

**City of Lynnwood**  
**PLANNING COMMISSION MEETING MINUTES**  
March 22, 2001

CHAIR TEMPLES  
COMMISSIONER BIGLER (absent)  
COMMISSIONER HUDSON  
COMMISSIONER JOHNSON  
COMMISSIONER OLSON  
COMMISSIONER POWERS  
COMMISSIONER TENO (absent)

**SUMMARY OF THE MARCH 22, 2001, MEETING MINUTES**

**Public Hearing – Plan/Zone Consistency**

The Commission conducted its second of a series of public hearings. Staff outlined proposed changes to the Zoning Map that are necessary to consistent between the Comprehensive Plan and Zoning, as required by the GMA. Public testimony was taken and the hearing was continued to April 12.

**A. CALL TO ORDER**

The meeting was called to order at 7:32 p.m.

**B. APPROVAL OF MINUTES – Meeting of March 8, 2001**

Commissioner Johnson, seconded by Commissioner Powers, moved to approve the March 8, 2001, minutes. Discussion was held as to whether a formal motion had been made to accept staff's recommendations on properties where there were no comments from the Commissioners or the public during the March 8 meeting. Staff did not recall a motion but understood that the Commission agreed with the proposals on sites that were not targeted for further discussion. It was decided that staff would review the tape of the meeting and report back. The motion passed 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 an 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 and zoning is a regulatory tool that needs to be consistent with

the Plan in order to ensure that the Plan will be implemented over time. Senior Planner Dennis Lewis began the presentation of the sites proposed for rezones, describing each site and the proposed changes. To expedite the process, a full presentation and discussion was held only on those sites on which citizens in the audience came to speak and those about which the Commission had questions or concerns.

No comments were made on the following sites: #11, #13, #14, #15, #17, #26 through #29, #32, #46 through #49-A, #62, #63, #68, #69, #90-B, and #90-C.

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

**Site #9** – Proposed change: Low-density Multiple-family (RML) to Single-family Residential (RS-8) – based, in part, on the development characteristics of the site and the City Council’s directed 60/40 housing ratio (60% single-family and 40% multiple-family).

1. Arthur O’Brien – 1812 52<sup>nd</sup> Avenue W, Suite 100, 98037

Mr. O’Brien is opposed to the proposed change. He recently acquired one of the lots east of Site #9 under the assumption that he could develop the property as multiple-family. Rezoning this property will have a financial impact on him. He stated zoning nearby is being rezoned to multi-family and a developer may be interested in his property. He would prefer to see these parcels developed into some type of planned community development rather than a single-family subdivision. He feels that would be a better use of that property.

Associate Planner Amrine stated that Mr. O’Brien also submitted a letter expressing his opposition.

**Site #10** – Proposed change: Low-density Multiple-family (RML) to Single-family Residential (RS-8) – consistent with the proposed Comprehensive Plan.

1. Poppy Hansen – 10913 39<sup>th</sup> Street, Everett 98208

Ms. Hansen spoke on behalf of her parents who oppose the zoning change. Her parents have submitted a letter stating their opposition and expect to testify at a future hearing. Commissioner Johnson encouraged Ms. Hansen’s parents to submit a letter presenting their reasons for opposing this proposed rezone.

**Site #12**– Proposed change: Single-family Residential (RS-8) to Public Use (P-1) – consistent with the proposed Comprehensive Plan.

Commissioner Powers asked staff who owned the property. Associate Planner Amrine responded that the property is either City-owned or owned by the homeowner’s association. In either case, it is specifically dedicated for public or open space use.

**Site #18** – Proposed change: Medium-density Multiple-family (RMM) to Single-family Residential (RS-8) – consistent with both the adopted and proposed Comprehensive Plans.

1. Merle Blevins, 932 Dayton Street, Edmonds

Mr. Blevins stated he would like the zoning to remain medium-density multiple-family as he has invested time and money to develop condominiums in this area. He plans to develop a small condominium complex on lots 2, 3 and 4 of site #18. Rezoning will devalue the land and will have an economic impact on him.

2. Terry Sankee, 2338 Discovery Place, Langley 98260

Mr. Sankee and his brother purchased lot 18 a year ago with the understanding that it was zoned for multi-family. The property value at that time was based on the fact that it was developable as zoned multi-family. He does not feel it is practical to return this site to single-family since the

zoning to the north and south is multi-family. He further added that the traffic conditions on 44<sup>th</sup> Avenue are not consistent with desirable single-family residences. Commercial property is located on both sides of the street and it is not likely traffic conditions will improve or the area will become more desirable. According to Mr. Sankee, there will be no opportunity to regain their investment if the property is zoned single-family.

Mr. Sankee asked if it was correct that manufactured home development is allowed in RS-8 zoning. Planning Manager Hough responded that manufactured home developments are allowed in RS-8. Mr. Sankee then stated that, in his situation of potentially losing a substantial amount of money if his property is down-zoned, this might be a way for him to retain his investment. He further added that he is not sure that manufactured home development is consistent with what the City is trying to do, but it would give him an out.

3. James Druas, 18118 Snohomish Avenue, Snohomish 98296

Mr. Druas stated that a change to single-family zoning will greatly reduce the value of lots #6 and #7. He would be unable to invest in multi-family dwellings. He feels that multi-family dwellings would be more affordable for families than single-family dwellings.

Chair Temples encouraged all participants in tonight's hearing to follow-up with a letter to the City Council or the Planning Commission stating their views on the plan/zoning matters.

**Site #24** – Proposed change: Single-family Residential (RS-8) to Low-density Multiple-family (RML) – consistent with both the adopted and proposed Comprehensive Plans.

Associate Planner Amrine stated that two individuals sought information during tonight's open house. Prior to the hearing, one of those individuals contacted Planning staff for further information. That individual stated that he owns a mobile home park and would like to see this area rezoned to a higher density than what is being proposed. He will submit a letter stating his reasons for this request. He also suggested changing the Comprehensive Plan to Medium-density (MF-2) for consistency.

**Site #25** – Proposed change: Low-density Multiple-family (RML) to Single Family Residential (RS-8) – consistent with both the adopted and proposed Comprehensive Plans.

1. Jose Kennard, 560 12<sup>th</sup> Avenue North, Edmonds 98020

Mr. Kennard is opposed to the proposed rezoning. He stated that to the west of this property are condominiums and to the north are apartments. Before purchasing the property at 17622 44<sup>th</sup> Avenue W as an investment, he met with Planning Staff to determine what uses were allowable in the RML zone. He was shocked to receive the letter that the City was proposing to rezone this area. He added that perhaps Site #24 should remain RML, and the City should amend the Comprehensive Plan to be consistent with the current zoning.

2. Rodney Lam, 17710 44<sup>th</sup> Avenue W

Mr. Lam stated that he purchased property in 1988 and intended to develop the site with multi-family residences. He also purchased the easement south of his property with the intent of including that area in a future development. He protests the City's proposed change. He does not feel it is beneficial to change this site to single family. It's more suitable for multi-family with the bus line on 44<sup>th</sup> Avenue and all the traffic. In addition, it will be a loss to him economically.

3. Bill Neff, 17630 44<sup>th</sup> Avenue W

Associate Planner Amrine stated that on March 20 Mr. Neff delivered a letter to the Planning Department opposing the rezoning of this property (Lot #2). Mr. Neff concurs with the comments made by Mr. Kennard and Mr. Lam and feels the value of the property would be depreciated as a result of the proposed changes.

**Site #33** – Proposed change: Medium-density Multiple-family (RMM) to Single Family Residential (RS-8)

1. Chris Olson, 1709 Highway 99

Mr. Olson briefed the Commission on the history of this property stating that in the mid-90's the City was interested in higher density zoning to accommodate more people. The Comprehensive Plan of 1995 called for this area to be rezoned to RMM and he proceeded with the rezoning process. After spending thousands of dollars he was finally granted the rezone to RMM. This zoning is appropriate and consistent with zones and uses on surrounding properties. There is infrastructure capacity surrounding this piece of property to adequately serve it. This property should remain RMM.

**Site #44** – Proposed change: Medium-density Multiple-family (RMM) to General Commercial (CG) – consistent with both the adopted and proposed Comprehensive Plans.

Associate Planner Amrine stated that J. Patrick Ford Jr., DDS, 18218 52<sup>nd</sup> Avenue West, Suite 200, submitted a letter to the Planning Department on March 15. He does not oppose the proposed change, but wants assurances that it will not present impositions to his present permit and business status.

Commissioner Johnson asked staff if Dr. Ford's questions regarding additional permits and fees were answered by staff. Associate Planner Amrine responded that he had FAX'd the information to Dr. Ford and had not received a response from him.

Commissioner Johnson asked if the single-family homeowners were notified of this meeting or just the property owners, in particular to Site #25 and Site #33. Associate Planner Amrine responded that only the property owners were notified. He reminded the Commission that a citywide plan and zoning process is a legislative process and explained the noticing procedure that staff has followed. In addition, articles were included in the Herald and Enterprise outlining this process. Associate Planner Amrine noted that the newspaper articles have prompted homeowners to call and inquire about the status of their properties.

**Site #45** – Proposed change: Single-family Residential (RS-8) to Low-density Multiple-family (RML) – consistent with both the adopted and proposed Comprehensive Plans.

Senior Planner Lewis noted that Mr. Donald Shaw, property owner, had contacted the Department. He favored the proposal and suggested an even higher density, such as RMM. Mr. Shaw was also interested in knowing how much more his property would be valued based on the proposed zoning. Since staff doesn't do property value estimates, he was referred to the County Assessor's office.

**Site #49-B** – Proposed change: Medium-density Multiple-family (RMM) to Single-family Residential (RS-8) – consistent with the "proposed" Comprehensive Plan, which is proposed to be changed to implement the proposed 60/40 housing ratio. [This property has been commonly referred to as the Virginia-Mason property, located on the west side of 36<sup>th</sup> Avenue, north of 188<sup>th</sup> Street.]

1. Peter Frame, P.O. Box 60, Lynnwood 98046

Mr. Frame represents an investment and development group that purchased the property in November 2000. Prior to purchasing the property, they had met with City staff to determine the applicability of the existing RMM zone to their proposed two uses – low income senior apartment housing and attached town home condominium developments. They were shocked to receive a notice that the Council had taken action to down-zone this property, especially since they had been told that there were no plans to down-zone. Mr. Frame added that this property is bordered on the north by a high-density apartment complex, on the south by a high-density assisted care facility, across the street a high-density apartment complex, and further south is high-density commercial. In addition, there is major transit service on 36<sup>th</sup> Avenue W, one of the main arterials in the City.

All these factors suggest that this property should not be considered for single-family, 8,4000 square foot lots. He is concerned where affordable housing for seniors and young families will be built. He added that the 60/40 split does not appear to have an objective to serve all demographic groups within the City. Mr. Frame is opposed to the proposed down-zoning.

2. Brian Park, 13906 SW 216<sup>th</sup> Street, Vashon, WA

Mr. Park stated that this site was acquired due to its outstanding qualities as a multi-family site. This property was acquired by a non-profit/for-profit partnership sponsored by the Senior Housing Assistance Group (SHAG) that operates approximately 25 affordable retirement communities in western Washington. Proposed development of this property includes 130 affordable apartments for seniors and 90 units of “for sale” condominiums. This development would not be possible or affordable without the benefit of the RMM zoning, the senior housing density bonus, the non-profit assistance, and the willingness and creativity of the non-profit/for-profit partnership to make these developments work together. The adjacent uses are not consistent with down-zoning from RMM to single family.

**Site #64** – Proposed change: Restricted Business (B-4) to Public Use (P-1) – consistent with both the adopted and proposed Comprehensive Plans. This small single lot fronts on 44<sup>th</sup> Ave., immediately north of the City’s police and courts facilities.

1. Diana Clay, 2002 196<sup>th</sup> Street SW, 98036

Ms. Clay has submitted a letter requesting not to down-zone to P-1. The property is currently in the process of being sold to an attorney for his office and the current P-1 language does not allow for legal offices. She stated that Planning Manager Hough has advised her that staff will recommend changing the text of the P-1 zone to allow legal offices. She would not be in opposition if the text were changed to allow for general office use.

Planning Manager Hough stated that staff intends to recommend that the text of the P-1 zone be changed in the following manner:

- Include “transit center” to accommodate the Sound Transit center
- Include legal offices and other professional services offices

Hough added that there are numerous text amendments that need to go through the hearing process and May 10 is tentatively identified for text reviews.

2. James Feldman, 4200 Alderwood Mall Boulevard #206

Mr. Feldman is the potential purchaser of this property for use as a legal office. He supports Ms. Clay’s comments asking that the adoption be made and change the text to allow for all professional offices and not limit the use.

**Site #67** – Proposed change: Business Technical Park (BTP) to Planned Commercial Development.

Senior Planner Lewis noted that this is located on the south side of Alderwood Mall and is the site of the Edmonds School District bus barn. Bret Carlstad, Edmonds School District, has expressed concern about the proposed rezone and not being notified prior to this hearing. Planning Manager Hough explained the rezoning and notification process to Mr. Carlstad and has not heard from him further.

**Site #90-A** – Proposed change: Business Technical Park (BTP) to Limited Business (B-2)

**Site #90-B** – Proposed change: Restricted Business (B-4) to Limited Business (B-2)

**Site #90-C** – Proposed change: Community Business (BC) to Limited Business (B-2)

Associate Planner Amrine spoke with Andre Kinney, real estate agent for Site #90-A. Mr. Kenney expressed concern about changing from BTP to B-2 that would limit the uses in the buildings located on this site. He has been provided a list of permitted uses for B-2 and BTP.

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

Planning Manager Hough reported that staff presented a draft report on a "Mitigation Program for the Loss of Single Family Dwellings" at the March 19 City Council work session. He added that there was a brief discussion and that the Program will be discussed with the Council again in April.

#### **G. WORK SESSION**

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

Chair Temples postponed this Item to April 12, 2001.

#### **H. NEW BUSINESS** – None

#### **I. OLD BUSINESS** – None

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

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

Planning Manager Hough stated that Hearings 3 and 4 will be held in April. After briefing the Commission on the upcoming meetings, a decision was made to postpone the 193<sup>rd</sup> Place Annexation Plan & Zoning Proposals until the Consistency Hearings are complete. Due to time constraints, staff will propose that Council re-schedule its first public hearing.

Discussion occurred between staff and the Commission regarding how and when final recommendation would be made on the sites. Chair Temples thought someone had made a motion to accept staff's recommendation on those sites that did not generate any public comments at the March 8 hearing. Administrative Assistant Wallenfelsz was directed to check the audio tapes of the March 8 meeting to determine if that did occur, as it was not reflected in the minutes.

Planning Manager Hough outlined the process for the upcoming meetings and stated that at the end of the hearings, sites that generated no comments from the public or Commission would be presented to the Commission for final approval as proposed. All early decisions are accepted as "preliminary". They will be compiled in a final document for formal action following the close of the hearing on May 10. Since all early decisions are preliminary, the Commission will be able to make changes to previous recommendations later in the hearing process, if they deemed necessary.

Chair Hudson asked when discussion on the parcels held over from the last meeting would return. Hough responded that all sites that required additional work or discussion will return on May 10.

#### **K. ADJOURNMENT**

Commissioner Johnson, seconded by Commissioner Hudson, moved to adjourn. The motion passed and the meeting adjourned at 9:40 p.m.

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**Robert Temples, Chair**