Planning Commission Meeting Minutes
October 21, 2013

COMMISSIONERS:
Present: Annette Stewart, Gil Michael, Dee Coppola, Tim Drury, Robert Baglio, Trish Tierney
Absent: Tadina Crouch, Stephanie Bailey

STAFF PRESENT:
Nick Bond, Community Development Director
Stephanie Andrews, Associate Planner

1. CALL TO ORDER:
Planning Commission Chair Annette Stewart called the meeting to order at 7:00 p.m.

2. AUDIENCE COMMENTS:
None

3. BUSINESS ITEMS

Department of Community Development Director Nick Bond introduced the Comprehensive Plan Amendments and Associate Planner Stephanie Andrews as the presenter for the information. Planner Andrews stated that the order of the topics was kept in the same order as discussed at the September public hearing. She gave a brief overview of each of the six amendment requests.

1. Departmental request to rezone numerous properties that are zoned for current use as Commercial property but that contain single-family residential structures/uses.

   Planner Andrews indicated that staff was recommending denial of this amendment, based on testimony and public comments received.

2. Request for Comprehensive Map Amendment and rezone for approximately 4.08 acres at 5616 Sidney Road SW from a zoning designation of Commercial to Residential 4.5, and a Comprehensive Designation of Commercial to Low Density Residential (Gaudette Amendment).

3. Request for rezone from Greenbelt to Residential 4.5/8 and Comprehensive Plan Amendments from Greenbelt to Residential Low/Medium Density for the Blackjack Creek buffer area from Bay Street south to Lund Avenue (Gil Michael 2012 application).

4. Request for Comprehensive Plan Map Amendment and rezone for approximately 75.99 acres located north of Clifton Road and east of Feigley Road, parcels 052301-4-013-2000, 052301-4-014-2009, 052301-4-015-2008, and 042301-3-007-2001 from a zoning designation of Employment – Industrial/Office and Greenbelt to Residential 8 units/acre and a comprehensive plan designation of Industrial and Greenbelt to Residential: Medium Density (GEM 1 Amendment).
5. Updates to Appendix G of the Comprehensive Plan to update references to old versions of documents such as the 2008 Parks Plan and 1994 Shoreline Master Program and inclusion of a Public Art Program.

6. Departmental request for Comprehensive Plan Text Amendment updating the City’s Capital Facilities Plan.

Planner Andrews indicated that the public hearings were still open for all of the amendments.

Development Director Nick Bond briefed the Planning Commission on a letter he received from Alison O'Sullivan, a biologist for the Suquamish Tribe, expressing objection to rezoning properties near Blackjack Creek from Greenbelt to Residential zoning, due to environmental concerns, including steep slopes and threatened fish species. The letter also indicated that the proposed rezone is not in compliance with the Blackjack Creek Management Plan. Mr. Bond stated that Ms. O'Sullivan would likely pursue an appeal of the amendment, and potentially an appeal of the SEPA determination. He indicated that whatever decision is made, he would like the basis for the change documented in findings.

Planning Commission Chair Annette Stewart asked if any member of the public would like to speak about any of the amendments.

Derek Zimmer, representative for the Gaudettes, stated that he can try to answer any questions that the Planning Commission might have. Commissioner Michael asked if the summary in the agenda was correct. Mr. Zimmer indicated that it was.

Bryan Petro, Windermere Real Estate, introduced himself as a representative of James Powell of 701 Meline Road, and the estate of Alice Powell, 710 Meline Road. His clients live in Kettle Falls, and have owned the property for many years. His clients wish to remain as commercial zoning.

Planning Commission Chair Annette Stewart closed the public hearing, and asked for questions and/or discussion from the Planning Commissioners.

Commissioner Coppola asked for clarification about which amendment the Tribe letter was regarding. Director Bond indicated it was business item 3, regarding Greenbelt zoning.

Commissioner Baglio asked Commissioner Michael if he was the Applicant for item 3. Commissioner Michael indicated that he brought it forward from the past. Mr. Michael indicated that Greenbelt zoning was brought forward in 2003 by the City Planner at the time, Rob Wemman, and approved by the Planning Commission at that time. He indicated that since he was chair, he had no vote in the process. He stated that Greenbelt zoning in the recently annexed Bethel Corridor was a uniform 200 feet, which is the jurisdiction of the Shoreline Master Program, whereas the area north of the annexation used different methodology which had much larger Greenbelt areas. Mr. Michael stated there were two options regarding Greenbelt zoning; leaving the Bethel Corridor the way it is, which is inconsistent with what the area to the north is, or changing the Bethel Corridor to match the area north of the annexation. Tim Drury asked why they should care about consistency. Dee Coppola stated that the letter from the Suquamish Tribe was a problem that should make the Commission reconsider the subject amendment.

Commissioner Michael went on to say that there was not proper public notification back in 2003, and that there was a “taking” of land, in that they designated whole parcels as Greenbelt, when only parts of them should have qualified. He stated that what he wants to do is designate the Greenbelt zone as just the 200 feet on either side of Blackjack Creek. Commissioner Drury asked why. Commissioner Michael stated at the previous Planning Commission meeting and at a City Council meeting, a person spoke to the effect that his property had been rezoned to Greenbelt without notice, and his entire two parcels were not very usable due to that zoning. He went on further to say that to be in compliance with the Growth Management Act, buildable lands should be densified, and that current critical areas ordinance and the Shoreline Master Program will protect the sensitive areas outside of the 200-foot buffer. He went on to say that he did not see the Tribe letter as a problem, just as comments to the SEPA notice, and that the Critical Areas Ordinance has tighter control over the land than what the Tribe's letter would indicate.
Robert Baglio made a motion to deny the departmental request to rezone numerous properties that are zoned for current use as Commercial property but that contain single-family residential structures and uses. Tim Drury seconded.

Gil Michael proposed an amendment that 701 Meline Road and 710 Meline Road remain Commercial. Other Commissioners clarified that the motion was for all properties to remain Commercial. Commissioner Michael withdrew his motion.

Motion passed 5-0.

Robert Baglio made a motion to approve the request for Comprehensive Map Amendment and rezone for approximately 4.08 acres at 5616 Sidney Road SW from a zoning designation of Commercial to Residential 4.5, and a Comprehensive Designation of Commercial to Low Density Residential. Dee Coppola seconded.

Motion passed 5-0.

Robert Baglio made a motion to approve the request for Comprehensive Plan Map Amendment and rezone for approximately 59.56 acres located north of Clifton Road and east of Feigley Road, parcels 052301-4-013-2000, 052301-4-014-2009, 052301-4-015-2008, from a zoning designation of Employment – Industrial/Office and Greenbelt to Residential 8 units/acre and a comprehensive plan designation of Industrial and Greenbelt to Residential: Medium Density (GEM 1 Amendment), with Staff’s recommendation that parcel 042301-3-007-2001 remain Greenbelt. Gil Michael seconded.

Motion passed 5-0.

Robert Baglio made a motion to approve the updates to Appendix G of the Comprehensive Plan. Gil Michael seconded.

Motion passed 5-0.

Robert Baglio made a motion to approve the departmental request for Comprehensive Plan Text Amendment updating the City’s Capital Facilities Plan. Gil Michael seconded.

Motion passed 5-0.

Tim Drury made a motion to deny the request for rezone from Greenbelt to Residential 4.5/8 and Comprehensive Plan Amendments from Greenbelt to Residential Low/Medium Density for the Blackjack Creek buffer area from Bay Street south to Lund Avenue. Robert Baglio seconded.

Tim Drury stated that he doesn’t support the amendment because there are other places to develop, and Blackjack Creek is a valuable resource that should be preserved.

Director Bond stated that there is a way to get an individual property rezoned on a case by case basis. Commissioner Michael asked what the cost was. Mr. Bond indicated that it would cost about a thousand dollars.

Mr. Michael read from the draft minutes of the last Planning Commission minutes comments from the public that supported the reduction of the Greenbelt zone.

Commissioner Drury asked Mr. Michael about the motives for his request, and why he would want to encourage the full development of Blackjack Creek. Other commissioners stated that the property owner should be there if he wanted the rezone approved.
Gil Michael made a motion to amend the motion to allow the property 352401-4-013-2003, owned by Mr. Vogel to be designated low-density and zoned R4.5 outside of the 200-foot Blackjack Creek buffer. Motion died for lack of a second.

Original motion by Drury passed 4-1. Gil Michael dissented.

Commissioner Michael stated that it was disingenuous for the Planning Commission, many of whom were absent for the last meeting, to say that Mr. Vogel should be at the meeting.

Commissioner Baglio stated that he understood Mr. Michael’s comments, but that nothing would prevent Mr. Vogel from applying for a rezone and comprehensive plan amendment on his own.

B. Discussion: Downtown Overlay District Code Changes

Community Development Director Nick Bond stated that there was a discussion at the July meeting about uses in the downtown area. The alleged “problem uses” are classified as “services” under the SIC codes. He indicated that an online survey was done to seek input on preferred uses in the downtown core. It was apparent in the survey that retail is the preferred use.

Tim Drury asked if hair salons and barbershops are also considered services. Mr. Bond indicated that they were, but existing ones were grandfathered. He also stated that a small list of allowed services could be included in the municipal code, or they could be allowed above the first story of the building. He went on to say that three categories of uses might be useful: first floor uses on Bay Street, second floor uses on Bay Street, and the surrounding area. He indicated that he was prepared to draft an ordinance, but first wanted feedback from the Planning Commission.

Dee Coppola asked about the group of people that worked on regulations for the Downtown Overlay District (DOD) and if they were still active. Commissioners Michael, Drury served on the committee. Planner Haro asked if they were referring to the EDAW plan, which was not included into Municipal Code. They indicated that that was the plan they referring to.

Tim Drury felt that real estate offices should not be discouraged, and that there are more things that should be allowed than disallowed. Gil Michael disagreed, and said they were revisiting the regulations because they were not specific enough when the code was drafted, and they should have applicants apply for uses that are not specifically allowed. Director Bond stated that that would essentially be a use variance, which are not allowed.

There was further discussion about what should be allowed and disallowed, including discussion of tattoo parlors and bail bond businesses. There was also discussion about the marquee, design guidelines, and the general state of downtown.

Tim Drury stated that it was a Council concern more than it was a Planning Commission concern, and trying to figure out what they want was not worth it, since they will change it anyway. He went on to say that the least amount of work for Staff and Planning Commission, the better, and that there are essentially two types of businesses that are undesirable; bail bonds and tattoos.

Nick Bond stated that the first and second floor uses should still be identified, and whether tattoos and bail bonds should be banned altogether downtown, or limited to second floors.

Trish Tierney indicated that she was supportive of second-floor residential uses. There was further discussion of ADA and building code requirements for second-floor businesses, and definitions of second floors.

It was decided that Director Bond would add a clear definition for second-floors, and leave the rest of the code as-is.
Director Bond indicated that at the November meeting, Council has asked the Planning Commission to look at the Business Professional zone to allow more uses.

4. APPROVAL OF MINUTES

July 16, 2013.

Robert Baglio made a motion to unofficially approve the minutes of July 16, 2013. Gil Michael seconded. Motion passed 4-0.

Minutes from September were not voted on, since there were only four Commissioners present. They will be noted as unofficial minutes.

5. ADJOURN:

Planning Commission Chair Annette Stewart adjourned the meeting at 8:25 p.m.

[Signatures]

Nick Bond, Community Development Director

Annette Stewart, Chair