Planning Commission Meeting Minutes  
November 18, 2013

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

STAFF PRESENT:
Nick Bond, Community Development Director
Thomas Bonsell, Associate Planner

1. CALL TO ORDER:
Planning Commission Chair Annette Stewart called the meeting to order at 7:04 p.m.

2. AUDIENCE COMMENTS:
None

3. BUSINESS ITEMS
   A. Discussion: Permitted uses in the Business Professional (BP) zone.
   Associate Planner Tom Bonsell read from the staff report and explained that it has been difficult for Pottery Avenue property owners, specifically in the BP zone, to get businesses to lease space due in part to the restrictive permitted uses in the zone. Planner Bonsell also read from POMC 16.13.200, explaining that this section of code was contradictory with the use table. Commissioner Tim Drury asked where specifically was the contradiction and Community Development Director Bond explained that in Subsection (2) (a) the zone was created to allow a “wider range of the retail” which is contradictory to the use table.

   Commissioner Gil Michael said that community areas were residential and that the purpose of the zone was to provide a transition between residential and commercial.

   Commissioner Dee Coppola asked if some of the suggested uses in the revisions would be practical and feasible such as a taxi office with no taxies or a rental business. Commissioner Drury responded that because there are residential uses in the zone, very limited uses were intended so as to not disrupt residential neighborhood characteristics. Mr. Drury agreed that the two areas of the BP zoning were different with different intensities of use and that maybe that there could be a BP I and BP II. Mr. Drury said he thought the building at 1950 Pottery Avenue was different because of the amount of square footage of the building.

   Community Development Director Nick Bond was concerned that a rezone of one parcel may be a spot zone and not allowed. Mr. Bond said that a fix or rezone should include a larger area.

   Commissioner Robert Baglio suggested that Gary Chrey and Marc Islam speak to the Commissioners. Mr. Chrey and Mr. Islam spoke of the change to the economic climate and reiterated challenges in leasing space in their building at 1950 Pottery. Potential renters are generally looking for 1,000 sq. ft. or less. Less than half the space in the building is currently leased. The suggested changes in the staff report are a
direct result of interaction with the public and requests for space. Mr. Islam explained that this is not only a loss for the building but also a loss for the city.

Commissioner Drury suggested that allowing softer uses might be appropriate and asked if there was a way to allow different uses using building size as a determining factor. Director Bond responded that it might require an overlay district and look at some of these uses as conditional uses. Mr. Bond suggested that uses could be allowed depending which building code was used, IRC or IBC. He explained that there are currently uses within the Islam building that are non-conforming and that if they were sold and came under different ownership they would not be permitted.

Commissioner Michael asked how this could occur and what would be the trigger to discontinue the use. Director Bond explained that the need to obtain a Certificate of Occupancy would be the trigger. Mr. Michael asked if something could be done to allow non-conforming uses be conforming. Mr. Bond explained that was not the real issue and that it would primarily address new businesses.

Marc Islam suggested that there are appropriate businesses that could be located near Single Family Residences like a small daycare, water testing or a dance studio. Mr. Drury asked if he would want those businesses next to a SFR he lived in and Mr. Islam stated that if traffic was not a problem, he would not have an issue.

Commissioner Michael said that if the city were to allow the Islam-suggested uses contained in the staff report that the city would need to look at the worst case scenarios. Therefore it would be unwise to allow most retail and things like amusements. Mr. Michael asked for staff to provide SIC code on proposed uses. He also stated that you have to assume that the land will convert to the most intensive uses allowed. He would not want to be next to a food store or auto supply store even if the area was confined to allow only 200 ADT’s. He suggested that the site be rezoned to previous zoning before the BP zone was created. He also thought that a BP I and a BP II might be an appropriate revision.

Mr. Islam responded by arguing for small retail with limited to ADT’s

Commissioner Drury asked if we can make the BP II as small as we want. Director Bond explained that with proper documentation you could make it smaller. Mr. Drury attempted to define a BP II area. Mr. Michael agreed stating that area is mostly built out and that an area south of South Kitsap Blvd North of Lippert and west of Pottery might be appropriate. But, he was concerned about the residential area in back of the apartments. He suggested that Kitsap County Neighborhood Commercial zoning might be appropriate.

Planner Bonsell suggested that the county zoning may be too intensive for the goals for the BP II zone.

Commissioner Drury ask where do we go from here. Planner Bonsell said a consensus was needed among Commissioners to look into a BP II zone. The Planning Commission agreed and asked staff to look into creating special uses within a confined area for a BP II designation.

Commissioner Annette Stewart asked if the school district came to Mr. Islam to ask for space in the building. Mr. Islam said no, that it was a small daycare that asked. She also asked who would install a light at Lippert. Director Bond explained that new uses in a building would not generate a request. A new building might, but he also suggested that new traffic impact fees may pay for a traffic light. Public Works Director Mark Dorsey is working on impact fees. Commissioner Drury did not want an overlay district that was going to be different from BP zoning.

**B. Discussion:** Planning Commission Resolution No. 003-13 and 2013 Comprehensive Plan Amendment.
Community Development Director Nick Bond brought Resolution No. 003-13 before the Commissioners. He stated that it had been written to reflect the motions for approval during the last Planning Commission meeting.
Commissioner Michael recommended numbering conclusions instead of bullets and Mr. Bond said he could make editorial changes to the Resolution after passage if authorized by the Planning Commission. Commissioner Baglio asked why the letter from the Suquamish tribe was included in the resolution. Nick Bond explained that the letter was in regard to converting some of the greenbelt to a different zoning designation with a SEPA determination of Non Significance. The letter from the tribe discussed potential adverse environmental impacts and indicated the tribe’s willingness to appeal the DNS initially issued on the Greenbelt Amendment.

Commissioner Michael addressed findings 4a and 4b, asking what other changes have occurred that makes these findings applicable. Specifically, findings of fact are not opinion and should be more specific. Director Bond agreed and said that staff will make changes and send to the City Attorney for review. Mr. Bond requested editorial privileges for both himself and the city attorney to revise the findings of fact in accordingly to be in conformance with the Planning Commission recommendations. Commissioner Drury motioned to approve resolution 003-13 providing the Director the latitude to make discussed changes, changes by staff and changes by the City Attorney. Commissioner Coppola seconded. Commissioner Michaels was concerned about conclusion No. 6 that states that the proposed changes to the comp plan recommended for denial are not necessary and are not needed at this time due to a lack of public support. Mr. Michael took issue with the conclusion and said the September minutes indicate that three of the four people who testified voted in favor of the Comp Plan amendments. Nick Bond said that that the conclusion was more in reference to the non-conforming issue but it would be noted in the minutes. Six Commissioners voted in favor and Commissioner Michael voted opposed.

C. Discussion: Downtown Overlay District (DOD) Code Changes Community Development Director Nick Bond introduced the suggested changes to the DOD uses beginning by explaining that proposed suggested changes were relatively minor with the bulk of the changes being in the definitions. It was difficult to define ground floor and second floor but the strike out as given to the Planning Commission indicated the changes. He also stated that any changes will be reviewed by the City Attorney and may also include a diagram to help the explanation. The language regarding SIC code 7389 was struck because it was vague. The changes did not address Body Art. The list was rearranged for clarification purposes.

Commissioner Coppola said the Director did a good job and Commissioner Drury said the changes were as asked by the Planning Commission in the last meeting. Commission Chair Stewart asked about doctor offices in the DOD and whether or not they were allowed. Mr. Bond said yes, but if fronting Bay Street they must be on the second floor and would likely need an elevator.

Because the Planning Commission would like maximum turn-out for the public hearing, January 27, 2014 was chosen for the date of public hearing on the DOD changes.

4. APPROVAL OF MINUTES

October 21, 2013.
Commissioner Tim Drury made a motion to approve the minutes of October 24, 2013. Commissioner Dee Coppola seconded. Motion passed 6-0.

5. ADJOURN:

Planning Commission Chair Annette Stewart adjourned the meeting at 8:30 p.m.

Annette Stewart, Chair

Nick Bond, Community Development Director