City of Lynnwood
PLANNING COMMISSION MINUTES
July 14, 2011 Meeting

Commissioners Present:	**Staff Present:**
Richard Wright, Chair	Paul Krauss, Community Devt. Director
Bob Larsen, Vice Chair	Kevin Garrett, Planning Manager
Maria Ambalada	Shay Davidson, Administrative Asst.
Van AuBuchon	Janiene Lambert, City Center Prog. Mgr.
Chad Braithwaite	David Osaki, Dep. Dir. Comm. Devt.
Doug Jones	
Michael Wojack, Second Vice-chair	**Other:**
	Councilmember Loren Simmonds
Commissioners Absent: None	

Call to Order

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

Approval of Minutes

1. Meeting of May 26, 2011
2. Meeting of June 9, 2011

Motion made by Commissioner Ambalada, seconded by Commissioner Larsen, to approve the minutes of May 26, 2011 and June 9, 2011 as presented. Motion passed unanimously (7-0).

Public Comments

None.

Public Hearings

1. City Center Code Amendment (2011CAM0006)

   Amendments to Ordinance No. 2627 (City Center Street Grid Protection Ordinance) and Lynnwood Municipal Code Title 21 (Zoning), including but not limited to Chapter 21.60 (City Center 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, setbacks and signage);

3) City Center Design Guidelines for site planning and building design; and

4) Zoning Map to identify gateways and prominent intersections.

Staff Presentation:

Planning Manager Garrett reminded the Council that the public hearing was opened at the prior meeting on June 9 and continued to this week's meeting. He stated that the City has received a few letters in the last few weeks. Some are in the Commission's packet. The others will be distributed and entered into the record later tonight.

City Center Program Manager Janiene Lambert reviewed the background of this matter as contained in the Planning Commission packet. She explained that on July 11 staff from Community Development, Economic Development, and Public Works met with the PFD (Public Facilities District) and their consultants to review their comments. At that meeting the PFD proposed a pre-development type meeting with the City over the next couple weeks with an example proposal to work through the proposed amendments. Staff agreed that this would be a good model and that it may provide ideas for further refinements to the zoning and the design guidelines. Therefore, staff is recommending further continuance of this public hearing to September 8 to allow time to accommodate the PFD's request. Staff plans to meet with the PFD over the next two weeks regarding their conceptual application and to review the development requirements. Follow-up meetings would be held, if needed, to discuss items applicable to those proposed amendments. On August 15 staff is scheduled to provide a City Center status update to Council. If appropriate, staff will propose additional amendments to the Planning Commission and complete the public hearing on September 8.

The proposed amendments would, if adopted, permanently replace interim Ordinance No. 2885 regarding streets and parks which expires mid-September. However, with the hearing already continued from June 9, it is unlikely that the Council will have time to review and take action on the permanent regulations before expiration of Ordinance No. 2885 and there will likely be a need to extend the interim Ordinance by September 14th.

Continuing the public hearing may also delay other City Center properties that are currently waiting for the amendments to fill their existing vacancies.

Program Manager Lambert stated that two additional letters came in after the staff report was issued. One letter was from the PFD and one was from Mike Echelbarger. Those were entered into the record and distributed to the Planning Commission.

Commissioner Larsen asked if a permit review for the PFD area would act as a comparison between the existing ordinance and the proposed ordinance. He also asked if the area in question north of 196th would be a representative of the larger area. Program Manager Lambert replied that they did not talk about doing a comparison example, but rather working through an application regarding the proposed amendments. Regarding the area where the PFD is located, it is in the core section of the City Center zone. There is a difference proposed in height from 350' to 240', but that would be the only difference.

Commissioner Ambalada stated that she would like to see a clause on this amendment that addresses the right to appeal the criteria so that the commissioners can prepare themselves. Planning Manager Garrett referred to the City Center Design Guidelines and stated that those guidelines fit within the existing City Design Review Process adopted by the Council. This process includes "Design Departure", whereby a design team may make a proposal if they believe they can meet the intent of the guidelines even if they don't meet the specific guidelines. He stated that they could include a clear statement that this process is available. Program Manager Lambert referred to item 8 on page 3 of the matrix of proposed changes in the Staff Report. She stated that they have added appeals process for Director Determinations throughout the code.

Commissioner Braithwaite asked for more information about projects that would be impacted by continuing the public hearing to September. Program Manager Lambert stated that it has not been communicated to one of the parties and the other party is in the audience tonight. Staff tried to adapt the language for non-conforming uses to meet one of the parties' desire to upgrade and possibly replace an existing restaurant pad.

Planning Manager Garrett suggested that the Planning Commission invite comments from the public specifically toward the idea of continuing the hearing until September.

Chair Wright asked the Planning Commission members if there was any objection to the concept of continuance. No one raised any objections.

Commissioner AuBuchon asked Councilmember Simmonds for his comments regarding the possibility of extending the interim zoning Ordinance again. Councilmember Simmonds commented the date mentioned – September 8 – is the first session of Lynnwood University which normally is held in the Council Chambers. Planning Manager Garrett suggested having a special meeting on

September 1 or having the continued hearing at the regular meeting on August 25.

Public Testimony:

Grant Dull, 3711 196th SW, Lynnwood, WA, Executive Director of the Lynnwood Public Facilities District, thanked the Planning Commission for continuing the hearing at the last meeting. He stated that the City Center Plan and its implications are now already five years old. Given the passing of time and the changing economic climate he thinks that a review is entirely appropriate. The PFD is uniquely impacted by the City Center designation because its property is located at one of three gateways identified for the City of Lynnwood. It is the only property now that would be impacted by both a new road and the proposed pedestrian corridor. The PFD is not part of the City, but the City does have a financial interest in the health of the Public Facilities District. He commented that the PFD has worked with consultants over the last couple weeks to look carefully at the implications of the plan and the plan revisions on PFD property. Those documents will result in a loss of about 20% of the PFD's property and about half of its parking stalls. The consensus between him, the PFD's consultants and the staff is that a conceptual site development proposal could be used to flush out the implications of the plan and its revisions. This will result in some clarification and improvement of the plan revisions. He reiterated that the PFD is entirely supportive of the City Center concept and revisions to the Plan. He spoke in support of the extension of the hearing.

Elliott Severson stated that his company is working with Nobel Learning Communities who is looking at relocating into the City Center. He had submitted a letter explaining some of their concerns and was impressed with staff's response. The recommendation is not exactly what they had proposed, but it will work with their plan. He is happy with the fact that staff listened to their concerns and with their willingness to make revisions to try to improve the plan and to make it more flexible. His client would like things to happen as soon as possible, but they realize the importance of making sure that things are done properly. The exact timing of the ordinance is not as important for them as knowing that the proposed changes, particularly on the outdoor space and parking, have the support of the staff and the Planning Commission. He does not see a continuance being a hindrance to their moving forward.

Commissioner Wojack commented that he was not at the first part of the meeting on June 9, but he did listen to all of the recordings and read the minutes so he is up to date.

Commissioner AuBuchon referred to Mr. Severson's letter and asked Program Manager Lambert for the reasoning for the 10% cap on recreational area. He asked if they could be more flexible on that. Program Manager Lambert replied that they propose to be more flexible with that. She gave some background on

this and reviewed the proposed change. Planning Manager Garrett added that item 6 on the matrix of Comments and Updates from the June 9, 2011 hearing addresses this under Accessory Outdoor Recreation. Commissioner AuBuchon thanked staff.

Commissioner Ambalada reiterated that they are all about flexibility, even though they have a strong vision, because they want business for the City of Lynnwood.

Commissioner Braithwaite asked Mr. Severson if the changes referred to by staff address his main concerns. Mr. Severson replied that the modified changes that are in the latest recommendation address their concerns.

Commissioner Ambalada asked Mr. Dull about plans they have for the PFD property. Mr. Dull stated that the PFD is only legally able to obtain and acquire property that is related to a regional facility (Convention Center), related activities and parking. Their long-term vision includes an expansion of the convention center, potential construction of a hotel on PFD property, and construction of a parking garage. All of that future development would be consistent with the City Center Plan. Any potential issues would relate to phasing and space.

Commissioner Ambalada asked what would happen if one of the PFD's properties gets sold. Mr. Dull stated that that PFD was created by the City of Lynnwood to build and operate the convention center. They have sold bonds with the City's backing to do that and have made promises to the City, to the County, to the State, and to the bond owners that they will be here for quite some time. Commissioner Ambalada stated that she was glad to hear that.

Commissioner AuBuchon commented on the letter received today from Mike Echelbarger. He concurred with Mr. Echelbarger very strongly that the citizens' review committee approach should be reinstated. He felt that they need as much citizen input on this. Program Manager Lambert stated that they see this process as a start to getting people re-engaged in the City Center after a hiatus.

Community Development Director Paul Krauss commented that they had the citizen committee process at the beginning of the City Center process from 2000 to 2005. What they are doing today is fine tuning the plan. There is no plan to create another body to review this document outside of the Planning Commission and City Council at this point.

Planning Manager Garrett added that the focus now is on reaching out to property owners and businesses in the area to get their comments, improve the Plan and then look to the Planning Commission and the City Council to fulfill their roles and lead up to final action.

Commissioner AuBuchon commented that a lot of things have changed from 2005 to today. He does not want to redo the entire plan, but he believes they owe

the stakeholders some input; he believes this is what Mr. Echelbarger would like as well. Commissioner AuBuchon spoke in support of having as much citizen input as they can get.

Commissioner Larsen stated that if they are going to take another look at the plan in the context of an experimental application for the PFD, they should experiment with other applications. Director Krauss commented that when the Plan was originally developed it was developed with the committee structure, but then it went through the City Center and the City Council. He reminded the Planning Commission that their charge is to act as the citizen advisory body to the City Council, to receive comments, and to make recommendations. He reviewed the process to date and commented that this is intended to be a living document and they expect that things will change over time. Regarding the PFD, staff thinks that most of the concerns have been addressed by the plan amendments, but they still think going through the exercise would be good to make sure they are all on the right track. They have also been working with other property owners on other properties all along. This is a continuous process that has been going on for the last six years. Program Manager Lambert added that the seed money projects took from 2007 through 2010 and since then they have been working and making refinements based on the recommendations from those plans. In addition to that the recommendations have been based on what staff has heard from feedback from the property owners.

Motion made by Commissioner Braithwaite, seconded by Commissioner Jones, to continue the public hearing to September 8. Motion passed unanimously (7-0).

There was a recess from 8:04 p.m. to 8:13 p.m.

2. Electric Vehicles Infrastructure Code Amendment (2011CAM0001)

   Amendments to LMC Title 21 (Zoning) related to electric vehicle infrastructure, to comply with the requirements of RCW 36.70A.695, by providing definitions related to electric vehicle infrastructure and providing allowances for certain types of electric vehicle infrastructure in zoning districts within the City of Lynnwood. The draft ordinance also has provisions for electric vehicle parking when provided in parking areas.

Staff Presentation:

Community Development Deputy Director David Osaki gave the staff presentation as contained in the Planning Commission's packet under item D-2. Staff's recommendation is approval of the proposed ordinance and the statement regarding addressing the Highway 99 Mixed Use Zone. Additionally, there is a proposed revision to the staff recommendation to the Commercial Residential zone to prohibit battery charging stations and battery exchange stations as a principal use. Staff is currently working on code amendments to the Commercial

Residential zone that will come forward to the Planning Commission later this year.

Commissioner Braithwaite asked if the code amendment requires the inclusion of any electric vehicle charging stations or if it just allows for them. Deputy Director Osaki replied that it just provides a framework for someone to do it, but there is no requirement that anyone do it.

Commissioner Braithwaite asked if there is any fiscal impact to the City for any of the code amendment changes. Deputy Director Osaki did not think there were.

Commissioner Braithwaite referred to the Level 2 stations that are allowed in residential homes and asked if those need to be indoors. Deputy Director Osaki replied that they do not have to be indoors the way the code is written right now. Commissioner Braithwaite suggested considering whether they would want their neighbor to have one of these at the end of their driveway. Planning Manager Garrett commented that a number of older houses in Lynnwood have garages that have been converted to living space or some other use, but they are no longer used as a garage so the cars are parked in the driveway. If they were to prohibit outdoor charging areas, the residents of those homes could not have an electric vehicle because there would be no way to charge it. What they could do is insert some language about either mounting it the wall of the building or locating it as close as is physically practical to the house to minimize its visibility.

Commissioner Braithwaite referred to the battery exchange stations and noted that the new batteries are not as dangerous as batteries in times past, but there are still some fire hazards associated with the battery technology. He wondered about safety regulations for these stations. Deputy Director Osaki stated that there is a new Energy Code and the stations would have to comply with whatever the standard is. Staff indicated that they would do some research on the fire safety issue.

Commissioner AuBuchon asked rhetorically if the State is going to build the necessary smart grid to support all this electrical charging. He commented that the technology is such that it is something totally different from other battery types. The technology they are currently using in Japan is probably what will be adopted in the US. The problem with this is that the metals necessary for that type of battery technology is somewhat limited at this time. He stated that he appreciates staff's input on this, but he thinks this is a waste of time at this point.

Commissioner Wojack asked if the National Electrical Code would cover the placement of these. Planning Manager Garrett stated from his personal experience with this they are taking electricity off the main panel on a separate dedicated circuit going out to the garage. They will be required to pull an electrical permit and an inspection will have to be done. He stated that it is much like any other 220 installation.

At 8:38 p.m. Chair Wright opened the public hearing for public testimony. Seeing none the hearing was closed at 8:38 p.m.

Commissioner Larsen spoke in support of the Ordinance as presented.

Commissioner Wojack asked staff if the zoning or the National Electrical Code would take precedence on installation if there was a conflict. Planning Manager Garrett replied that the zoning deals with use and setbacks so that would not conflict with the National Electrical Code. He explained that when the City adopts codes such as the NEC, they frequently adopt modifications to it and there are matters within the codes that are open to local interpretation.

Motion made by Commissioner Braithwaite, seconded by Chair Wright to forward the proposed Ordinance, the text regarding the Highway 99 zone and the recommended revision regarding the CR zone, to City Council with a recommendation for approval. Motion passed unanimously (7-0).

Other Business

None.

Work Session

None.

Council Liaison Report

Councilmember Loren Simmonds reported that there was a public hearing on the Highway 99 Sub-Area Plan conducted by the Council. There was also a public hearing on the Six-Year Transportation Improvement Plan (TIP) and the TIP was passed unanimously. The Highway 99 Sub-Area Plan went back to a work session with another work session scheduled for August 1. The 2011 Comprehensive Plan Amendments docket passed unanimously on July 11.

Director's Report

Community Development Director Krauss:

- Gave an update on several construction projects.
    - Tonight there is a Grand Opening for the American Girl store at the mall.
    - The mall has been able to maintain their occupancy.
    - The former Border's two-story bookstore will be taken over by Forever 21.
    - Anthony's is also being developed at the mall.

    - Across the street from the mall Buffalo Wild Wings will be building a new building.
    - The Legacy hotel project near Target is in plan review right now and permits are expected to be issued in the next two months.
    - Staff is also working with Zumiez who is putting their corporate headquarters on the old driving range.
    - Whole Foods will be going into the former Circuit City site.
    - DSW shoes is also under construction.
- He explained that the first few months of the year were very slow for permits, but in the last couple months the volume, scale and value of the permits have been very strong. Staff is hopeful that this is a sign of things beginning to turn around; however, the Finance Director will be giving his mid-year budget update on July 26.
- Staff is working on the "chicken" ordinance to bring to the Planning Commission.
- He gave an update on Council discussion and questions regarding the Highway 99 project. He commented that the number and scale of highway corridor projects similar to what is being proposed in Lynnwood is growing rapidly. Shoreline, Mukilteo, Everett, the County, and Lynnwood all have projects similar to this just on Highway 99. He attended a session in Seattle recently sponsored by the Urban Land Institute and it dealt with five or six Bus Rapid Transit Corridors being planned and operated by METRO in King County.
- The draft EIS for Costco at the old Lynnwood High School site is in its final finishing stages. He reviewed the status of this process and estimated that this would possibly come to the Planning Commission by late fall or early winter.
- He gave an update on the annexation issue and stated that they have not heard a decision out of the Court of Appeals. He explained that assuming that a favorable decision occurs from the Court of Appeals, Mill Creek always has the ability to go to the Supreme Court. Regardless, a lot of work would have to be done and issues reassessed before the City could schedule it for a vote.

Planning Manager Garrett requested that the Planning Commission members check their city email on a regular basis. Commissioner AuBuchon commented that commissioners could have their city emails forwarded to their personal emails.

Commissioners' Comments

Commissioner AuBuchon requested an update on the self storage issue. Director Krauss stated that they have been working on a draft ordinance amendment that would give the flexibility to do mini-storage in many districts where it is not now permitted under the proviso that it not look like a traditional mini-storage warehouse. He gave examples of how this might be feasible. Commissioner

AuBuchon recalled that staff was going to look into inviting someone to speak to the Commission regarding this issue. Planning Manager Garrett was not sure if that individual had been contacted, but indicated he would follow-up with Associate Planner John Bowler on this.

Commissioner AuBuchon referred to Shoreline's section of Highway 99 and commented on how long this construction is taking. Director Krauss explained that, unlike the Lynnwood plan, the Shoreline plan involved significant reconstruction of the main line and they are funding their construction in phases.

Commissioner AuBuchon then referred to Council's discussion at the Business Meeting about the Highway 99 project. He recalled that the Planning Commission had decided that if they wanted a fitness facility they would do it based on a multi-level type building so that it would generate adequate parking spaces. Director Krauss clarified that when the Highway 99 project was before the Planning Commission staff realized that they had neglected to list athletic facilities as a permitted use due to oversight. When they brought it to the Planning Commission there were concerns raised about the amount of parking that an athletic facility would need in addition to the other parking requirements of the development. Also, from a design standpoint there was some concern about what it might look like so there was a recommendation that it be a permitted use, but only in a multi-tenant building and no more than 50% of the space. This is what they carried forward to the City Council; however, SRO brought this up as an issue at the City Council meeting.

Commissioner AuBuchon informed the Planning Commission that SRO is proposing a 50,000 square foot building on that property with the potential for 4,000 members within 5 miles of that location. This could result in the need for parking for 400 cars if just 10% of the members show up. Director Krauss clarified that SRO does not have a proposal in front of the City; they have a concept that they are considering and refining. Parking requirements are already established by city code. When SRO or any other developer comes forward they will have to go through an environmental review, a city code analysis, and demonstrate that they have dealt with the impacts and that they are consistent with the code. He commented that what SRO showed them as peak parking loadings for an athletic facility do not overlay precisely with the peak parking loadings for retail.

Commissioner AuBuchon thanked Director Krauss and apologized to him for the way he was treated at the Council meeting.

Adjournment

The meeting was adjourned at 9:21 p.m.

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Richard Wright, Chair