



## **SUMNER PLANNING COMMISSION**

### **MINUTES**

### **REGULAR MEETING**

**Thursday, August 4, 2005**

**7:00 p.m.**

**Sumner City Hall  
1104 Maple Street**

### **CALL TO ORDER**

GANZ called the meeting to order at 7:12 p.m.

### **ROLL CALL**

Members Present: Bush, Ganz, Hannus, Morrison and Powers

Members Absent: Walter (notified)

Also Present: Ryan Windish, Senior Planner

### **APPROVAL OF MINUTES**

**GANZ motioned to approve the June 2, 2005 regular meeting minutes as written. HANNUS seconded the motion and it passed unanimously.**

### **PUBLIC COMMENT**

There was no public comment.

### **UNFINISHED BUSINESS**

There was no unfinished business.

## NEW BUSINESS

### 1) Implementation of Town Center Plan Ordinance (*Discussion*)

WINDISH approached the map to illustrate Staff's report as to the implementation of the Comprehensive Plan Ordinance. He noted that the City Council is specifically concerned about the rental property in town. They would like a restriction in medium density of not more than 1 four-plex per block. WINDISH further reviewed for the Commission zero lot line dwellings. Zero lot line dwellings eliminate building 4-plexes on just any lot. The lot must be 120 feet wide and 100 feet long in order to build a 4-plex on it. This does not limit cottage type development, or smaller detached cottages on one parcel.

BUSH asked what the height restriction would be on zero lot line dwellings?

WINDISH stated that it would remain 35 feet.

BUSH asked if, with the 35-foot height limit, there would still be a limit of two dwellings on a 100 by 60-foot lot?

WINDISH indicated that to be correct.

HANNUS asked if one dwelling could be 25 feet high, and one could be 35 feet high?

WINDISH stated that the structures could be set at different heights.

BUSH asked how many of these structures would be allowed per block?

WINDISH responded that there can only be one 4-plex per block. In the event that a developer wished to build more units, they would have to detach them. As for the 4-plexes, only one unit can be attached to the common wall of another unit. They must be built side by side.

WINDISH provided a copy of Ordinance 2134 to the Commissioners for their review, and directed them to the section on zero lot line developments.

BUSH asked if this was any different than what is presently set out?

WINDISH stated that it is what was presented with the Comprehensive Plan. It is different than the original draft in that it is the final document and is what the law is today.

WINDISH directed the Commissioners to page 2 of Ordinance 2134, the section addressing zero lot line dwellings. It states that these dwellings can only be attached by one common wall. In reviewing 18.04.1122, zero lot line dwellings, he noted that this will make it difficult to build more multiplexes in town. Under this the lot to be developed must specifically fit the requirements. He noted that a change has been made

to section 5 on page 2, and also on page 3 section 6. LDR is being taken out of the code completely. WINDISH noted that the Council has approved the policy changes to the Comprehensive Plan, allowing one small multiplex per block. "B" has been added to section 8 on page 5, and section 9 separates out the property development standards for all the other LDR zones. Section 10 covers property development standards for LDR-4, addressing lot width, set backs, etc. "Multifamily has been taken out of sections 11, 12 and 13, and MDR and HDR have been added. Section 14 addresses ground related dwelling units, which is a broader term than zero lot line. It was necessary to clarify that it is zero lot line instead of just ground related. The only change to section 15 is "E" on page 9, "keeping of family pets", and how that is regulated. Section 16 covers conditional uses and focuses on HDR and MDR, rather than multifamily. This would be the same with section 17. Further, on page 12, is a table (18.14.070), which sets out minimum and maximum lot areas per building site in square feet.

MORRISON asked if the setbacks are different for zero lot line developments, than MDR developments?

WINDISH noted that MDR and HDR follow the standards set out under D(1)(2) and (3), and that zero lot line follows D(4) and (5), but would follow (1) and 2) as well in the front yard. It would also vary depending on whether the development site is on a street or a corner. This makes quite a difference on what can and cannot be redeveloped.

MORRISON felt that the zero lot line development may not go well with many people.

WINDISH stated that as of yet he has heard no opposition.

HANNUS asked if the GMA says anything about it?

WINDISH stated that the GMA does not say anything about it. It will provide more density and narrower parcels.

HANNUS asked if Staff felt that the neighbors of zero lot line developments would be happy with that?

WINDISH responded that these developments are usually done in "planned communities," which would mean that everybody would then be in the same boat. The GMA does not specifically address it.

HANNUS asked, if we have already met the GMA, why do we want to increase density?

WINDISH noted that these changes would be stricter on density, and would make quite a difference. There is far less potential for development with the building limits that have been set.

POWERS asked if this would affect the limit of one 4-plex per block in lower density?

WINDISH stated that City Council wanted to take that out as an allowance. As the Town Center Plan is implemented, that will be deleted.

POWERS commented that it bothers him that it would be deleted, as he does not feel that 4-plexes are a problem. People will not be building them all over and 4-plexes allow some of the elderly to remain downtown. This would limit options for the elderly.

WINDISH stated that it was put in the code to provide density to be disbursed throughout town. The downtown area already has 6 multiplexes. The feeling was that more would not be desirable.

WINDISH continued on with review of section 21. In section 21 the Neighborhood Commercial East Sumner Zone was eliminated. This was done in sections 23 and 24 as well. Further, under section 22 on page 15, paragraph B was added. The intent there was to clarify what was meant by mixed-use developments and how they can be arranged.

BUSH asked if, in the mixed-use area where everything on the street has to be commercial, can apartments be built behind those units? Would they have to be ground related?

WINDISH stated that the most they could be is townhouses, as they cannot be stacked.

WINDISH continued on with section 24. He noted that neighborhood commercial has been removed. In section 25, performance standards were added. (q) requires that all developments are subject to the Design Development Guidelines, and in section 26, it clarifies that under 18.40.020, that it is to be reviewed by Staff, and not by the Design Commission. Section 27 deals with signs and section 28 amends the zoning map. Section 29 is a substitute (additional), and deals with properties at corner of 160th and East Main. The City Council voted that it be Low Density Residential 4000 instead of commercial, with the exception of the existing corner that is commercial.

BUSH asked if there was any feed back from the neighbors on that?

WINDISH stated that one neighbor wanted it to be commercial. The concern was that there would be too much commercial, and that it would string out the commercial along Main Street. Low Density Residential is a better fit for that area.

WINDISH noted that that is what was approved with the changes to implement the Comprehensive Plan absent the Town Center Plan. We will be getting a new Town Center Plan and a new Comprehensive Plan.

DISCUSSION was had as to the public's perception of apartment dwellings, that it is transient and that rentals are poorly maintained. There is a real desire to have owner occupied housing.

MORRISON asked if the City adopted the International Fire and Uniform Building codes?

WINDISH stated that the City did.

HANNUS asked if they are more stringent than the uniform code?

WINDISH stated that in some areas they are more stringent, and in some areas they are more lenient.

WINDISH went on to review changes to the proposed draft ordinance (drafted 8/01/05), discussing implementation of the Town Center Plan by amending the Sumner Municipal Code, Chapter 16.04 "State Environmental Policy Act and Procedures" and the Title 18 "Zoning Code".

WINDISH noted that section 2 introduces cottage housing, floor area ratio, single family dwellings, semi attached. It also addresses tandem houses, and basically defines the Town Center Plan area.

HANNUS asked if accessory dwelling units would be allowed?

WINDISH stated that they are still allowed. He continued that under the list of Use Districts, mixed use was added. Further, on page 6, paragraph 7, 8500 square feet is now required for accessory dwelling units. Detached units are allowed even on small lots in the Town Center Plan area. There has been a lot of interest in accessory dwelling units. They are allowed to give more flexibility in the Town Center area, and the Planning Commission may want to consider it City wide. WINDISH directed the Commissioners to section 5, under conditional, and noted that a lot of language has been crossed out. That language has been deleted. He also noted that the draft ordinance is in error, as much of the information crossed out on pages 8 and 9 will not be deleted. Subsection (j) however, has been deleted. Section 6 is an attempt to remedy the ground related housing issue. Ground related has been deleted and zero lot line has been added. In section 7, accessory dwelling unit language has been added to the MDR and HDR section. In light of zero lot lines, the feeling was that accessory dwelling unit language needed to be added. Single-family lots and single-family structures with no zero lot line can still have accessory dwelling units (ADU) as long as they are not attached.

BUSH asked if there is a minimum lot size for ADU's?

WINDISH stated that there is not. If the Planning Commission would like, they can require that the lot be 5000 or 6000 square feet before an ACU can be built?

BUSH commented that that was a good idea, and asked if there are size restriction on ACU's?

WINDISH stated that the size maximum is 800 sq. feet, and a certain ratio to the primary residence.

BUSH suggested that the language be firmed up for the sake of the neighboring properties of ACU's.

WINDISH stated that one requirement is that the owners must live there for at least 6 months.

WINDISH continued on with review of pages 19 and 20, section 8. Mixed use development has been added to this section as a zone, and B(5) defines it. Section 9 addresses principle and conditional uses, and what is prohibited and what is not.

HANNUS asked if advanced education is included in that?

WINDISH stated that he believes that it is in there. He noted that the general commercial zone has to meet the same standards as the East Main Street zone.

FURTHER discussion was had as to what is permitted and what is not permitted.

BUSH recalled that in the Critical Areas Ordinance, hospitals were eliminated.

WINDISH confirmed that they were and stated that he would look into that.

WINDISH discussed parking and that we might want to leave it open for somebody to have a lot and possibly lease it out as parking. Accessory parking is still allowed, and schools and colleges require a conditional use permit.

BUSH asked with regard to parking if private off street parking lots are allowed in CBD?

WINDISH stated that they are as it is now written.

BUSH asked if a parking garage can be built on private property?

WINDISH stated that a private one can be built. Sound Transit cannot do one.

BUSH commented that that might be a hot issue given the public's input on it.

WINDISH continued that theaters are permitted.

MORRISON asked why theaters were in question?

WINDISH stated that the concern is how theaters and bowling alleys in residential would interact. WINDISH stated that they will revisit restaurants, taverns and brew pubs. Some establishments have expressed that they would like outdoor eating areas. At this time they are not allowed.

MORRISON asked if that would come before the Planning Commission?

WINDISH stated that it would.

WINDISH stated that in section 10, residential uses, under subsection C, it discusses how to regulate mixed-use developments. There may be a desire to have a limit on how big or how small a mixed-use building should be. WINDISH further reviewed A – C, 18.16.040 as to residential uses. The mixed-use development guidelines will also be updated.

WINDISH continued on with section 12, the Property Development Standards. Staff will go through the Property Development Standards and will add the MDC zones. In the MUD zones there can be a zero lot line on either side. This would be the same for the CBD and East Main Street.

BUSH noted that this addresses the entire district, however, there can only be one zero lot line development per block.

WINDISH clarified that this is a different zone.

WINDISH continued review of property development standards. He suggested deleting No. 13, minimum setback from a principal or minor arterial. Further, the floor area ratio is the same as proposed in the Town Center Plan. MUD language was added to section 13, and “E” addresses commercially zoned property in relation to residential properties. It also discusses the height limit of 35 feet.

WINDISH moved on to page 28, under Performance Standards. He noted that “P” increases the front yard setback of the MUD zone to a 15 foot setback if you have an outdoor display of merchandise, and provide landscaping. Further, MUD is added to the list as to wireless communications facilities under Section 14 .

MORRISON asked if there was a lot of interest as to wireless communication facilities?

WINDISH stated that there was a lot of interest about 5 years ago. For the most part they are allowed just about anywhere, however a conditional use permit may be required in residential areas.

WINDISH concluded that Staff is further researching codes from other cities as to what works for them. They are thinking about putting in a phased type of allowance. For instance, in mixed use, the residential may work, whereas, the commercial does not at the time it is built. It would allow a conceptual design approval to support the whole plan. The other part could be developed later.

MORRISON asked if they would be given a time limit to complete the other portion (commercial or residential) of the plan?

WINDISH stated that there would be a time limit, however, he needs to discuss that with the City Attorney. We may not be able to require them to build something that the market cannot support.

MORRISON asked what a mini warehouse is?

WINDISH stated that it is public storage. It is allowed in the M1 zone, but is not allowed in commercial, other than interchange commercial.

BUSH asked about hazardous material treatment and the Fleischman property, and if it fit into any of these categories?

WINDISH responded that it is the M2 zone. It is a facility that produces its own waste on site that needs to be treated, as opposed to somebody trucking in material that needs to be treated.

WINDISH asked if the Commissioners desired a study session prior to the public hearing?

*A study session was scheduled for the 18<sup>th</sup> of August.*

### **CORRESPONDENCE**

There was no correspondence.

### **COMMISSIONER'S COMMENTS**

MORRISON asked what the status was of Casey's Caboose?

WINDISH stated that he was not sure and would asked the City Attorney about that.

GANZ asked what was being done with Great Steak?

WINDISH responded that it is being renovated at this time and will be occupied by the tenants.

BUSH asked if there were any plans of concern for Valley and Main? Somebody said that McDonalds would be expanding to the corner.

WINDISH stated that he had not heard that, but noted that there may be some interest in the Washington Market Building. The owner of that property has talked about making some changes. Also, on the south side of the new Starbucks, the first developer wanted put in a Walgreen's. They are having a hard time figuring out parking and how to develop that site.

## STAFF COMMENTS

WINDISH had the following Staff comments:

- 1) The City Council was grateful to the Planning Commission for all their work on the Town Center Plan. They have a lot of trust and respect for what the Planning Commission does;
- 2) At the Monday night Council meeting, the City Council passed interim development regulations for six months, regulating the chemical facility on the Fleischman property. It is not vested under the zoning regulations, and as such, they are planning to sue the City.

POWERS asked if they own the entire property?

WINDISH stated that they own all of the Fleischman site and the area down by the river. This has been in the process for at least a year. They did not complete their application.

POWERS asked if the City is still interested in purchasing the rights to the two wells?

WINDISH responded that the City is still interested.

BUSH asked when the Commission would be looking at the regulation for the aquifers? By modifying the regulations can it help prevent the present problems?

WINDISH stated that the regulations could be reviewed any time. The entire valley floor has a certain type of soil that is very porous. Aquifer recharge regulations are most strict around public well heads.

HANNUS asked if the Department of Ecology has control over aquifers, or if the aquifer regulations are City controlled?

WINDISH noted that the control is a City requirement.

BUSH asked how the City of Sumner's regulations compare with those of Pierce County? Sumner's regulations should be at the very least as restrictive as Pierce County's.

WINDISH stated that he would look into that.

## ADJOURNMENT

**POWERS motioned to adjourn the meeting at 9:02 p.m. BUSH seconded the motion and it passed unanimously.**

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Ryan Windish, Senior Planner