

**City of Lynnwood**  
**PLANNING COMMISSION MEETING MINUTES**  
March 8, 2001

CHAIR TEMPLES  
COMMISSIONER BIGLER  
COMMISSIONER HUDSON  
COMMISSIONER JOHNSON  
COMMISSIONER OLSON  
COMMISSIONER POWERS  
COMMISSIONER TENO

**SUMMARY OF THE MARCH 8, 2001, MEETING MINUTES**

**Public Hearing – Plan/Zone Consistency**

In the first of a series of public hearings, staff outlined changes necessary to ensure that proposed land use regulations are consistent with the Comprehensive Plan, as required by the GMA.

**Plan/Zone Consistency - Discussion of Proposals**

Discussion on several sites occurred and recommendations were made to staff.

**A. CALL TO ORDER**

The meeting was called to order at 7:30 p.m.

**B. APPROVAL OF MINUTES – Meeting of February 22, 2001**

Commissioner Johnson, seconded by Commissioner Bigler, moved to approve the February 22, 2001 minutes. The motion passed unanimously and the minutes were approved.

**C. CITIZEN COMMENTS** – None

**D. PLANNING COMMISSION MEMBER DISCLOSURES**

Commissioner Johnson announced that he has contracted with the City of Lynnwood to teach cooking classes through the Recreation Center and stated it would not affect his ability to make unbiased decisions on any items heard before the Commission this evening.

**E. PUBLIC HEARING**

**E-1: Plan/Zone Consistency**

Chair Temples briefly explained the process that will be followed for this hearing stating that staff will make presentations on proposed rezones, the public will be invited to speak, and the Commissioners will have the opportunity to ask questions of the public or staff. This process will be followed for each proposed rezone site.

Comprehensive Planning Manager Hough explained that the Comprehensive Plan is a long-range land use plan for the next 20 years. Planning Manager Hough began the presentation of the proposed rezone sites describing each site and the proposed changes.

No public comments were made on the following sites: #61, #70, #71, #72 A&B, #75, #77, #78, #79, #80, #81, #85, #87, #88, #91.

The following sites received comments from the public and/or the Commissioners:

Site #54 A, 54 B, 54 C – Proposed change: Medium Density Multiple Family (RMM) to Low Density Multiple Family (RML) - consistent with both the adopted and proposed Comprehensive Plans.

1. Brian Lieu, 17515 53<sup>rd</sup> Place W

Mr. Lieu spoke on behalf of his uncle, Dung Tao, who was also in the audience. He owns property in Site 54, Lot 54 C at 19830. He stated that they are strongly in favor of the proposed change. They believe the change will make the zoning consistent with the Comprehensive Plan and also consistent with the neighborhood zoning and density. They are eager to see that the proposed change be adopted. He also submitted written comments to Associate Planner Amrine.

2. Mr. Lee Berg, regarding Lot 4 of Site 54

Associate Planner Amrine reported on a telephone he had conversation with Mr. Berg. Mr. Berg stated that he agrees with the proposed rezoning. He also stated he was considering a short subdivision for his lot in the future. The RS-7 Zone would help further that cause. He asked for additional information pertaining to the Commission's role and the hearing process. That information was faxed to him.

Site #61 – Proposed change: Zoning changed from Commercial to P-1 (Public Use) – consistent with both the adopted and proposed Comprehensive Plans.

Commissioner Johnson asked if this zoning would add this site to the park, and Planning Manager Hough responded that it would. Commissioner Bigler inquired about 19424 and was told that was the old City Hall and is being used for storage.

Site #71 – Proposed change: Medium Density Multiple Family (RMM) to Limited Business (B-2) - consistent with both the adopted and proposed Comprehensive Plans.

Chair Temples asked for further clarification on this property. Planning Manager Hough responded that the RMM zone allows office buildings, and that is not inconsistent with the zoning. The problem is inconsistency with the Comprehensive Plan that shows this property in the business category. It will be a shift from a residential zone to a business zone and does not affect the conforming use of the lot.

Site #72 A – Proposed change: Light Industrial (LI) to General Commercial (CG)

Site #72 B – Proposed change: General Commercial (CG) to Light Industrial (LI).

Both of these changes are consistent with proposed Comprehensive Plan.

Commissioner Johnson posed the following questions:

- ✓ Does the term “mobile home” indicate the home must be mobile to be in a mobile home park? Planning Manager Hough responded that “mobile home” generally refers to homes built prior to 1976 when the HUD Code changed. After that date they became known as manufactured homes.
- ✓ Is it anticipated that the manufactured homes would be displaced at a future date? Planning Manager Hough responded that would be up to the private property owner/developer to relocate the homes.
- ✓ Is land use available in the City of Lynnwood for this type of housing? Planning Manager Hough stated that manufactured houses are allowed in residential zone. He added that it is not a function of the Comprehensive Plan to relocate the residents that

are currently living there anymore than it would be to relocate apartment dwellers if their building was converted to offices.

Commissioner Hudson inquired whether mobile home use was allowable in Light Industrial. Planning Manager Hough responded that it was not.

Site #73 A – Proposed change: Community Business (BC) to Medium Density Multiple Family (RMM)

Site #73 B – Proposed change: General Commercial (CG) to Medium Density Multiple Family (RMM)

Planning Manager Hough stated that it appears a mapping error has occurred and staff recommends that both properties be zoned General Commercial (CG) and changing the Comprehensive Plan designation of 73 A to Regional Commercial for consistency with the land use.

1. Newman Conklin, 7016 151<sup>st</sup> Street SW, Edmonds

Mr. Conklin asked how far the current business zoning goes. It appears that half of his lot is residential and half commercial. Planning Manager Hough stated that was the problem that is being corrected. Mr. Conklin stated that two houses directly west of his lot are zoned commercial and asked why it was going to change to residential. Planning Manager Hough replied that the original proposal was to change to residential based on the Comprehensive Plan adopted in 1995. However, it was discovered that a mapping error had occurred and the recommendation now is to leave the zoning as it is and correct the Comprehensive Plan.

Commissioner Johnson noted that traffic appears to be a problem in this area and asked if there is any association with this zoning consistency plan as it relates to impacts on traffic. He would like consideration be taken during the zoning consistency process when there may be impacts on traffic.

Commissioner Hudson asked for clarification on Site #73 B that it is now staff's recommendation to leave the General Commercial zoning. Planning Manager Hough responded that was correct and added to the recommendation is to change the Comprehensive Plan to reflect that use.

Site #74 A – Proposed change: Medium Density Multiple Family (RMM) to Low Density Multiple Family (RML) – consistent with adopted and proposed Comprehensive Plans.

Site #74 B – Proposed change: Residential 8400 Square Feet (RS-8) to Low Density Multiple Family (RML) – consistent with adopted and proposed Comprehensive Plans and corrects an existing split zone.

1. Jeff Janssen, 20314 56<sup>th</sup> W, Lynnwood

Mr. Janssen stated that he owns the split lot and would like to keep it as single-family residential. He asked for a clarification as to why it is being considered for RML; it is split currently. He asked to move the border in order for the whole lot to have a designation of single-family residential. Planning Manager Hough stated that in either situation, a single-family residence is allowed. Mr. Janssen also stated that he is concerned with an increase in taxes should it be changed. Planning Manager Hough added that if the Planning Commission agreed that this property should be part of the single-family district rather than multiple family, a recommendation could be made to change the Comprehensive Plan to SF-1 on that lot along with a zone change to RS-8. Mr. Janssen's request is to keep this property RS-8.

Site #76 A – Proposed change: Single Family Residential 8,400 sq. ft. (RS-8) to Public Use (P-1)

Site #76 B – Proposed change: Restricted Business (B-4) to Limited Business (B-2)

Both changes are consistent with adopted and proposed Comprehensive Plans.

Planning Manager Hough stated that Mr. George Nickle (Lot 76-B) had acquired additional zoning information pertaining to B-2 and B-4 zones. He seemed to agree with the proposed rezone.

Site #82 A – Proposed change: Medium Density Multiple Family (RMM) to Single Family Residential 8,400 sq. ft. (RS-8)

Site #82 B – Proposed change: Medium Density Multiple Family (RMM) to Low Density Multiple Family (RML)

Site #82 C – Proposed change: Medium Density Multiple Family (RMM) to General Commercial (CG)

Chair Temples asked for clarification on whether it was staff's position that 82 B and 82 C should be a commercial zone. Planning Manager Hough responded that it would make sense to allow the whole corner to be developed as one piece and the Commissioners could consider that option.

1. Harry Warren (lots 82 A, 82 B, and 82 C) Seattle Heights Mobile Home Park – 20810 Hwy 99  
Mr. Warren disagrees with the proposed changes to 82 A and 82 B. He felt that site 82 A is not a good place to locate single-family residences. The physical location and relationship to the neighboring condominiums to the north and commercial uses to south would make it difficult for a single-family development.

Mr. Warren was also concerned that the proposed changes for 82 B would create a split zoning designation on his mobile home park. He felt that it should all be zoned General Commercial and the parcel to the west be zoned to RMH.

Commissioner Hudson asked Mr. Warren if he would still favor commercial zoning if 82 B and 82 C were zoned to the same density as the Barrington Condo Complex. Mr. Warren responded that he would prefer General Commercial.

Commissioner Johnson asked if the recommended zoning changes were not only to make the Comprehensive Plan consistent, but also to achieve a certain single-family residential to multiple-family ratio requested by City Council. Planning Manager Hough responded that was the primary reason.

Site #83 – Proposed change: No change to the existing zoning, but change the Comprehensive Plan to Regional Commercial, which is consistent with the zone and other properties to the west and north.

1. Arden Delap, 18321 6<sup>th</sup> NW, Shoreline 98177

Associate Planner Amrine read comments received from Mr. Delap stating that he agrees with staff's recommendation. Mr. Delap wants to keep the zoning the way it is. There is a commercial building on the property now. There will be a formal letter submitted to the Planning Commission at a later date. The building was constructed in 1991 and 1992.

Site #84 A – Proposed change: General Commercial (CG) to Business Technical (BTP)

Site #84 B – Proposed change: High Density Multiple Family (RMH) to Medium Density Multiple Family (RMM)

Site #84 C – Proposed change: Single Family Residential 8,400 sq. ft. (RS-8) to Business Technical Park (BTP)

Site #84 D – Proposed change: General Commercial (CG) to Public Use (P-1)

1. Joshua Green Corporation (Lots 25-32 of 84 A):

An individual representing this business contacted the department about lots 25-32 of 84 A. She was concerned that the proposed rezone of these lots would create some impossibilities for the future development of the entire block south of 212<sup>th</sup> ST SW, between Highway 99 and 68<sup>th</sup> Ave W. She also sent an Email that was answered by Ron Hough (See Attachment #1).

2. Sandra Anderson, 6615 217<sup>th</sup> Street SW (lot 8 of 84 A):

She mentioned her concern that the proposed change would cause the existing use on the site to be non-conforming. She and her husband have been in the process of constructing a vehicle maintenance shop. She's right – auto repair is permitted in the “CG” zone but is not an allowed use in the “BTP” zone.

3. Larry Anderson 6615 212<sup>th</sup> Street SW

Mr. Anderson added statements to what was stated by his wife. He clarified that they had purchased the property six months ago and received permits in November. He had some questions regarding the grandfather clause stating that they will be using the building as a rental. If they rent the building and a tenant moves out after the changes, he understands they have six months to get another tenant. Associate Planner Amrine responded that presently the General Commercial (CG) allows for automotive repair shop. If the property is rezoned to BTP, it would become a legal non-conforming use. As long as a tenant stays in the building everything is fine and they would be subject to the non-conforming zoning code. However, if the tenant leaves and the space stays vacant longer than six months, only a conforming use could occupy the building.

Mr. Anderson asked whether two businesses could occupy the same space. Associate Planner Amrine responded that was possible, but would require conformance with more development standards. Mr. Anderson is very concerned that the office building they purchased and dismantled to convert to automotive repair could be zoned to office space. He is very discouraged they were not notified in the process that there were proposals for zoning change. It would be costly to convert this space back to office space.

Commissioner Johnson asked Mr. Anderson:

- ✓ Did he believe that the City should have advised him this process was taking place? Mr. Anderson responded that he believes he should have been notified. Since he will be renting the space he would have left it as office space.
- ✓ Under the zoning change to be consistent, does the list of possible uses for this property open some doors? Mr. Anderson responded that it does, but it is a shorter list of possible uses.

Commissioner Hudson asked Mr. Anderson if his business was operational and had they secured a tenant? Mr. Anderson responded that they have not completed their conversion and have not secured a tenant. Commissioner Hudson offered that if they do not have a tenant by the time the conversion is complete, they may want to get a business license.

4. Avtar Mann, 3708 170<sup>th</sup> Street SW (lots 22 and 19 of 84 A):

He had mentioned that he would rather see the Comprehensive Plan be changed, so that it would be consistent with the existing zone of his properties. He felt that the BTP zone would not allow what he wanted to do with his property, which is located at the NE corner of 67<sup>th</sup> Ave. and 212<sup>th</sup> Street. He wants the zone to remain General Commercial.

5. Steve Verhey, 19915 Ocean Avenue, Edmonds (21307 67<sup>th</sup> Avenue W)

Mr. Verhey stated that he owns several properties in the area involved in this zoning change. He stated the area is a changing area but its tendency is general commercial. Mr. Verhey gave a list of business occupying the buildings in the area – schools, auto stores, general contractors, etc. These businesses do not fit the BTP Business and Technical Park category; they fit General Commercial. He also noted that the minimum lot area for BTP is one acre. Most of the existing lots are very small – 10,000–15,000 square feet. It would not be possible to put enough of these lots together to meet the category. He feels very strongly that the zoning should be commercial.

Chair Temples asked Mr. Verhey if he would recommend a General Commercial zoning for this area. Mr. Verhey responded that would encompass the lot sizes, the types of businesses existing there now, and the available space to build. Most of the businesses that are there are non-conforming to the new category to begin with. It seems inconsistent with the neighborhood and the way it is changing. It's too restrictive. Mr. Verhey also feels the revenue base would be better in General Commercial for that area. If the lot sizes are smaller, you create more business, which creates more revenue.

Planning Manager Hough added that this area was designated Business Technical Park in 1995 and the zoning should have been changed at that time but it wasn't and stayed General Commercial. Now we are trying to correct the zoning after commercial-type uses currently exist in that area.

Commissioner Johnson asked if the BTP zoning is one acre why is the recommendation to change it when these lots will not meet that minimum? Planning Manager Hough stated that normally if you have an existing lot, you could develop it for a use allowed in that zone even though it's smaller than one acre.

Commissioner Olson asked why this wasn't left CG – General Commercial. Planning Manager Hough stated that the decision was made six years ago. This area is off the highway and does not relate to the highway and therefore it should not be zoned for such an auto related, heavy commercial zone. Instead, it should be more of an industrial park area, but the zoning wasn't changed. He suggested bringing this back to the next meeting for a work session after staff has time to study and make a recommendation that is more compatible with the area.

Site #86 – Proposed change: Single Family Residential 8,400 sq. ft. (RS-8) to Single Family Residential 7,200 sq. ft. (RS-7). This is consistent with the adopted and proposed Comprehensive Plans.

1. Ernesto Basteo (Lot 13):

Mr. Basteo was given the development standards for the RS-7 zone. He seems to agree with the proposed rezoning.

2. Ted Mummey (Lot 2):

Mr. Mummey agrees with the proposed rezoning.

Site #89 – Proposed change: Medium Density Multiple Family (RMM) to Single Family Residential 8,400 sq. ft. (RS-8). Consistent with the adopted and proposed Comprehensive Plans. Planning Manager Hough stated that there is currently a seven-unit apartment complex on this site. This is a strict interpretation of the 1995 Comprehensive Plan that didn't recognize this as a multi-family site. The proposal is to correct the zoning to be consistent with the plan. Chair Temples noted that if the zone is corrected to make it consistent with the Comprehensive Plan, then the

existing development would be non-conforming. Associate Planner Amrine added that this site is currently nonconforming under the existing zone.

Commissioner Bigler asked:

- ✓ How does the non-conformance change the use of the land?
- ✓ Would changing to single-family residential change the use of the land?

Planning Manager Hough responded that the land use would not change with either non-conformance or changing to single family. If the structure is destroyed, only a structure that is allowable in the specified zone could be built.

Site #91 – Proposed change: Single Family Residential 8,400 sq. ft. (RS-8) to Single Family Residential 7,200 sq. ft. (RS-7)

Chair Temples asked staff if there is a proposed project for this area. Planning Manager Hough responded that there is and this rezone would not affect the project.

Chair Temples closed the public testimony portion of the hearing and continued the hearing on the remainder of the sites to March 22, 2001.

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

Community Development Director Cutts reported on the following:

- ✓ Hearing Examiner Appointment – Mayor Roberts-Martinez will recommend to City Council the appointment of John Galt to the vacant Hearing Examiner position. Mr. Galt has been serving as Hearing Examiner Pro Tem since the previous examiner's retirement.
- ✓ Residential Setback Ordinance – This item will be discussed at a City Council Work session on April 2, and tentatively scheduled for Hearing on April 9.
- ✓ Central Business District – Agreements have been approved by the Public Facilities District, the City Council, and the Chamber Board of Directors. The Oversight Committee has reviewed Requests for Proposals and decided to move forward with: Beckwith, LMN, MBBJ, and Cascade Design Collaborative.
- ✓ Economic Development Director – Hiring of an Economic Development Director has been approved by City Council and should be accomplished by summer.

## **G. WORK SESSION**

### **Item G-1: Plan/Zone Consistency – Discussion of Proposals**

Staff answered questions and asked for direction regarding the following sites:

Site #54 A

Commissioner Hudson asked to what density this lot was developed? Planning Manager Hough responded that it exceeds the RMM zone and would be twice the density of RML. There is currently a new condominium development on this site. Commissioners agreed that RMM zoning would be appropriate with the Comprehensive Plan changed to MF-2, Medium Density Multiple.

Commissioner Hudson, seconded by Commissioner Teno, moved that Site #54 A remain as RMM and that the Comprehensive Plan be modified accordingly. Motion passed.

Site #54 B

Commissioners held discussion on this site and suggested zoning of RMM. Commissioner Olson, seconded by Commissioner Bigler, moved that the proposed zoning change for Site #54

B from RS-8 to RML remain. Roll call vote: Yes – Olson, Bigler, Powers; No – Temples, Hudson, Teno, Johnson.

Commissioner Hudson, seconded by Commissioner Teno, moved to change the zoning to RMM. Motion passed. In addition, Commissioner Johnson, seconded by Commissioner Hudson, moved to change the Comprehensive Plan from MF-1 to MF-2 to be consistent with the zoning. Motion passed.

#### Site #54 C

Commissioner Hudson asked for the rationale for changing the zoning from RS-8 to RS-7. Planning Manager Hough stated that during hearings about 1.5 years ago, property owners stated they could not divide their property if zoned to RS-8. With that information, staff decided to change the zoning to comply with the Comprehensive Plan.

Commissioner Bigler, seconded by Commissioner Johnson, moved to change Site #54 C from RS-8 to RS-7. Motion passed.

Planning Manager Hough advised the Commission that at the end of this process, findings or basis for making these changes will be included in the report to City Council. Staff will list as the Commissions' reasons for this change as the existence of high density to the north, west, and east.

#### Site #71

Commissioner Hudson suggested since there is multi-family residential across the street for the whole block, multi-family just to the north, and the City is looking for more residential sites that the Medium Density Multiple Family RMM designation for this site remain and not be changed to Limited Business (B-2). Chair Temples agreed with Commissioner Hudson's suggestion.

Planning Manager Hough offered that this recommendation was based on the old Comprehensive Plan that showed this property in the commercial designation along the street below it. An office of this type could be developed in either the multifamily zone or the B-2 office zone. He added it would be a change in the Comprehensive Plan to MF-2 and leave the zoning the way it was.

Commissioner Hudson, seconded by Commissioner Teno, moved that property identified as number 71 remain RMM as the current zone designation, and to change the Comprehensive Plan to MF-2. Motion passed.

#### Site #73

Commissioner Hudson asked for clarification on staff's recommendation on 73 A and 73 B. Planning Manager Hough responded that there appears to be a mapping error on 73 A, and staff recommends no change to the BC zone. He added that further study indicated that 73 B should also be included in the BC zone. Planning Manager Hough suggested that the zone be Commercial and the Comprehensive Plan be changed to Regional Commercial.

Commissioner Bigler, seconded by Commissioner Powers, moved to accept staff's recommendation of retaining the Commercial zone and change the Comprehensive Plan to Regional Commercial. Motion passed.

Site #74 A and B

Commissioner Johnson, seconded by Commissioner Teno moved to change the Comprehensive Plan to SF-1 for the property identified as Site #74 A, parcel 1 and Site #74 B, and to change the zoning of Site #74 A, parcel 1 from Medium Density Multiple Family (RMM) to Single Family 8,400 Square Feet (RS-8). Commissioner Johnson added that the property owner made a cogent argument as to why this correction should be made. Motion passed.

Commissioner Hudson stated he has a problem with down zoning 74 A from Medium Density Multiple Family (RMM) to Low Density Multiple Family (RML). Commissioner Powers does not agree that the higher density should remain due to the fact that there is an existing parking problem on that site. Commissioner Johnson feels the owners should represent their position on this property, and without that, would be in favor of staff's recommendation. Chair Temples, from an economic standpoint, does not feel this site should be downsized.

Commissioner Hudson, seconded by Commissioner Bigler, moved that parcel 74 A be rezoned per staff's recommendation. Roll call vote: Yes – Temples, Johnson, Powers, Bigler, Olson; No – Hudson, Teno. Motion passed.

Site #82 A

Commissioner Johnson asked staff if single-family homes were built on all available existing land in Lynnwood, would the ratio of single family residential to multi family be 60/40. Staff responded that it would not. Commissioner Johnson added that he is in agreement with Mr. Warren's request to keep this General Commercial (CG).

Commissioner Teno asked if this were to be left as MF-2, would it require amending the Proposed Plan? Staff responded that was correct. Commissioner Teno also inquired if the same would follow for 82 C, amend the Plan to Regional Commercial. Staff responded that is the current designation.

Commissioner Teno, seconded by Commissioner Johnson, moved to amend the Proposed Comprehensive Plan to reflect site 82 A as MF-2 and the zoning RMM. Motion passed.

Site #82 B and #82 C

Commissioner Teno, seconded by Commissioner Johnson, moved that the Proposed Comprehensive Plan be amended to reflect site 82-B and 82-C as Regional Commercial and the zoning General Commercial. Motion passed.

Site #84

Commissioner Hudson asked staff to provide additional information regarding Joshua Green Corporation and their proposed expansion of that site.

Site #89

Commissioner Hudson has problems with this parcel and the adjacent parcel to the south. In this area are a freeway, a single-family lot, a multi-family lot, a church, and light industrial across the street. Commissioner Hudson suggested that this parcel be rezoned to light industrial. Commissioner Johnson agreed with Hudson. Commissioner Powers feels this could help with the 60/40.

Commissioner Hudson moved that Site #89 and Lot #20924 be rezoned to a light industrial classification with the appropriate change in the Comprehensive Plan. Commissioner Olson

noted that these owners have not been notified. After discussion, it was decided to continue Site #89 to a later date, giving staff the opportunity to notify the property owners of the suggested change. Commissioner Hudson withdrew his motion.

Commissioner Bigler asked if it would be possible at future hearings to take the lots out of chronological order. He was concerned for the people in attendance having to wait. Planning Manager Hough responded that would be possible.

#### **H. NEW BUSINESS**

Commissioner Hudson requested an updated City Hall Directory as his has a date of 1999. Planning Manager Hough answered that would be possible.

#### **I. OLD BUSINESS – None**

#### **J. INFORMATION ITEMS**

##### **J-1 – Upcoming Commission Meeting Agenda**

Planning Manager Hough stated that the Upcoming Planning Commission Meeting Agendas document lists the next four public hearings up to April 26, with a possible fifth public hearing on May 10 along with preparing a final recommendation to Council on all Plan and Zoning Amendments. He added that Council has scheduled their first public hearing for May 14, but our recommendations will not be done until May 10. Staff will propose that Council schedule their first public hearing to May 21.

#### **K. ADJOURNMENT**

Commissioner Johnson, seconded by Commissioner Teno, moved to adjourn. The motion passed and the meeting adjourned at 10:58 p.m.

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**Robert Temples, Chair**