

AGENDA

Lynnwood Planning Commission

Thursday, March 10, 2011 — 7:00 pm

City Council Chambers, 19100 – 44th Ave. W., Lynnwood WA

A. CALL TO ORDER – ROLL CALL

B. APPROVAL OF MINUTES

December 9, 2010

February 24, 2011

C. PUBLIC COMMENTS – on matters **not** on tonight's agenda for a public hearing.

D. PUBLIC HEARINGS

None

E. WORK SESSIONS

None

F. OTHER BUSINESS

1. Project Highway 99 (2009CAM0001). Subarea Plan, Zoning Regulations and Maps and Design Guidelines, regarding redevelopment of the Highway 99 corridor, between 216th St. SW and 148th St. SW. If approved, these documents would allow and encourage development of higher density, mixed-use nodes at key intersections along the corridor. Existing land use designations and zoning at areas in between the nodes would not be changed. Recommendation to City Council required.

G. COUNCIL LIAISON REPORT

H. DIRECTOR'S REPORT

I. COMMISSIONERS' COMMENTS

J. ADJOURNMENT

The public is invited to attend and participate in this public meeting. Parking and meeting rooms are accessible to persons with disabilities. Upon reasonable notice to the City Clerk's office (425) 670-5161, the City will make reasonable effort to accommodate those who need special assistance to attend this meeting.

Lynnwood Planning Commission
Meeting of March 10, 2011

Staff Report

Agenda Item: F-1
Project Highway 99 (2009CAM0001)

- Public Hearing
- Informal Public Meeting
- Other Business
- Work Session
- Information
- Miscellaneous

Lynnwood Depts. of Community Development and Economic Development

Action

Make a recommendation on the Final Draft project documents (Subarea Plan, Zoning Regulations and Zoning Maps, and Design Guidelines) to the City Council.

Background

On February 25, 2008, the City Council approved Revitalization Strategies for the Highway 99 corridor (Resolution 2008-02). Among the actions to support economic activity in the corridor, the Strategies call for the City to complete a subarea plan for the corridor (Goal VIII) and consider changes to land use planning and zoning. For more Background on this project, see the staff report for March 2, 2011.

The Final Draft Documents are now ready for action by the Planning Commission (a recommendation for action by the City Council).

Relevant Legal Citations

The Land Use Element of the Comprehensive Plan describes the land use concept for the Highway 99 Corridor as follows:

Purpose: This plan category is intended to identify the area where the City will encourage redevelopment of properties, consistent with the strategies in the Highway 99 Corridor economic study, by allowing a wide range of commercial uses AND allowing mixed use, transit supportive development at major intersections ("nodes") in the corridor.

Principle Uses: Throughout the corridor, principle land uses will include retail, office (all types), service, and eating and entertainment uses. Existing light industrial uses will be allowed to remain, but no new uses of this type will be allowed. At major intersections (designated by zoning), mixed use development (including multiple family residential) will be strongly encouraged. At properties not designated for mixed use, auto dealerships and other retail uses that require large parking lots will be permitted.

Locational Criteria: The corridor crosses the City in the north-south direction, from 216th St. SW to 164th St. SW, and continues north in the City's MUGA to 148th St. SW. Except at major intersections, properties either with frontage on the highway or that can be accessed through properties-with-frontage (or directly from an intersecting street) will be designated to this land use category.

“Properties at major intersections along the corridor will be designated for mixed used development, with densities and design requirements that will support transit-supportive development. In select locations (particularly at major intersections), this land use category may extend east or west of properties with highway-frontage in order to create areas that will encourage redevelopment consistent with the intent on this designation and the economic development strategies.

Site Design: Development of “corridor” properties will often be at higher intensity and densities and greater lot coverage than is currently found along the Highway 99 Corridor. This will be particularly likely at major intersection “nodes” having high levels of transit service, where development could one day be dense enough to warrant structured parking. The appropriate relationship of buildings to Highway 99 will be defined.

Building Design: All new development will be required to comply with design guidelines specifically developed to support Corridor strategies.

Performance Standards: On site activities shall not significantly affect adjoining properties outside the corridor.”

Analysis and Comment

At the March 2 meeting, the Planning Commission completed the public hearing on the project documents and began discussion of comments and possible changes to the documents. Attached is a compilation of all the substantive comments on the Final Draft project documents and responses to those comments. These comments were made either in two letters received prior to the hearing (and attached to the staff report for the hearing) or during the hearing. Responses to the comments reflect, first, direction from the Planning Commission in the discussion following the hearing. For comments that the Commission has not yet discussed, staff recommendations are provided. At this meeting, staff will be prepared to discuss any of these comments or any suggestions for changes to the project documents by members of the Commission.

See the staff report for the March 2 meeting and the work sessions in February for more analysis and comment on the project documents.

Following completion of public testimony at the March 2 meeting, the public hearing on this matter was closed. The Planning Commission may not hear any additional testimony without opening (and providing public notice of) a new public hearing. Members of the Commission may ask questions of clarification of anyone who attends this meeting.

Recommendation

Staff recommends that the Planning Commission recommend that the City Council approve these documents. In addition to the Economic Revitalization Strategies, adopting the project documents will support achievement of other City goals and policies. First, it will help to preserve existing single family neighborhoods. Both the State Growth Management Act and Vision 2040 (Puget Sound Regional Council) call for existing cities, including Lynnwood, to accommodate additional population and employment growth. Creating the mixed-use nodes along Highway 99 provides a location for that growth that will not impinge on or encroach into existing single family neighborhoods.

Second, approval of these documents will support the City's goals and policies for energy conservation and sustainability. Creating these mixed-use nodes will encourage living near transit and near work-places, shops and services. These connections (for every-day activities) will encourage using transit, walking, or biking rather than driving and thereby reduce energy use and emissions of greenhouse gases and other air pollutants.

Third, City housing policies call for providing a variety of housing opportunities in Lynnwood. At present, the type of housing planned for the nodes (mixed-use buildings/sites, pedestrian-oriented developments/areas) is not found in Lynnwood. Recent housing studies have argued that both aging "baby-boomers" and younger adults in their 20s prefer this type of housing over free-standing, suburban single family houses. Creating these nodes will respond to this part of the housing market in locations that are well served by transit and existing commercial services. And, as mentioned above, these nodes enable the City to accommodate population growth without encroaching on single family neighborhoods.

The Final Draft project documents were produced through an open, inclusive process. Public input was solicited at the beginning of the project, results were reviewed and discussed with the public, and a variety of people with interests in the corridor (property and business owners, nearby residents, and others) participated in the project. Copies of all project documents have been available throughout the project on the City's web site. Finally, staff has spent hours meeting with property owners and discussing all aspects of the plan.

Attachments

- Responses to Comments on Final Draft Hwy 99 Documents – March 4, 2011

Responses to Comments on Final Draft Hwy 99 Documents

Letter from Sterling Realty Organization – February 23, 2011

Highway 99 Mixed Use Zone

No.	Topic	Response
1	Fitness Club	The Commission found this use can adversely impact achieving Hwy 99 Corridor goals due to the size of the building and excessive parking that is usually associated with a club-building located in a typical suburban shopping center. In order to promote/protect the mixed-use character and the pedestrian orientation of the nodes, the Commission found that a fitness club can be a permitted use as long as it is a tenant in a mixed use, multi-story structure. The fitness club should occupy no more than 50% of the gross floor area of the building in which it is located. The balance of the building can be occupied by any other permitted use. The developer may decide whether to locate the club on the ground floor or upper floor(s) of the building.
2	Drive-through service facility	The Commission found that the SRO proposal for building/structural screening (with landscaping) is acceptable, provided it applies to all components of the drive-through; screening only of the window would not be sufficient. Screening only using landscaping is not recommended. See Page 5 for revised text.
3	Drive-through service facility	No objection to this change. See Page 5 for revised text.
4	Drive-through service facility	All components of a drive-through window located along a public street should be completely screened from views from public streets.
5	Wireless Communication Facility	The Commission directed staff to revise LMC 21.62.200.A.3 (Permitted Land Uses) to allow: a. Attached (to buildings and structures) wireless communications facilities without limitation; b. Freestanding wireless communications facilities (towers)

No.	Topic	Response
		<p>when designed so that they are not readily identifiable as such, and are designed to be aesthetically compatible with existing and proposed building(s) and uses on a site – sometimes referred to as a “stealth” or “camouflaged” facility. Examples of concealed support structures that can have a secondary, obvious function include, but are not limited to, the following: church steeples, , bell towers, clock towers, cupolas, light standards, utility poles, flagpoles, or trees.</p> <p>c. Freestanding wireless communications facilities existing on the effective date of this Chapter are a permitted use.</p> <p>Revise LMC 21.62.210.G (Prohibited Uses) to read:</p> <p>G. Freestanding wireless communications facilities other than those permitted by LMC 21.62.200.A.3, above.</p>
6	Lot Coverage – Level 2	<p>The maximum building lot coverage for Level 2 development should not be increased from 35%. Development at this level will be exclusively (or predominantly) commercial and current code limits lot coverage in all commercial zones to 35%. Maintaining consistency with commercial zones helps to emphasize the incentives (including greater lot coverage) for residential and mixed-use development.</p>
7	Landscaping in Parking Areas	<p>Staff does not support this change. Current code requires between about 15 sq. ft. per parking space and about 45 sq. ft. per parking space, depending on the location of the space on the site. The recommended ratio for landscaping in a parking area is at the lower end of the range in recognition of the expectation that properties in the nodes will be developed more densely than in the rest of the City. A lower ratio is recommended for smaller parking areas (in paragraph a of this subsection) because the lower number of parking spaces will have less of a visual impact.</p>
8	Non-living Landscaping Material	<p>Staff has no objection to this change.</p>
9	Screening of Service Areas	<p>Staff does not support this change. A “structural” enclosure is the primary means of screening trash/recycling enclosures throughout the City; landscaping should be used to soften the appearance of the enclosure but not in-lieu of an enclosure. The City began requiring structural enclosures over 20 years ago, as</p>

No.	Topic	Response
		a response to the failures of landscaping to provide adequate screening. Similarly, the City no longer approves slatted chain link fences or wooden fence enclosures since they are easily damaged, difficult to maintain and often ineffective.
10	Fencing	Staff believes the correct reference is to 21.62.400.G.2.e. Staff does not support this change. Screening for loading areas is described in Subsection H, just below; a solid structure is recommended.
11	Monument Signs	Staff does not support this change. The limits for monument signs are intended to allow freestanding signs in a pedestrian-oriented environment, and so they are smaller, shorter and located closer to the street than in the rest of the City. Note that subparagraph f does allow a monument sign on each street frontage.

Design Guidelines

No.	Topic	Response
1	Parking areas fronting on Hwy 99	Staff does not support this change. One principal intent of the guidelines is to create pedestrian-oriented areas near major intersections and BRT stations and parking areas detract from that type of environment. To achieve this, it is essential that the City avoid situations where the site plans result in large expanses of buildings set well back from the street that have parking lots on either side of 99 or major arterials separated by 4/5/6 lanes in the road resulting in many hundreds of feet of asphalt.
2	Parking area along 64 th Ave.	No change needed; 64 th Ave. is not a “designated side street” (as defined at the top of Page 4 and in the definitions) and so the referenced guideline does not apply to that street.
3	Connecting building entries to streets	Staff does not support this change. Direct pedestrian connections between building entries and public streets is an important component of a pedestrian-oriented environment.

No.	Topic	Response
4	Screening of Service Areas	Staff does not support this change. As stated above, structural screening is recommended because landscaping does not provide adequate screening.
5	Street Corner Treatment	No change needed. The comment/ suggestion is consistent with the intent of the guideline – see the introductory paragraph to this Guideline (“... must include one of the design treatments described below ...”). Item b in this guideline is intended to offer a second design choice/alternative.
6	Street Amenities	<p>Design Guideline C.1.1 calls for providing pedestrian-scale amenities along public streets in the nodes (see Page 19 of the Design Guidelines). The intent of this Guideline is to enhance the pedestrian environment along sidewalks and, thereby, to encourage walking.</p> <p>The Guideline provides a menu of amenities, including lighting, seating space, bike racks, trash containers, planting beds, plant baskets and planters, decorative paving, kiosks, clocks and artwork. It also allows the project architect to incorporate any combination of items from the menu AND to propose other amenities that meet the intent of the guideline. Locations and arrangements of amenities are proposed by the project architect as part of the design review package.</p> <p>The total quantity of amenities is determined using the ratio of three amenities for each 100 linear feet of street frontage. For 1300 feet of street frontage, a project would provide 39 amenities (3 per 100 ft.). The amenities need not (and should not) be located exactly 100 feet apart along the frontage, but should be grouped and arranged to complement the overall site design (such as lighting and emphasizing connections of building entries or project walkways with public sidewalks).</p>
7	Landscaped separation between pedestrian space and parking/ service areas	Staff does not support this change. A five-foot wide landscaping area would not provide adequate separation or buffering for a pedestrian-oriented area (unless the area was “build-up” as described in D.2.2.b (2) on Page 26).

Letter from Ed Trimakas – February 25, 2011

Topic/Comment	Response
Delete his and adjoining properties from 204 th St node and retain CG (General Commercial) zoning.	Staff does not recommend this change. The area between 204 th St. and 208 th St. offers the opportunity to create a node in proximity to Edmonds Community College that would serve both students attending the colleges as well as those who want to live along Highway 99.
Clarify “auto dealership” to include sales of new and/or used vehicles (in both the Subarea Plan and zoning).	Staff has no objection to these changes.
Allow use of dealership buildings by vehicle service companies under the “single purpose building” concept (in both Subarea Plan and zoning).	Staff has no objection to these changes.
Time limit on use of a “single purpose building” by an alternative use.	<p>Staff does not support this change. The allowance for “single purpose buildings” is intended to provide for continued use of the building (and return on the prior investment) by uses that otherwise are not allowed in the nodes. Allowing that continued use does not expire. The provision cited in Mr. Tramakas’ letter would apply only if/when such a building was changed occupancy to a use allowed under the zoning.</p> <p>Eliminating that provision could allow a building to be converted to an allowed use, occupied by it for a number of years and then re-introduction of the prohibited use at some future date. Bringing a vehicle service company back into an area that had redeveloped into a mixed-use node could adversely affect the properties and new residents and businesses in the node.</p>

Comments In the Public Hearing

Topic	Comment
Require residential development in nodes	Staff does not recommend requiring residential development as part of any redevelopment in the nodes as market conditions may not support residential development along the corridor at this time. Mandating residential development in the nodes would, effectively, prohibit any redevelopment until residential development is feasible. Designating residential development as “encouraged” but not required provides the opportunity to bring residential use into the corridor while allowing other redevelopment activity to continue.
Mapping of 204 th St Node on/near SMR property (light industrial site each of Hwy 99 between 202 nd St. and 204 th St.	<p>The green (dashed-line) circles on a number of the maps in the Subarea Plan show the “key intersections” for initial locations of the nodes and the areas in which designation of the nodes was considered during the planning process (generally 0.25-mile radius). With regard to the SMR property, the green circle shows that that property was initially considered for designating the node. The purple mapping shows properties proposed as the node, and excludes the SMR property.</p> <p>To clarify the intent not this property in a nodes, the green circles could be removed from Figures 20-25. Staff suggests not changing Figure 7 as that map show the overall conceptual framework for mapping the nodes, not a parcel-specific mapping of future land use designations.</p>
Signage allowed under new Code	See Response to SRO Zoning Comment 11.
Requirement or incentives for “affordable” housing	Staff recommends taking no action on this issue as part of this Project. At present the City has no requirements for new residential development to include a minimum percentage of affordable housing (“inclusionary housing”) and our code does not provide incentives for construction of such housing. Consideration of such policies and regulations goes beyond the scope of this Project and could be considered as part of a future discussion of City housing policies.
Designation of mobile home park in 148 th St. Node	Staff recommends no change to this node. Both the City and the County actions to encourage preservation of mobile home parks excluded parks with a land use

Topic	Comment
	<p>designation for a non-residential use. The County included this mobile home park in the Urban Center (a non-residential land use designation) around the 148th St. / Hwy 99 intersection, and the proposed node in the Subarea Plan follows that designation.</p>
<p>Allow residential use along the entire corridor</p>	<p>Staff recommends not allowing residential development at all properties in the corridor. The Plan discusses the importance of concentrating residential commercial development around transit services as key to successful mixed-use development (see pages 23-34 of the Plan). Consistent with this understanding, the Economic Revitalization Strategies call for developing mixed-use nodes at key locations and supporting transit oriented development in the corridor, not for allowing residential development throughout the corridor.</p>
<p>Pedestrian Safety (188th St. to 176th St.)</p>	<p>Public Works is conducting a separate assessment of pedestrian safety in this segment of the corridor and will be recommending measures to improve safety in the near future.</p>

Discussion Following Public Hearing

Topic	Comment
<p>Building height next to residential zones</p>	<p>Revise LMC 21.62.450 (Treatment at Transitional Property Lines) as follows:</p> <p>A.3. Portions of a building more than 30 feet and less than 60 feet from a multi-family zone shall have a maximum height of 50 feet.</p> <p>B.3. Portions of a building more than 30 feet and less than 50 feet from a single family zone shall have a maximum height of 45 feet.</p> <p>Renumber current B.3 as B.4.</p>
<p>Maximum Building Height</p>	<p>Staff recommends a maximum building height of 90 feet or six stories for Level 3 development (Table 21.62.01). This limit would allow the “five-stories-over-deck” construction using engineered wood products, as allowed</p>

Topic	Comment
	<p>by the ordinance just adopted by the City Council, while not seeming to allow “sky’s the limit” development in the nodes.</p> <p>The City Center is envisioned as the most-intense center for Lynnwood and taller buildings are allowed in that area.</p>
Fitness Club	See response to SRO Comment #1, above.
Self Storage	<p>Note that 21.62.210.E (Prohibited Uses) lists “warehouses, mini-warehouses, self-storage, mini-storage and the like” as prohibited. Staff indicated that the larger mini-storage issue is being addressed in a separate code amendment currently under review. When adopted this amendment may provide additional clarification.</p>
Wireless Communications Facilities	See response to SRO Comment #5, above.
Access to drive-through service facilities	<p>Revise LMC 21.62.200.A.10 to include a requirement that access to the drive-through shall be provided only from a project parking area; direct access to a drive through from a project entry drive aisle or from a public street is not allowed.</p> <p>Include a cross reference to LMC 21.18.810 (Stacking lanes for drive-through facilities).</p>
Service window of drive-through	Revise LMC 21.62.200.A.10 to require that a service window shall not face a public street.

Staff recommends revising LMC 21.62.200.A.10. (“Permitted Land Uses”) to read:

10. Drive-up or drive-through service and/or windows, subject to the following requirements:
 - a. No component of the drive through (such as approaching drive aisle, order box, service window, etc.) shall be located between the building it serves and a public street unless another intervening building(s) or building screening exists between the drive through and street that blocks visibility of the drive through from the street; and
 - b. No more than two drive through lanes (plus a by-pass lane, where necessary) shall be permitted for the specific business being served by the drive through.

March 4 – Updated following March 2 Planning Commission Meeting

- c. Access to the drive-through shall be provided only from a project parking area; direct access to a drive through from a project entry drive aisle or from a public street is not allowed.
- d. Any/all service windows may be located on a building wall that sits at an angle of at least 90 degrees to any public street within ____ feet of the window.
- e. See also LMC 21.18.810 (Stacking lanes for drive-through facilities).