

City of Lynnwood
PLANNING COMMISSION MEETING MINUTES
September 6, 2001

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

SUMMARY OF THE SEPTEMBER 6, 2001, MEETING MINUTES

Citywide Design Program

Senior Planner Eastin gave a brief presentation on the draft code amendments related to the proposed design guidelines. The Commission recommended City Council adoption of the Citywide Design Program, including amendments.

Capital Facilities Plan

Public Works Interim Engineering Services Manager Franz gave a brief presentation on the Capital Facilities Plan (CFP). The Commission recommended City Council adoption.

A. CALL TO ORDER

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

B. APPROVAL OF MINUTES MEETING OF AUGUST 23, 2001

Commissioner Hudson requested that on page 3, after "Recreational areas" another bullet be added: Sight distance at entrance/egress locations.

Commissioner Hudson, seconded by Commissioner Bigler, moved to adopt the meeting minutes of August 23, 2001, as amended.

C. CITIZEN COMMENTS – NONE

D. PLANNING COMMISSION MEMBER DISCLOSURES – NONE

E. PUBLIC HEARING

Citywide Design Program

Senior Planner Eastin, Dept. of Community Development, gave a presentation on the draft code amendments that are necessary to implement the Lynnwood Citywide Design Guidelines. At the conclusion of his presentation, Chair Teno opened the meeting for public comment.

Peter Frame, PO Box 60, Lynnwood, WA 98046-0060: Mr. Frame stated he represents several entities that were unable to attend the meeting this evening including the Senior Housing Assistance Group (SHAG). Mr. Frame has no problem with design review and is prepared to deal with it, but feels the standards are a "mixed bag". Although most of the guidelines are very concise, understandable and probably enforceable; some of them are not. Specifically:

Page 47 – under Windows, “Other decorative window features are encouraged.” This situation creates uncertainty, as there are no clear guidelines. If the guidelines are not specific, he would like them stricken.

Page 39 – Site Entry Features. The menu option in this section promotes variability and flexibility, but provides guidelines for a main vehicular entry and pedestrian entry. He feels there should be a standard for vehicular entry and a separate standard for pedestrian entry into the building.

Page 40 – Transition Along Sidewalk, #2. Language regarding articulation should be inserted into this item. He feels the language is too loose with ‘or’ or ‘and’ or ‘and/or.’ The menu approach is a better option and easier to understand.

Mr. Frame added that several of the guidelines would have a major impact on two of his projects – a 130-unit senior apartment project and an 84-unit condominium project – most notably the open space requirements. Extensive changes to their existing projects would need to be made at tremendous costs in addition to the delays they are already undergoing due to the moratorium. He went on to say they have incurred over \$200,000 in designing these projects. Mr. Frame asked that the Planning Commission make a recommendation to City Council that there be a phase-in or grandfathering so that projects in the ‘pipeline’ would not be required to be held to these standards. These projects have been designed and developed to standards agreed upon by the City during meetings the first part of this year.

Pat Condon, 3212 172nd Street SW, Lynnwood: Ms. Condon stated she was on the stakeholders group and wanted to insert #2 on page 40 – Transition Along Sidewalk. She wanted to provide variations along the street right-of-way and did not want to see buildings built straight down along a street right-of-way. The intent was to encourage people, not necessarily require them, in order to have a more aesthetically pleasing project.

David Toyer, representing the Master Builders Association of King and Snohomish County, 2155 112th Avenue NE, Bellevue, WA 98004: Mr. Toyer stated that he has had previous experience working on design review projects in other jurisdictions. He feels it is a good process, but in some instances it can be problematic for certain building and developing interests. Mr. Toyer was in agreement with many of Mr. Frame’s comments where there are broad interpretations of what is encouraged. Since design guidelines can be subjective, in the decision-making process of a project, subjectivity is very difficult to translate. He further stated that it is possible to be flexible and specific without being concrete and still provide creativity. Some types of provisions in design guidelines can be extremely expensive. The argument to counter this is that the developer benefits from the design guidelines because the project is worth more in sales or rents. When stringent guidelines are necessary, perhaps some types of other alternatives or bonuses are needed. He is encouraged by some of the changes such as in front yard setbacks. He added it is often beneficial to go through beta testing with existing projects and apply the new guidelines to determine economic impacts. If the design guidelines are not functional, even though they are flexible, projects are not built which, in turn, affects the tax base for cities. Mr. Toyer stated that the design departure process is a good proposal. With any type of design standards there needs to be instances where deviations are allowed. Often times you cannot foresee everything that will be presented, so room needs to be built in to accommodate those instances.

In support of Mr. Frame’s reference to pipeline projects, Mr. Toyer added that under state law projects that have complete applications are vested to the old standards. For projects that have incurred substantial costs, but do not have complete applications, it is important to allow deviations and flexibility.

Mr. Toyer stated that he has also dealt with jurisdictions that are charging hourly fees for project design reviews. He has had good and bad experiences depending on the cost basis the fees are based upon.

In closing, Mr. Toyer stated that he did not have sufficient time to review the proposed guidelines prior to this evening's meeting, but wanted to get on the record with his thoughts. He added he will also appear before the City Council to express his concerns. He is concerned overall that this is before the Planning Commission on a Thursday night and will be before the Council for a hearing on the following Monday. He understands that there have been work sessions and a citizen advisory committee, but it seems to rush things.

At the close of Mr. Toyer's statement and with no other comments from the audience, Chair Teno closed the public hearing portion of the meeting. Chair Teno advised that there were many opportunities for involvement in this process. Not only was there developer participation in drafting the guidelines, but property owners have also commented on the guidelines. Chair Teno added that a very broad spectrum has been developed and to go broader would deviate from the goal and vision. Chair Teno added that he has supported Mr. Frame's project while appreciative of Mr. Frame's attendance and comments, and was disappointed with some of his comments regarding open space.

During a lengthy discussion, the Commission expressed the following opinions or concerns:

Commissioner Olson would not be comfortable grandfathering unfamiliar projects.

Commissioner Powers asked how the Department felt about grandfathering projects that were in the pipeline or in the works. She also asked how many projects would be in those classifications.

Chair Teno stated that the terms 'pipeline' and 'works' need to be defined.

Senior Planner Eastin explained that those projects that had obtained building permits prior to the moratorium are vested and not subject to the proposed guideline standards. There are also projects that were close to obtaining building permits prior to the moratorium but not permitted. They are not considered vested. Once permitted they would be subject to these guideline standards.

Discussion took place regarding Mr. Frame's projects and how far along he was in the process. He stated that he is in a position to submit for a building permit immediately. He tried to submit the SHAG and condominium projects on two prior occasions, but due to the moratorium was denied that process.

Commissioner Hudson clarified Mr. Frame's position in that he was asking to be allowed to proceed with the current standards because his projects are so far along and that whether or not a project is in a pipeline. How it relates to the moratorium, is beyond the purview of the discussion this evening. The total focus should be on the guidelines and the amendments.

Commissioner Hudson had questions regarding the Code Amendments. Senior Planner Eastin advised that the changes to the code were consistent with the guidelines. Commissioner Hudson referred Senior Eastin to page E-68, Applications that requires 'final design plans.' He interprets that as bid-ready plans and feels that is an unfair requirement. Senior Planner Eastin clarified that it was not the intent to be bid-ready. It is 'final' in showing how they can comply with the guidelines – not just conceptual. Commissioner Hudson requested that the verbiage reflect the intent.

Commissioner Powers asked if there would be any further opportunity to adjust the guidelines at a later date. Senior Planner Eastin explained that they will be revisited to determine if adjustment is necessary. He added it could be part of the Commission's recommendation to set a time frame for re-evaluation of the guidelines.

Commissioner Powers also suggested addressing the situation of projects in the pipeline after the Design Review Guideline Committee began and the developer(s) may not be aware of these proposed guidelines and are operating on the old standards. Senior Planner Eastin advised that

various methods of notification were made so that the general public would be made aware of this project – display ads in the newspapers, advisory committee that included developers, notification of public hearing, etc.

Commissioner Hudson asked that the document be consistent throughout. Senior Planner Eastin explained that only those areas that have been underlined are changed. The remainder of the code was not inconsistent with the guidelines. Commissioner Hudson was concerned with the sight distance on street frontage, pointing out that the guidelines need to be enforceable. He would like to eliminate deciduous trees within the sight distance triangle.

Commissioner Powers moved to recommend the Citywide Design Guidelines to the Council with the idea that it be re-evaluated at a future date and any projects in the pipeline be dealt with by the Director. Commissioner Bigler requested a cleaner motion. Powers withdrew her motion.

Commissioner Powers then moved, seconded by Commissioner Bigler, to recommend the Citywide Design Guidelines to the City Council as is. Commissioner Hudson offered to support the motion if two areas of the text were changed: 1) discussion about ‘final plans’, and 2) his concern about sight distance.

Commissioner Bigler feels that the term ‘pipeline’ should be defined to include developers that have gone to the expense of preparing plans and making an application and then were denied permits due to the moratorium.

Commissioner Hudson requested an amendment to Commissioner Power’s motion that a modification be made to the extent necessary to the passages dealing with the definition of design plans in connection with the application for the Design Review and to eliminate any deciduous trees within the sight distance triangle. Chair Teno seconded the motion. The motion for the amendment passed.

Commissioner Bigler moved to amend Commissioner Hudson’s amendment to include a definition of ‘pipeline.’ Chair Teno seconded the motion. After a lengthy discussion, Commissioner Bigler withdrew his motion.

Commissioner Powers moved to request an amendment that any projects of a substantial nature that occurred after January 1, 2001, be given special consideration by the Director for design. Commissioner Olson seconded the motion. During discussion, Commissioner Olson asked if there should be a specific date or a general date. Senior Planner Eastin advised that particular issue would be out of the purview of the Director; it is more of a question whether a project is vested or not. He added that if a project is vested, then it’s not subject to new changes; if not vested, it is subject to the new changes. Commissioner Powers withdrew her amendment.

Commissioner Powers moved to amend the previous motion by stating that that a vested project not be required to comply with the new design guidelines. Chair Teno seconded the motion. Discussion was then held about what defines a vested project. It was determined that a vested project must abide by the codes and guidelines in effect at the time it became vested. Commissioner Powers withdrew her amendment.

Mr. Toyer, with Chair Teno’s permission, noted that Snohomish County is willing to work with projects in certain instances where they have determined a project has a considerable amount of time and money invested so they do not have to re-engineer the entire project.

Commissioner Powers moved to amend the motion to grant the Director’s discretion for deviation for those projects in the pipeline since January 1, 2001, after the Design Guidelines were initiated. Commissioner Hudson seconded the motion. Commissioner Hudson asked Planning Manager Hough if there was language in the amendments that allows the Director the flexibility dependent upon the status of a project to make a determination and referred to page E-72 of the staff report. Hough responded that flexibility is possible, but the keywords are “provides equivalent or superior

results.” Commissioner Hudson stated he will support the amendment, but does not agree with it. The motion for this amendment was voted on and passed.

Chair Teno asked if there was any further discussion on the main motion to recommend the Design Guidelines as they stand to the City Council, with amendments. The motion carried.

F. DIRECTOR’S REPORT

Planning Manager Hough reported on the following City Council Meetings:

- August 20 –Work Session to discuss Comprehensive Plan
- September 4 –Work Session to discuss Comprehensive Plan
- September 10 – Public Hearing on the Comprehensive Plan and Zoning proposals and three other public hearings
- September 12 – Additional Work Session for deliberation on the Comprehensive Plan
- September 17 – Work Session to discuss Comprehensive Plan
- September 24 – Adoption of Comprehensive Plan and Design Guidelines

Commissioner Hudson requested a matrix showing the Planning Commission’s recommendations and the City Council’s recommendations on the properties when the process is complete. Planning Manager Hough agreed to prepare such a document.

Planning Manager Hough announced an open house will be held regarding MUGA, September 11, 6pm-8: 30pm, Lynnwood Civic Center Fire Station #15.

Chair Teno announced the Central Business District would hold an open house on September 12, 4-8 pm, Lynnwood Civic Center Fire Station #15.

G. WORK SESSION – NONE SCHEDULED.

H. NEW BUSINESS

Capital Facilities Plan

Chair Teno advised the Commission that the Capital Facilities Plan (CFP) must be in agreement with the Comprehensive Plan. Bill Franz, Interim Engineering Services Manager-Public Works, gave a brief presentation on the CFP. He introduced Laurie Cowan, Park Planner, who was in attendance to answer any questions relating to the Parks and Recreation programs.

After discussion and explanations for clarification, Commissioner Hudson, seconded by Commissioner Olson, moved that the Planning Commission recommend City Council adoption of the Capital Facilities Plan as presented at this meeting. The motion carried.

Commissioner Hudson, seconded by Commissioner Bigler, moved to present retiring Parks and Recreation Director with a resolution expressing their appreciation for his service to the City at the next Planning Commission meeting. The motion carried.

I. OLD BUSINESS

Carlyle Condominiums CZA – Commission Recommendation

The Commission had previously conducted an informal meeting to accept comments and to consider requested changes to the Concomitant Zoning Agreement (CZA) for this property, located at 194th Street at 48th Avenue. Commissioner Powers asked why the departure from rentals to condominiums with regard to the Carlyle Condominiums. She was advised that the developers decided to sell rather than rent.

With no objection from the Commission, Chair Teno signed the Report of the Informal Meeting for the Carlyle Condominiums (Woodbury Grove) CZA. It will be forwarded to the City Council.

Commissioner Hudson distributed letters for review in response to Council member Hikel's editorial letter. Commissioner Bigler, seconded by Commissioner Hudson, moved to adopt Commissioner Hudson's letter B recommendation and the Hikel letter to the Enterprise. The motion passed with Commissioner Olson opposing.

J. INFORMATION ITEMS

Upcoming Commission Meeting Agenda

Planning Manager Hough outlined the following upcoming Commission Meetings:

- September 27
 - Municipal Urban Growth Area
 - Mobile Home Park Zone
 - Land Use Regulations
- October 11
 - Meeting with Mobile Home Park Owners
 - Zoning for Mobile Homes
- October 25
 - Land Use Regulations Revisions
 - Mobile Home Park Zone – continued discussion
 - Municipal urban Growth Area
- November 8
 - Land Use Regulations
 - Mobile Home Park Zone
- November 22 – Cancelled – Thanksgiving Holiday

K. ADJOURNMENT

Commissioner Hudson, seconded by Commissioner Bigler, moved to adjourn. The motion carried and the meeting adjourned at 10:35 p.m.

Mick Teno, Chair