

**City of Lynnwood
PLANNING COMMISSION MINUTES
October 28, 2010 Meeting**

Commissioners Present:	Staff Present:
Maria Ambalada	Shay Davidson, Administrative Asst.
Van AuBuchon	Paul Krauss, Director – Com/Dev.
Chad Braithwaite	Kevin Garrett, Planning Manager
Bob Larsen, Vice Chair	John Bowler, Associate Planner
Michael Wojack, Second Vice-chair	John Ewell, WWTP Supervisor
	Mary Monroe, Economic Development
	Janine Lambert, City Center Proj Mgr
Commissioners Absent:	David Kleitsch, Econ. Devt. Director
Richard Wright, Chair	David Osaki, Dep. Director of Com/Dev.
Jeff Davies	
	Other:
	Councilmember Ted Hikel

The meeting was called to order Vice Chair Larsen at 7:00 p.m.

Approval of Minutes

1. Meeting of September 23, 2010

Motion made by Commissioner Ambalada, seconded by Commissioner Braithwaite, to approve the minutes as presented. Motion passed unanimously (5-0).

Council Liaison Report

Councilmember Ted Hikel reported that the Council appointed Ed dos Remedios to the City Council. He encouraged Commissioners Ambalada and Larsen to consider running for Council positions next year.

Citizen Comments

None.

Public Hearings

1. **Shoreline Master Program (2007CPL0007).** Draft plan for management of the shoreline and adjoining areas under City jurisdiction, pursuant to the state Shoreline Management Act.

Planning Manager Kevin Garrett explained that the staff report would focus on what has happened since the August work session on this topic. John Bowler

gave the staff presentation on this item. He explained that the plan has been preliminarily approved by the Department of Ecology. On October 8, the Lynnwood Environmental Review Committee issued a Determination of Non-Significance for the Shoreline Master Plan. The DNS comment period ended October 22 and no comments were received with regards to DNS, however they did receive one letter regarding the Shoreline Master Program. This is a letter from Mr. Steve Proctor who is a concerned neighbor. The letter and response from staff as contained in the Commission's packet were reviewed. He pointed out that John Ewell, the Supervisor of the Wastewater Treatment Plant, was in attendance tonight to answer any questions the Commission might have. He concluded that staff is recommending that the Commission forward this to the City Council with a recommendation that they adopt the Shoreline Master Program as proposed.

Public Hearing:

Vice Chair Larsen opened the public hearing for public comments. Seeing none, the hearing was closed.

Planning Commission Discussion:

Commissioner Braithwaite asked Mr. Ewell if there are any items in the Plan that are a concern to him at this point. Mr. Ewell replied that they had met with staff and they did a good job addressing their concerns as much as legally permissible. Mr. Braithwaite asked if emergency repairs could be made to the plant under the Plan. Mr. Bowler indicated that they could. He identified the text which would allow emergency repairs.

Commissioner Ambalada wondered if the railroad could cause any damage to the plant and if insurance would cover that. Mr. Bowler explained that this is more of a legal question than a planning one. He pointed out that the railroad comes under federal transportation and in many respects the federal government has pre-empted the authority of local governments and often even state governments to mandate certain things with regard to the railroad.

Commissioner Wojack commended Mr. Bowler on the report. Mr. Bowler explained that a large part of it was done by Ron Hough and Dennis Lewis. He has done the updates over the last few years, but most of the research was done by them.

Vice Chair Larsen concurred that Mr. Bowler did a good job working out any needed changes.

Motion made by Commissioner Ambalada to recommend that the Council approve this Shoreline Master Plan as presented. The motion was seconded and passed unanimously (5-0).

Other Business

None.

Work Session

1. Transition Area Zoning Regulations. (2008CAM0003). Proposed zoning regulations (permitted and prohibited land uses, development regulations, etc.) for the Alderwood – City Center Transition Area, generally located east of 36th Ave W, south of 188th Street SW and west of Alderwood Mall Blvd.

Planning Manager Garrett explained that the Commission could allow public comments if they chose even though they would not be considered part of the actual record. Vice Chair Larsen stated that he welcomed comments and thought they should always encourage people to speak their minds. There was consensus from the Planning Commission to allow this.

Public Comment:

Joe Viera, 19101 36th Ave W, Lynnwood, WA 98036, property owner, discussed conceptual plans they have for their property and the economic benefits the project will bring to the City.

Councilmember Hikel referred to an agreement made by the neighborhood, the City and property owners about 30 years ago. For the City to change its mind is not going over well with the residents of this neighborhood who have concerns about impacts to them. He concluded that protecting single family neighborhoods is supposed to be one of the highest priorities of the City, the staff, the Council and this Commission. Anything proposed must meet that criterion.

Staff Presentation:

Planning Manager Garrett introduced Mary Monroe, Economic Development; Janine Lambert, City Center Project Manager; David Kleitsch, Economic Development Director; and David Osaki, Deputy Director of Community Development. He reminded the Planning Commission that at the last meeting they were presented with a matrix of four alternative concepts. At that meeting the Commission expressed a preference for moving forward with the “Stairstep” concept. He responded to items the Commission had asked them to look into as discussed in the Commission’s packet on pages GI-3 and 4. He also reviewed the draft Outline of Zoning Regulations for the Transition Area.

He reviewed an alternate scenario (Scenario 2 in the staff report) which would allow higher buildings further into the block. Staff sees this as being more economically viable than the first stairstep scenario. He also brought up the ideas

of allowing setback averaging and restricting the width on taller buildings to create a more open environment and allow views of the mountains. Janine Lambert explained that they came up with Option 2 as an alternate scenario because they had concerns about the development feasibility of the original option. She discussed how they arrived at their recommendation.

Discussion:

Commissioner AuBuchon thanked Councilmember Hikel for reminding the Commission that we need to operate always based on what has gone before. Promises made to citizens in that area of the city need to be kept. Planning Manager Garrett responded that staff has not seen any record of any written formalized agreement between the City and the neighborhood group or any entity. He said that staff would look again to see if there are any terms that might be binding. Commissioner AuBuchon asserted that there must have been commitments made to that that neighborhood that could be found somewhere in the record. Planning Manager Garrett explained that the developments that are on 36th went to both the Hearing Examiner and the Council. Staff has reviewed the minutes of those approvals and found no written agreements. He commented that the current BTP zoning, which is in the code books right now, is very similar to the original IP/BP (Industrial Park / Business Park) zoning. Staff's concern at this point is that the BTP zoning does not have a height limit. If you go over 35 feet you do need a Conditional Use Permit which requires a public hearing for a case-by-case review of the development. This does not guarantee denial. From the point-of-view of the neighborhood, if the concern is views and proximity of development to the neighborhood and 36th Avenue, the existing development is not the most intense that could be built.

Commissioner AuBuchon expressed concern about the type of traffic they would be creating along 36th, especially large tractor trailer rigs. Under the use regulations he noted that *Assembly* would be allowed. He had concerns about what this might lead to. Planning Manager Garrett remarked that *Assembly* is a permitted use in the code right now. Commissioner AuBuchon suggested that this be moved down to conditional uses.

Commissioner Braithwaite had the following comments:

- He commented on the stairstep options. Regarding traffic on 36th, he wondered what the incremental increase on traffic would be. His sense was that the incremental increase in traffic attributable to development on 36th isn't that high compared to the other traffic. There was some discussion about how traffic modeling might be able to isolate and possibly confirm this.
- He referred to the *Assembly* and *Flex Space* uses on the Use Regulations. He commented that they do not want to scare away jobs and economic opportunities from this area because there are a lot of assembly-type jobs that do not present environmental or super intense

transportation issues. He noted that some of these jobs pay very well and would be good to have in the area.

- He then asked about for clarification about the Limited Development Area. Planning Manager Garrett explained that it would be from the right-of-way line to 100 feet to the east along the entire length of 36th Avenue. Multi-family would be prohibited in that front section, but would be allowed in the section east of the Limited Development Area. There was some discussion about where the access would be to these properties. Staff is looking at ways wherever possible to encourage, if not require, retail and multi-family traffic to use 33rd rather than 36th.
- He expressed some concern about the 25% limit of retail for the Limited Development Area. Planning Manager Garrett explained that the Commission could raise or lower this number, but the intent was to limit the impact on 36th.
- Commissioner Braithwaite then referred to the Development Standards, No. 4, Minimum Building Separation. He expressed some concern about having no minimum building separation, especially if higher heights are allowed.
- He cautioned the City to be mindful of being good neighbors. He reminded everyone that if they take no action the development could be buildings that are not conducive to what we are trying to accomplish or exactly what the residents don't want, such as a row of Cosmos buildings. Planning Manager Garrett concurred that this was a valid concern under the existing zoning. He noted that the existing zoning does not provide the degree of protection that the neighbors think it does.

Commissioner Wojack spoke in support of the view corridor and definitely lower buildings - 85 feet is too tall. He feels that the view is a major issue, but also respects the property owners' right to develop. A view corridor might be a solution to preserve a view of the mountains. He agreed with Commissioner Braithwaite on the Limited Development Area. He felt the allowable depth should be greater.

Commissioner AuBuchon asked about alternate streets. Planning Manager Garrett explained that part of the City Center Plan is to run 194th all the way across. There was discussion about other possible connections.

Commissioner Wojack asked about the limitation on the machine spaces on the top of the buildings. Staff explained that the building height right now in the code does not include those. They have not gotten to that level of detail in this code.

Vice Chair Larsen commented that even though they are calling this a transition area, it could become a really important area with a lot more traction than the City Center. He suggested that they keep this in mind. Regarding the views, he suggested staggering the pyramid both ways and give bonuses for orientation

along the axes of the view. Planning Manager Garrett concurred with Vice Chair Larsen's comments about the importance of this area.

Vice Chair Larsen requested that at some point Councilmember Hikel could articulate his view of the agreement with the neighborhood. Councilmember Hikel stated that he would like to do that. He acknowledged that there was never any formal agreement, but back in the 70's there was a final agreement of what would be allowed there in the zoning. The IP/BP zone was a very restrictive zone and everyone in the neighborhood recalls this. The point was not to be restrictive on property owners, but to be complementary with neighbors. His concerns are not so much about the view, but about traffic and the impacts of multi-family. He commented that the problem before the Commission and the Council is: *How can an 8-story+ building across the street from a single-family home be compatible?*

Vice Chair Larsen stated that his hope is that we work out as much of the compromise as possible at the Planning Commission level.

2. Project Highway 99 (2009CAM0001). Draft Subarea Plan, Zoning Regulations and Design Guidelines, together with a Draft Supplemental Environmental Impact Report for the Highway 99 corridor, between 216th St. SW and 148th St. SW.

Planning Manager Garrett noted that they had included in the Planning Commission's packet copies of all the written materials they have received. He encouraged the Commission to read those and compare them to the list of comments by topic that staff has compiled to make sure staff has captured all of the comments. He noted that comments on the Supplemental EIS are not here because those go through a different process which he reviewed.

Public Comment:

Ed Trimakas, 20515 Highway 99, Lynnwood, WA 98036, discussed his business experience along Highway 99 and expressed concern about the proposed zoning which initially would have put him out of business. Although his personal issue has been resolved he expressed concern about the basis of the zoning and discussed the results of an independent study of the MAKERS plan that he had prepared. He distributed copies of his report to the Commission.

Director Krauss responded to Mr. Trimakas' comments and concerns. He explained how they plan to address these in the proposed plan.

Commissioner Comments and Questions:

Commissioner Ambalada expressed concern about how the proposed plan might encumber existing property owners. Planning Manager Garrett agreed that this is the point where planning becomes a challenge. He stated that the City has an

obligation to plan in the public interest even though the program may not be consistent with every property owner's wishes.

Commissioner Wojack thanked Mr. and Mrs. Trimaskas for their comments. He discussed the community meeting he attended recently.

Commissioner AuBuchon thanked Mr. and Mrs. Trimaskas for coming to the meeting and sharing their comments. He asked them about the history of their property which Mr. Trimaskas reviewed.

Vice Chair Larsen commented that if they accept the projections from the State, the region is looking at growing at about 1.7 million people over the next 20 years. The question becomes: *How do we protect and preserve single-family areas?* and *Where do we put people?* He hopes that some of the nodes they have planned really do become communities. The critical point they are in right now is the transition from strip malls to expensive developments.

Director's Report

- Director Krauss commented that they brought the Comprehensive Plan Docket to the City Council and found that every element on the docket failed on a 3-3 vote. The Council has moved them over to November 8.
- The Light Rail study continues. There was an outreach meeting at the convention center which was fairly well attended. He discussed the alignments which are being considered. Staff distributed written comments on the scope of the study to the Commission.
- The budget situation continues to be addressed by the Council.
- He discussed issues related to a Halloween "house of horrors" that opened in the City.
- The City has been working to get a cold weather shelter open in advance of winter. There was discussion about the homeless community in the area.
- The mobile home park issue is one of the Comprehensive Plan Amendments which will receive the biggest turnout. Marysville has adopted their Mobile Home Park Ordinance, but isn't putting any property into that zone until the case in federal court is resolved. Commissioner Ambalada commented that she wished the Council would show leadership on this issue.
- He commented that over the last few months interest in new development seems to be picking up again. He discussed some of the recent activity that they have seen.
- He distributed a copy of the American Planning Association's informational book on lighting and a final report from the City's Transportation and Traffic Task Force.

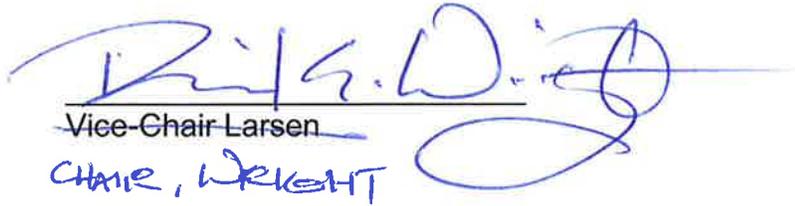
Commissioner Braithwaite referred to the Shoreline Master Plan and expressed frustration with the DOE's inflexibility in negotiating the document. He felt they should be admonished for requiring the city to put together a plan without adequately funding the work.

Commissioner Braithwaite then referred to his interest in the Dark Sky Initiative. He noted that there is uplighting in some of the development guidelines which is not acceptable for Dark Skies. Staff indicated they would look into this.

There was additional brief discussion about the mobile home park issue and options for the residents.

Adjournment

The meeting was adjourned at 9:32 p.m.


Vice-Chair Larsen
CHAIR, WRIGHT