

City of Lynnwood
PLANNING COMMISSION MINUTES
May 11, 2006

Commissioners present:

Brian Bigler
Patrick Decker
Elisa Elliott
Tia Peycheff
Donna Walther

Staff present:

James Cutts, Community Development Dir.
Ron Hough, Planning Manager
Dennis Lewis, Senior Planner
Les Rubstello, Transportation Manager
Rod Kaseguma, City Attorney
Shay Davidson, Admin. Asst.

Commissioners absent:

Vacant – Position #1
Vacant – Position #3

Others Present:

Ted Hikel, City Council Liaison

CALL TO ORDER

The meeting was called to order at 7:02 PM by Chair Decker. A quorum was present.

RESOLUTION

Chair Decker, with consent of the Commission, adjusted the meeting agenda to add Resolution 2006-1, A Resolution in Appreciation of the Professional Services of James Cutts to the Lynnwood Planning Commission. After reading the resolution in its entirety, Decker moved for approval. The motion was seconded by Commissioner Peycheff and passed unanimously. A framed version of the resolution was presented to Mr. Cutts. He thanked the Commission.

APPROVAL OF MINUTES

B-1: April 13, 2006: Commissioner Elliott moved to accept the minutes of the April 13 meeting. The motion was seconded by Bigler and approved.

B-2: April 27, 2006: Commissioner Peycheff expressed concern that the minutes failed to capture some important comments that were made regarding the City Center zoning item. She explained the suggested corrections and submitted them in writing. Chair Decker moved to approved the minutes of the April 27 meeting, with the changes. The motion was seconded by Commissioner Elliott and approved.

COUNCIL LIAISON REPORT

City Council member Ted Hikel reported that the City Council opened its public hearing on City Center Zoning on May 8 and continued it to May 30. The matter was returned to the Planning Commission for consideration of the alternate "P-1" zoning proposal.

CITIZEN COMMENTS

None

COMMISSION MEMBER DISCLOSURES

None

WORK SESSION

F-1. Mobile Home Park "Zone" – Comp. Plan Amendment

A show of hands indicated that the chambers was filled to near capacity with mobile home park residents. To accommodate them, Chair Decker altered the meeting agenda to move this work session to the forefront.

Senior Planner Dennis Lewis described this proposed Comprehensive Plan amendment and reminded everyone of the public hearing date of June 22. He noted that Kingsbury East and The Squire mobile home parks were recently sold and the City has received a development application which is vested under the current zoning. Also, the tenants of Evergreen Mobile Home Park were given a one-year notice to vacate that park. The City's remaining parks may be subject to the proposed mobile home park plan designation. Mr. Lewis summarized staff adjustments to the applicant's original proposal. References to "zones" were changed to "plan designations" since this proposal is intended to amend the Comprehensive Plan, not the Zoning Code. Density was changed from a minimum of one unit per acre to four units per acre to reflect the City's policy of maintaining densities no lower than 4 units per acre.

Commissioner Bigler asked if the applicant had agreed to the changes. Frank Cheeney (applicant) was in the audience and indicated that he was in agreement. Mr. Lewis stated that the proposed changes were intended to apply only to parks with residential Plan designations. The City's major Comprehensive Plan update of 2001 included a thorough analysis of all the parks, some of which were intentionally included in non-residential designations. November 30, 2007 is the applicant's target date to have the mobile home park zoning in place. There is nothing in the proposal that would prevent existing parks from being improved or upgraded in accordance with existing codes.

Commissioner Bigler asked John Parker, manager of Candlewood Mobile Home Park, to provide clarification regarding an old annexation agreement. Mr. Parker explained that, at the time his park was annexed to Lynnwood, staff assured them that the park would remain in mobile home park zoning.

Commissioner Walther asked Mr. Lewis why the MHP zone would not be applied to parks in commercial and industrial designations. Mr. Lewis replied that, if the City did a good job of planning in 2001, the most appropriate Plan designations were applied at that time. It would be more difficult to change a park from commercial or industrial to mobile home park than it would to change it from a residential designation.

Commissioner Peycheff asked how many of the parks are "senior" parks. That information was not readily available, but Mr. Lewis replied that the great majority of park residents are seniors. Mr. Parker added that up to 20% of the residents of a "full senior" park can be non-seniors. He also informed the Commission that his park had never had a mobile home park zone.

Commissioner Walther asked about the feelings of the tenants of parks that are designated commercial and industrial. Applicant Cheeney indicated that there may be some conflicts in the proposal and he offered to meet with staff to iron them out before the June 22 public hearing. Commissioner Elliott expressed confusion in the use of the term "mobile/manufactured." Commissioner Peycheff suggested that staff add definitions of "mobile home" and "manufactured home" to the staff report for clarification.

Ed Wallace, co-applicant, asked if the Commission would consider making the zoning retroactive and also include a clause that would prevent parks from being sold. Chair Decker replied that the Commission can't do that. However, the Commission will take testimony from anyone at the June 22 public hearing.

PUBLIC HEARINGS

E-1: Transportation Improvements Plan (TIP)

Transportation Manager Les Rubstello described the changes that were made, including the addition of some new items and removal of those that had been completed. The report includes a table and a City map.

Commissioner Bigler asked about problems he has encountered with the Highway 99 signalization at 212th Street and 216th Street. Mr. Rubstello explained that those intersections are partially in Edmonds and partially in Lynnwood and are jointly owned. The City is currently preparing a maintenance agreement with Edmonds that will cover response to signal problems as well as cameras, software, etc.

Following further questions about specific project scheduling and financing, Chair Decker opened the hearing for public testimony. No comments were offered. The hearing was closed.

Chair Decker moved that the proposed TIP be recommended for City Council approval. The motion was seconded by Commissioner Elliott and passed unanimously.

E-2: Re-adoption of City Center Zoning – Ordinance

Community Development Director Jim Cutts gave some opening comments and suggested that the public hearing be opened and continued to May 25 in order to receive additional testimony. There were no objections. Mr. Cutts reminded the Commission that it was deadlocked at its previous meeting and unable to forward a recommendation. Staff is now bringing a third option for consideration. He pointed out the locations of the four proposed City Center parks and explained that a parks master plan will be done by consultants to provide additional detail and design guidance. The locations of the parks could require some very minor adjustment as a result of that study. He referred to two letters that had been received, one from G. Richard Hill, dated May 11, 2006, and the other from Diana Clay, dated May 10, 2006.

Rod Kaseguma, City Attorney, asked the Commission to continue the hearing to May 25. The City Council has moved its hearing from May 22 to May 30.

Commissioner Bigler asked about "spot zoning" and if it's common practice. Mr. Cutts responded that he had not done this type of zoning before.

Commissioner Peycheff asked if spot zoning would be illegal if there is no public benefit. Attorney Kaseguma replied that "spot zoning" is not necessarily illegal, particularly if the zoning is based on changed circumstances. The P-1 proposal would not be considered spot zoning because it is consistent with the City Center Plan. Leaving the B-1 zone in place is not consistent with the plan.

Commissioner Bigler asked if the zoning will be cast in stone and if the owners of a few properties will be stuck with P-1 zoning. Mr. Cutts replied that the zoning will not be cast

in stone. It could change slightly as a result of the upcoming parks master plan or the transportation master plan. He added that the City Center Oversight Committee had input into the locations of these parks as the City Center Plan was being prepared.

Chair Decker expressed concern about zoning of the park sites before we're sure of their exact locations. Commissioner Elliott added that, if a street is moved, so will the park boundaries. A relatively minor move of 10 feet could impact a different property.

Commissioner Walther asked about compensation. Mr. Cutts explained that fair market value would have to be paid to the property owner when the park sites are acquired. There was further discussion between City Attorney Kaseguma and various commissioners regarding procedures involved in appraising and acquiring property and about the non-conforming status of existing development following the rezoning.

Chair Decker opened the hearing for public testimony at 8:56 p.m.

In response to a Commissioner Elliott's request for further clarification, Attorney Kaseguma again stated that leaving the B-1 zone on the park sites is not consistent with the City Center Plan. However, it would be consistent to apply either the City Center zoning or the P-1 zone to those sites.

Commissioner Elliott asked about the Hill letter that talked about locational criteria for the P-1 zone in residential areas. Attorney Kaseguma explained that, although Mr. Hill argues that P-1 is intended for residential areas, the P-1 zone does allow parks and some other land uses and is consistent with the City Center Plan.

Fred Ulrich (18102 – 86th Place W., Edmonds) introduced himself as the owner of the Park Dental Clinic on 194th Street. He told the Commission that the value of property depends on what it can be used for and applying the P-1 zone to his property will reduce its commercial viability. It will be harder to use and sell. P-1 zoning will put a cloud over the property until it's acquired for a park. He felt it would be unfair to apply that zone.

Bob Burkheimer (3609 E. Union, Seattle) was a member of the oversight committee. He felt the City Center Plan was a great plan, but the only reason to apply the B-1 or the P-1 zone was to depress property values. He reminded the Commission that the plan states that a study is needed for parks and open spaces and the west end park should be within a range of one to two acres in size. Since everyone will be paying mitigation fees, he feels that all property owners should be contributing consistently.

Chair Decker asked Mr. Cutts if the early oversight committee discussions had included the possibility of separate zoning for the park sites. Mr. Cutts responded, "No".

Commissioner Peycheff felt she needed a better understanding of the timelines for park development and why the steps seemed to be out of order. Mr. Cutts replied that there is no schedule for park site acquisition. It's a 20-year plan and progress will depend, in part, on the mitigation fees.

When no other testimony was offered, Commissioner Bigler moved to continue the hearing to May 25. The motion was seconded by Commissioner Peycheff and passed unanimously.

BUSINESS

None

DIRECTOR'S REPORT & INFORMATION

Planning Manager Hough reported on recent City Council actions, including the May 8 City Center Zoning hearing and referral to the Commission to consider the P-1 option. He also reported on the May 8 Save Our Seniors (SOS) rally outside City Hall and their requests that the City support their efforts to save the two mobile home parks from redevelopment. The Council's first work session on Comprehensive Plan amendments is scheduled for June 5.

ADJOURNMENT

Commissioner Bigler moved to adjourn. The motion was seconded by Commissioner Psycheff, passed unanimously, and the meeting was adjourned at 9:20 PM.

Patrick Decker, Chair