

Planning Commission
Meeting Minutes
January 5, 2016



Approved: KMD

6:30:45 PM Vice-Chair Holland called the meeting to order. Commissioners in attendance: Commissioner Adams, Commissioner Jordison, Commissioner Tisdel, Commissioner Beck, Commissioner Zelinski, Commissioner Lark, and Commissioner Dunn.

Commissioner Absent: Commissioner Sand

Staff Present: Allan Giffen, David Stalheim, Mary Cunningham, Niels Tygesen, and Kathy Davis

Meeting Minutes

Motion: Commissioner Tisdel made a motion to approve the December 1, 2015 meeting minutes. Commissioner Beck seconded the motion.

Vote: Commissioner Zelinski, abstain; Commissioner Beck, yes; Commissioner Tisdel, yes; Commissioner Jordison, abstain, Commissioner Adams, yes; and Commissioner Holland, yes.

Motion Carried.

Commissioner Reports

Commissioner Jordison welcomed the new commissioners.

Staff Comments

Allan Giffen wished everyone a happy new year. He stated that the 2016 work program for Commission will include a couple new subarea plans. He stated that Mary Cunningham is retiring and her last working day is January 19, 2016.

Citizen Comments

None

Item 1: Election of Planning Commission Chair and Vice Chair for 2016

Motion: Commissioner Beck made a motion to appoint Vice Chair Holland as Chair. Commissioner Zelinski seconded the motion.

Vote: Commissioner Dunn, yes; Commissioner Lark, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdel, yes; Commissioner Jordison, yes; Commissioner Adams, yes; and Vice Chair Holland, yes.

Motion Carried.

Motion: Commissioner Jordison made a motion to appoint Commissioner Tisdell as Vice Chair. Commissioner Beck seconded the motion.

Vote: Commissioner Dunn, yes; Commissioner Lark, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, yes; Commissioner Jordison, yes, Commissioner Adams, yes; and Chair Holland, yes.

Motion Carried.

Item 2: Public Hearing: Consider termination of the Development Agreement between the City and Rockefeller Avenue LLC (Joe Zlab) for property located on the east side of the 2600 block of Rockefeller Avenue.

Allan Giffen, Planning Director, presented a vicinity map of the subject site. In 2005, a comprehensive plan amendment and rezone was approved which changed the zoning from R-4 to R-5 subject to a development agreement with a specific building plan. In 2006, an amended development agreement was approved. That development wasn't constructed. In 2008, the City adopted the Core Area Residential Design and Development Standards for the neighborhoods surrounding the downtown area.

Mr. Giffen stated that the applicant acquired more property after the development agreement was amended. The applicant is proposing to construct a different building than what was approved under the development agreement. The request is to terminate the development agreement and use the core area residential design and development standards that apply to the area.

Mr. Giffen presented a map of the area where the core area residential design standards apply. The development standards include a maximum building height of 65 feet, and address building setbacks, pedestrian and vehicular access, parking location, open space, building design, landscaping, screening, and fencing. Staff determined that the core area residential design and development standards were better than what was in the development agreement.

Commission Discussion

Commissioner Beck asked Mr. Giffen if the amended development agreement superseded the original agreement. Mr. Giffen responded that he would review with the City's Legal Department.

Commissioner Jordison asked what the FAR standard was for the core area. Mr. Giffen responded that there wasn't a Floor Area Ratio (FAR) standard that applied to the core residential area and that building bulk was governed by building height and setbacks, permitted density, and parking.

Commissioner Zelinski asked Mr. Giffen if any buildings had been constructed since the core area residential design and development standards were adopted. Mr. Giffen wasn't aware of any.

Commissioner Adams referred to Section 2.6 of the amended agreement which addressed Commissioner Beck's question on superseding the agreement which appeared to terminate the original agreement.

Citizen Comments

None

Motion: Commissioner Adams made a motion to close the public hearing. Commissioner Tisdell seconded the motion.

Vote: Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, yes; Commissioner Jordison, yes, Commissioner Adams, yes; and Chair Holland, yes.

Motion Carried.

Chair Holland asked if there was anything in the development agreement that wouldn't be addressed under the core area residential design and development standards. Mr. Giffen responded no.

Motion: Commissioner Jordison made a motion to approve the resolution recommending that the City Council authorize the Mayor to execute an agreement terminating the amended development agreement between the City of Everett and Rockefeller Avenue LLC. Commissioner Beck seconded the motion.

Vote: Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Tisdell, yes; Commissioner Jordison, yes, Commissioner Adams, yes; and Chair Holland, yes.

Motion Carried.

Item 3: Workshop on amendments to the Zoning Code to allow community centers through the Special Property Use permit process.

Niels Tygesen, Planning staff, stated that a SEPA review was completed. No public comments were received. There are two proposed definitions and two review process options for consideration. He would like further feedback from Commission in preparation for a public hearing on January 19.

Commissioner Jordison asked what was meant by personal services. Mr. Tygesen responded that personal service would allow for grooming, massage, and uses of that nature. Commissioner Jordison asked if that would include counseling. Mr. Tygesen responded that counseling would be considered as a professional business or an office use.

Commissioner Beck preferred the Option A definition and the review process addressed under Option 1. She stated that the Special Property Use (SPU) process allowed for more flexibility and creativity and provided a public process for notification and comment.

Commissioner Zelinski stated that it would be helpful for him to see how community centers would be treated in comparison to churches or schools located in residential zones. Mr. Tygesen responded that both churches and schools are processed through the SPU general criteria and also specific criteria to address the uses. Commissioner Zelinski would like staff to prepare a chart that shows the comparisons.

Chair Holland stated that he preferred Option B but wasn't opposed to Option A in regards to the definitions. However, he preferred Option 2 in terms of the review process because of the specific criteria that would be applied to a proposal similar to what is already applied to churches and schools in residential zones.

Commissioner Adams asked Mr. Tygesen if there was a definition for a nonprofit organization in the Zoning Code. Mr. Tygesen responded no. Mr. Giffen responded that staff could bring back a definition for Commission's consideration.

Commissioner Jordison asked if it would be beneficial to examine the pros and cons of having a broad definition verses a narrow definition. He stated that the SPU process would provide a method for the City to examine the impacts of each proposal given that there are different types of residential neighborhoods throughout Everett. He didn't want the regulations to preclude an opportunity for a neighborhood community center that would benefit the community. Commissioner Jordison asked if there were case studies that would help Commission make a determination regarding the regulations.

Commissioner Beck stated that she felt that Option A was a more nuanced approach because the definition covers cultural, educational, recreational, and social purposes; so all the categories that are defined in Option B are covered under those terms. Commissioner Beck agreed with Commissioner Adams about a definition for a non-profit and stated that a definition should also be provided for a public facility. She felt that Option A created an opportunity for the nonprofit community as well as the public community to create a facility under four broad categories.

Commissioner Adams stated that Commission's action doesn't preclude an opportunity for the regulations to be addressed at a later date as issues come up in the community.

Commissioner Tisdell asked if the proposed regulations would at all negatively impact the two currently proposed community centers. Mr. Giffen responded no, and that the community interest would be considered during the SPU process and conditions can be applied appropriately based on the location, scale, and nature of the facility.

Commissioner Adams asked if childcare services would be included under the Option A definition as a secondary use. Mr. Giffen responded that Option A doesn't preclude childcare services. Currently, a

stand-alone commercial daycare center is allowed under certain circumstances in residential zones through the SPU process.

Commissioner Tisdell asked about the parking study. Mr. Tygesen responded that parking requirements are based on a Parking Study that is reviewed by the Planning Director and Traffic Engineer to best determine that the site specific use meets the anticipated parking demand for the proposed facility.

Chair Holland stated that under Option 2, the height requirement is based on the zone in which the facility is located. Mr. Tygesen stated that under Option 1, the height would be limited to the underlying zone. Under Option 2, the height would be limited to the underlying zone, however; the review authority may allow a greater height provided the additional height is necessary to accommodate the functional needs of the facility. Mr. Giffen added that a higher height request could also be evaluated during the SPU process under Option 2, but a variance would be required to increase height under Option 1, and the variance criteria are fairly strict.

Citizen Comments

Gary Doughty, 5419 Sunnyside Blvd in Marysville, YMCA board of directors, stated that Option 2 would allow some flexibility in the height of the proposed YMCA gymnasium and aquatic center. With regard to personal services and clinics, the YMCA may seek a partnership with a medical provider to provide a small clinic within the YMCA facility which has been done in other facilities around the country. In addition, the YMCA may have a physical therapist use their aquatic facility or some of their other facilities. Those partnerships would be with private profit organizations. There also could be massage therapists or physical therapist on board to serve their membership. Mr. Doughty requested some flexibility to have a minor accessory use to their principle use.

Commissioner Tisdell asked Mr. Doughty if he would recommend Option A or Option B. Mr. Doughty responded that if there was a provision added for minor accessory uses including a daycare center, either option would work. The existing YMCA facility does operate a daycare center. Under Option B, staff could add a daycare center in the list of uses allowed under the SPU process or staff could consider as an accessory use. Mr. Giffen asked if the services provided by for profit businesses as a partner would be generally wellness related type activities. Mr. Doughty responded yes. He requested some flexibility to provide those services as an accessory use. Mr. Giffen responded that if Commission is comfortable with the addition of a minor accessory use, staff will draft some language for the next meeting.

Commissioner Tisdell asked how that would fit into the proposed language. Mr. Giffen responded that those types of services would fall under the general definition by providing social, cultural and educational needs; however, the wellness related use wouldn't be excluded as long as it is a minor accessory use incidental to the principal activity.

Commissioner Adams stated that he appreciated the change and wanted to clarify that it should also include clinics potentially being an accessory use as part of that amended language. Mr. Giffen responded that the regulations wouldn't allow a facility the size of an Everett Clinic but would allow services provided by a clinic related to wellness, health related screenings, or whatever the incidental use may be to the larger community center.

Commissioner Zelinski suggested that Option A could be amended just by eliminating the second sentence which would provide a fair amount of flexibility. Commissioner Beck added that the impacts of the facility and accessory use would be evaluated under the SPU process and that process would protect the neighborhood from any potential impacts. Commissioner Beck agreed with Commissioner Zelinski's change to Option A. She was also concerned with being more prescriptive

Commissioner Jordison asked if the SPU process would go before the City's Land Use Hearing Examiner. Mr. Giffen responded that Review Process III applications go through the Hearing Examiner process and Review Process II applications are reviewed administratively and would still need to meet the general SPU evaluation criteria. Commissioner Jordison stated that the City's Hearing Examiner relies heavily on the language in the Zoning Code to make an objective conclusion and decision. He commented that possibly keeping the language vague isn't a good thing. It may make it tougher to make an objective decision that is completely fair in every case.

Chair Holland stated that he was in favor of Option 2.

Mr. Giffen stated that staff will prepare a chart to show what already applies to churches and schools as a comparison to community centers. Staff will also draft language for consideration at the public hearing. Staff will also draft some language in regards to the height regulations to provide some flexibility based upon the actual use, site and surroundings. Chair Holland felt that would be beneficial to be based on the site.

Item 4: Workshop on amendments to the zoning code to allow alternative uses in churches located in residential zones through the Special Property Use permit process.

Niels Tygesen, Planning staff, no public comments received during the SEPA review process. Staff has provided proposed definitions and a new subsection 41.150.G which addresses the procedures, circumstances, potential uses, and the review criteria.

Chair Holland asked who makes the determination of whether or not the use has a detrimental effect on the surrounding properties, and would the criteria just be based on the review criteria. Mr. Tygesen responded that the proposal would be reviewed through the SPU process. A Review Process III application would include public notification and a hearing before the City's Land Use Hearing Examiner. A Review Process II application would be an administrative decision by the Planning Director. The Planning Director or Hearing Examiner could deny the proposal which could be appealed.

Chair Holland asked about the number of dwelling units if there is an existing facility that is large enough to provide more density than what is allowed under the zone in which the property is located. Mr. Giffen responded that a 20,000 square foot lot in the R-2 zone would permit 4 dwelling units plus one. The 20,000 square foot lot would be divided by the minimum lot size requirement of the R-2 zone which is 5,000 square feet. If someone wanted to have a bit more density, an applicant can apply for a Comprehensive Plan Amendment and Rezone which is the appropriate process for increasing density substantially.

Commissioner Jordison asked if it was important to maintain the historic character of the buildings rather than having them torn down, and whether or not the Historic Commission would weigh in on a recommendation on some level to preserve the historic structure. Mr. Tygesen responded that in Subsection B, it states that if there is a property that is outside the historic overlay zone but it is listed as a contributing structure in a historic registered district, Historic Commission shall make a recommendation.

Commissioner Adams stated that adaptive reuse of buildings applies to more than churches. He stated that there are mom and pop grocery stores and café bistros such as what was in the building at the corner of 15th and Rucker. Those prior uses benefitted the surrounding community. However, under the proposed regulations, that building could become a commercial office or any of the other listed uses. He was concerned about how the proposed regulations would apply to a building like that from a quality of life perspective. Commissioner Adams stated that his concern was more to the loss of an asset to the community and protecting assets like that and then also making sure that we make the best use of nonresidential buildings in residential zones.

Mr. Giffen stated that when businesses aren't viable, eventually the building sits empty. The City's proposed regulations would allow some opportunities for a different use to locate in empty buildings. That new use might not be what we would like to see but certain uses would probably be preferable to an empty building. The proposed regulations would at least provide a process where the community could have some input to address the compatibility of that use with the surroundings.

Commissioner Adams stated that he would like to remove offices from the listed uses because of the higher parking demand. Mr. Giffen responded that the higher parking demand could be addressed under other factors not specified that would create adverse impacts to the immediate vicinity which may result in the use being denied. Commissioner Adams would like Commission and staff to consider how the listed uses would be compatible in a residential area. Mr. Giffen asked about clinics which generate more parking than offices. Commissioner Adams stated that use should also be removed from the listed uses.

Commissioner Beck suggested that Commission take a hard look at the SPU criteria in terms of the process itself. All of the uses are going to be reviewed through the SPU process, so there is particular criteria or due diligence that the applicant would have to go through to insure that their use is compatible with the neighborhood and surrounding community. Commissioner Beck stated that she felt

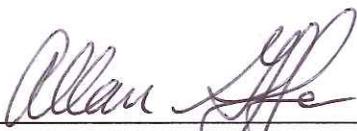
that parking wasn't going to be as big of an issue in the next 5 or 10 years because of alternative modes of travel.

Commissioner Adams was concerned about expansion of the use within the residential zone because the use is permitted which would create a greater impact on the neighborhood. Commissioner Beck stated that the use can be conditioned through the SPU process. Commissioner Zelinski stated that there could be uses that are appropriate for one site but not for another.

Chair Holland asked about the regulations regarding the 10% and 500 square feet for alterations and expansions. Mr. Giffen responded that the idea was to allow for some alteration of a building to accommodate a new use and to keep that fairly limited in size. Commissioner Zelinski stated that the 10% or 500 square feet should apply to expansions and not necessarily to alterations because there could be a proposal to convert a school to dwelling units. Mr. Giffen responded that the language could be amended to address the building footprint. Commissioner Zelinski agreed.

Mr. Giffen asked Commissioners if they preferred to remove offices and clinics from the list of uses. Commissioner Beck wanted to leave the uses in. Commissioner Jordison asked if the use was listed as a permitted use, would the Hearing Examiner approve the use if there was a negative impact to the neighborhood, or would having the use listed create some ambiguity? Mr. Giffen responded that the SPU process does provide some discretion based on the review criteria to deny something based upon impacts. Chair Holland stated that if that is all that can be supported in a location, offices and clinics should be in the list of uses. Mr. Giffen stated that it appeared that there were five Commissioners who agreed.

Mr. Giffen stated that staff will also include a discussion on the voting options for the alternates on the January 19 agenda.



Planning Commission Secretary

8:06:06 PM ADJOURNED

1-20-16
Date



Kathy Davis, Administrative Assistant

1-19-16
Date