

City of Lynnwood
PLANNING COMMISSION MINUTES
April 27, 2006

Commissioners present:

Brian Bigler
Patrick Decker
Elisa Elliott
Tia Peycheff

Staff present:

Ron Hough, Comp. Planning Manager
Kevin Garrett, Current Planning Manager
Rod Kaseguma, City Attorney
Laurie Cowan, Parks Planner
Shay Davidson, Admin. Asst.

Commissioners absent:

Donna Walther
Vacant – Position #1
Vacant – Position #3

Others Present:

Ted Hikel, City Council Liaison

CALL TO ORDER

The meeting was called to order at 7:00 PM by Chair Decker. Commissioner Walther was absent, but a quorum was present.

APPROVAL OF MINUTES

Action on the minutes of the April 13 Planning Commission meeting was postponed until the next meeting.

COUNCIL LIAISON REPORT

City Council member Ted Hikel reported on the recent Volunteer Recognition Dinner. Since none of the Planning Commissioners attended, he passed along the Mayor's and City Council's sincere appreciation for the services they provide to the community.

CITIZEN COMMENTS

None

COMMISSION MEMBER DISCLOSURES

None

PUBLIC HEARING

E-1: Re-adoption of City Center Zoning – Ordinance

Planning Manager Kevin Garrett described the City Center Plan, which was adopted in March, 2005, along with development regulations, design guidelines and new zoning. Ordinance 2555 adopted the zoning but, since related programs had not been completed, the effective date was postponed. In February 2006, the City Council repealed Ordinance 2555 and sent it back to staff and the Planning Commission for adjustments, new hearings and recommendations. Mr. Garrett displayed a map of the City Center Plan and the revised Zoning Map. He described the Plan's boundaries, the north end "study area", the street grid, park locations and efforts to protect adjacent single-family neighborhoods. The City Center Plan has not changed. Since the North End is still designated a study

area, the current Business/Technical Park (BTP) zoning will also remain in place. Mr. Garrett also pointed out that the current zoning will also remain in effect on the four park sites. Three of the sites are currently zoned B-1 (Community Business). The fourth site is a portion of an existing apartment complex and is zoned RMM (Medium-density, Multiple-family Residential). The parks will be more urban in character and designed for a variety of uses. A separate parks master plan is being prepared and will provide more detail on the design of these parks.

Two letters were entered into the record. The first was received from the owner of Shurgard Mini-storage on 196th Street. The other was from the owner of the Park Dental Building on 194th Street.

Commissioner Elliott questioned why the City Center Plan shows two streets between 40th and 44th Avenues, but the zoning map shows three. An error was noted in a street name reference in that area.

Chair Decker asked about the height limit in the north end's BTP zone. Mr. Garrett responded that the limit was 35 ft., but could be higher through approval of a Conditional Use Permit.

Chair Decker asked about the grid streets and whether some were right-turn-only or signalized. Mr. Garrett showed a street map and pointed out proposed signals and four-way stops. Turning movements are currently being studied and the street master plan will provide the answers.

Commissioner Elliott asked if Shurgard would be able to expand. Mr. Garrett indicated that some changes may be possible under the nonconforming use regulations.

Chair Decker asked if public storage would be allowed in the new zoning. Garrett indicated that it would be an allowed use.

At the conclusion of questions from the Commission, Chair Decker opened the public testimony portion of the hearing and asked for comments from the audience.

Randy Shepherd (Shurgard Public Storage) described plans to expand to a multi-story climate controlled storage facility. He was concerned about the widening of 196th Street and possible loss of property depth and signage. He expressed an interest in renegotiating his planned unit development (PUD) which would be lost with the rezoning.

Steve Matson spoke in behalf of the Washington Dairy Products Commission which has a building and offices at 4201 – 198th Street. They bought the property in 1993 and it now appears to be in the path of a newly proposed street. The organization is concerned about the need to sell and relocate. He asked the Commission to consider the street overlay's effects on their property. Commissioner Peycheff thanked Mr. Matson for the contributions that have been made by the Washington dairy farmers. Commissioner Elliott asked Matson if the dairy commission could relocate to a new building within the City Center. He indicated that it might be possible, but it's hard to say at this time. Commissioner Peycheff asked staff about the timeframe for development of the grid streets. Mr. Garrett indicated that such projects will require City Council authorization but some improvements will probably be made early in the redevelopment as incentives for private development. The Street Master Plan will address sequencing. The Town Square park may be one of the first major improvements in the City Center. Chair Decker added that implementation of the plan will be difficult and inconvenient for some properties.

Jean Hales (South Snohomish County Chamber of Commerce) expressed concern about the public policy of excluding some of the City Center from the City Center zoning, specifically the four parks. That was what caused problems the first time around. She also asked why the North End was being excluded. In response to a process question from Commissioner Elliott, Mr. Garrett advised the Commission that they could recommend applying City Center zoning to the North End if they wanted to do that.

Mr. Garrett responded to several earlier questions. Regarding the Shurgard concern, he informed the Commission that the PUD process is not going away and Shurgard can apply for a new PUD at a later time. The proposed street grid shows 42nd Avenue passing through the Dairy Commission's property. This new street will be needed for City Center circulation and the Master Street Plan will provide more detail and may adjust some of the alignments. If the Planning Commission makes changes to the recommendation, Garrett asked that they also provide the reasons for those changes.

Commissioner Elliott asked staff about the condemnation/property acquisition process and if it might result in problems similar to those encountered by Seattle's monorail project. Mr. Garrett and City Attorney Kaseguma briefly explained the process and why Lynnwood's will not be like the monorail experience. Various options are available and they will be addressed later. That process is not pertinent to this zoning discussion. Commissioner Peycheff added that the City should also look into ways to help businesses and organizations that are important to the community but that may have to leave.

Bob Burkheimer (Lynnwood Square), owns about 20 acres and indicated that the City Center Oversight Committee was not involved in the zoning of the park sites. He felt that leaving those sites with B-1 "spot-zoning" made no sense. He feels the City is trying to cap the land values of those sites and it's too early to specify the exact locations of those parks. There needs to be more study of the form, timing, design and financing of the parks. He asked the Commission to adopt the City Center zoning without the park exclusions. Mr. Burkheimer said he didn't object to providing parks, but it should be done at the fair value of the surrounding properties.

Commissioner Bigler shared Mr. Burkheimer's concern about what he referred to as intentional spot-zoning to keep the costs down. He asked the City Attorney for his opinion on the track record of this type of proposal. Mr. Kaseguma responded that, if there is a legitimate disagreement as to whether this is unlawful spot-zoning, the Planning Commission should articulate its concern to the City Council. Otherwise, it's a legal issue that shouldn't be debated at this public hearing.

Lindsey Echelbarger introduced himself as a local property owner and former 4-year member of the City Center Oversight Committee. He felt the City Center Plan was good. However, the Parks Board didn't get the latest zoning revisions until earlier this month and the Oversight Committee didn't get any notice. He disagreed with the "donut hole" zoning of the park sites. It's too detailed for a conceptual plan and it will be very burdensome to have two zones. He would like to see the entire area zoned consistently now and the grid streets and parks can be established through the upcoming studies.

Chair Decker stated that, if the intent of the B-1 zoning is to allow continued commercial use of the park sites, the existing uses could also be continued if the City Center zoning is applied uniformly. We could also zone those sites for parks.

Council Liaison Hikel offered clarification of the B-1 zoning of park sites. Application of City Center zoning to those sites could result in a large new development that the City

may not be able to buy and would not want to destroy. Such a development could prevent the planned park from happening.

Hussein Hyak asked about the specific location of the 36th Avenue park site in relation to his business. Mr. Garrett pointed it out on the map as the western portion of a nearby apartment complex.

Andrew Berg, owner of a car wash at 19406 – 44th Avenue, wasn't aware that his property was being proposed for a park. He envisions a larger business building on his property. He feels the proposed B-1 zoning of this property will make it less valuable than surrounding City Center properties and he will either be forced to move into the more expensive City Center or out of the area. Mr. Garrett added that City Center businesses must be within buildings. An outdoor car wash would not be allowed.

Chair Decker closed the public testimony portion of this hearing at 8:51 pm and encouraged those who testified to also attend the upcoming City Council hearing. Final discussion and questions of staff continued.

Commissioner Elliott summarized her primary concerns regarding the zoning of the park sites, the grid streets and whether the zoning map was consistent with the City Center Plan. She felt the Commission should be concerned about the property owners' development potential as well as the City's ability to buy the park sites.

Commissioner Peycheff expressed concern that the City and residents will be able to maximize the benefits of the significant investment in the City Center. Parks are an important part of the vision. She felt the Council's position is reasonable and meant to ensure that parks will be built.

Chair Decker stated that implementation of the City Center Plan must be a private/public partnership effort and it will require trust. This zoning proposal invites distrust.

Commissioner Peycheff favored a recommendation that the City explore ways to encourage the development of a City Center that would let organizations like the Dairy Commission and nonprofit organizations co-locate and remain.

Commissioner Bigler moved to approve the zoning proposal as recommended. The motion was seconded by Peycheff but failed 2-2.

Chair Decker moved to recommend application of the City Center zoning without the park exceptions. The motion was seconded by Elliott but failed 2-2.

Chair Decker asked for a consensus to forward the proposal to the City Council, as voted. Agreement was unanimous.

WORK SESSIONS

F-1. Good Shepherd Baptist Church – Comp. Plan Amendment

Planning Manager Ron Hough described this proposed amendment in three parts; (1) the Plan Amendment from single-family SF-2 to multiple-family MF-2, (2) consistent zoning from RS-7 to RMM and (3) a Concomitant Zoning Agreement to lock in the specific details of the proposed senior housing facility. He explained that this year's proposal is very similar to the 2005 proposal that was denied by the City Council. This time, the applicant is attempting to respond to the concerns of neighbors and providing the land use, siting and other design assurances that were absent in 2005.

Lynn Melby, President of the congregation, responded to questions from the Commission. It's likely that some of the Copper Ridge condo neighbors will still not want the church to build a senior facility. The church will do what it can to buffer and is proposing to retain the existing row of poplar trees and augment them with evergreens, groundcover and fencing. He feels the project is not in conflict with the single-family preservation goal since there are no single-family dwellings on the property to preserve.

Commissioner Peycheff noted that two of Lynnwood's mobile home parks were recently purchased by a developer. Most of the tenants are lower-income seniors. The church is proposing to build affordable housing for seniors which will take up some of the slack.

Following further discussion, Commissioner Bigler indicated that the Commission clearly understands this proposal and it's ready for a public hearing. All other commissioners agreed. Mr. Hough informed them that it is scheduled for a June 8 public hearing.

F-2. Parks & Recreation Element – Comp. Plan Amendment

Park Planner Laurie Cowan provided an overview of proposed changes to the Parks & Recreation Element of the Comprehensive Plan and explained that this element is updated annually. She distributed a 2006 Level of Service table and asked for questions.

Commissioner Elliott had a few relatively minor questions but, because of the late hour, she preferred to contact Ms. Cowan outside the meeting.

Planning Manager Hough informed the Commission that this proposal is scheduled for a public hearing on June 8.

F-3. Transportation Element – Comp. Plan Amendment

Planning Manager Hough explained that the Public Works Dept. is beginning a major transportation planning project and the first phase is to update the first ten pages of the Transportation Element and to add a 20 Year List of projects.

Commissioner Elliott asked the following three questions:

1. Staff Report p. 5: Transportation issue #10 (The City of Lynnwood will continue a strong presence and leadership role in the development of transportation strategies within the Puget Sound region) appears to be eliminated. It sounds like a good policy. Why is it being removed?
2. Staff Report p. 6: The fourth line of the third paragraph should refer to the "potential" redevelopment of the school district properties so it doesn't assume that pending Comp. Plan amendments for the High School and other sites are done deals.
3. Staff Report p. 9: The last paragraph says the City has constructed over \$2 million worth of sidewalk improvements over the last five years. It's being changed to "almost \$1 million over six years. Is there an error?"

Mr. Hough will send those questions to Public Works. Since there were no other questions, this proposal will be scheduled for a public hearing on June 8.

BUSINESS

None

DIRECTOR'S REPORT & INFORMATION

Planning Manager Hough informed the Commission that Jeff Davies' application has been submitted to the Mayor. The Mayor needs to interview Mr. Davies and schedule the Council's confirmation, if he chooses to appoint him to the Commission. The Commissioners expressed hope that the appointment will be made quickly.

Mr. Hough informed the Commission that Community Development Director Cutts has resigned and his last official day with the City will be April 12.

ADJOURNMENT

This meeting was adjourned at 9:44 PM.

Patrick Decker, Chair