

City of Sumner

PLANNING COMMISSION MINUTES

REGULAR MEETING

December 05, 2002

**Sumner City Hall
1104 Maple Street**

Members Present: Lovgren, Myers, Nalder, Richardson and Walker

Members Absent: Powers (Notified) Walter (Notified)

Also Present: Ryan Windish, Senior Planner Mike Wells, Local Partner for Panattoni Development Co., LLC Bill Shoemaker, Director of the Public Works Department

CALL TO ORDER

MYERS called the meeting to order at 7:05 p.m.

APPROVAL OF MINUTES

NALDER motioned to approve the November 7, 2002 Planning Commission Meeting Minutes. WALKER seconded the motion and it passed unanimously.

PUBLIC COMMENT

There was no public comment.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

LOVGREN read into the record the following statement:

I have volunteered for the City of Sumner for the past 11 years. My limited amount of free time has been spent in meetings trying to help keep Sumner the very best community possible. To ensure that we keep the small town feel, encourage good growth and pleasing design. This has been a labor of love.

Most people get involved only with it affects them personally. Now something is happening in my neighborhood and unlike most people that have the right to testify at a public hearing about issues that affect them, there is no place for me to go to voice my concerns. Why is this? Because there is a double standard that says public entities, like the school district, do not have to meet the same standards that private entities do.

What does this mean? It means that if a private entity came forward and proposed to do the exact same project the school district is proposing, with the six million dollar surplus money they discovered after the levy to build a new administration building failed, they would not be allowed to do it.

What do the rule enforcers have to say about this? Well I have been told that I should keep my thoughts and opinions quiet because staff does not want to anger the school district. They are afraid if this were to happen that the school district would do less, than the little they are, to sugar coat this project. Staff is selling our community short by not encouraging, even pushing them to follow the rules. Staff fully supports a project that does not meet the standards we have all worked hard to create, maintain and enforce.

I am against this project primarily due to the double standard it sets. However, I am angry about it based on the fact that if the school district were not allowed to break the rules, I would not be losing my view of Mt. Rainier or the property values that go with it. The street improvements that I will be forced to pay would not take more than the equity that I have acquired during the 11 years I have lived in my home and gained through the sweat of doubling my floor space. As it is, I will have to pay to get out of my home.

I do not like living with double standards and I find it difficult to support them. To try would be hypocritical. I do not find that I have the heart, desire or interest to sit and try to figure out everyone else's problems when the things that affect my children and I are met with disinterest.

I am going to get up and leave this meeting now. I will be taking a six-month break. During that time I will search my heart to see if I have the ability to give so much of myself in the future.

LOVGREN left the meeting at this time.

As there was no longer a quorum, MYERS called for a break until Commissioner Richardson's arrival.

MYERS recalled the meeting at 7:20 p.m.

NALDER moved to switch Agenda items 1 and 2 under New Business. WALKER seconded the motion and it passed unanimously.

1. Comprehensive Plan Amendment For 2001-2002 – Public Hearing

RYAN WINDISH, Senior Planner, reviewed to the Commission the proposed Comprehensive Plan Amendments For 2001-2002 as summarized below. Comments by the Public and the Commissioners were addressed following each section of the Plan.

1. 24th/28th Street Interchange

The applicant, the City of Sumner, is requesting that approximately 72 acres of property be redesignated/rezoned from Light Manufacturing to a new zone, Interchange Commercial. The proposal is located at the proposed interchange location at 24th street and 28th street and SR-167. Currently the property is zoned Light Industrial, and has no direct freeway access to or from SR-167. This map designation request will allow the site to be developed as Interchange Commercial.

The rationale for the amendment is that commercial zoning would provide greater certainty for commercial uses interested in this location that the adjacent parcels would be a compatible use. There may also be a benefit in terms of overall design and appearance in the area if it is a more defined commercial zone rather than M-1. Staff is recommending a new hybrid zone if "Interchange Commercial" because the area is far less pedestrian oriented or connected than the General Commercial areas. Therefore, some of the requirements for building setback and parking location could be reduced. These projects will still require design review, however.

Staff recommendation is approval.

WINDISH further reviewed for the Commission the Comprehensive Plan Amendment criteria for this section and the proposed Ordinance attached as Exhibit "C".

There was no Public Comment as to this section.

The Commissioners had the following questions/comments:

NALDER asked with regard to page 6 of the Ordinance addressing setback requirements, under No. 8, whether it was saying that this will never be applied to residential? There could be residential in the future in other areas.

WINDISH responded that it is not there now, however, it could be changed.

NALDER asked whether the side setbacks of 15 feet was standard?

WINDISH stated that the setback is standard.

NALDER asked whether under the current signs section if pole signs are allowed?

WINDISH responded that they are not allowed over 35 feet in height, however, they could be on a pole. There are size limits.

NALDER had a question with regard to the map, Exhibit "A", to this section. On the north part at the "U" shape, would they not want it clear up to the freeway exposure?

WINDISH stated that that is the way it was originally proposed. It would actually run in line with the north line and come all the way down. The developers/owners of this property came in and met with the City and discussed their desires to have that stay in one designation. They have potential buyers/users of the property. They own all 5 pieces indicated on the map. Staff discussed this with them and it was determined that if they could keep the frontage as commercial designation it would help keep the core commercial.

NALDER asked if the frontage was in the M1 area?

WINDISH responded that there is frontage on 136th as well. The property owners felt that M1 suited their needs and kept their options opened as to any potential changes that could occur there.

NALDER asked whether on page 4, line 21, under this listing, it could be light-manufacture in this zone? Are they wanting something more than that in the area?

WINDISH indicated that light manufacturing is permitted. They want to keep their options open out there. If they ever want to do something commercial there they could apply for a conditional use permit which would then allow for commercial development.

2. SE Annexation Area

The applicant, City of Sumner, is requesting that approximately 29.9 acres of property on five (5) parcels be redesignated from Low Density Residential 2 to General Commercial. These properties are located near the new Sumner Tractor building off of 166th Avenue.

The rationale for the proposal is that the area is currently zoned commercial in Pierce County and the types of uses that are locating in this area and are planned in the future are commercial in nature. There

is some anticipated opposition by the neighboring residences in this location, however, none of their parcels will be redesignated.

Staff recommendation is approval.

WINDISH further reviewed for the Commission the Comprehensive Plan Amendment criteria for this section, and additionally discussed past public comment from two property owners. The owner of Sumner Tractor is asking that the area remain commercial. The other property owner is Investco Corporation. They are asking for a portion of land to be included in the re-zone on their illustration – No. 11. It would be the first south edge of the annexation area and the rezone area.

Commissioner comments/questions as to this section were as follows:

MYERS commented that this would be an ideal place for interchange commercial.

WINDISH stated that they had thought about that, however, there will still be some properties in the residential use in that area, where as the interchange commercial is based in the heart of the industrial area.

NALDER asked if the current service station under general commercial would be allowed?

WINDISH responded that it would be allowed through a conditional use process.

NALDER asked if it were interchange, would they qualify?

WINDISH indicated that they would.

Public comment on this section was as follows:

ROBERT GULLNIK, 6804 166th Avenue East, appeared. He stated that the citizens in that area tried to annex into the City prior to this through the process of using their dollar value to the residential value of the homeowners down between Corrlis, the Texaco Station and Paul Mosby's Sumner Tractor. The Supreme Court made that unconstitutional. It now has to be by vote. They are trying to manipulate around this by building this all around their homes like a jigsaw puzzle. This is currently in the County, not the City. Had the Supreme Court not stepped in they would not have had a choice as citizens here and would have been walked over by big business. It is his understanding that Texaco, Mosby and Corrlis have signed an unconditional power of attorney over to the City of Sumner, in that if the City of Sumner wishes to annex them into the City they can. They obviously they have gotten their sewer and water hooked up. There are a lot of wetlands in that area. With this annexation they are trying to run the citizens out of that area to make it commercial. As a citizen of that area, he is not happy with the way the City has walked all over them.

HARRY HICKS, 6809 166th Avenue East, appeared. HICKS noted that WINDISH indicated that notices went out in May. He did not receive one and would not have known if his neighbor had not told him. He would like to be added to the mailing list. He has seen growth and understands the growth, however, he does not agree with the way this is laid out. He could end up with general commercial or light commercial right behind him with a six-foot fence. There are streams and other wetlands down there. He moved out here from West Seattle to the country with his wife. He has been here for a couple of years and he likes the country atmosphere. He understands the growth, but would like to be consulted and/or given an opportunity to discuss if a supermarket will be put up behind his property.

DEAN SNEKVIK, 6211 160th Avenue East, appeared. He is not in the zoning change area, but is nearby. He feels for the people who have houses in that area and do not want to have commercial uses right next

to them. On the other hand, he thinks we need to consider the whole community. To him this is an ideal place for services for people driving east or west along the highway. Further, it would bring some of the tax base that Bonney Lake and people up on the hill are enjoying down into Sumner. It is hard to support a City and all its services on totally residential uses. He is in favor of the zoning change.

There were no Commissioner comments/questions as to this section.

3. East Main Street Rezone

The applicant, the City of Sumner, is requesting that approximately 10,000 square feet of property be redesignated from Low Density Residential-2 to General Commercial and a consequential rezone from Low Density Residential 8,500 to General Commercial. The proposal is located south of 15310 East Main Street. The rezone area is approximately 10,000 square feet and includes the very northern portions of two parcels (APN: 0520193062 and 0520193061) which is bordered on the north by General Commercial zoning and on the south by 62nd Street East. The subject property's Sumner Comprehensive Plan land use designation is now Low Density Residential-2 and zoning designation is Low Density Residential 8,500. This map designation request will allow the site to be developed as a General Commercial zoning and Comprehensive Plan district.

The rationale for the redesignation/rezone is to increase the depth of commercial property in this small area from approximately 120 feet to 250 feet and make the area more viable for commercial development and is consistent with the East Main Street Design Strategy.

Staff recommendation is approval.

WINDISH further reviewed for the Commission the Comprehensive Plan Amendment criteria for this section.

There were no Commissioner comments/questions as to this section.

Public comment on this section was as follows:

MARYLOU KORSTEN, 405 Wood Avenue, appeared. She asked if this would apply to the area behind the real estate business?

WINDISH stated that it is behind Century 21. Using the map, WINDISH further explained the layout to KORSTEN.

KORSTEN asked what would happen to the vacant land?

WINDISH explained that it would be used for nine houses.

KORSTEN asked how they would access that area?

WINDISH explained that a house would be removed and that access would be obtained in that way. He explained where the road was proposed to go and what areas would remain the same.

4. Transit-Oriented Overlay Amendment

The applicant, Panattoni Development Company, LLC, is requesting to amend the Districts and Neighborhoods Map of the Community Character element of the Sumner Comprehensive Plan to remove the Transit-Oriented Overlay District (TOD) designation from the Stowe/Panattoni property near the 4900

Block of the West Valley Highway. The TOD areas were originally designated because it was seen as a good way to increase the likelihood that transit would serve the area if there were requirements for greater employment density in certain key locations. Currently new development within the TOD must provide for at least 20 employees per acre and increase that to 30 employees per acre in a “reasonable” time period.

The rationale for the change is two fold. First, the transit service is not predicated upon a certain density requirement when looking at a site specific area. The transit agency will serve an area once it reaches a minimum of 1,800 employees/residence per square mile. This is about 3 persons per square mile. So, the area will be served by transit when there is a “critical mass” of employees in the entire north end industrial area rather than look for specific pockets of dense employees. Second, the area is currently developing as warehouse distribution facilities which is at a density of 8-10 employees per acre. This type of development is what is being demanded by the market, which is different than the original Comprehensive Plan assumptions. The original plan assumed a greater mix of retail, manufacturing, and office. This has not occurred.

Staff recommends approval with an anticipation that the question of the TOD requirements be looked at in greater detail during the 2003-2004 Comprehensive Plan Update.

WINDISH further reviewed for the Commission the Comprehensive Plan Amendment criteria for this section.

WINDISH introduced MIKE WELLS, a representative of Panattoni Development Company, LLC to further explain their needs with regard to the Transit-Oriented Overlay Amendment.

WELLS state that he is the local partner for Panattoni Development Company. It is very difficult to convince employers to locate in a location for transit when the transit is not there. They tend to be skeptical and want to see it actually operating before they make a commitment. They are very much use to seeing these transit overlay districts more towards the City center or a transit center. The trend for these kinds of sites is that they first develop as warehouses and then later convert to higher and better uses. The other trend they are seeing is that many of the distributors have a higher concentration of employment then they did in years past. This is primarily due to more through foot in the warehouse. Projects need to move through the warehouse quicker, so it takes more people to move it along. As such, over time rather than having 8 to 10 employees for distribution, they will be seeing an increasing in that. The last two proposals that they have set out have been to manufacturers interested in this site. They have signed a letter of intent with one the manufactures, which will be approximately 19 employees per acre. The overall goals of the Transit Overlay District of attracting more employment is in fact happening by market forces separate from the Transit Overlay District. Additionally, in the beginning it was planned that there be a street that would come through the development and out, and that a transit station would be right in the middle of that district. Rather than build a street through, it would make more sense for them to apply those funds to improve West Valley Highway. It tends to render the initial concept of the Transit Oriented Overlay District even more of a misfit.

There was no Public comment as to this section.

MYERS commented that they should just do away with the Transit Overlay Zone.

5. 2002 Transportation Update

This amendment is an adoption of the updated comprehensive Transportation Plan for the City of Sumner and includes corresponding updates to goals, policies and objectives within the Comprehensive Plan. The City of Sumner adopted its first Transportation Plan in January 1993. In 1994, the City adopted a Comprehensive Plan consistent with the Growth Management Act (GMA). The City adopted amendments

to the Transportation Plan that were consistent with the City's 1994 Comprehensive Plan in 1994, 1995, and 1998.

Staff recommendation is approval.

WINDISH further reviewed for the Commission the Comprehensive Plan Amendment criteria for this section and discussed past public comment from the May 16th meeting.

BILL SHOEMAKER, Director of Public Works Department touched on the Transportation Plan Update highlights as follows:

We just received a 90% grant to do Valley Avenue East up to the property of Panattoni. The past plan set things at a level of service "D". The level of service "D" is where it is busy, but does not really get irritating, "E" is when it gets irritating, and "F" is gridlock. A level of service "D" is not as low as it would seem. To set a level of service too high is to say that you are going to have to fix things beyond a level you can probably afford. "D" was in our present plan and will continue. There are several exceptions that will not make level of service "D". One of those exceptions is the intersection of Alder and Main. They could just get rid of the parked cars and make it all free lanes and left turn lanes, however, with the downtown and park area we like parking on both sides. It is the way it is and we would like to keep it that way. The other exception is at Traffic and Main Street. Private streets are discouraged in the plan, to which we may want to obtain comment from the public. The grid system is emphasized in the report as opposed to dead ends. The document basically shows completion of several areas, such as Washington all the way to Vanhousen, however, development needs to occur for that to happen. We tried to restrict arterials and driveways, to which there is a policy statement. The development share as to arterials is laid out in our Capitol Facilities Plan. There has been massive engineering of a model of the entire community. It was basically taken from Pierce County's modeling and made more specific as to Sumner. The model is modified based on statistics and probability. The model is a continuing project. It gives a good idea as to percentage of the traffic and other things. On our arterials projects, we expect to get state funds and grants to at least pay for through traffic. We are also expecting some LID as property is improved in some of these cases. The impact fees also pay a portion. The grants should reach to approximately 60% of the project cost, LID's should be approximately 20% in addition to the impact fee for new development. We are really attempting to do a good job in figuring out who should share in the development. One of the major things the Council wants out of this is to have an impact fee from new development to help pay for it. That fee will range somewhere in the neighborhood from \$1,500 to \$1,700 per PMP trip. With regard to programs, part of that is the NTCP (Neighborhood Traffic Control Program). Several pages have been dedicated to that. The Public Works Staff will be responsible for monitoring our residential streets. There are priorities listed in there as to how that should be done.

SHOEMAKER further touched on changes in the Streets and Arterials. With regard to 8th Street, the County was successful in that they got a 60% grant to do the street portion of that. We paid 29% of the local share. The bridges will be a separate grant, as will be the railroad underpass. Our level of service problems in the City are the only real traffic LOS problem we have.

SHOEMAKER referred to the map with regard to traffic problems and proposed improvements.

The Commissioners had the following comments/questions with regard to this section:

RICHARDSON asked how much of the money used for the matching grant programs can be used for sidewalks?

SHOEMAKER stated that he has a grant he is turning in tomorrow for sidewalks. TIB had a sidewalk program again this year. They could get up to \$150,000 per annual budget. They have to go to Council and come up with a policy on sidewalks. The general consensus is that people still have the responsibility

to put in their own sidewalks. When new streets are constructed, it is a requirement that sidewalks be put in.

RICHARDSON stated that over the last four years, at every third or fourth Planning Commission meeting, he has talked about the lack of sidewalks on Parker and Elm. Those two streets serve neighborhoods, the park and the elementary school. There has been a lot of development over there. There are a lot of kids and elderly people in that area. What is it going to take for the City to make that a priority to fill in the sidewalks.

SHOEMAKER responded that to put in the sidewalks without setting the street grids, you are just going to tear them up and re-do them. That is why the collector program is something they should do. He thinks that we should figure out how to finance them and just do them.

RICHARDSON added that his concern is that somebody is going to be killed there. He would like to see Parker and Elm a priority before spending money on the rest of the outskirts of Sumner.

SHOEMAKER further stated that the Council would like to have the necessary information to enact an impact fee.

NALDER asked who pays for the sidewalks? Is it the property owners?

SHOEMAKER responded that right now the property owners pay for them.

RICHARDSON commented that the City should pay for it for public safety.

Public comment on this section was as follows:

DEAN SNEKVIK 6211 160th Avenue East, appeared. With regard to Mr. Richardson's comment on sidewalks, he agrees that each property owner should pay for their own sidewalk. If you want the City to pay for it or you want mitigation fees or impact fees to pay for it, you are forcing your sidewalk to be paid by the last person that moved into town. That is not fair. He thinks everybody should pay their fair share.

RICHARDSON responded that he would just like matching funds. If the City can make it very affordable for these people then we should do that.

MYERS asked if the 24th Street interchange would relieve much of the traffic impact on Fryer Avenue.

SHOEMAKER indicated that that is the hope.

SNEKVIK further had a question about Fred Meyer. When the impact study was done as to different parts of the City, and the grant money was given to the City from Fred Meyer to mitigate their impact, some of that impact money for specific areas was applied to other areas. It seems like there should be some kind of an accounting so that later on, when something is needed, they can go back to the impact fees and pay them back. There should be some way to keep track of where money is borrowed from the other parts of town and used in other places.

SHOEMAKER addressed that. He stated that the Fred Meyers is a good example of how the impact fees work. Although it is a major impact as to traffic, on the other side of the coin is that none of the streets are really even at capacity or will be caused to be at capacity because of the Fred Meyers. The Fred Meyers did impact enough that it caused some traffic issued at Main and Valley. They will build Valley Avenue up to Washington and they are doing improvements along Main Street. When Fred Meyers goes in it goes from a LOSD to an LOSE. The \$100,000, which is more than their percentage, is in the budget to be built

next year. The State law requires that impact fees can only be held for 6 years, and in mitigation under SEPA for 5 years.

KEITH FOREST, 1620 132nd Avenue East, appeared. He stated that he is with Mr. Richardson, in that he wishes that they would concentrate more on the City. He is in the North Annexation, where the interchange is, and he is on a ½ acre with a setback off the stream. On his ½ an acre he has a sewer assessment, LID, a water LID, and the interchange LID. He has 3 LID's. He wishes they would concentrate on the City. They wanted to annex out north. That just sucked the zoning into commercial. Now with the interchange he is in on that LID. He does not know what the interchange is going to do for him. He has discussed it with City Council. Have they done anything for anybody not included in the LID that are east of 142nd?

SHOEMAKER and FOREST, using the map, discussed the surrounding area.

FOREST asked if there would be another hearing on it.

SHOEMAKER responded that there would be a meeting with the property owners.

RICHARDSON moved to table review of Chapter 6, Capitol Facilities Plan, of the Comprehensive Plan Amendment to the next Planning Commission meeting. NALDER seconded the motion and it passed unanimously.

2. Election of Chair and Vice Chair

RICHARDSON moved to table Election of Chair and Vice Chair to the next Planning Commission meeting. NALDER seconded the motion and it passed unanimously.

WINDISH discussed having a Study Session on the 19th of December. A Study Session was scheduled at that time.

CORRESPONDENCE

WINDISH noted there was no correspondence, other than the letter provided by Commissioner KANDI LOVGREN at this meeting.

MYERS asked if there was a provision for a six-month break from the Commission.

WINDISH stated that it is not in the rules and procedures.

MYERS suggested that it should be discussed with the Mayor and the City Attorney.

NALDER further suggested that if a six-month break is not allowed that LOVGREN be notified in case she wants to change her mind.

COMMISSIONER COMMENTS

WALKER wanted to thank everybody for all her years on the Planning Commission. She is leaving with mixed emotions, but she will also enjoy being an average citizen with free Thursday nights.

RICHARDSON thanked WALKER for all her years of service.

MYERS also thanked WALKER for all her years of service. MYERS further commented that he attended an interesting meeting Tuesday evening on the Train Station. It is really interesting to hear some out of town planning experts opinions and ideas. The opinions of Sumner were complimentary. Their ideas for the future are startling, however, refreshing.

STAFF COMMENTS

Staff Comments were as follows:

1) WINDISH further discussed the Tuesday night meeting with David Leeland. Leeland does consulting all across the country. He has been involved in 50 downtown plans and 70 transit center plans over his career. He had never been to Sumner. His impression of town was that this is a nice, American small town, Norman Rockwell kind of place. That is what makes Sumner such a valuable place to live. It is what sells Sumner. If you want to buy into a community, Sumner is your choice. This was a one day, visionary, think tank shot at big and bold ideas for our downtown in relation to the Train Station and what we could do different. Along with David Leeland, Mark Hinshaw, Greg Easton and Scott Kirkpatrick they came up with a list of projects and some great ideas. They all agree that they need to increase the density and growth, but to do it in a way that does not lose that small town charm. There are ways to do that with single family dwellings with detached accessory units. The challenge is growing and keeping what you have. It can be done in very esthetically pleasing ways. They will write it up in a brief document and it will distributed it to the Planning and Design Commissions. One thing to consider is that the Fleishman Yeast site is for sale. It is 1.4 million dollars. The suggestion was that it be purchased by the City for the water rights and developed as residential/mixed use and commercial. It is within a quarter mile of the station and downtown. Further, the Red Apple site has potential. We could possibly move the library there in conjunction with a small grocery to serve the local areas, plus residential;

2) JC Pennys is looking into moving into one of the buildings on the North End of town; and

3) Staff would like to thank Terry Walker for all her years of service on the Planning Commission. A plaque of appreciate is being put together for WALKER and LIVINGSTON.

ADJOURNMENT

NALDER motioned for meeting adjournment at 9:45 p.m. WALKER seconded the motion and it passed unanimously.

Ryan Windish, Senior Planner