

**CITY OF EDMONDS
PLANNING BOARD MINUTES
September 27, 2006**

Chair Freeman called the regular meeting of the Planning Board to order at 7:03 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

Janice Freeman, Chair
John Dewhirst, Vice Chair
Cary Guenther
Jim Young
Virginia Cassutt

STAFF PRESENT

Rob Chave, Planning Division Manager
Steve Bullock, Senior Planner
Meg Gruwell, Senior Planner
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Don Henderson
Judith Works

READING/APPROVAL OF MINUTES

BOARD MEMBER GUENTHER MOVED THAT THE MINUTES OF SEPTEMBER 13, 2006 BE APPROVED AS SUBMITTED. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

There was no one in the audience who expressed a desire to address the Board during this portion of the meeting.

PUBLIC HEARING ON RECOMMENDED CHANGES TO THE MPOR ZONE (FILE NUMBER CDC-06-7)

Mr. Chave explained that, currently, there is a moratorium on applications to rezone or develop properties under the adopted MPOR zone contained in Chapter 16.77 of the Edmonds Community Development Code (ECDC). For the past several months, the Planning Board has been considering changes to the MPOR zone to address the City Council's concerns. During their discussions, some of the property owners and neighbors volunteered to meet to discuss how the MPOR zone could be configured to address the properties west of Sunset Avenue and south of Bell Street, which is the area identified in the Comprehensive Plan for this type of zone. He reported that the parties have agreed to a revised MPOR zone that would implement the Comprehensive Plan and also address the needs of the property owners and the concerns of the neighbors.

Mr. Chave referred the Board to the proposed new language, which would allow for a mixture of residential and small scale office type uses. He pointed out that the proposed language is tailored just to the properties that are west of Sunset and south of Bell Street, which is the only area currently identified in the Comprehensive Plan for such a zone. He explained that although the Planning Board originally desired to craft an MPOR zone that could have broader application in the City than just the Sunset Avenue properties, it has proven very difficult to make such a zone generally applicable while also providing the specificity necessary to guide decision-making related to such a zone. The properties are uniquely situated and present unusual circumstances that do not easily translate to other locations in the City. Since the property owners and neighbors appear to have come up with a zoning solution that would implement the Comprehensive Plan and deal with the various issues pertaining to the properties, staff believes it would be desirable to reconfigure the MPOR zone to directly implement the plan in that location and abandon the idea of making it applicable to other parts of the City.

Mr. Chave noted that the proposed height limit for the MPOR zone would be exactly consistent with the single-family areas that surround the subject properties, but there would be some compromise in the setback requirements. Instead of a 25-foot front setback from the street, the new MPOR zone would only require a 15-foot setback. In addition, the uses allowed in the zone would be a little broader than a typical residential zone, but would be basically limited to office and residential uses. Mr. Chave advised that staff believes the proposed language represents a reasonable compromise that should work for this location, and he recommended the Board support the proposal as presented.

Eric Sonett advised that neighbors on Sunset Avenue have met with the Drews, who own the subject property that is currently undeveloped, to create the proposal that is currently before the Board for consideration. The proposal addresses the neighbors' concerns about minimizing any view impacts in excess of what a single-family residential development would create. It also addresses some of the concerns related to massing and the limitation of uses. The proposed MPOR zone would not allow for more taverns and other businesses that are associated with alcohol. He summarized that the current proposal represents a compromise that is not exactly what the neighbors want or what the Drews want, but it would allow the subject property owners to maximize their developable space. All of the neighbors who spoke before the Board at the last hearing on the MPOR zoning proposal are in support of the new proposal, and this is a credit to the City Planning staff and their ability to meet outside of the official process and discuss interests in a non-adversarial setting.

Jack Jacobsen said he owns property on the west and east side of Sunset Avenue and is glad to see the proposal go forward. He noted that the four neighbors who would really be impacted are all in favor of the compromise, and he would like the Board to move it forward. However, he pointed out that where the proposed language speaks about minimum street back, it really is talking about the property setback. Mr. Chave clarified that the setback is from property lines adjoining the street. Mr. Jacobsen expressed his appreciation for all of the work the Planning staff has done on the issue.

John Grosso said he owns one of the properties that would be most impacted by development on the subject properties since he lives across the street. He said he has always anticipated that development would occur on the site, but they didn't want it to be extensively high. He said he supports the proposal, which represents a compromise on both sides. He thanked everyone for their patience in dealing with the situation.

Harold Huston commended the Board for their hard work and public service for the people living in Edmonds. He said that since he moved to Edmonds 16 years ago, he has spent a significant amount of time serving in the community, and it has been a pleasure to do so. He said he recently purchased a condominium across from the post office. While the proposal only addresses the property on the west side of Sunset Avenue, there is also a small house next to Rory's that is within the Community Business (BC) zone. He questioned why this small piece of property was not also considered for either RS-6 or MPOR zoning. If the purpose of the MPOR zone is to transition between commercial and residential uses, it should be applied to properties on the east side of Sunset Avenue, as well. He noted that the current commercial zoning would allow a property owner to develop lot-line-to-lot-line, and to construct 30-foot high buildings that would completely block the view from the condominiums. He suggested that all of the properties along the east side of Sunset Avenue be zoned single-family residential.

Mr. Houston noted that the quaint atmosphere of Edmonds is being ruined by the development of massive buildings. He noted that Sunset Avenue is one of the last beautiful drives left in Edmonds, and it should remain as such. Again, he recommended that all the properties on the east and west sides of Sunset Avenue be zoned single-family residential. If a

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compromise is necessary, he asked the Board to consider changing the zoning for the property at 110 Sunset Avenue to either RS-6 or MPOR so that future development would not be allowed to block the view from the condominiums.

Tom Robinson said he has lived in Edmonds for 45 years and attended the previous meetings regarding the subject property. He said he thought the whole issue had been settled and that a certain sized building was scheduled for development on the site, but now the Board appears to be considering an agreement that was reached by the property owners and neighbors who would be most impacted. He cautioned the Board to remember that these property owners are only a small part of the residents of Edmonds. He expressed his concern that lobbyists have been allowed to influence decision makers to take action in support of a specific interest group. Even though the property owners in the vicinity of the subject property would be impacted the most, the Board should also consider the viewpoint of other citizens in Edmonds when making a decision.

Mr. Robinson expressed concern that large buildings are going up all over Edmonds, and there is nothing the citizens can do about the situation. At some point, the City must take action to no longer allow them. He said he does not see how the proposed compromise would benefit the citizens of Edmonds. It would still allow for a large building on the subject property. He said he was disappointed when the Mayor told him that the City does not have the money to purchase the subject property because it provides a wonderful view of Puget Sound. Again, Mr. Robinson said the Board made a previous recommendation about what type of building would be allowed on the site and the setbacks that would be required, and he sees no reason to change this for a special interest group that represents less than 1/10 of a percent of the citizens of Edmonds.

Shaun Drew said he is one of the owners of the two vacant lots that are the subject of the MPOR zoning proposal. He explained that when the whole process began a few years ago, most people agreed that the RS-6 zoning designation was not feasible for development of the site. Most people also agreed it would be beneficial to have some kind of development on the properties that have remained vacant for 50 years. He explained that if the properties were zoned straight commercial, they could be overdeveloped and this would significantly impact the neighborhood. The proposed compromise addresses the need to have some kind of development to benefit the community, but it would prevent development from being a massive building that would block the views from nearby residential properties.

Mr. Drew explained that since the last time the Board met to discuss the MPOR zone, the neighbors have met with the property owners to create a compromise that would result in a building that is 16 feet rather than 25 feet above the street level. This is a few feet higher than what would be allowed in an RS-6 zone, but would make a huge difference in terms of being a viable building lot. All of the primary objectors to the previously proposed project have indicated their support of the compromise proposal, and he urged the Board to move it forward to the City Council with a recommendation of approval.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Mr. Chave recalled that Mr. Robinson referred to an earlier proposal. He explained that the current proposal would substantially reduce the building height from what could potentially be allowed by the existing zoning. It would actually reduce the potential size of any future building on the site and staff believes it represents a reasonable compromise.

Mr. Chave called the Board's attention to the table in Section 16.77.020 on Page 2 of the proposal. He noted that there would be no maximum lot coverage for the new MPOR zone. Instead, the setbacks and height restrictions would determine the bulk of the project. No minimum parking requirement was identified because parking would be controlled by the City's current parking requirements. Vice Chair Dewhirst summarized that density in the MPOR zone would be determined by a mixture of various factors such as parking requirements, setback requirements, and height limitations.

Chair Freeman referred to the footnote just below the table on Page 2 of the proposal and requested clarification about the setback requirements. Mr. Chave explained that a 15-foot setback would be allowed for buildings up to 110 feet wide. An additional 15-foot setback would be required for any portion of the building that extends beyond 110 feet in width. In other words, no more than 110 feet of a building could be closer than 30 feet from the street lot line.

Board Member Young noted that the current zoning of the subject property is RS-6, and the zoning immediately to the south is BC. Mr. Chave pointed out that the zoning to the east and to the north of the subject property is also RS-6. Board Member Young asked if the purpose of the MPOR zone, which would only apply to this one area, is to transition between commercial and residential zones. Mr. Chave answered that the purpose of the MPOR zone is to transition between zones and to recognize the unique characteristics of the property. Board Member Young asked Mr. Chave to describe the unique characteristics that exist on the subject property. He noted that while the property slopes down from the street, the remainder is flat. Mr. Chave agreed that most of the property is flat, but as you approach the street, which still part of the property, there is a steep rise to the street level. In addition, the railroad tracks are in close proximity on the west side. He summarized that the topographical break puts the bulk of the property below the street level. He recalled that hearings for the Comprehensive Plan change indicated the difficulties associated with developing the subject property. Board Member Young asked if transitioning between residential and commercial zones is a Comprehensive Plan Policy. Mr. Chave answered that the Comprehensive Plan addresses this policy and the proposed MPOR zone would do the same.

Chair Freeman noted that the City's existing parking standards would be applied to any development in the MPOR zone. Mr. Chave agreed and pointed out that the parking requirements would depend upon the type of uses proposed for the site.

Chair Freeman pointed out that any proposed building on the site would be allowed to extend 16 feet above the street level. She expressed her concern that the proposed language should not allow parking to be constructed on the roof of a structure. Mr. Chave said this would be an unlikely scenario because of the structural requirements. However, language could be added to the proposal to specifically prohibit parking on the roof of a structure. He noted that no other zones in the City specifically address parking on rooftops, and this has never been an issue in the City.

Board Member Guenther asked if the proposal could be considered spot zoning. Mr. Chave reminded the Board that the Comprehensive Plan calls this area out as special use district, and much testimony was provided to back up this designation. Spot zoning would involve the creation of a zone that is incompatible with the surrounding area just to accommodate all of the various circumstances. The proposal before the Board at this time addresses site-specific concerns for the subject property as well as the surrounding properties. The only issue before the Board at this time is simply changing the provisions of the MPOR zone. However, the logical next step would be to rezone the properties using the new MPOR zone.

Board Member Young said he appreciates the hard work that everyone has done to create the new proposal. However, he said he could not support the creation of an MPOR zone or any further designation of this area as identified in the Comprehensive Plan. He suggested that the proposal constitutes "spot zoning through the back door." He said there is nothing so unique about the subject property that would make it deserving of its own chapter in the zoning code. It is flat and the railroad tracks are a non-issue. He expressed his belief that the City has gone way above the call of duty to create one little pocket of zoning, and they should be asking themselves what the best and highest use of the property would be within the existing zoning ordinance. The other option would be to leave it as it is currently zoned.

Board Member Young expressed his belief that no transition would be provided with the proposed language. He noted that a single-family residential home is located just across the street from the subject property, and it is next to a commercial zone. Absent of City policy that says they are transitioning between commercial and residential zones within the City, the proposal would add to the impression that this is a case of spot zoning. The City should not customize individual or dual pieces of property based on things that are non-issues. If the property is not good for single-family residential development, he said he is willing to listen to that argument, but not for the reasons that have been given up to this point.

Vice Chair Dewhirst recalled that he did not support the original MPOR zone proposal, but said he would support the new one. The compromise reached by the property owners and neighbors appears to be fair and everyone would benefit. He disagreed with Board Member Young. There are some major problems with the property, not only related to topography, but to geology. He recalled that height was a significant issue the last time the issue was reviewed, and it will likely remain an issue. However, the compromise proposal will help address the problem. While he recognizes the danger in setting a precedent for customized zoning districts, he plans to support the proposal.

Board Member Cassutt agreed with Vice Chair Dewhirst. She recalled that she did not support the MPOR zoning concept when it was first considered, but the Board was instructed by the City Council to move forward with the concept. As long as

everyone who would be impacted is in support of the compromise, she said she plans to support the proposal, too. Board Member Guenther agreed.

Chair Freeman said she plans to support the proposal, too. She recalled that the Board and staff worked hard on the previously proposed MPOR zone language, and the City Council rejected it. Since that time, the property owners and neighbors have worked hard with staff to come up with a compromise solution. She complimented them on their efforts to present something the Board could support.

VICE CHAIR DEWHIRST MOVED THAT THE BOARD FORWARD THE PROPOSED CHANGES TO THE MPOR ZONE (FILE NUMBER CDC-06-7) TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED 4-1, WITH CHAIR FREEMAN, VICE CHAIR DEWHIRST, BOARD MEMBER CASSUTT AND BOARD MEMBER GUENTHER VOTING IN FAVOR AND BOARD MEMBER YOUNG VOTING IN OPPOSITION.

PUBLIC HEARING ON AN APPLICATION BY TONY SHAPIRO FOR A COMPREHENSIVE PLAN AMENDMENT, CODE AMENDMENT AND REZONE FOR PROPERTIES LOCATED ALONG THE WEST SIDE OF 76TH AVENUE WEST JUST SOUTH OF 242ND STREET SOUTHWEST (FILE NUMBERS CDC-05-96, R-05-97, AND AMD-06-3)

Mr. Bullock reviewed the exhibits that were provided for this application as follows:

- **Exhibit 1** – Staff Report
- **Exhibit 2** – Letter from applicant making a request of the Board to continue consideration of both the code amendment (File Number AMD-06-3) and the rezone request (File Number R-05-97) until such time as the Comprehensive Plan request (File Number CDC-05-96) has been decided upon.
- **Exhibit 3** – Letter from applicant proposing some additional Comprehensive Plan language.
- **Exhibit 4** – Letter from Seattle Baptist Church

Mr. Bullock advised that other letters that were submitted prior to the meeting have been included in the staff report that each Board Member already received. He suggested the Board take some action regarding the applicant's request to postpone their review of the code amendment and rezone application. He noted that if the Board was to decide not to recommend approval of the Comprehensive Plan amendment and the City Council upheld their recommendation, the other two applications would be withdrawn.

BOARD MEMBER DEWHIRST MOVED TO DEFER THE PUBLIC HEARING FOR THE CODE AMENDMENT (AMD-06-3) AND THE REZONE APPLICATION (FILE NUMBER R-05-97). BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Vice Chair Dewhirst said he hopes that in the interim, the applicant can work with staff on the amendment to the zoning ordinance. He said it is bad policy to develop specific zoning districts for specific lots, irrespective of the action the Board just took on the proposed MPOR zone. He pointed out there is nothing different about this proposal to warrant what is being requested. If the basic underlying zone does not work, maybe they need to work on changes to the existing zone rather than create a customized zone.

Mr. Bullock referred to the proposed Comprehensive Plan Map amendment (Attachment 12 of the Staff Report). He reminded the Board that the applicant approached them in June with a request to change the Comprehensive Plan Map for the parcel where the convenience store structure is currently located. The Planning Board suggested the applicant engage in discussions with the neighborhood to find out if there was some consensus on how the neighborhood should develop. This is the same type of community involvement process that was used to consider possible changes for the Firdale Village and Five Corners Neighborhoods.

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Using the map, Mr. Bullock advised that, as proposed, everything inside the large box would be identified as Neighborhood Business. He noted that the northern 2/3 of the property is already identified as Neighborhood Business and the southern 1/3 of the property is identified as Highway 99 Corridor. He noted that all of the properties within the box gain access directly from 76th Avenue West or 242nd Street Southwest, but none have access from SR-104 and they have no relationship to Highway 99. The proposed Comprehensive Plan amendment represents the applicant's effort to resolve the split Comprehensive Plan designation for the subject properties. The application also points out that identifying a portion of the subject properties as Highway 99 Corridor seems inappropriate because they gain their access from a neighborhood arterial rather than SR-104. The applicant has requested a change in the designation so the properties can be zoned and treated all the same.

Mr. Bullock said that while the Neighborhood Business "BN" section of the Comprehensive Plan was intended to apply to all of the BN areas throughout the City, the applicant was directed to work with the neighborhood to develop some consensus on specific Comprehensive Plan policies that would give better direction for what zoning for the area should be in the future. After the staff report was sent out, the applicant sent another letter to the City proposing some specific Comprehensive Plan language for the area. He said staff was hoping the applicant could come up with some consensus on policy language for the area that would ultimately drive the future zoning regulations. However, all of the discussions between the applicant and neighbors appeared to focus on code language and potential development as opposed to Comprehensive Plan language. There does not appear to be any consensus amongst the neighborhood that the proposed policy language would be appropriate for the area.

Tony Shapiro, AD Shapiro Architects, said he was present to represent the applicant, Ron Knowles. He acquired the subject property some time ago with the Comprehensive Plan designation of Highway 99, which doesn't fit given that there is no access from Highway 99 or SR-104. In addition, the subject property has a split land use designation. Mr. Knowles' intent is to redevelop the property into a more viable building that would have neighborhood commercial uses on the ground floor and residential units on the upper floor. This type of mixed-use development would make a lot of sense from the standpoint of transition between SR-104 and the single-family residential zones to the north.

Mr. Shapiro recalled that at their meeting in June, the Board expressed concerns about the split nature of this property, and they urged the applicant to consider the Comprehensive Plan language for the entire block at the same time. He said the applicant has conducted two meetings with the neighborhood where they heard concerns about increased traffic, the height of buildings adjacent to the single-family zone, etc. The neighbors expressed a desire for the area to be cleaned up. It was also noted that the neighborhood is somewhat underutilized.

Mr. Shapiro said it is the applicant's intent to move forward with the Comprehensive Plan amendment to re-designate the southern portion of the site and incorporate some of the newer language that the City has in place for the Five Corners and Firdale Village neighborhoods. He said he can understand the Board's concerns about creating a new zoning designation, but he suggested the issue is more political. Rather than creating a new Neighborhood Business "BN" zone that would allow developments up to four or five stories, the City is trying to address each situation on a neighborhood-by-neighborhood basis. The applicant is trying to work in this same direction with the staff and neighbors.

Mr. Shapiro advised that the applicant is hoping the Board would recommend approval of the proposed amendment. In the meantime, they plan to hold an additional neighborhood meeting to review the overall implications of the Comprehensive Plan language. Again, he noted that, in many regards, the proposal mirrors the classifications that have been proposed for the Firdale Village and Five Corners Neighborhoods. The proposal would orient the commercial buildings towards 76th Avenue West, which is an arterial street that becomes more residential as it moves north. The Interurban Trail commences at SR-104 and continues north in front of the site. It would be the applicant's intent for the commercial facility to have a pedestrian type orientation that minimizes curb cuts and parking lots. They are also asking for a three-story maximum with modulated roof lines. The Board has heard about the concept of constructing mixed-use buildings with commercial space on the bottom floor and residential space above, but this concept is not possible given the current height limitations.

Regarding the concern about multi-family residential units being developed to overlook the single-family residential homes, Mr. Shapiro pointed out that the proposed language would require buildings that are close to single-family properties to be

setback or limited to two stories in that location. In addition, the proposed language addresses the neighbors' concerns that new commercial buildings of mixed uses would encroach upon the privacy of the single-family residential neighborhoods.

Noreen McPherson said she lives on the street directly behind the subject properties. She pointed out that her neighborhood is very different than Five Corners and Firdale Village. The topography of the "Ballinger Bowl" already offers a natural buffer from SR-104. Their neighborhood sits in a valley surrounded by trees. Any more buildings and traffic would detract from or possibly eliminate the buffer. She cautioned that the lots in question do not constitute an activity center. There is one church, an office building housing a small church school and an irrigation company, a landscaping company, and a closed convenience store. The landscaping company and the irrigation company do not bring customers into the parcels, but rather use the lots as "home bases." For the most part, services go out into the greater community and do not bring people in. The subject properties are totally different than Five Corners and Firdale Village, which already serve as activity centers. This small parcel should not be lumped in with those zoning purposes because it is not an activity center and does not currently provide anything to the residents of the community. She pointed out that several neighbors already operate businesses out of their homes, and these businesses provide and encourage economic growth within Edmonds.

Ms. McPherson urged the Board to carefully consider the current and proposed building heights. Several of the neighbors have views of the lake already and others have the potential for better views of the lake. The Board should be very careful not to give developers a blank check when it comes to views and parking. Several of the neighbors have traffic and safety concerns. 242nd Street is a narrow one-way street with cul-de-sacs. The intersection at 76th Avenue is the only way into the neighborhood. There are no sidewalks on 242nd Street and there are several children in the neighborhood. Emergency vehicles also need to be able to get through easily, and this area is simply not prepared for any increased traffic or parking.

Ms. McPherson asked why the City has never considered the option of zoning this property to require a planned residential development. There are already plenty of businesses in the area to serve the residents. A great deal of new housing has already been built in the neighborhood. Several new homes could easily fit on the subject property and provide plenty of new family housing. Before the Board makes a recommendation to change the Comprehensive Plan, she encouraged them to compare this neighborhood to the Five Corners and Firdale Neighborhoods to see how different they are.

Scott McPherson submitted some photographs showing the properties surrounding the subject property. The pictures illustrate the view that some of the residential property owners enjoy, the landscaping that currently exists on the subject property, the typical traffic in the area, and the already existing parking problems. Even though the convenience store property owner allows church members to park in their vacant space, a significant number of vehicles park along the neighborhood streets.

Mr. McPherson referred to the map identified as Attachment 12 in the Staff Report. If the Board were to see a blown up view of this map, they would see that the majority of the surrounding properties are zoned RS-8 or RS-12. He suggested the mere name of the proposed new zone makes it appear as though it is being created for just this one specific area, which would be considered spot zoning. He suggested that recommending a Comprehensive Plan change at this point would be a bad idea because many of the residential property owners in the area did not expect to have the hearing agenda changed. He asked for a show of hands for all those in the audience who were present regarding the subject proposal. He also asked them to raise their hand if they were opposed to the proposed change. Chair Freeman advised that this would be inappropriate. Citizens should approach the Board to make their desires known.

Mr. MacPherson agreed that Mr. Shapiro has conducted neighborhood meetings, but they have not been about soliciting information from the neighbors. The meetings were used to inform the neighbors about what was to happen. He said the whole process has been extremely confusing.

Darnell DeRochier said he lives in the southernmost house on 77th Avenue. He moved into his home 17 years ago because he loved the neighborhood. At the neighborhood meeting, the applicant attempted to roll several issues together, which was confusing to those in attendance. He said it would be difficult for him to support the proposed Comprehensive Plan amendment because he has not had time to review the new language. He said he appreciates Mr. Shapiro and Knowles' efforts to talk to the neighbors regarding the proposed changes. He noted that Mr. Knowles already developed a portion of the subject property into a structure that provides storage space on the bottom floor and residential space on the upper level.

He said he is not opposed to development of the subject properties, but he wants to make sure the proposal makes sense and would not impact the residential homeowners. The existing development on the subject property meets the 25-foot height limit, and they have been good neighbors, but the residents in the area are concerned that the proposed change might allow the property owner to construct a five-story building. He asked the Board not to make a decision regarding the proposed Comprehensive Plan amendment now since new information was just received.

Heidi Koren said she lives directly behind the subject property. She reiterated that the subject property is very different than the other two areas that have been said to be the same. The landscape business is very attractive, and the neighbors don't even really notice that it's there. The bus stop for the school and Community Transit is right in front of the landscape business, too. The other businesses in the area do not really impact the residential neighborhood. The church can create serious problems on Sundays and Wednesday nights since they have three buses that park along 242nd Street and turn around in their cul-de-sac. Church patrons park up and down the residential streets, and they use the parking space at the businesses on the street, as well. She said churches are generally good neighbors, and they are glad to have them, but more traffic on an ongoing basis would be detrimental.

Ms. Koren noted the applicant is proposing to face the commercial portion of the proposed building towards the Interurban Trail. She pointed out that people who use the trail to bike, walk and run do not stop to shop. She noted that the convenience store was fine, and the neighbors would not be opposed to some type of small business on the subject property that does not bring in a large number of customers. The small apartment unit that is already on the subject property hasn't had an overwhelming impact because it is between the old mini mart and the gas station. Another unit of similar size wouldn't be too stressful for the neighborhood, but if a 15-unit complex is constructed with two cars for each unit, traffic would be increased substantially. People living in the single-family neighborhood do not want parking spaces located against their rear property lines. Parking lots attract vandalism.

Brian Grimm agreed with what his neighbors already stated. He said he has concerns with the proposed plan, specifically the agenda change that was approved by the Board. They would like their neighborhood to stay the way it is.

Ken Christianson said the applicant has discussed the possibility of constructing underground parking for the proposed development. He said that he lives across the street from the subject property, and the water table is so low that there is no way that underground parking would be possible. All of the parking would have to be provided on the street level. The existing streets are not wide enough to handle the additional traffic and parking demand that would result from an intense development of the subject property. At this time, the church parks their busses on 242nd Street between 77th and 76th Avenues. The residents also park along 242nd Street, making it possible to only get one vehicle through at a time. If the goal is to attract people from SR-104 to the new businesses on the subject property, the Board should keep in mind that there is no space available in the neighborhood to accommodate the additional traffic and parking. He said he is opposed the proposed Comprehensive Plan amendment.

Kevin Katzenberger said he is also against the proposed Comprehensive Plan amendment. He said he has four kids, and his daughter was almost hit by a car last Sunday by church traffic. You can hardly get a Suburban through the area, and they don't need additional traffic. He also said they do not need the additional businesses that would be constructed on the subject property. They can already walk to any service they want.

Ken Christianson pointed out that many people are afraid to get up and speak before the Board. He said he was offended when Chair Freeman cut off Mr. McPherson's request that all those who were against the proposal raise their hand. He asked all those who were against the proposal to raise their hand.

Amy Henzman said she and her husband just moved into their home a year and a half ago. She said she is against the proposed changes. She was originally worried that their property was too close to Highway 99, but they found that their neighborhood is a totally separate area. Unless you live on 76th Avenue West, you don't really turn into their neighborhood. She questioned what types of businesses would survive on the subject property since it is surrounded by residential properties. The area is very quaint and has low crime, and they want to keep it that way.

Widia Lukita concurred with the comments provided by her neighbors. She said she was really surprised when she learned that a six-story building was being proposed across the street from her. She said it is already difficult for her to get her car out of her driveway when school is starting, and she does not know if the current street system can handle another six-story apartment complex.

Jerry Curl said his property is kitty corner from the subject property, and he has lived in the area for eight or nine years. One of the reasons he moved into the neighborhood was because of the quality of the neighborhood. The area should not be considered a business center and the construction of apartment units on 76th Avenue is not appropriate, either. He noted that the convenience store was not a successful business because it didn't have sufficient patrons. Now the property owner is trying to change the plan to allow more businesses. He said he has yet to hear of anyone in the neighborhood who supports the proposed change, and he is against the proposal, as well.

Mr. Bullock said some members of the audience thought he was comparing the Five Corners and Firdale Village areas to the subject property. He was actually trying to describe the process the City used in the Five Corners and Firdale Village areas to draw the neighborhoods together to come up with a consensus of what the vision for these areas should be. Staff's direction to the applicant was to utilize a similar process for this area. He did not mean to imply that the subject neighborhood is similar to the Five Corners and Firdale Village neighborhoods.

Tony Shapiro said he can understand the neighbors' reluctance for change. He pointed out that some business use would be developed on the site where the convenience store is currently located, even if the proposed changes are not approved. The question is whether the City would allow residential units above the business space. The owners of the Plant Design property have plans to move their office space out of this location and develop small neighborhood office space, instead. The statement that this area would be undesirable for small business uses is untrue. The linkage to Interstate 5 is extremely attractive for small businesses. The idea that 5,000 to 8,000 square feet of commercial space would generate significant traffic is a misunderstanding. The proposed development would be limited to a maximum of three stories, with 15 residential units on the Plant Design site and six or seven units on Mr. Knowles' site. The neighborhood would not be unduly impacted, but would rather be upgraded by the new development.

Mr. Shapiro said one letter they received from a neighbor complained about the crime that occurs as a result of the mini market development. Changing the old buildings to something newer and more modern and useful would be a benefit to the entire community.

Vice Chair Dewhirst asked Mr. Shapiro which properties his client actually owns. Mr. Shapiro pointed out the property owned by Mr. Knowles that originally initiated the request. However, Mr. Knowles also owns the adjacent property that was developed about five years ago into a storage and apartment complex. Vice Chair Dewhirst asked if the proposal would include both properties or just the one where the vacant business is located. Mr. Shapiro answered that he has also been hired by the owners of Plant Design to do a study for their site, which is at the northeast corner of 242nd Street and 76th Avenue. Both property owners are hoping to redevelop. Plant Design likes their current location, but they plan to move their storage and staging area to a new location. They would continue to have their office in the area if the building is changed out.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Chair Freeman reminded the Board that they are only dealing with the Comprehensive Plan proposal at this time. They would not consider the rezone application or the zoning code amendment until later. The question before the Board is whether or not to recommend changing the Comprehensive Plan designation for the southern portion of the subject property. Vice Chair Dewhirst added that the applicant is also proposing changes to the language of the Comprehensive Plan, which was handed out to the Board just prior to the meeting. Neither the Board nor the majority of the neighborhood residents have had an opportunity to review the new proposed language. He noted that going from the Highway 99 Corridor designation back to the neighborhood commercial designation would be considered a step down in potential uses for that particular parcel. However, the language being proposed for policy would result in substantial changes. He said he is uncomfortable with the process that has been utilized for the proposed changes. Considering three proposed changes at the same time is

very confusing. The confusion was further compounded when the applicant requested significant changes to the Comprehensive Plan language just prior to the meeting.

Vice Chair Dewhirst suggested that the Board postpone their deliberations until after the applicant has held another neighborhood meeting and the residents have had an opportunity to read and react to the new proposal. He said he does not like being given major information regarding a proposal on the same night as the hearing without having a chance to look at it in the context of the existing adopted Comprehensive Plan. Chair Freeman agreed that she is not prepared to discuss the proposal without further opportunity to study the new information. Mr. Bullock said he did not receive the new language until this morning, so he has not been able to do a thorough review, either. The remainder of the Board agreed to continue the public hearing to a date certain to allow time for the staff, Board and neighborhood to review the new information. This would also allow time for the applicant to hold another public meeting.

BOARD MEMBER YOUNG MOVED THAT THE BOARD CONTINUE THE PUBLIC HEARING FOR THE PROPOSED COMPREHENSIVE PLAN AMENDMENT (FILE NUMBER CDC-05-96) TO OCTOBER 25, 2006. VICE CHAIR DEWHIRST SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Board Member Young emphasized that when the public hearing resumes on October 25, 2006, the Board would only be discussing the Comprehensive Plan amendment.

Mr. Bullock clarified that the applicant originally submitted three separate applications: a comprehensive plan amendment, a code amendment and a rezone application. At the start of the meeting, the last two items were continued indefinitely at the request of the applicant. There is no scheduled date for these two items to move forward at this time, but new public notice would be given when a date has been identified. In addition, the Board just continued the public hearing for the proposed change to the Comprehensive Plan to October 25th. This would give the applicant an opportunity to hold a neighborhood meeting on October 12th to discuss the proposed Comprehensive Plan policies related to the subject properties. He advised that all those who signed their name on the list would receive all of the new information available regarding the application.

THE BOARD TOOK A BREAK AT 8:52 P.M. THE MEETING RESUMED AT 9:05 P.M.

PUBLIC HEARING ON APPLICATION BY TONY SHAPIRO FOR A CODE AMENDMENT TO CREATE NEW NEIGHBORHOOD BUSINESS/ MULTIPLE RESIDENTIAL ZONES AND REZONE LOCATED AT 23012, 23014, 23028, 23100, AND 23110 EDMONDS WAY AND 9133 232ND STREET SOUTHWEST (FILE NUMBERS AMD-06-2 AND R-05-95)

Ms. Gruwell entered the following items as Exhibits:

- **Exhibit A** – Staff Report
- **Exhibit B** – Letters from citizens that were received after the staff report but before the meeting.
- **Exhibit C** – Letters from Claudia and Robin Olney that were received just prior to the start of the meeting.

Ms. Gruwell announced that the SEPA Appeal period expired today, and the City did not receive any appeals. She provided a map on the overhead projector to illustrate the location of the subject properties. She explained that the northern portion of the property is zoned Multi-family (RM-1.5) and the southern portion was just recently zoned Community Business (BC) last year. She also described the surrounding zoning. To the northwest of the site is the Woodway Estates Apartments and a mixture of other multiple and single-family residential uses that are zoned RM-1.5. To the northeast are some duplexes adjacent to the Westgate Chapel, both of which are zoned RM-1.5. The property directly across 232nd Street Southwest is zoned Neighborhood Business “BN” and developed with commercial uses, including the Woodhaven Veterinary Clinic and a two-story office building. Other properties to the southwest and west are developed with single-family homes and are zoned Single-Family Residential (RS-8).

Ms. Gruwell explained that the applicant is requesting to amend the Edmonds Community Development Code (ECDC) to create two new zones entitled Multiple Residential – 232nd Edmonds Way (RM-232nd Edmonds Way) and Neighborhood

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Business – 232nd Edmonds Way (BN-232nd Edmonds Way). She described the major differences between the existing RM-1.5 zone and proposed RM-232nd Edmonds Way zone as follows:

- The existing RM-1.5 zone allows up to 25 feet in height, with an additional 5 feet for pitched roofs. The proposed new zoning would allow a height limit of up to 35 feet, with a requirement for a pitched roof.
- The existing zone would limit the density to one dwelling unit per 1,500 square feet of property. The proposed new zone would allow density based on the number of parking stalls provided in the complex.
- The existing zone would not allow roof top decks above the 25-foot height limit, and the proposed new zone would allow railings and roofs to cover access staircases allowed up to 8½ feet over the height limit.

Ms. Gruwell said the City received complaints from neighbors that the structure would be too boxy and the additional height from the roof decks would make the situation even worse. In addition, citizens expressed their desire for the applicant to maintain the topography and existing trees, which act as a buffer for the residential development. Concern was also expressed about parking on Edmonds Way, but it should be noted that no parking is allowed on Edmonds Way so there would be no where for overflow parking from the site to spill out. Neighbors have expressed concern that allowing additional density would create problems on the neighborhood streets if there is no requirement for loading and guest parking on the site.

Ms. Gruwell advised that the proposed new BN-232nd Edmonds Way zone would be similar to the existing Community Business (BC) zone. She reviewed the differences as follows:

- The purpose of the of the existing BC zone is to allow for mixed-use development to support business uses and to seek businesses to serve the entire community. The proposed new zone does not include a mixed-use goal, and the purpose would be to seek businesses to serve the neighborhood area.
- The setbacks would be essentially the same for both zones, except the BC zone allows underground parking structures in the last 15 feet of the setback. The proposed new zone, as currently written, does not provide for this exception.
- The maximum height in the BC zone is 25 feet, and there is currently a moratorium on allowing an additional 5 feet for modulated roofs. The proposed new zone would allow a height of 45 feet, not to exceed 4 floors plus an additional foot for architectural elements on the street façade but not more than 20% of the length of the façade. The proposed new zone would also allow deck access and railings.
- The BC zone requires that development meet the City’s current parking requirements as outlined in ECDC 17.50. The proposed new zone would require no calculated parking for the first 2,500 square feet of retail space in a mixed-use building greater than 15,000 square feet.
- The density in the current BC zone allows one dwelling unit for every 1,500 square feet of property, and the proposed new zone would base the density on the number of parking stalls provided in the complex.

Ms. Gruwell pointed out that if the parking requirements for the subject properties were reduced, the Board should keep in mind that most of the businesses in this area would be accessed by vehicles coming down a major traffic corridor, and there is no parking on Edmonds Way. While the applicant has proposed joint use parking to meet the requirement, she recommended that joint use parking only be considered if a traffic study can show that the trips would not overlap and that parking would be available.

Ms. Gruwell said that, at this time, staff is recommending denial of the request to create two new zoning districts (RM-232nd Edmonds Way and BN-232nd Edmonds Way) and the request to rezone the northern portion of the subject site from RM-1.5 to RM-232nd Edmonds Way and the southern portion of the site from BC to BN-232nd Edmonds Way. She based her recommendation on the following:

- The properties fronting on Edmonds Way have historically been redeveloping as multi-family or small-scale commercial developments, and this pattern can be seen both north and south of the subject properties. However, properties up the hill have remained single-family neighborhoods and will need to have proper buffering and adequate transitions. The ridge allows 20 feet of separation between the uses along State Route 104 and the houses above. If the maximum height allowed were 25 or even 30 feet, the ridge would provide an adequate transition. But if a 45-foot height limit were

established as proposed, the transition would be lost, along with a good deal of privacy. The only buffering that might protect privacy would be to retain the existing tall evergreen and deciduous trees.

- The Comprehensive Plan policies for the Edmonds Way Corridor are against providing access to properties on Edmonds Way from residential streets unless there is no alternative. In this case, it appears that access from SR-104 is a reasonable alternative.
- The proposal set forth by the applicant would fit better with the purposes of the existing BC zone than the BN zone. The purposes of the BN zone do not include mixed-use buildings and are designed to attract businesses that provide daily goods and services to the residents of the neighborhood. Given that the applicant feels the parking would only allow offices that do not provide on-site customer service, the existing zone purposes would seem to accommodate the concept of mixed-use buildings with offices better than the purposes of the proposed BN zone.
- The earlier rezone to BC was done in 2005 and very little changes have occurred since then, except for the moratorium on accepting permit applications in the BC zone for buildings that are taller than 25 feet.
- The site's location on Edmonds Way lends itself to multi-family residential and commercial uses. However, the proposed heights would be equivalent to those allowed along Highway 99. Again, the existing vegetation and bluff would only provide an adequate buffer if the height limits were similar to what is allowed with the current zoning.

Kevin Grossman said they have worked hard and will continue to work hard to find a win/win scenario that balances the sometimes conflicting Comprehensive Plan goals, the neighbor's concerns, the market demand, the State Growth Management Act, etc. He said the project they are proposing on 232nd Street is intended to meet the goals of the Comprehensive Plan to provide multi-family and community business development with safe, friendly pedestrian connections. The plan would also utilize the unique topography and meaningful landscaping to provide a transition between the quiet residential neighborhood and the high traffic on SR-104. He said they have held meetings with the Planning Board, the Architectural Design Board, the Planning Staff and the neighbors in an attempt to find a way to balance all of the various interests and concerns.

Mr. Grossman pointed out that the Growth Management Act requires the City to provide alternatives for housing to meet the changing needs of the population, and this requirement was reflected in the Comprehensive Plan policies for the Edmonds Way Corridor. Targeting housing density on sites with characteristics like the subject property provides an opportunity for the City to meet the Growth Management Act requirements and the broader community goal of housing and commercial space in a way that minimally impacts the neighborhoods. The vast majority of the traffic associated with the project would go onto Edmonds Way.

Mr. Grossman advised that at the three public meetings and in individual conversations, neighbors expressed concerns about increased traffic, the retention of significant trees, and the impact the proposed development would have to their residential neighborhood. He agreed with staff that the Comprehensive Plan would require any development on the subject site to access from Edmonds Way when possible. However, the Washington State Department of Transportation (WSDOT) has a policy that would encourage access to come from side streets in order to reduce the number of access points along the highway. He said they agree that safety and traffic flow issues on Edmonds Way are very important to consider. Their proposal tries to design a solution that balances both interests. Approximately 2/3 of the parking would access the site from Edmonds Way, and the remaining 1/3 of the parking would access from 232nd Street. The access from 232nd Street would serve the residential component of the project. The proposal would reduce the number of curb cuts on Edmonds Way from ten to two.

Regarding the issue of trees, Mr. Grossman explained that if another developer owned the site and wanted to max out what the current zoning would allow, none of the trees would be maintained. He said they put a very high value on mature evergreen trees, and they have always been conscious about saving the trees. The trees are an asset to the site and a good buffer between the subject property and the residential neighborhood.

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Mr. Grossman said they have proposed a design that would look similar to the neighborhood, with aggressive landscaping. They understand that landscaping could have a very positive impact on the property and the neighborhood. The mixed-use building would be four stories high, and contrary to the staff report, they have never proposed roof decks on top. This appears to be a communication issue between the applicant and the staff. He said the residential units have been designed around a courtyard that opens to the south, and the courtyard would be well landscaped. People coming into the neighborhood would see a four-story building, but they would also see a section of the courtyard and some residential development. Because of the grade change between the residential properties and the subject properties, the neighbors would only see the top 25 feet of the buildings. The neighbors in the homes most directly impacted by the mixed-use building have expressed no objections to the proposed project. They understand there would be a 15-foot setback plus additional landscaped areas. There is a significant grade change from the commercial area so people right next door would only see the top eight feet. He noted that all of the letters prior to this afternoon were from people who won't be able to see the project except when driving past on 232nd Street. Their concerns about buildings being adjacent to their property could at future neighborhood meetings.

While staff recommends denial of the project, Mr. Grossman said they believe the issues can still be addressed. He said he met with the Planning Director recently, and they believe they can come up with language to meet the City's criteria and concerns and still allow the project to move forward. He requested the Board approve a continuance of the public hearing to allow the applicant to work with the staff and come back with a different recommendation to address the concerns. Their goal is to present a proposal that the neighbors, staff, Planning Board and City Council can support.

Chair Freeman noted that the public hearing is regarding the proposed changes to the ECDC and the rezone application. The Board would not be reviewing any specific development plans as part of this proposal.

Tony Shoftner, Arbicultural Consulting, explained that the subject property has a number of trees on it, and he was asked to assist the applicant in considering how to retain a number of them. He said he met with Mr. Shapiro to assess the condition of the trees and come up with a plan to retain the trees in a way that would provide for the wooded quality that is currently present on the site. He also addressed tree retention as it pertains to public safety. He pointed out that any other developer could denude the site under the current zoning designation. When developers decide they want to retain trees, they must deal with how the site is developed and the impact that development would have on the trees. The trees the applicant has decided to retain are in good condition and in a place that would provide screening and wooded quality. They propose to retain about 20 percent of the trees on the project site.

Mr. Shoftner pointed out that development of the project would involve clearing some of the trees up the hillside, which would further expose the trees along the roadside to wind and other elements and there is the potential for root failure. On the busy street of Edmonds Way, this poses a safety hazard. The conditions along the roadway are much harsher than on the hillside where the conditions are more native. On the roadway, there are driveway lanes and the soils are severely impacted and many of the trees are already showing signs of distress. These trees are not the best trees to save as opposed to those on the hillside.

Mr. Shapiro said they have requested a continuance of the hearing because they believe there are some areas of miscommunication that could be cleared up by further meetings between the applicant, staff and neighborhood. They would like an opportunity to work closer with staff to address the issues.

Mr. Shapiro explained that Edmonds Way is in a small valley that winds its way into downtown Edmonds. There are contours on either side that slope up from the arterial. The banks provide a natural barrier between the busy commercial arterials and the single-family residential uses. The subject property is, therefore, a natural site for commercial development because of its topography. The approximately 20-foot grade change between Edmonds Way and the residential properties acts as a good buffer.

Mr. Shapiro said the Board should also consider the magnitude of the other buildings on Edmonds Way. Their proposed new building would be approximately the same height as the Westgate Chapel, which is already located in the area. However, they do not propose a boxy building like the Westgate Chapel. While he understands the hearing is to address the code change and rezone, they feel the need to get explicit on the language in the zoning criteria but not to the point they are

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doing a contract rezone, which is apparently not permissible with the City Council. They have tried to write verbiage into the proposed zoning ordinance that picks up on the objectives of the project. He can understand the concerns about the proposal being considered spot zoning, but he expressed his belief that a four-story building on an arterial with 40,000 cars per day going 40 to 50 miles per hour is not out of scale. He noted that other commercial properties are located up and down Edmonds Way.

Mr. Shapiro said they tried to incorporate pedestrian friendly elements in the proposed mixed-use zoning language, such as sidewalks, canopies, minimizing curb cuts, etc. They have reviewed these concepts with the City's Traffic Engineer, as well as their own traffic engineer. They are trying to address concerns that both WSDOT and City staff have about access onto Edmonds Way. He stressed that the only traffic that would access the site from 232nd Street would be the residential component. The current scheme of the design would not allow people to drive from the upper parking garage down to SR-104.

Mr. Shapiro said they are also striving for sustainable design as part of the proposed language. This site is very conducive to infiltration. They are proposing a rain garden at the north end of the site, with a swale near the sidewalk to divert runoff to the rain garden. They would also construct a courtyard as part of the apartment complex, which would be open to the upper level of housing and separate the commercial component from the residential component. The commercial space would face the commercial street and the residential space would face the residential street. They hope to incorporate a planting strip along Edmonds Way to soften the sidewalk and separate it from the high traffic on Edmonds Way.

Mr. Shapiro said they are seeking a rezone of the property so they can replace the existing housing with town homes and develop the vacant lot into a mixed-use building. They would attempt to save as many trees as possible. He provided an overall site plan showing the mixed-use building at the south end of the site and the town homes that would be strung along Edmonds Way. The two curb cut access points are in an excellent location to separate them from each other and from 232nd Street. He also contacted the Fire Department and the Garbage Disposal Company regarding access for their vehicles.

Mr. Shapiro again explained that the area at the south end of the mixed-use building would be opened up to a courtyard to provide a major amenity to the project. The courtyard would be highly utilized because of its strong southern exposure and they would plan landscaping that would encourage activity. The buildings would be held back on the west property line from the residential zone by a 15-foot setback. He noted that the rezone application neglected to request the same conditions the BC zone currently allows for below grade parking to come up to the setback line. Rather than the typical solution for hillside development, Mr. Shapiro said they are proposing a more expensive solution with H Pilings and lagging to minimize the impact to the trees. However, there are still major concerns about the impact to trees, and they would work closely with the arborist to address these concerns. He noted that an adjacent neighbor has asked them to remove a tree because it drops needles on his garage. He concluded that they are trying to balance the desires of multiple entities such as WSDOT, the City and the neighbors. He said there are two major trees on the property that would be difficult to retain with any construction on the site.

Mr. Shapiro noted that the proposed building would come up to the same height as the telephone pole that is on the site. He noted that the average grade on the site would be five feet above the finished floor. They are asking for a 45-foot height limit to allow them to provide 4 stories, with a 14-foot floor-to-floor retail space, a 10-foot parking level and 10-foot residential levels. He provided a drawing of the proposed design for the mixed-use building. The current BC zone allows buildings to the property line, but they are proposing a 10-foot setback to address the neighbors' concerns. This results in a loss of a fair amount of building area. They are asking to exceed the height limit by five feet to allow for modulation and different roof lines. They are hoping the rewrite of the proposed zoning ordinance language would allow for more creative design.

Mr. Shapiro provided additional sketches to illustrate the proposed design of the project. He explained that they are hoping to incorporate design elements to break up the buildings so they are not too boxy in appearance. He suggested that they failed to communicate this desire to the staff, and they were shocked with the staff's recommendation to deny the proposed code change and rezone application. Again, he asked that the Board continue the hearing so the applicant can continue to work with the neighborhood and City staff to address the concerns.

Chair Freeman reminded the applicant that the purpose of the hearing was to address the code amendment and concurrent rezone application. Therefore, she asked that the applicant conclude his presentation on the proposed design of the site to allow the public to speak.

Robert Bretts reminded the Board of the Puget Sound Regional Council's recommendation for Edmonds that more density should occur along the Highway 99 Corridor and in the downtown. The City is working to allow more density on Highway 99, but the City Council recently approved a 25-foot height limit for the downtown, which makes more density impossible. He said it now appears that the Board is trying to accommodate this decision by shifting the density into residential neighborhoods. They are considering the concept of allowing a 45-foot height limit in neighborhoods like Five Corners, Firdale Village and the Edmonds Way Corridor. They are asking residential neighborhoods to accept higher density that would be better located in the downtown and Highway 99 where the infrastructure already exists.

Mr. Bretts said he also attended the Five Corners Neighborhood Meeting where there was never a consensus amongst the neighbors to have four or five-story buildings. That is what the developer was trying to push into the neighborhood. It is up to the Board to consider density as a whole and not put the burden on the neighborhoods. The staff recommended denial of the proposed changes because of traffic and buffering, etc. However, the applicant only addressed the issue of trees. While the applicant has said they want the development to be pedestrian friendly, SR-104 is not a pedestrian friendly street.

Mike Nicefaro said he and his wife live on 232nd Street Southwest about 500 feet from the proposed development. They are not against development in general, but only development that is consistent with the existing Comprehensive Plan and zoning code. The proposal would raise the height limit from 25 feet to 45 feet, and the impact of this change was clearly depicted when Mr. Shapiro pointed out that the utility pole represents the ultimate height of the proposed development.

Mr. Nicefaro said he is opposed to the proposed changes. He pointed out that none of the neighbors have had the opportunity to read the additional letters that were submitted, but he suspects they express the same concerns that the neighbors have already stated. The neighbors are concerned about the impacts the proposed more intensive development would have on their neighborhood. The existing zoning compliments and is consistent with the surrounding uses, but the proposed zoning would damage the surrounding properties. He said he doesn't know how the Board could consider the proposal anything but spot zoning when the new zoned would actually be named after the subject property. He pointed out that there is an obvious grade separation between the residential development upland and Edmonds Way. The existing zoning is consistent with the Comprehensive Plan when it specifies development height no greater than 25 feet. He encouraged the developer to maintain this same height limit.

Mr. Nicefaro pointed out that there is a flashing traffic light on 232nd Street to provide emergency access for fire trucks, etc., and they expect that someday this will be made a full signal intersection. However, there are no current City plan to make this change. He referred to the applicant's proposal to have 49 parking spaces access onto 232nd Street at this location, and this would require the cars to make a left hand turn to get out. He noted that there is a vertical curve, a steep hill and site impairment in this location. Although the speed limit is 25 miles per hour, the cars frequently exceed that speed. Cueing at this intersection is another issue. Cars stopped waiting to turn left stall traffic coming up the hill. If more density is allowed, the burden on the existing infrastructure would be significant, and that is why the site is not appropriate for multi-family uses.

Claudia Olney said she and her husband are new residents to the City, and she didn't hear about the proposal until about a month ago. She submitted a letter just prior to the meeting regarding the proposal, and she hoped the Board Members would have a chance to read it before the hearing continues on another night. She stressed that the existing zoning for the seven parcels is consistent with the Comprehensive Plan that was adopted 1½ years ago. At the neighborhood meeting, she questioned why these parcels, which constitute only 9 percent of the parcels on Edmonds Way, would require rezoning. The applicant stated that it was necessary in order for the project to be financially feasible, but he did not state that it would be a desirable change to provide good design as he stated at the May 10th meeting. She noted that Mr. Shapiro indicated his support of the Five Corners proposal so he could piggyback his client's proposal onto that decision. Again, Ms. Olney urged the Board to look at all of the Edmonds Way Corridor as a whole package and not just piecemeal. She said the current proposal seems to be predicated not on what's best for Edmonds, but what's best for the developer.

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Tanya Warren said she lives just a block from the subject property on 92nd Avenue that feeds into 232nd Street, which is close to where the subject proposal would have an access point. There are nine new homes on her block that are currently up for sale, and once they are occupied, the traffic would be increased. There is also a vacant lot where a home is going to be built. All of this additional traffic would feed onto 232nd Street, causing greater confusion.

Don Warren said he is also concerned about traffic, particularly near the flashing traffic light. He noted that WSDOT has control over this light, and there is no guarantee that it would ever be made fully operational if traffic gets too congested. Without this type of guarantee, all of the traffic problems would be multiplied.

Marge Pindergraft said she lives three houses in from 232nd Street on 92nd Avenue, which has nine new homes with triple garages. At this time, traffic comes down 92nd Avenue West and goes onto 232nd Street, which culminates at the flashing light on Edmonds Way. Edmonds Way goes all the way to downtown Edmonds. Therefore, 92nd Avenue draws traffic from all of the neighborhood residents who want to get to downtown Edmonds, and 40 more cars would make the situation impossible.

Denise Renfrow said she lives just down the cliff from where the existing access to the site is located. One of the main reasons she and her husband purchased their home 12 years ago was because of the big trees in the back. The applicant's proposal would result in a tall building abutting their property. It would also greatly increase the traffic. The strip mall in this location is impossible to get out of going left. Instead, people have to turn right and go up the hill. People living in the proposed new multi-family project would go right down 232nd Street, which is already a scary road that doesn't need more traffic.

Maurene Barnes agreed with everything said previously by the neighbors. She added that there is really little need for mixed-use buildings because the Westgate Shopping Center has virtually everything they need, and there is the Safeway Shopping Center just six blocks in the other direction. There are also other commercial buildings along Edmonds Way, so there is no need for more.

Mr. Shapiro asked the Board if his traffic engineer would be allowed to address the Board. The Board asked the applicant to wait until a future meeting when the public hearing is continued.

Vice Chair Dewhirst expressed his opinion that a lot of work must still be done on the proposed zone district language. He noted that everything seems to be cued around a certain proposal, and the public should be aware that the pictures the applicant has shown mean nothing. There would be no legal enforcement of the proposed designs. He reminded the Board that the purpose of the hearing was to hear about two new zoning districts and the rezone applications. However, the applicant did not speak to the proposed new zoning districts. In fact, he noted that there is very little in the proposed ordinance that has anything to do with the proposal. He cautioned that the applicant could sell the property after the rezone is granted, and the neighbors would be left to whatever the new owner wanted to construct.

Vice Chair Dewhirst expressed his concern about creating custom zoning districts for specific parcels; he would rather consider changes to the existing zoning code that would better address the needs of the properties along SR-104. He said creating custom zones would be a bad trend, and they would be very difficult and confusing for the City staff to administer, as well. However, if the Board wants to go this route, staff must come up with better delivery tools. He said he is very disappointed in the staff and the applicant on how the whole proposal was presented and the process that was used. He understands that a lot of work has gone into the proposal, but the end product that was presented to the Board is still seriously deficient.

Board Member Cassutt suggested that the whole concept of special zone districts got started by the former Edmonds Economic Development Director's work with the Five Corners and Firdale Village Neighborhoods. She suggested that the Board is also at fault because they led the applicant along this path when he was before them last time. Now the Board must decide if this is really the direction they want to go and the give clear direction to the applicant. Vice Chair Dewhirst expressed his belief that the subject property is a completely different situation than what exists at Five Corners and Firdale Village. Board Member Cassutt agreed, but she suggested that was when the whole concept of special zoning came forward as an option.

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Vice Chair Dewhirst pointed out that the Comprehensive Plan identifies a plan for SR-104 and zoning to meet the plan designations. The proposed new zoning would not be consistent with the Comprehensive Plan policies. Board Member Cassutt agreed but pointed out that the City has not really put the whole plan for SR-104 together cohesively. She suggested that further work be done on the Comprehensive Plan for Edmonds Way. Vice Chair Dewhirst pointed out that the applicant is ready to move forward now, and probably doesn't want to put his plans on hold until this work has been done.

Mr. Chave explained that the applications before the Board came from a private source and not the City staff. The City was initially approached by the applicant regarding the idea of working with the existing zone, but increasing the site limitations and density. Staff cautioned the applicant that any changes made to the current zoning designation would be applied Citywide, and that the City was not interested in raising the height in the RM and BC zones because there is a wide variety of areas in the City where the changes could be applied. Staff suggested the applicant tailor something that would work for all properties within the Edmonds Way Corridor to address issues such as tree retention, height, and other general policies for the corridor. However, the current proposal is geared towards the particular properties owned by the applicant.

Mr. Chave said staff also advised the applicant that any changes would really need public support, and they pointed them towards a public process that they would have to sponsor themselves. He said staff has expressed their concern that the current proposal does not provide enough protection for buffering from the neighborhood, etc. From staff's perspective, the proposal needs a lot more work. If the Board feels they would simply not be supportive of creating a new zone, then continuing the hearing would not be appropriate. However, the applicant has asked for a continuance to try and work out the concerns and provide more detail, etc.

Board Member Young said that while the application material contains some good points, it does not elaborate on what the Board was being asked to decide, the creation of two new zones and the rezone applications. The applicant presented pictures in an attempt to sell the idea, which is the same problem that occurred when the Board initially started their review of the MPOR zone. This type of presentation must be stopped. The presentation should have been a legislative discussion about how to structure the zoning ordinance. The Board is not responsible for ruling on what the buildings should look like; that is the responsibility of the Architectural Design Board.

The Board agreed to continue the public hearing, but only within the framework discussed by Vice Chair Dewhirst and Board Member Young. They would like the proposal to address the Comprehensive Plan amendment and rezone without showing specific design plans. Mr. Chave clarified that any additional work on the proposal would be the applicant's responsibility. It would also be the applicant's responsibility to work with the neighborhood in an attempt to reach a consensus. Staff could provide some suggestions and feedback, but the applicant must get buy in from the neighborhood.

The Board agreed that the applicant must show why they need the new zoning designations and why the new zones would be better than the City's current RM and BC zoning designations. Mr. Chave agreed. He pointed out that there is significant danger that if the property were developed under the existing zoning, the buffer would not be what people imagine. The Board is interested in learning what the applicant would offer in exchange for increased density and height to ensure that buffer barriers are actually provided. He cautioned that traffic issues would be dealt with as part of a project review when a development permit application is submitted. Therefore, access and parking issues are really immaterial at this point.

Mr. Shapiro explained that the applicant did hold three neighborhood meetings, and Mr. Bullock and Board Member Cassutt each attended one. However, there was no City representation at the third meeting where they had the largest turn out from the neighborhood. He said the applicant would like to continue to work on the proposal and conduct an additional neighborhood meeting to address the concerns. He summarized that the next presentation is not to talk about design, but the draft zoning language should address issues such as tree retention, modulation, etc. The core concerns need to be portrayed in a more acceptable fashion, and the applicant welcomes the opportunity to do that. He asked that the Board continue the hearing, but not to a date certain. Mr. Chave said the hearing could be closed and not continued to a specific date. The continued hearing could be re-advertized as a new hearing. The Board agreed this would be appropriate.

APPROVED

REVIEW OF EXTENDED AGENDA

Chair Freeman reviewed that the October 11th meeting agenda would include a public hearing on the Sanitary Sewer Comprehensive Plan and a continued public hearing on the Comprehensive Plan amendment request for properties along the west side of 76th Avenue West. In addition, the Board would review and discuss the code updates required to integrate design guidelines and a revised design review process into the Development Code.

PLANNING BOARD CHAIR COMMENTS

Chair Freeman reported that she attended the September 26th City Council Meeting, which started at 6:00 p.m. as a joint meeting with the Edmonds Port Commission regarding redevelopment of the Edmonds Waterfront. She urged all of the Board Members to view the video recording of the meeting. It was discussed that because of the water table on the waterfront properties, it is impossible to go down. The only option to make the buildings more financially feasible is to build up. The developers are saying they will not go ahead with any redevelopment on the waterfront unless it is financially feasible to do so.

Chair Freeman said the City Council also held a review of the quasi-judicial and public meeting requirements. Some of the issues discussed by the Council would also apply to the Planning Board. She asked staff to provide each Board Member with a copy of the PowerPoint presentation that was provided to the City Council.

PLANNING BOARD MEMBER COMMENTS

Board Member Young expressed his concern that applicants are placing an undue burden on staff to process applications and prepare staff reports on issues that are not ready to be considered by the Board. Mr. Chave reminded the Board that anyone can submit an application for the City to process. Board Member Young expressed his belief that proposals should come before the Board one step at a time. It is grossly unfair for the staff to have to write up pages and pages of analysis to tie together issues that should be considered by the Board separately.

Mr. Chave said that if the City were to advertise a public hearing to create a new zone, people tend to respond much better if they have an idea of how the proposed change would impact them, personally. If they separate the issues too much, it could become difficult to notify the public and get them interested. Vice Chair Dewhirst agreed and suggested that while related applications could be heard on the same night, they should be scheduled on the agenda as separate items. The remainder of the Board concurred.

Vice Chair Dewhirst reported on his plans to attend the American Planning Association Conference in Yakima next week.

Board Member Guenther pointed out that the previous applicant approached the Board with a proposal like they wanted to master plan the project. He noted that the concept of master planning a property is already part of the code. He suggested that instead of a tailor-made rezone for individual properties, perhaps the master plan process would be more appropriate.

Again, Vice Chair Dewhirst expressed his belief that the design information provided by the applicant as part of the rezone application review does not mean anything. If the rezone were approved, there would be nothing to prevent the property owner from selling out to another developer to do something entirely different on the site.

ADJOURNMENT

The meeting was adjourned at 10:40 p.m.

APPROVED