

**CITY OF LYNNWOOD**  
**PLANNING COMMISSION MEETING MINUTES**  
April 13, 2000

CHAIR JOHNSON  
COMMISSIONER FERGUSON  
COMMISSIONER HUDSON  
COMMISSIONER NELSON  
COMMISSIONER POWERS  
COMMISSIONER TEMPLES

DIRECTOR CUTTS  
PLANNING MANAGER HOUGH  
PLANNING MANAGER GARRETT  
SENIOR PLANNER LEWIS  
ASSOCIATE PLANNER AMRINE  
ECONOMIC DEV. MGR. ERICSON  
PUBLIC WORK DIRECTOR VLCEK  
TRAFFIC ENGINEER ADAMS

**SUMMARY OF THE MINUTES OF THE APRIL 13, 2000, MEETING**

**Public Hearing - Adult Uses Code Amendment**

Assistant City Attorney Proebsting presented the proposed code amendments. The Commission forwarded the amendment to the City Council with a recommendation for approval.

**Transportation Improvements Program (TIPS) Update**

Traffic Engineer Adams introduced this item, and went over changes to this year's report from last year's. He answered questions from the Commission, and will bring this item back at a later date.

**204<sup>th</sup> Street Annexation - Land Use & Zoning**

Planning Manager Hough gave an overview of the zoning and Future Land Use Plan (FLUP) map changes that will be needed with this annexation. Petitioner Steve Olds answered questions. This item will be scheduled for a public hearing at a later date.

**Progress Report on Sector Study**

Planning Manager Lewis reported that the initial land use studies for the five sectors have been completed. More indepth studies of each sector will follow in upcoming meetings.

**Introduction to Economic Development Element**

Planning Manager Hough introduced this item and a proposed timeline for completion.

**Public Facilities District Report**

Economic Development Manager Ericson presented an update on PFD Board activities, and the initial findings of the consultant. He reported that the findings of the feasibility & finance study would be presented at the May 1 City Council meeting. Commissioners were invited to attend.

**A. CALL TO ORDER**

The meeting was called to order at 7:32 P.M.

**B. APPROVAL OF THE FEBRUARY 24, 2000, MEETING MINUTES**

Commissioner Hudson asked that, in his motion under Board Elections, the word "appoint" be changed to "elect." A motion was made and seconded to approve the minutes as amended. Motion carried.

**C. CITIZEN COMMENTS**

None.

**D. PLANNING COMMISSION MEMBER DISCLOSURES**

None.

## **E. PUBLIC HEARING**

### **ITEM E-1: DEFINITIONS OF ADULT USES CODE AMENDMENTS**

Patricia Proebsting, Assistant City Attorney, presented the proposed amendments. The amendments were precipitated by recent court rulings on language in municipal codes that dealt with adult businesses. Lynnwood's code currently contains language that conflicts with the Court's ruling. The proposed amendments will not affect current allowable areas for adult businesses. The code amendment will revise current definitions in the Zoning Code for adult uses. Proebsting highlighted the specific amendments, which included:

- Changing the "75% of the stock in trade" language to "a substantial portion." The rationale is that it is difficult to justify why 75% of the stock, but not 74%, should be regulated because of negative secondary impacts.
- Providing more accurate definitions of what might constitute "Adult-oriented Merchandise."
- Providing a more specific description of "adult retail uses."

Proebsting stressed that the Commission needed to make any decision on a recommendation to City Council not on any personal preferences but on "content neutral reasons."

Chair Johnson opened the public hearing and invited comments from those in attendance. There were no citizen comments, and the public hearing was closed.

Commissioner Hudson asked about replacing "75 percent of the stock in trade" in the current Code with "substantial stock in trade." He stated that he would prefer using the current language that provided a "bright line" for identifying adult retail uses. Proebsting replied that the courts have recently ruled that this language is not constitutional, and that the recommended language has been upheld in recent cases. Commissioner Temples made a motion that the Planning Commission recommend the City Council approve the proposed amendments. Seconded by Commissioner Hudson. The motion passed.

## **F. DIRECTOR'S REPORT**

Director Cutts reported that on April 10<sup>th</sup>, the City Council approved the City Signs Code with minor amendments. These were that portable signs could be placed on a post or stake in a right of way from 6:00 AM on Saturday to Sunset on Sunday. (The Commission had recommended daylight hours on Sunday.) The Council also amended the pole sign height to 25 feet, not 20 as the Commission had recommended. The new ordinance will go into effect 65 days after publication. The Council also asked that a couple items be brought back. These include sign fees and the further reduction of the pole sign height to 20 feet at a later date. Additional review of commercial real estate signs was also suggested for further study.

The City Council is still working on its Vision, Goals and Mission statements, and hopes to have these adopted in early May.

Jim Cutts reminded the Commission about the April 18<sup>th</sup> Volunteer Recognition event at the Triton Union Building at Edmonds Community College, and spouses/partners were welcome.

On April 27, the Commission will have a joint meeting with the Parks and Recreation Board, and the joint meeting with the City Council will be held on April 19. Sound Transit will be at that meeting to provide information on the proposed Lynnwood Regional Transit Project. They will also present a draft Memorandum of Understanding (MOU) to be considered by the City Council on April 24. The Comprehensive Plan Update project will also be addressed.

## **G. WORK SESSION**

### **ITEM G-1: TRANSPORTATION IMPROVEMENT PROGRAM (TIP) UPDATE**

Traffic Engineer Adams introduced the information packet he presented to the Commission, noting that he had started this year's project from last year's end point. This way he was able to present the materials in a manner that the Commission would recognize and which would satisfy their format suggestions from last year. He had indicated on this report which items were complete or were going to be dropped off the list, and that ongoing projects had been moved to the end of the list. In general, little had changed from last year's TIP. Two projects related to the Edmonds Community College Plan had been added.

Chair Johnson asked about traffic improvement on 188<sup>th</sup>, and noted that the accidents at the intersection of 40<sup>th</sup> and 188<sup>th</sup> had stopped since the road had been re-striped. He asked if grant money dedicated to future changes on that road could be better used on other projects. Public Works Director Vlcek reported that the grant for this particular project could not be used elsewhere. He added that the traffic issue had only temporarily improved, and he did not think that the re-striping 'success' would last once holiday traffic to and from the mall picked up.

Commissioner Hudson asked the Commission to recognize the percentage of each project that was dependent on grant funding. Vlcek added that as Commissioners review the 'sequences' presented in the report, they remember that federal and state dollar sources are being reduced. Two ongoing programs at the City will reflect these changes in the future: the sidewalk program and the overlay program. In the case of the overlay program, future funding is expected to be about one-third the required funding to keep streets at current service levels (\$750K vs. \$200K). Some reconciliation and changes to the TIP budget will need to be addressed in the future drafts. A discussion about the changes in funding ensued, and the Commission asked that changes in funding opportunities be reflected in the TIP report.

The Commission took a short recess and reconvened at 9:04.

### **ITEM G-2: 204<sup>TH</sup> STREET ANNEXATION - LAND USE AND ZONING**

Planning Manager Hough gave an overview of the existing annexation area and its zoning, and highlighted the expected revenue and costs associated with the annexation. Hough explained the analysis that was done in support of the proposed zoning, and reported that the most significant reason for not proposing a residential zone was the noise and other adverse impacts of I-5 Freeway traffic. Noise levels at the site tested out substantially higher than maximum residential standards, which prompted staff to rule out residential options for the site. Director Cutts added that elevated levels of ozone pollution from freeway traffic were also a consideration. For these reasons, staff would likely recommend a Regional Commercial (RC) designation for the area, and a Community Business (BC) zone. This proposed zoning is supported by the petitioner.

The petitioner, Steve Olds (PO Box 927, Lynnwood), addressed the Commission. His company had been considering development of the property for some time, and is currently considering a Class A office building. The location was ideally situated to accommodate a structure of this sort because of its proximity to I-5 and I-405, which would be ideal for reducing commutes. A high quality office facility would mean a typically daytime, weekday use, which would not interfere with the nearby residential areas.

Olds reported that studies indicated some traffic improvements to Poplar Way may be needed and that his firm would include such considerations in any proposed project. Hough reported that this item will return to the Commission at a future meeting for a public hearing.

**ITEM G-3: PROGRESS REPORT ON SECTOR STUDY AREAS AND STATEMENT OF RESIDENTIAL ALTERNATIVES**

Senior Planner Lewis reported that staff had completed an initial review of the 5 sector areas, and is still working on a review of land uses within each sector. Staff will conduct a build-out analysis of vacant land, and a count of single- and multi-family dwelling units, per Council's directive. This will give staff a target to evaluate their goals for housing ratios.

Lewis reported that it was suggested at a recent meeting that the subregional center be removed from the housing mix calculations, since the entire sector is oriented toward commercial and multi-family uses, and that this was likely skewing the housing mix curve. Addressing the subregional center separately will bring the housing mix figures much closer to the Council's preferred ratio. The rationale for this was that trying to mimic housing mixes of nearby cities, which had substantially dissimilar beginnings than Lynnwood, might not make sense. Lynnwood is different. It's at the juncture of two major freeways with a major subregional center and developed in a much different manner than did our neighboring communities. Taking out that area puts Lynnwood on a more even playing field, from a housing perspective. This was just an idea that staff was considering, and the process of analyzing the entire City will continue.

Lewis highlighted an interesting analysis of the financial impacts of converting an area of existing multi-family housing to single family homes. The results of the analysis indicated that converting multi-family to single family is probably not a financially sound proposal, and will result in a loss of economic value to the property.

Director Cutts informed the Commissioners that they will be invited to a one-day design charrette project, most likely in July, which will address much of Sector C and the Lynnwood Triangle.

**ITEM G-4: INTRODUCTION TO ECONOMIC DEVELOPMENT ELEMENT**

Planning Manager Hough explained that an Economic Development Element is a proposed new addition to the City's Comprehensive Plan. It is not a mandated element, but one that staff felt might better serve the City and particularly the CBD and Subregional Center. Economic goals, objectives and policies could be addressed more clearly if included in this new element, rather than buried in the Land Use Element. Staff reviewed existing goals and policies related to economic development, Snohomish County's General Policy Plan goals for economic development, and The Economic Investment Plan, which is a set of goals developed by over 200 business, labor, government and community representatives. Summaries of both of these items were in the Commissioner's packets. Hough briefly reviewed some of the draft policies and objectives staff had developed to date for the Economic Development goal, and a tentative schedule for the Comprehensive Plan update. The Commission asked for a copy of the tentative calendar. Commissioner Temples asked if an economic analysis of what 'economical housing' is so that this term was clear as it was used in the Comprehensive Plan.

**H. NEW BUSINESS**

**ITEM H-1: STUDY LIST OF COMPREHENSIVE PLAN AMENDMENTS**

Associate Planner Amrine reported that only one application for a 2000 Comprehensive Plan amendment had been received. It was filed by Sound Transit, and concerned land next to the existing Lynnwood Park & Ride lot. Amrine reported that staff had also received a letter from the agent representing the affected landowners that indicated the application had been filed without their permission, and that they did not support the application at this time. Staff, however, was obligated to continue processing the application until such time as it was pulled or they were directed otherwise. A hearing on this item is scheduled before the Planning Commission on May 11.

## **I. OLD BUSINESS**

Director Cutts asked if the Commission had any items that they wanted to add to the agenda with the joint meeting with the City Council. Current agenda items included the Sound Transit presentation and the MOU, and the Comprehensive Plan Update, with a focus on housing and neighborhood preservation. Director Cutts reported that the City was currently reviewing applicants for the City Attorney position, vacated by John Watts.

Commissioner Temples asked for an update on applications to the Planning Commission for the seat vacated by Commissioner Hanson. He asked if staff was aware of the proposed changes in the appointment of Planning Commissioners offered by the City Council. Staff indicated they were not aware of any changes.

## **J. INFORMATION ITEMS**

### **ITEM J-1 PUBLIC FACILITIES DISTRICT BOARD REPORT**

Economic Development Manager Vic Ericson thanked the Commission for the opportunity to update them on the operations of the Public Facilities District Board (**PFD**). He reported that the PFD's consultant, PKF Consulting, had completed the first phase of its Market and Financial Study, and had concluded that there is a market demand that justifies a convention facility in Lynnwood. PKF also concluded that it would be beneficial to have the convention facility built with the option of adding a hotel at some later date. This is the most reasonable position from the standpoint of accommodating existing hotels and their capacities, and because financing hotels is extremely difficult, especially early in convention center development. Ericson noted that while PKF did not identify a specific site for the proposed facility, they did note that it should be in close proximity to existing hotels, which would place it somewhere in the Lynnwood Triangle area.

The report also concluded that the proposed facility should have 40,000 S.F. of meeting space, including exhibit space and breakout rooms. An additional 40,000 S.F. would be dedicated to kitchen and administrative space. He summarized the consultant's projections that after 3 years of operations, the facility could anticipate 11 national meetings, 20 state & regional meetings, 100 corporate meetings, 52 banquet/social/civic functions, 5 trade shows, and 3 consumer events, for a total of 191 events per year, and total attendance of 117,500.

The consultant will now begin Phase II of the study, which will look at the economic feasibility, places the facility will compete with, and what the facility will bring to the region. Ericson reported that the consultant would be presenting its final report on May 1 to the PFD Board and the City Council, and offered to come back to the Commission after that date for an update. Director Cutts suggested that Commissioners might want to try to attend the May 1 meeting if they were free.

### **ITEM J-2: UPCOMING PLANNING COMMISSION AGENDA**

Planning Manager Hough reminded the Commission of the joint meetings with the City Council on April 19 and the Parks Board on April 27. The 27<sup>th</sup> agenda will include two code amendment public hearings and the public meeting on parks, recreation and environment. In addition, an update on the College District Plan is scheduled for that night. A public hearing on the College Plan was scheduled for May 11<sup>th</sup>, in addition to two other public hearings. Hough noted that May 11 looks like a very busy night. He expects that some items might be removed or rescheduled.

Chair Johnson and Commissioners Hudson and Ferguson indicated that they would not be able to attend the April 19 work session with the City Council.

**L. ADJOURNMENT**

Commissioner Temples moved for adjournment, seconded by Commissioner Hudson. Motion carried, and the meeting adjourned at 10:26 PM.

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Dave Johnson, Chair