

**City of Lynnwood
PLANNING COMMISSION MINUTES
May 10, 2012 Meeting**

Commissioners Present:	Staff Present:
Richard Wright, Chair	Community Dev. Director Paul Krauss,
Bob Larsen, Vice Chair	Deputy Director Corbitt Loch
Maria Ambalada	Shay Davidson, Administrative Asst.
Chad Braithwaite	Gloria Rivera, Senior Planner
Doug Jones	Econ. Dev. Tourism Mgr. Mary Monroe
Michael Wojack, Second Vice-chair	Econ. Dev. City Center Program Manager Janiene Lambert
Commissioners Absent: None	Other:
	Councilmember Van AuBuchon

Call to Order

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

Approval of Minutes

1. Meeting of April 26, 2012

Motion made by Commissioner Larsen, seconded by Commissioner Ambalada, to approve the April 26, 2012 minutes as presented. Motion passed unanimously (6-0).

Citizen Comments

None.

Public Hearings

1. Transition Area Zoning Regulations (2008CAM0003) Proposed zoning and design guideline regulations for the Alderwood – City Center Transition Area, generally located east of 36th Avenue W, south of 188th St. SW and west of Alderwood Mall Blvd. Hearing extended from April 26th.

Staff Presentation:

Economic Development Tourism Manager Mary Monroe briefly reviewed the purpose of the Transition Area, Comprehensive Plan directives, background, limited development and corridor regulations and map, recommended uses, development standards, signage, and design guidelines.

Community Development Director Paul Krauss commented that the Planning Commission received four items in the mail which were distributed tonight. One was a letter from former Councilmember Ted Hikel. The other was a written copy of Larry Ingraham's statements from the first part of the hearing. Director Krauss responded to Mr. Ingraham's question about the prohibition on retail uses larger than 50,000 square feet. He explained that the Transition Area is not intended to be an extension of Alderwood Mall because it is proximate to single-family homes. However, there is a portion of the Transition Area (east of 33rd) which is located a distance away from the single-family neighborhood. He recommended that the Planning Commission consider an amendment to the draft code that would lift the size ceiling only in that area east of 33rd.

Commissioner Comments and Questions:

Commissioner Braithwaite spoke in support of the amendment proposed by Director Krauss, noting that he had been considering the same thing.

Commissioner Wojack asked what the height limit east of 33rd would be. Director Krauss said the height would not change; it would still be 120 feet.

Commissioner Braithwaite referred to an access road from the school district's property to 33rd which is excluded from the Transition Area. He wondered why they were excluding this. Ms. Monroe explained that it provides access to parcels that are outside the Transition Area. Commissioner Braithwaite asked about including that at some point in the future. Director Krauss commented that the bus barn property is for sale, but it is dependent on the school district's construction of its new administration building and bus barn. Furthermore, the access to the mall on 33rd will likely be significantly different in the future with the planned extension of 33rd to Poplar Way. He noted that this is another reason for staff's suggestion to do something different on the east side of 33rd.

Commissioner Braithwaite thought that if the access road was able to be combined with the surrounding properties it might be more appealing for development. Director Krauss thought that this would be a reasonable thing to do.

Chair Wright opened the public testimony portion of the public hearing at 7:24 p.m.

Public Testimony:

Bonita Hickok, 3812 – 191st Place SW, Lynnwood, stated that she has lived in her house for about 45 years and has witnessed the encroachment on single-family residential over time. She reviewed some of the background of the residents' concerns about this area, especially regarding the height limits. On behalf of herself, her husband, and four other people in her neighborhood (Lisa

Fil, 19206 - 36th Avenue West; Cole Langdon - 3813 - 191st Place SW; Jack Sheneker 3806 - 191st Place SW; Karen Burke 3914 - 191st Place SW) she spoke against any increase in building height limits. She asked if these proposed heights were the same as those being proposed in the City Center.

Director Krauss stated that the City Center has the potential for larger buildings than the Transition Area. The idea is that the Transition Area will be a transition from higher density, heights and from the mall area. The entire area – the City Center, the Transition Area, and the mall – are all in the Regional Growth Center.

Ms. Hickok expressed concern about having taller buildings in the Transition Area. She also asked for clarification about the corridors. Director Krauss explained that developers in the corridor would have the opportunity to transfer density that would be prohibited in the corridor to somewhere else.

Ms. Hickok then expressed concern about the increased traffic along 36th. She summarized that the residents in that area do not want the buildings to go any higher than they are now.

Ms. Hickok also spoke against multi-family, stating the neighborhoods do not want residential in the transition area. She commented that it would be better to wait to see what happens on 33rd before rezoning.

David Hikel, 3820 – 191st Place SW, Lynnwood, commented on the strength and cohesiveness of the single-family neighborhood adjacent to the Transition Area. He stated that the Transition Area is not the width of 36th Avenue West for a reason; one street does not constitute a transition between uses. The existing commercial along 36th has worked well with the neighborhood because it is a type of business that was specifically put there and does not create a major imposition on the RS-8 community. It does not create a lot of traffic outside of normal business hours. It is also very quiet and dark at night. Regarding the view corridors, Mr. Hikel stated that it is very logical to assume that the property owners who would be taking advantage of the height transfer from the view corridors would be transferring it to the immediately adjacent property because they will be transferring it from property that they own to other property that they own. This will create a view “chasm” surrounded by structures that are reaching the maximum limit of 120 feet plus mechanicals. He asserted that there has been no study of the shadow effect of 140-foot tall structures on the residential properties on the other side of 36th. For many of those properties, the only time they see direct sunlight is in the early morning hours because they are on the backside of a hill. He stated that there are many problems with this existing plan. He recommended that it be sent back for more work.

Rick Jorgenson, 3729 - 191st Place SW, Lynnwood, thanked staff for giving a lot of consideration and thought to trying to find the balance between significant pressures that they have to reconcile. He then posed the questions, “What kind

of a community do we want to have? What do we value? What is important to us?" He expressed appreciation for the strong sense of community in his neighborhood and the aesthetics of the existing area. He expressed concern about the proposed heights.

Seeing no further public comments, the public hearing was closed at 7:50 p.m.

Commissioner Comments and Questions

Commissioner Larsen stated that his biggest concern from the beginning of this project has been the height of the buildings. He explained that he became a volunteer with the City because he wanted to protect neighborhoods. He also wants to see the City Center get built. He discussed several of the factors they are trying to balance. He agreed that the view corridor is minimal and could result in some much taller buildings. He suggested that larger buildings be allowed east of 33rd.

Commissioner Braithwaite remarked that the current zoning does not have any height restrictions, so doing nothing is not a logical thing to do. He stated that something needs to be done in order to have some sort of limits. He acknowledged that it is very difficult to balance the interests of the single-family residents and the adjacent property owners. He thinks staff has done a good job in putting together a plan. He concurred with others that the height is perhaps an issue to be addressed. Commissioner Braithwaite noted that there is a prohibition on drive-thru's in that area. He proposed allowing bank drive-thru windows on 33rd.

Regarding the view corridors, Commissioner Braithwaite said he heard that the City of Bonney Lake is being sued by a landowner because their property was rezoned to preclude higher density development in order to protect the adjacent homeowners' views. That case is still pending. He asked if the City has done any research to see if there might be any legal issues related to restricting development to protect views. Ms. Monroe explained that this is a tricky issue. The current EIS states that no views would be impacted. It specifies that there aren't really any views. The question of, "What is a view?" becomes important. She stated that staff did not do any in-depth research other than to look at how one would define a view.

Commissioner Ambalada thanked the residents for coming to the public hearing. She informed them that the commissioners and staff worked hard on this project and are very sensitive to the height issue. To her the heights are acceptable because of the slope from 36th going toward 33rd. She said she understands the residents' concern about the view, but commented that the Planning Commission must balance this with the City's needs. She emphasized that they do not want to destroy neighborhoods in the name of money and big buildings.

Commissioner Jones thanked the residents for coming. He commented that because he is young and new to the community, this is very exciting for him. He noted that there has been a lot of time and effort put into these Design Guidelines. He thinks that the buildings that may be going in will be architecturally beautiful buildings. He agreed that the height is something to take into consideration.

Commissioner Wojack expressed appreciation to staff for all their work on this and to residents for coming to voice their thoughts. He said he noticed after the last work session that he has noticed that all of the major development has gone in next to the malls at Northgate, Southcenter, and Alderwood. He expressed some concern that the City Center is not next to the mall and that the development might go into the Transition Area instead of the City Center. He spoke in support of Director Krauss's idea of going to a higher height limit east of 33rd, but spoke against the proposed height of the buildings along 36th. He spoke against the plan as it exists because it negatively impacts the neighborhood.

Commissioner Larsen asked Commissioner Wojack what he would recommend as an alternative. Commissioner Wojack reiterated that everything east of 33rd could stay as the current new zone has gone in. For the Transition Area, the setbacks are fine. The 35-foot maximum height is pretty much what the buildings are now. He said he might be in favor of going to 50 feet tall at 100 feet back. He definitely is opposed to 85-foot buildings in that area.

Chair Wright reiterated that if the City does nothing right now, a 200-foot building could be placed on that property. What the current proposal actually would do is limit the height of the buildings.

Director Krauss concurred. He noted that the high-rise buildings that are there today were built under the existing zoning with Conditional Use Permits. Staff believes that having a firm ceiling is better than having none, but whether the ceiling that is being proposed is exactly the right one is open for discussion.

Commissioner Larsen thanked staff and said he admires them for their work. He suggested that they try to move this to the City Council. He noted that they have had a lot of time to talk about the height issue before now. Rather than amending the plan now, he suggested recommending approval of this plan with a provision that the commissioners would voice possible alternatives. As an alternative that he would be comfortable with, he spoke in support of a height limit of 60 feet west of 33rd and 100 feet east of 33rd.

Commissioner Braithwaite thought that this was a good suggestion. He suggested verbiage such as: "It is the sense of the Commission that there is a strong degree of concern over what the height limit should be." It should be noted that this was a difficult topic and something that the Council should focus on and

give more consideration to. Commissioner Braithwaite noted that the rules of the Planning Commission allow for a minority report and that might be a way to express concerns with the plan.

Commissioner Larsen suggested that they could recommend sending this to the City Council as written with a provision that there is a concern over height and a note that the Planning Commission hears what the residents are saying. An alternative height of 60 feet west of 33rd and 100 feet east of 33rd would be something to consider. He also recommended allowing larger buildings east of 33rd (possibly 100,000 square feet) and drive-thru's on 33rd for banks or other financial institutions.

Chair Wright asked if there was consensus on Commissioner Braithwaite's point that the access roads to the school district's property off 33rd should be included in the Transition Area.

There was consensus to include the access roads. There was also consensus to allow bank drive-thru's on 33rd.

Motion made by Commissioner Larsen, seconded by Commissioner Ambalada, to approve the Design Guidelines and Draft Ordinance subject to the following: Allow drive-thru's at banks on both sides of 33rd, allow buildings up to 100,000 square feet east of 33rd, and remove the two access roads on 33rd so that they become part of the area. Motion carried (5-1).

Commissioner Wojack expressed opposition to the motion that was passed. He stated that the height limits are too tall, would have too great an impact on the neighborhoods, and cause increased traffic. Additionally, City Center has no growth as we see it now. If the City allows growth to happen in the Transition Area, he believes that will be the new City Center at the bottom of 36th Avenue. Regarding height limits, he said he would support a height limit of 50 feet at 100 feet setback.

Public Comments:

Rick Jorgenson, 3729 - 191st Place SW, Lynnwood, thanked the Planning Commission, but said he was disappointed in the process. He wished they would have taken a stronger, firmer stance on what their beliefs were.

Work Session

None.

Other Business

1. Proposal to decrease Planning Commission terms from six years to four years.

Corbitt Loch, Deputy Director for Community Development, introduced this item and asked for input from the Planning Commission.

Commissioner Wojack commented that six years ago the Mayor had indicated to him that the term was so long because there is so much to learn.

Commissioner Larsen said he was coming up on his 4th year and it seems like a really short time. Personally, he is fine with the six-year term, but if shortening it would help to get people willing to serve he would support it.

Commissioner Wojack concurred that six years does not seem too long, but he wondered about the possibility of having some flexibility with the term.

Commissioner Ambalada said that it is fun being a member of the Planning Commission, and she has learned a lot. She noted that she would be happy to serve for two six-year terms. She has already indicated to staff her desire to serve another term when her initial one is over.

Commissioner Braithwaite commented that many of the issues they deal with have a long timeframe and it can take several years to get up to speed.

Commissioner Jones said as a new member he is still trying to learn the ropes. He commented that he would be fine with four years, but he thinks that with six years you start to get a rhythm and flow.

Commissioner Wojack suggested a compromise of five years. Director Krauss commented that the four-year cycle seemed to work better with the rotations.

There was consensus among the Planning Commission that they were happy with the six-year term, but if changing to four years would be more practical they would support it.

Council Liaison Report

Councilmember AuBuchon:

- He was unhappy to see that the topic of the Planning Commission appointment was not on the agenda for the next Council meeting. He is continuing to work diligently on this matter.
- He asked the Planning Commission if they would be willing to give up their last Thursday of the month meeting to join the Council at their Monday Work Session at the end of the month.

Chair Wright stated that he would be willing, but it would depend what else they have on their agenda. Councilmember AuBuchon explained that it would only be for major issues like the Transition Area.

Commissioner Larsen said he generally does not like the idea because when there is a complex issue that involves working with the public, working with staff, and possibly delaying a decision, he feels like an important role of a Planning Commission is to give the public, staff and the Planning Commission a chance to work through details of issues. Whereas, to meet in front of a decision-making body removes that opportunity to work out some of those issues ahead of time. Also, if they have joint meetings on those topics, the Planning Commission would not be necessary because they would not be decision makers. Councilmember AuBuchon reiterated that these would be for Work Sessions only, not public hearings at the Council level. It would simply be to save staff the time and effort of making basic presentations over and over again.

Commissioner Braithwaite concurred with Commissioner Larsen and stated that he was opposed to the idea. He added that if they decide to do this, he would request a lot of advance notice as it would be a challenge with his schedule.

Chair Wright agreed with Commissioner Larsen's concerns, but noted that this would not be for the intention of making the policy determination. It would be a way to more easily disseminate information. He expressed concern about how the flow of work might function for the Planning Commission with this process. He said he could see a very narrow band of subject matter that could be addressed very conveniently in the way that was being proposed. He also sees a large band of things outside of it that would not work well in that setting.

Commissioner Wojack commented that he liked the idea of having a joint Work Session with the Council. However, due to the long timeframe of a lot of these projects, the Council might need a review from staff anyway by the time it gets back to the Council.

Commissioner Ambalada spoke in favor of this idea, noting that the Council might appreciate seeing how congenially the Planning Commission works together.

Chair Wright expressed some concern about staff having to go through the material anyway with Council because of the amount of subject matter that often changes from the initial presentation. This might end up creating more work for everyone.

Commissioner Larsen remarked that he would be excited about doing this when warranted by a special condition, particularly at the beginning of a topic. As an example, this would have been practical when the consultants came to give their presentation about Highway 99. Councilmember AuBuchon agreed that Highway 99 was a perfect example of a time when this would make sense. He clarified that the joint meetings with Council would not happen every month, just when there are major presentations at the front end of a major project. Poplar Way might be one of those issues.

There was consensus that this would be appropriate for the "big rock" items.

Director's Report

Director Krauss informed the Planning Commission that the second Council-Administration retreat would be held a week from Saturday at 8 a.m. at the Senior Center. He noted that the Planning Commission was invited last time to sit and observe. He thought that they might also be invited to this one. Councilmember AuBuchon confirmed that the retreat is an open public meeting so the Planning Commission would definitely be welcome to attend.

Commissioners' Comments

Commissioner Jones suggested getting the Planning Commission meetings on a Google "hang out" to get more people involved. Director Krauss said staff has had several discussions about the desire to use a variety of social media. Thus far, the IT staff and the Mayor have been reluctant to get involved in this until they get the website redone due to security issues. This is, however, a topic for discussion among staff. He did not think that the Planning Commission would be encouraged to embark on this alone. Director Krauss offered to arrange a meeting between the Planning Commission and the IT staff to discuss the issue.

Councilmember AuBuchon commented that there are quasi-judicial situations that they need to be careful of. Also, this could constitute what is known as a "serial meeting" under the MSRC. If there is more than four members on at the same time it becomes a Planning Commission meeting and has to be noticed. Commissioner Jones explained that he envisioned this being during a designated Planning Commission meeting and described how this would work. Councilmember AuBuchon commented that not everybody has a computer or a smart phone, but the City has two television channels available that we are not using which could be used for live broadcast. This is an issue that he would like

to bring to the Council once they get through the budget. Director Krauss discussed Council's position on this topic on the past and how they have a long way to go in this regard.

Adjournment

The meeting was adjourned at 9:20 p.m.


Richard Wright, Chair