

**City of Lynnwood  
PLANNING COMMISSION MINUTES  
June 9, 2011 Meeting**

<b>Commissioners Present:</b>	<b>Staff Present:</b>
Richard Wright, Chair	Shay Davidson, Administrative Asst.
Bob Larsen, Vice Chair	David Osaki, Deputy Dir. Comm. Devt.
Maria Ambalada	Janiene Lambert, City Center Prog. Mgr.
Van AuBuchon	David Kleitsch, Economic Devt. Director
Chad Braithwaite	Kevin Garrett, Planning Manager
Doug Jones	Paul Coffelt, Traffic Engineer
	John Bowler, Associate Planner
<b>Commissioners Absent:</b>	
Michael Wojack, Second Vice-chair	<b>Others:</b>
	Councilmember Loren Simmonds
	Councilmember Ted Hikel

**Call to Order**

The meeting was called to order Chair Wright at 7:03 p.m.

**Approval of Minutes**

None.

**Public Comments**

None.

**Presentations**

**1. City Traffic Calming Program**

Planning Manager Garrett introduced the City of Lynnwood's Traffic Engineer, Paul Coffelt, who gave a presentation relating to traffic calming programs in Lynnwood. He discussed and showed on a map the locations where projects have been looked into as a result of resident complaints regarding speeding vehicles or excessive numbers of vehicles. Projects reviewed included:

- 212<sup>th</sup> and the Interurban Trail Crossing – Used a “choker” which added friction and forced drivers to slow down. Before and after data showed that it didn't reduce the number of vehicles that were going through, but the 85<sup>th</sup> percentile speed was reduced by 3 mph.
- 191<sup>st</sup> Street and 74<sup>th</sup> Avenue – Installed a traffic circle which added friction. The City learned that they needed to be more accommodating for

buses making a left turn. Longer school buses were not able to make the turn so adjustments needed to be made.

- 173<sup>rd</sup> Street – Used speed humps; these caused vehicles to slow down as they approach them because it's not comfortable to drive over them. Wheel pads are intended to allow emergency vehicles to go through, however more than emergency vehicles are using them to avoid slowing down and some of the pylons have had to be replaced.
- 48<sup>th</sup> Avenue - Flashing crosswalks. Many families were crossing mid-block and requested a crosswalk. A mid-block flashing striped crosswalk with curb bulbs was installed. This has the effect of narrowing the lanes.
- 48<sup>th</sup> Avenue – Radar speed sign. Before and after data showed that the speed radar sign was effective in lowering the 85<sup>th</sup> percentile speed by 5 mph. A choker was also installed near the intersection of 181<sup>st</sup> and 188<sup>th</sup> Streets.
- 56<sup>th</sup> and 170<sup>th</sup> – Traffic circle near the high school. This ended up being unsafe due to racing by students. The City installed a secondary control of a speed hump.

Staff has found that traffic calming measures are not very effective for people that intentionally speed. Funding for the traffic calming program started in 2008 and ended in 2010. It was intended to be an ongoing funded program, but funding was stopped. Traffic Engineer Coffelt distributed handouts showing each of the project locations. There have been mixed results. Some residents have been very pleased with the results; others have not. Staff is learning more about what types of traffic calming measure will work with the type of traffic issue they are experiencing.

Commissioner AuBuchon asked how much the pylons cost that they have to replace for the speed humps. Traffic Engineer Coffelt said they cost about \$20 each plus about \$100 in time and equipment.

Commissioner Jones requested a breakdown of costs on the projects they have completed. Traffic Engineer Coffelt explained that he started in this position two years ago and has data from that point forward. He commented that the modular speed humps with the pylons cost about \$7,000 each, plus about four hours of six people's time to install. They are quite expensive and will not be used anymore.

Commissioner Ambalada asked about federal grants that were used for these projects. Traffic Engineer Coffelt said that there was a grant for one that involved the school zone flashers.

## **Public Hearings**

### **1. Revisions to City Center Development Regulations (2011CAM0006). Amendments to Ordinance No. 2627 (City Street Grid Protection Ordinance),**

Title 21 (Zoning), including (but not limited to) Chapter 21.60 of the Lynnwood Municipal Code (City Center (CC) zones), the City of Lynnwood Zoning Map, and the City Center Design Guidelines. These amendments, if approved, would revise:

1. The requirements to dedicate property for grid street and park/plaza purposes;
2. The zoning regulations for development/redevelopment of properties in the City Center (including, but not limited to building height, floor area ratios, bulk, street standards, setback and signage);
3. City Center design guidelines for site planning and building design; and,
4. Zoning Map to identify gateways and prominent intersections.

There was a recess from 7:23 to 7:27 p.m. while staff set up for the presentation.

Chair Wright opened the public hearing at 7:27 p.m.

Program Manager for City Center Janiene Lambert gave a brief presentation. She explained that the purpose of the hearing was for the Planning Commission to accept public testimony; and that tonight staff is recommending to continue the hearing to a specified time and date – either of the next two meetings. She gave a review background on the City Center, an overview of the amendments and comments received to date, and highlighted the next steps in this process.

Public Testimony:

Diana Clay, 2002 196<sup>th</sup> Street SW, Lynnwood, WA 98036, stated that she owns a property within the city core and is very excited about the plan. The owners feel it will be quite a few years before development occurs and want to make sure the new plan does not prohibit them from using their building as they are using it today.

Grant Dull, 3711 196<sup>th</sup> SW, Lynnwood, WA, Executive Director of the Lynnwood Public Facilities District, thanked the Commission and the staff for their hard work on this. He requested that the Planning Commission leave the hearing open for 30 days to allow the PFD sufficient time to review the material and to make recommendations for their modification if appropriate. He reviewed the PFD's involvement in the City Center planning process and urbanization efforts in neighboring cities. The PFD has begun review of the proposed amendments to the City Center Development Regulations with the assistance of a planning consultant and an architectural consultant. The PFD site is affected by virtually every aspect of the plan revisions. He commented that PFD is in fundamental agreement with the vast majority of plan revisions, but the revisions are numerous, potentially complex, and quite far-reaching. Allowing 30 additional

days for a thorough review of how these plan revisions will affect what is arguably a test property would be a good investment of everyone's time.

Commissioner Larsen thanked Mr. Dull for his comments. He asked if the PFD's input would be specifically focused on the convention center property or if it would be more general. Mr. Dull said he would look at it from the perspective of a property owner who owns 12.5 acres at the gateway to Lynnwood. The PFD will be looking at the plan revisions from the perspective of the PFD being an economic catalyst for the City.

Commissioner Ambalada asked for more information about the PFD. Mr. Dull stated that the PFD is legally a municipal entity separate from the City. The City's involvement extends to appointing the PFD board members and to backing their bonds. Commissioner Ambalada asked if the City receives income from the PFD. Mr. Dull said that they do not directly. The PFD receives sales tax revenue from sales within the City of Lynnwood and from sales within Snohomish County. They also receive lodging tax revenues. The City in turn receives the economic development benefits from the activities at the convention center.

Bob Burkheimer, 1326 5<sup>th</sup> Avenue #708, Seattle, WA 98101, stated that he is a partner in the Lynnwood Square shopping center which is a 20-acre parcel between 196<sup>th</sup> and 200<sup>th</sup> on 44<sup>th</sup>; this is the largest parcel in the City Center. He was involved in this plan in 2005 and is looking forward to seeing this plan implemented. He expressed concern about being able to keep the vibrancy of the center going while they wait for the opportunity for employment numbers to go up. He spoke in support of Mr. Dull's recommendation of a 30-day extension. He noted that they just found out about this two weeks ago.

Mark Weed, 5157 Kenilworth PI NE, Seattle, WA 98105, stated that he was involved in the original City Center planning effort with Fisher Business Center. He does not have a business interest in Lynnwood anymore, but stated that he was available for questions of a historical nature and to provide support to the requests of those individuals requesting more time be given to them.

Commissioner AuBuchon asked Mr. Weed if he was involved in the initial presentation of the City Center concept. Mr. Weed said he was. Commissioner AuBuchon tried to recall a company that was involved way back in the beginning who proposed that they would develop and manage the project. Mr. Weed recalled that there were a number of companies that were involved, but he did not recall anyone being in a management position other than the City. Commissioner AuBuchon asked if money was still available under the old urban renewal programs. Mr. Weed was not sure.

Commissioner Larsen asked Mr. Weed if there was something they haven't done that they should do. Mr. Weed said that they are doing it right now. He commented that when things slowed down with the planning in Lynnwood he

went to Puyallup to develop their city center. He noted that putting the City in the position to take advantage or to be at advantage when the next thing happens is important.

Commissioner Ambalada thanked Mr. Weed for coming. She reiterated that the City is re-energized. They are also challenged to get a private sector partnership with the City of Lynnwood. She thanked him for his show of support.

Planning Manager Garrett reported that Larry Ingraham had signed up to speak, but had left. He noted that Mr. Ingraham left a letter which will be part of the record of the hearing.

Councilmember Simmonds pointed out that there is another letter from Lindsey Echelbarger of Echelbarger Investments. He also was one of the major stakeholders and part of the oversight committee that met for two years twice month.

Chair Wright also mentioned a letter from Mr. Dull of the PFD.

Commissioner Ambalada stated that she had some questions in response to Mr. Echelbarger's letter.

Commissioner AuBuchon asked about the implications of grandfathering in existing businesses/buildings. Planning Manager Garrett offered to bring back more information on this to the Planning Commission.

*Motion made by Commissioner Braithwaite, seconded by Commissioner AuBuchon, to continue the public hearing (with the hearing to remain open) on revisions to the City Center Development Regulations to the July 14 Meeting. Motion passed unanimously (6-0).*

There was a recess from 8:10 until 8:16 to set up for the next presentation.

**2. 2011 Amendments to the City's Comprehensive Plan (2011CPL0001).**  
Amendments to the City's Comprehensive Plan for 2011 ("2011 Docket").

The public hearing was opened at 8:16 p.m. Planning Manager Garrett discussed the six proposed amendments (contained in the Planning Commission's packet). All six were generated by staff and are recommended to update background information and discussion in each of the elements. There is no intent to make any policy changes with any of these.

Public Testimony: None

Commissioner Braithwaite asked about the specific references to companies providing services. Planning Manager Garrett commented that there is no

specific legal requirement to identify specific service providers. The Washington Administrative Code requires the City to discuss the current provision of these services and staff feels it would be awkward to write it in a manner that does not include the actual name of the provider. Staff has decided it will be better to just deal with the periodic updates.

Commissioner AuBuchon asked if staff is aware of the impending survey of City facilities that is going to be done by a third party. Planning Manager Garrett indicated that they are. If there is any policy level outcome from that process they would pick that up as soon as they can in the Comprehensive Plan. Staff will be monitoring that as it goes forward. Commissioner AuBuchon commented that this is another thing the City is out of sync on. It will cause a lot of extra work and therefore extra cost.

Commissioner Ambalada referred to Economic Development Director Kleitsch's comment that the City Center development will gradually evolve. She recommended that they have a policy to look at the whole City as they are doing this, including housing, commercial, vocation, infrastructure, etc. Planning Manager Garrett commented that the public hearing for the City Center proposal has been continued over and so it would not be appropriate to discuss it in this part of the meeting. He added that one aspect of an Energy Conservation and Sustainability Program would be to look at opportunities to save energy and costs and to reduce greenhouse cost emissions in existing structures, both residential and non-residential. That is the sort of thing that could be brought forward as part of a sustainability program. The City is not at a point to put that forward. There are policies in the Sustainability Element that call for action plans but those will take some time to generate.

*Motion made by Commissioner Larsen, seconded by Commissioner Braithwaite, to approve the proposed 2011 Comprehensive Plan Amendments and forward them to the Council with a recommendation for approval. Motion passed unanimously (6-0).*

The public hearing on the 2011 Comprehensive Plan Amendments was closed at 8:27 p.m.

### **3. Two-Year Docket Cycle Code Amendment (2011CAM0007).**

Amendments to LMC Chapter 18.04 to revise the timing for processing amendments to the City's Comprehensive Plan to once every two years and updating that process to comply with changes to state law.

The hearing was opened at 8:27 p.m. Planning Manager Garrett discussed the proposed amendments. They have received no public comment on the matter. Staff is seeking a recommendation to the Council.

Public Testimony: None

## Questions and Comments:

Commissioner Braithwaite asked how doing this every other year will affect the expense and workload. Planning Manager Garrett commented that there is a fair amount of work in the mechanics of bringing the matters forward both to the Commission and the Council. This will require less staff time on the non-docket years. Also, by putting the items on a two-year cycle he estimates that the total amount of staff time over a two-year period would be less than individual periods. This will free up staff time to do other items that keep coming up.

Commissioner Ambalada asked if the state compensates the city for costs incurred due to amendments they require. Planning Manager Garrett explained that where the state changes the law regarding the timing and scheduling they do not provide any funding. In this case, however, the state is only saying, "no more often than once a year," so it is open to being done less often. Sometimes the state does provide a degree of reimbursement for some requirements such as the Shoreline Master Program. Even in the best case, it's only a partial reimbursement.

Commissioner Larsen expressed concern about how this might affect people applying for rezones and permits. He wondered about having a provision in this amendment to allow authority to call for an annual docket item when they deem it necessary. Planning Manager Garrett stated that this can be changed at the will of the Council based on recommendation of the Commission, but if they would like to recommend consideration of that, that can be part of their recommendation up to the Council. He expressed some concern with having that provision.

Commissioner Ambalada agreed with Commissioner Larsen. She stated that in times of crisis or to meet the needs of the public it can be important to have an amendment. She felt it was important not to make the public wait 24 months. Planning Manager Garrett stated that the state law allows an amendment more frequently than as provided in the case of emergency.

Seeing no further comments or questions, the public hearing was closed at 8:38 p.m.

*Motion made by Chair Wright, seconded by Commissioner AuBuchon, to approve the proposed the Two-Year Docket Cycle Code Amendment and forward it to the Council with a recommendation for approval. Motion passed unanimously (6-0).*

## Work Sessions

### 1. Self-Storage Code Amendment (2011CAM0002).

Amendments to LMC Title 21 regarding zones in which self-storage and similar land uses will be permitted.

Planning Manager Garrett explained some of the background on this matter. Associate Planner John Bowler discussed the flexibility of the "fourth generation" self-service storage facilities (SSSFs) and reviewed pictures contained in the Commission's packet. He discussed some of the pros and cons of these facilities:

- They are extremely low traffic generating. This is good for a residential area, not good in a commercial area where you want to encourage foot and pedestrian traffic because they can create a dead zone in the middle of it.
- There is no sales tax associated with these.
- They do not provide many opportunities for employment.
- They are an extremely flexible use and can fit into odd shaped or parcels that are difficult.
- It is a great re-use of vacant or obsolete buildings.

Questions to Consider:

- Should the City allow SSSFs and in what zones?
- Should an SSSF be only in conjunction with an otherwise allowed use?
- Should the City allow truck/trailer rentals and sale of packaging supplies?
- Should the City allow accessory outdoor storage in some zones?
- Should the standards in Exhibit 2 be code requirements or should they be added to the Design Guidelines?

Discussion:

Commissioner Ambalada remarked that in Arizona there were storage facilities right off most exits on the freeway. This makes them accessible to people moving in and out. They are also in areas where they have restaurants, automotive supplies, and gas. She thinks something like this would be good for the City. She did not think it was good to have these in a residential area due to the potential for their use by homeless people. Mr. Bowler commented that one of the proposed provisions is that they can't be used as studios or living space of any sort. He noted that a well-managed facility wouldn't allow it anyway. Commissioner Ambalada recommended something like a 24-hour restaurant on the top floor.

Commissioner AuBuchon asked why there wouldn't be a sales tax revenue stream. Mr. Bowler said there would be a little from retail sales of boxes and so forth, but he did not think there was sales tax on the actual rental of the space. Planning Manager Garrett offered to confirm that. Councilmember Hikel confirmed that he is a renter of one of these facilities and there is no sales tax. Commissioner AuBuchon suggested that they might need to change that.

Commissioner AuBuchon noted that there is a building in the City that allows rental as living space. Mr. Bowler commented that there is a building in Meadowdale that was designed to be a combination live/work space and self-storage. Planning Manager Garrett clarified that those units were designed and built for different purposes. It is typically illegal to use storage facilities as office, art studio, music studios, work space, etc. Associate Planner Bowler commented that it is common for Ordinances to have a prohibition in it that the units can't be used for business, commercial, or residential uses. Many cities do not have that provision in their code, but it is still against most building code restrictions. Commissioner AuBuchon stated that he is glad to see the City Center information on that has been changed to allow for the self-service storage facilities.

Commissioner Braithwaite said he was inclined to be more restrictive in locating these. He recommended restricting them to industrial zones or mid-block on Highway 99, away from the nodes (but part of the CG zones). He was in favor of limiting things like truck rentals or outdoor storage of rental trucks and the transport of container units because those things generate traffic. He thinks there should be hours of operation, but he's not sure what those should be. It might depend on the proximity to residential. He felt that accessory sales of supplies would be fine. He agrees with tight use language prohibiting those things that are already prohibited in other areas.

Commissioner Braithwaite added that one of the concerns about the new generation of facilities is the height. Mr. Bowler said they currently have one proposal for a three-story facility next to a residential area. This would meet the 35-foot height requirement in the B3 zone. Commissioner Braithwaite expressed concern about having a 3-story "box" next to residential. Mr. Bowler commented that any new facility would be subject to Design Guidelines.

Chair Wright concurred with Commissioner Braithwaite's comments about limiting the traditional storage structures to industrial zones along with the yard storage and truck rentals. He does not feel there is any place for that along the Highway 99 corridor. However, the "fourth generation" facilities are much more attractive. He feels there is a way of providing this service without creating an impact on neighboring residential areas. He thinks they could be incorporated into a project and accessed potentially 24-hours a day without much impact on neighbors.

Commissioner Jones recalled some facilities in Kent or Auburn where you could go to work on your car. He wondered how those would fit into city zoning. Mr. Bowler thought that it would be called an auto repair use and would be limited to those zones. An aspect of the high-rise facilities is that they couldn't be used for that due to interior access.

Commissioner Ambalada stated that she knows of a storage facility in Lynnwood where they are repairing cars. Mr. Bowler commented that it could be a

requirement that they all have to be interior-access. Commissioner Ambalada suggested that in the future multi-family developments could be required to include storage facilities for residents. Commissioner Ambalada commented on the problem they have had with trucks parking overnight on side streets. She thought that overnight parking in areas zoned for this by the freeway would be useful. She could not imagine having a self-storage area in the City Center project.

Commissioner Larsen commented that as Highway 99 develops the demand for temporary storage might go up. He was willing to accommodate the improved design facilities, but not at the expense of potentially vibrant commercial strips or areas. He suggested that they might want to look at an SUP type process with a set of criteria such as: camouflaging, not in commercial strips, keep them low, keep them behind the first row of parcels, internal access, and perhaps in areas where they currently allow gas stations and auto repair. He recommended that they also look at an overlay zone.

Commissioner Jones asked if there is a way for the City to try to create some revenue from these in lieu of sales tax. Staff indicated they would look into this. Planning Manager Garrett clarified that Washington's sales and use taxes are totally spelled out in state law and there is no local option unless the state says there's a local option.

Chair Wright agreed with Commissioner Larsen that it would be nice to see some sort of overlay on this although he realizes this will require additional work. Mr. Bowler stated that they would come back with some more specific proposals.

Mr. Bowler discussed Mr. Pontak, a proponent of this type of development, who has mentioned that he is interested in coming to talk to the Planning Commission about the industry and what changes they have had in it.

Commissioner AuBuchon stated that he has already personally invited Mr. Pontak to come talk to the Planning Commission at any public comment time, but he has not shown up.

Planning Manager Garrett thought that he would like to make a more formal and more extended presentation than is allowable under the public comment portion of the meeting. He expressed concern about inviting a private interest person to make a presentation to the Commission. Presentations have generally been limited to agencies involved in some sort of planning that could affect Lynnwood.

Commissioner AuBuchon commented on the merits of having Mr. Pontak speak to the Planning Commission.

Chair Wright recalled another private developer they had speak to them regarding property just off 36<sup>th</sup> Avenue. He stated he would not be opposed to having him coming in to educate them.

Planning Manager Garrett that staff would have no problem bringing in a subject matter expert in general. The concern here is that they already know he is interested in developing in Lynnwood. He stated that he first wanted to discuss this with senior staff and possibly the city attorney.

Commissioner Larsen preferred that he come to speak at the public comment portion of the meeting. He welcomed Mr. Pontak, but recommended that they limit his time to five minutes. Commissioner Larsen stated that he was interested in knowing if there is a safety or code enforcement activity associated with facilities like this that would end up being some sort of cost to the City.

Commissioner Ambalada stated that she was interested in hearing from a business owner in order to get more educated on the subject.

Mr. Bowler remarked that he also knows an architect who has designed a number of these facilities. Unlike Mr. Pontak, this person has not approached the City about anything in specific. He might be interested in coming in as a subject matter expert. Chair Wright thought this would be a good solution.

Councilmember Simmonds recalled that at one time they had brought in five or six subject matter experts to address the Council. All of them had a vested interest in making the City Center successful so there is some precedent for that happening. Councilmember Simmonds wondered if the Levitz furniture store might be a natural spot for an SSSF. Another idea would be to have one on the 12 acre SRO-owned property on Highway 99 and 196, but have it set toward the back.

### **Other Business**

None

### **Council Liaison Report**

Councilmember Simmonds reported that this coming Monday, June 13, there will be a public hearing on the Highway 99 Sub-Area Plan and the various code amendments. They will also be holding a hearing on the 6-year TIP. The Council, administration, and staff will be having an all-day work session on Saturday in which they will be dealing with the issues of Priorities of Government. It is his personal opinion that this will be a productive session.

### **Director's Report**

Planning Manager Garrett reported:

- The schedule for the Highway 99 Sub-Area Plan involves the hearing on the 13<sup>th</sup> and then carrying the matter forward to the June 20 Work Session for deliberation by the Council and then back to the June 27 Business Meeting for possible action.
- He distributed copies of an MRSC newsletter to the Planning Commission.
- There is a pilot project underway to transition to a paperless workplace. Community Development will be getting two test units of tablet computers for two commissioners to test accessing the packets electronically.
- Commissioner AuBuchon discussed his experience with his tablet.

### **Commissioners' Comments**

None.

### **Adjournment**

The meeting was adjourned at 9:59 p.m.

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Richard Wright, Chair