Planning Board forwarded to the City Council over two years ago.

**PUBLIC HEARING ON FILE NUMBER R-05-44: A REQUEST BY A.D. SHAPIRO ARCHITECTS FOR HANS LAMMERSDORF FOR A REZONE FROM SINGLE FAMILY (RS-8) AND MULTIPLE RESIDENTIAL (RM-1.5) TO MULTIPLE RESIDENTIAL (RM-1.5) AND COMMUNITY BUSINESS (BC)**

Mr. Chave advised that the rezone request is for property located along Edmonds Way and includes the vacant lot at the northwest corner of 232<sup>nd</sup> Street Southwest and 23012, 23014, 23028, 23100, 23110 Edmonds Way. He reminded the Board that they recently forwarded a recommendation to the City Council for a Comprehensive Plan land use map amendment for the subject property. Specifically, the Planning Board recommended that these properties be include as part of the corridor designation, which means there are a number of different types of uses that could be developed on the property. The City Council adopted this Comprehensive Plan amendment as proposed. Rather than allowing high-density housing

developments along Edmonds Way, the intent of the corridor land use designation is to allow for a mixture of multiple family and limited commercial uses.

Mr. Chave showed a map of the subject property. He noted that the current zoning to the north and on the other side of Edmonds Way is all multiple-family, and there are a few commercially zoned properties in the vicinity, as well. Further down Edmonds Way there are additional BC and BN sites. The subject property currently has a mixture of single-family and multi-family development. The applicant is proposing to change the southern portion of the property to a mixed-use type of commercial zoning and extend the multi-family zoning along Edmonds Way to the north.

Mr. Chave said the applicant has included a site plan in his application to provide more details about the kind of things that could be developed on the subject property. However, they are not proposing a contract rezone that would limit or identify a specific site plan as part of the proposal. If the rezone is approved, whatever uses are allowed in the zone would be allowed on the subject property. Any project specific information that was provided by the applicant was intended for information only, and neither the applicant nor the City would be bound by it. He cautioned that the Board's responsibility is to review the appropriateness of the rezone application, without reviewing issues related to the site plan. He noted that a project review would be required by the applicant before any development could occur on the site, and this review would include a SEPA review process. A public hearing would be required and notice would be sent to adjacent property owners. He emphasized that site design issues would be part of the additional review and not something the Board could condition at this stage of the development process.

Mr. Chave recalled that when the City made changes to the Edmonds Way Corridor, it was done in recognition that this type of use pattern already existed along Edmonds Way and would be logical for the subject property. Staff supports this application because it would be consistent with what the Comprehensive Plan indicates the area should be and consistent with other development patterns that exist in the surrounding areas.

Chair Young inquired if any of the Board Members participated in any outside discussions related to the subject of the hearing. None of the Board Members indicated an ex-parte communication. Chair Young asked if anyone in the audience had any concerns related to any of the Board Members' participation in the hearing. No one in the audience raised a concern.

**Tony Shapiro, A.D. Shapiro Architects**, recalled that he originally presented the applicant's plans for the subject property at the time the Planning Board reviewed their proposed Comprehensive Plan amendment. Now, they are requesting that the property be rezoned to be consistent with the new Comprehensive Plan designation that was recently approved.

Mr. Shapiro said it is likely that most of the Board's concerns will be related to the proposed commercial zoning for the corner lot. He pointed out that the primary focus of the properties in this intersection is commercial. A veterinary clinic, a mini mart and a print shop are already located in the vicinity, and it is the applicant's hope that making an additional commercial function on the property would be consistent with the current trend along Edmonds Way. They plan on developing townhouse style multi-family units on the portion of property that is proposed for RM-1.5. These relatively low-density units would be raised up from the street level with the garages located below. The project would eliminate a good portion of the curb cuts that currently exist on the subject property from five or six to only two, and the applicant would like a third curb cut for the mixed-use or commercially zoned property off of 232<sup>nd</sup> Street. A loop road would be located behind the townhouse units for access to the garages. When they begin work on the design component of the project, they will work to achieve a front yard for the back townhouses that would front on the asphalt.

Mr. Shapiro advised that there is quite a bit of slope on the site. While they have not fully surveyed the subject property, he suspects there is a five to ten-foot vertical drop across the front of the road, and the townhouses would be placed on the site to respond to this grade change. He said the grade change on the commercial portion of the property is also substantial, about 12 feet from Edmonds Way continuing on to downtown Edmonds. He said one drawback of placing commercial development on the ground floor of the mixed-use building is that it could get buried behind the road at the finished grade. They are proposing a setback to accommodate the need for vehicular visibility for cars turning left onto Edmonds Way. They hope to provide some landscaping in this area that people would be able to see over. He noted that a full traffic survey would be required as part of a building permit application, and this would address any significant traffic concerns.

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Mr. Shapiro provided a site plan for the mixed-use development and noted where the commercial space, the residential space and the parking would be located on the site. He said the commercial space would be on the first level, with parking on the second level. They are hoping to be able to get two levels of residential development on top of the commercial and parking floors. Next, he displayed a site plan for the multi-family residential development and noted that they would propose to raise the main level of the housing units five to ten feet above Edmonds Way to enable the garages to tuck underneath and provide some separation between the housing units and Edmonds Way.

Mr. Shapiro emphasized that the site plans are not intended to be binding, but are intended to show how the property would be utilized in a similar fashion. He said he believes this is the highest and best use of the property and is consistent with the goals of the Comprehensive Plan and the trends that have taken place on Edmonds Way in the recent past.

Board Member Dewhirst asked why the applicant is requesting BC zoning on the corner instead of the lesser BN zoning designation. Mr. Shapiro answered that the applicant was hoping to get a higher density from the residential units that are developed in the mixed-use building. The BN zone would only allow one residential unit per lot, which would mean they would only be able to develop one residential unit on top of the commercial space. Mr. Chave reviewed the Edmonds Community Development Code and agreed that a BN zoning designation would allow only one dwelling unit per lot and the minimum lot size would be 6,000 square feet. The applicant could potentially divide the lot and get more units, but this could be problematic when trying to construct a commercial structure on a consolidated lot.

Board Member Freeman asked about the topographical change that exists between the proposed BC zone and the abutting RS-8 zone to the rear of the subject property. Mr. Shapiro said they have not surveyed the site yet, but significant retaining walls already exist in some areas along the property line. The topography is fairly steep and the applicant is proposing that some of the housing back up against the slope, with the garage units being tucked into the hillside. The housing units would be close to flush with the single-family houses that are located behind the subject property.

Mr. Shapiro summarized that the subject property leads to a good separation between the single-family and commercial developments because of the slope of the property. He said he does not believe the proposal would be incompatible with the single-family component that exists to the rear of the subject property. They will propose separate townhouse units that would be consistent with the adjacent single-family structures.

THE PUBLIC HEARING WAS OPENED.

Mr. Chave reported that the City received one comment letter from **Janet Hoag**, which was included in the Staff Report that was provided to each Board Member. Ms. Hoag specifically expressed concern about the buffer and tree retention requirements.

**Thomas Carter, 9307 – 231<sup>st</sup> Street Southwest**, referred to the private road that runs along a line of trees that leads to the back side of a row of houses on the west side of Edmonds Way in the vicinity of 231<sup>st</sup> Street Southwest. He questioned if the proposed development would require the removal of all of these trees. He pointed out that the residents in this neighborhood have already given up 6½ acres of woods, and now they will likely be asked to give up more. He pointed out that he was present to represent his father, **Donald Lee Carter**, who owns the house on 231<sup>st</sup> Street Southwest but was unable to attend the meeting.

THE PUBLIC PORTION OF THE MEETING WAS CLOSED.

Mr. Shapiro emphasized that the applicant has not designed a specific project for the site yet, but he suspects that most of the trees would be removed. He reminded the Board that the City has buffer and landscaping requirements that the applicant would have to meet along the property line that abuts the single-family zone. While there would be multi-family development adjacent to single-family development, they would work to smooth the transition between the two functions.

Chair Young noted that any development proposal for the subject property would require review and approval by the Architectural Design Board. Mr. Chave agreed and added that a SEPA Environmental Analysis would also be required, and

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this would address both traffic and buffer concerns. In addition, he said staff would take a close look at the project relative to the Comprehensive Plan policies. Since there are significant trees on the site, they would attempt to retain as many as possible.

Chair Young reminded the Board that their responsibility is to determine if the proposed zoning designations are appropriate for the subject property. The Board would not be involved in the design review process at this point. Mr. Chave said the applicant cannot address the tree issue at this time since SEPA would have a lot to say about what the buffering must look like.

Chair Young requested that the applicant summarize how the proposed rezone application would be consistent with the six Edmonds Community Development Code (ECDC) criteria the Board must consider when reviewing a zoning change. Mr. Shapiro made the following points to illustrate how the proposed rezone application would meet the criteria found in Section 20.40 of the Edmonds Community Development Code:

**Mixed-Use Portion of the Site:**

- The functions that exist currently along Edmonds Way (both multi-family and commercial) is much more appropriate for the corridor than the current single-family zoning. Because of the grade change, the proposed development would have minimal impact on the single-family residential properties to the rear.
- The proposed residential buildings would be set lower and the traffic activity would be at the Edmonds Way level where the adjacent single-family properties set eight to ten feet higher.
- The Comprehensive Plan states that the City's goal is to avoid strip mall commercial development along the corridor. The applicant is not proposing this type of function, so the proposed rezone would not move in this direction at all.
- Concern has been expressed in the Comprehensive Plan criteria about heavy traffic volumes along the corridor and the need to minimize them. The applicant is proposing a relatively low density for the subject property. Generally, 150 feet is considered the minimum separation that many engineering departments strive to obtain, and the commercially zoned property would be located far enough away from the intersection to meet this requirement.
- The access to the residential portion of the mixed-use building would be off of 232<sup>nd</sup> Street Southwest, and the design of the building would support the notion of minimizing traffic impacts to Edmonds Way. They are not proposing any commercial traffic access from 232<sup>nd</sup> Street Southwest. The intent is to keep the commercial and residential uses in the mixed-use development separate with separate access points.
- One of the goals for the BC zone is to reserve areas for those retail stores, offices, service establishments, and amusement establishments that offer goods and services to the entire community.
- There is some commercial activity along this portion of Edmonds Way, and their commercial function would be more neighborhood type such as an insurance company, small professional office, dry cleaners, etc.
- The depth of the commercial development would likely be no more than 60 feet, with parking tucked back in the lower level. This would not lend itself to high-use retail activities. Therefore, the application would be in compliance with and support the zoning ordinance.
- Another goal of the BC zone is to ensure compact, convenient development patterns by allowing uses that are operated chiefly within buildings, and the small neighborhood business development that would be constructed on the subject property would support this goal. There are larger retail functions further up Edmonds Way, and the proposed new development would be designed to serve the neighborhood.
- The proposed development would provide adequate landscaping and off-street parking and loading areas.
- The BC zone allows development to the property line, but the proposed development would be set back off the property line with a landscaped buffer between the commercial building and the street. The applicant's goal is to get the delivery trucks to loop through the site without having to back onto Edmonds Way.

**Multi-Residential Portion of the Site:**

- One goal of the Comprehensive Plan is to preserve and regulate areas for a variety of housing types. The proposed townhouses would be compatible with the single-family residential houses adjacent to the subject property and would be designed to maintain the residential environment.
- The proposed zoning would achieve a higher density than the Growth Management Act sets forth, but provides a very reasonable solution by not constructing a dense apartment style situation.

- As required by the zoning code, the proposal would allow for a variety of housing types, with lower-density, separate townhouse units and higher-density residential units on the upper two floors of the mixed-use building.
- The townhouse units would back up against the single-family residential zone, but the multi-family function would provide a buffer between the noisy Edmonds Way Corridor and the single-family homes. Currently, the trees provide a buffer, and they are proposing that the buildings and landscaping would provide this same type of buffer.
- The proposal would achieve a land use that blends in with the current high-traffic intensity that exists on Edmonds Way. It would also blend in with the single-family residential function to the west of the subject property.
- A 15-foot landscaped buffer would be required between the subject property and the single-family residential properties, and this would be an exterior landscaped open space.
- The townhouses would be set back 30 feet from Edmonds Way to provide a landscaped buffer between the street and the front doors of the townhouse units. There would also be a ten-foot vertical separation between the street and the first level of the housing units.
- There would only be two curb cuts on Edmonds Way as opposed to the five or six that currently exist on the subject property. The applicant would be flexible when working with the Department of Transportation and the City's Traffic Engineer regarding the location of these curb cuts.
- This property has lagged behind the trend on Edmonds Way for years. Single-family residential uses fronting on Edmonds Way is not a desirable condition, and these types of functions are diminishing as the years go by. The rezone proposal would support this trend. Edmonds Way is an appropriate place for the type of density the applicant is proposing.
- Under the existing zoning, the applicant does not feel single-family residential is the most suitable because of the property's proximity to Edmonds Way. The grade change between the western edge of the property and Edmonds Way is between eight to ten feet, and the proposed zoning would lend itself well to the site. The traffic circulation would be put onto Edmonds Way and away from the single-family residential properties that are uphill.
- The structures on the subject property are "on their last leg" and need to be changed out. This would enhance the value of the properties along Edmonds Way and adjacent properties, as well. The zoning change would also provide a value to the City of Edmonds, in general.

Chair Young said he does not believe the applicant presented strong evidence in support of the rezone criteria, but the staff's presentation was much stronger.

Board Member Works said it appears that the application meets all of the requirements for a rezone change, and she would be in favor of the proposal.

Board Member Dewhirst agreed that the proposed rezone to RM-1.5 would be consistent with the Comprehensive Plan land use designation, but he is a bit leery about the proposed rezone to BC. However, he said he can see that the applicant is caught in a difficult situation with the way the City's zoning ordinance is written. He said his real concerns about the proposal are related to design issues, which the Board will not be addressing. He said he agrees with Ms. Hoag's written comment regarding tree retention, and felt this would be a big issue at the time a building permit is submitted. He expressed his frustration with traditional zoning because it doesn't answer the community and neighborhood concerns. But unless the applicant wants to come back with a concomitant agreement, he has a problem with BC zoning for the corner lot.

**BOARD MEMBER CASSUTT MOVED THAT THE COMMISSION FORWARD FILE NUMBER R-05-44 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL BASED ON THE FINDING THAT IT IS CONSISTENT WITH THE CRITERIA IDENTIFIED IN ECDC 20.40 AS PER THE STAFF REPORT. BOARD MEMBER WORKS SECONDED THE MOTION. THE MOTION CARRIED 6-1, WITH BOARD MEMBER DEWHIRST VOTING IN OPPOSITION.**

Mr. Chave advised that this file would go before the City Council as a closed-record review. Anyone who spoke at the public hearing would have an opportunity to speak before the City Council, as well. However, their comments would be limited to information that came up at this hearing and no new information could be introduced. The date of the City Council's closed record hearing would be advertised and notice would be mailed to all property owners within 300 feet of the subject property.

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**PUBLIC HEARING ON FILE NUMBER CDC-05-17: POTENTIAL CODE AMENDMENTS ADDRESSING ESSENTIAL PUBLIC FACILITIES**

Mr. Chave reminded the Board that for the past few months they have been reviewing language to shore up the Edmonds Community Development Code regarding Essential Public Facilities. The draft ordinance that is before the Board is nearly the same as what they reviewed at their last meeting. The City Attorney will implement the Board's comments from the May 11<sup>th</sup> meeting and the May 25<sup>th</sup> meeting to create a consolidated draft ordinance for the Board to review at a future meeting. Mr. Chave said that the intent of the draft ordinance would remain the same, but the City Attorney would consolidate the regulations so they are less confusing. For example, there would not be a separate section for Regional Essential Public Facilities. They would be regulated the same as regular Essential Public Facilities, but there would be a few additional requirements that regional facilities would have to meet.

Mr. Chave reported that the City Attorney would attend the Board's next meeting to review the new consolidated draft ordinance. Although this item was scheduled on the agenda as a public hearing, the Board would not be making a recommendation to the City Council until after the new draft ordinance is available from the City Attorney. However, it is important for the Board to accept public testimony on the issue of Essential Public Facilities and then provide overall direction to the City Attorney.

Chair Young clarified that the purpose of the public hearing is to allow the public to express concerns about the siting of Essential Public Facilities in general and whether or not the regulations in the current draft ordinance address the public's concerns adequately.

Board Member Dewhirst inquired if any written comments have been received from the public regarding the proposed Essential Public Facilities Ordinance. Mr. Chave answered that no written comments have been received to date. He explained that until a specific Essential Public Facilities project is proposed, it is difficult to get the public's attention. None of the Comprehensive Plan and State Law discussions regarding Essential Public Facilities captured the public's attention, but as soon as a project like Brightwater was proposed, the issue became a big deal. He reminded the Planning Board that they have been charged with looking after the community's interest.

Board Member Dewhirst said he was disappointed that none of the Board comments were included in the new draft ordinance. Board Member Works pointed out that all of the Board's comments are included in the minutes. Mr. Chave said the Board's recent comments would be incorporated into the document at the same time the City Attorney works on consolidating the ordinance.

Chair Young reminded the Board that at their last meeting, they expressed considerable concern that the proposed regulations for Regional Essential Public Facilities were different than those for Local Essential Public Facilities. Mr. Chave reviewed that Regional Essential Public Facilities are currently the subject of litigation between Snohomish and King County regarding the Brightwater Project, and Edmonds will certainly be impacted by the outcome of the court's decision. It is difficult for the City to draft regulations before they know the outcome of the court case. When the ordinance comes back to the Board for review at their next meeting, the City Attorney would take his best shot at combining all of the regulations with the understanding that Regional Essential Public Facilities seem to have a specific status by the way they are winding through the courts and the issues are still being defined. The City Attorney would call out some things that really do pertain more to Regional Essential Public Facilities.

Mr. Chave said the Board previously discussed why there must be different regulations for Regional Essential Public Facilities. He explained that the genesis of the ordinance was when the Brightwater issues were a big deal locally. The City Attorney has had some experience with this issue, and at the next meeting he would talk about some of the latest developments in the inner county court case.

Board Member Dewhirst suggested that perhaps they should wait to draft an ordinance for Essential Public Facilities until after the court case has been decided. Mr. Chave said it is important for the City to adopt an ordinance now that represents their best efforts. After the court case has been decided, the City would have the ability to amend their ordinance as

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appropriate. But the court battle has already stretched on for two years, and no date has been identified for when it would be resolved. He said that waiting for an indefinite period of time would probably not be the best solution.

Chair Young suggested that the Board table the issue until the City Attorney has provided an updated draft ordinance for their consideration. Mr. Chave advised that staff is not asking the Board to send a recommendation to the City Council at this time. Staff is recommending that the Board allow the City Attorney to present a new ordinance for review at their next meeting. Board Member Henderson agreed that this would be appropriate. He asked that the new draft ordinance be forwarded to him electronically so that he could forward it to members of the group that worked to oppose the Brightwater Project. He said these individuals would likely want to express their opinion on the draft ordinance.

**Tony Shapiro, 18105 Sunset Way**, referred the Board to the proposed definition for Essential Public Facilities, which refers back to the Revised Code of Washington. As a citizen, he said he would be concerned that a facility such as a bus barn could be located in the City under this current definition. In addition, he pointed out that the Revised Code of Washington is changed often. The proposed definition would leave all of the authority in the hands of the legislature and remove the City's ability to have local control. He suggested that perhaps there are some types of Essential Public Facilities that should not be allowed in the City. Therefore, the Board might want to consider placing some limitations on what can be classified as an Essential Public Facility. Mr. Chave explained that, essentially, the State Legislature has already defined Essential Public Facilities, and local jurisdictions cannot define them more narrowly than the State already has.

**Don Krieman, 24006 – 95<sup>th</sup> Place West**, said he would like an opportunity to review the new draft ordinance that the City Attorney is working to prepare and then provide appropriate comments. He asked that the Board hold another public hearing on the draft ordinance. The Board agreed this would be appropriate.

Mr. Chave advised that the Board would receive another draft ordinance from the City Attorney prior to their next meeting, and at that point, they could advertise for a new public hearing.

#### **REVIEW OF EXTENDED AGENDA**

Mr. Chave announced that a two-part public hearing is scheduled for June 8<sup>th</sup> regarding a request to amend the Edmonds Community Development Code to create a new Master Plan Office-Residential Zone and then rezone four lots north of Main Street on the west side of Sunset Avenue. A private party submitted this application. In addition, the June 8<sup>th</sup> agenda would also include further Board discussion regarding the definition of "family" and "setback" and clarification of what structures/buildings could be placed in the setbacks. The Board also agreed to review the proposed draft ordinance for Essential Public Facilities. He referred the Board Members to a letter that was submitted by **Bonnie S. Nord, 24025 – 79<sup>th</sup> Place West**, and said the Board could consider her comments when they discuss the definition for "family" again.

Mr. Chave advised that a tentative public hearing for the definition of "family" has been scheduled for June 22<sup>nd</sup>. He questioned if the Board feels they could still meet this schedule. He also asked when the Board wants to schedule a public hearing on the draft Essential Public Facilities Ordinance. He noted that the Board has agreed to hold a workshop discussion with the City Attorney on June 8<sup>th</sup> regarding the proposed ordinance. Therefore, they could schedule a public hearing for June 22<sup>nd</sup> in conjunction with the public hearing on the definition of "family." The Board agreed this would be appropriate.

#### **PLANNING BOARD CHAIR COMMENTS**

Chair Young announced that some Board Members would be going on a tour of the Fairhaven Neighborhood in Bellingham on May 26<sup>th</sup>.

Chair Young expressed his concern that when rezone applicants come before the Board, they should be able to tell them why their application meets the code requirements and would provide a public benefit. They should not rely solely upon the staff report to do this. If the Board does not want to get a reputation of "rubber stamping" rezone applications, they should make

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the applicant clearly show how their project is consistent with the Comprehensive Plan. It is also in the applicant's best interest to have data to show why the proposal is good.

### **PLANNING BOARD MEMBER COMMENTS**

Board Member Dewhirst asked the Board Members to consider a possible date for a Planning Board Retreat in the near future. The Board agreed this would be appropriate, and Chair Young asked the Board Members to be prepared to discuss possible dates for the retreat at their next meeting.

Board Member Freeman asked that staff provide each of the Board Members with a copy of the document that the City's Consultant, Mark Hinshaw, distributed to the City Council on May 24<sup>th</sup>.

### **ADJOURNMENT**

The meeting was adjourned at 8:17 p.m.

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