



SUMNER PLANNING COMMISSION

MINUTES

REGULAR MEETING

Thursday, October 6, 2005

7:00 p.m.

Sumner City Hall
1104 Maple Street

CALL TO ORDER

WALTER called the meeting to order at 7:02 p.m.

ROLL CALL

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

Members Absent: None

Also Present: Ryan Windish, Senior Planner

APPROVAL OF MINUTES

Approve/Correct Minutes for: August 18, 2005; September 1, 2005; September 15, 2005

WINDISH noted that the August 18, 2005 and September 15, 2005 meetings were recorded, and that as such there were no minutes to be approved for those meetings.

GANZ had an amendment to the September 1st minutes on page 9, under WALTER's comment. He noted that the word "declaration" should be changed to "ordinance". WALTER also had an amendment to the September 1st minutes, on the top of page 6, "McClendons" should be changed to the its proper spelling, which is "McLendons".

GANZ motioned to approve the September 1, 2005 regular meeting minutes as amended. BUSH seconded the motion and it passed unanimously.

PUBLIC COMMENT

There was no public comment.

UNFINISHED BUSINESS

1. Ordinances implementing the Town Center Plan; Comprehensive Plan Amendments; Zoning Code Amendments; Design and Development Guidelines Amendments

WINDISH reviewed for the Commission, Staff's Memorandum Re: Revised Ordinances for Implementing Town Center Plan as follows (*a copy of which was provided to the Commissioners with the revised ordinances attached*). The revisions address comments and concerns that have been raised by the Planning Commission and the public and further staff review.

Comprehensive Plan Ordinance

There are no suggested changes to the policies or text as proposed in the ordinance amending the Comprehensive Plan.

Zoning Code Ordinance

Following are staff's suggestions for modification to the ordinance amending the Zoning Code:

Discussion of Ordinance Changes

The following are discussions of recommended changes to the Ordinance which are highlighted in gray in the ordinance:

Preamble

Added a "Whereas" addressing the Addendum to the Final Environmental Impact Statement.

Section 2

Added definition for "primary street" to clarify what this means in the MUD section of the code.

Section 7

Changes to this simplify the sentence to only allow accessory dwelling units with "detached single family structures", which excludes zero-lot line dwellings and structures.

Section 8

Amends the Medium Density and High Density Residential zoning regulations to allow for a decrease in the rear yard setback for detached accessory structures from 10 feet to 3 feet. This is consistent with what is allowed in the Low Density Residential zones. This was a result of a comment from a property owner in this zone and staff's recommendation.

Section 11

These changes are mostly clarification to the code following staff review and include:

- *Clarification that inside the Town Center Plan area the density is 30 du per acre and outside it is 25 du/ac.*

- *Tightened language specifying that mixed use structures shall be “adjacent” to the primary street.*
- *Placed a minimum on coverage of the second story. Eighty percent (80%) was used because some architectural designs might not allow for 100% coverage. The intent here is to keep a “mixed use” structure from being primarily a single story or single use building rather than mixed and multi-storied.*

Section 13

This section contains the bulk and dimensional standards for the MUD zone. Changes were made to address comments regarding difficulty to develop these sites if mixed use is required. Less stringent requirements add to potential for development and marketability.

- *Reduced the rear and interior side yard setback for MUD to 0 feet in most cases, unless adjacent to residentially zoned property.*
- *Increased the maximum lot coverage to 80%*
- *Adjusted Floor Area Ratio (FAR) to be consistent with maximum lot coverage. It would be impossible to gain 3 and 4 FAR if the site doesn't allow 100% lot coverage or a substantial increase in height allowance (like 6 or 8 stories)!*

Section 14

This is a staff recommendation and clarifies that the 30 foot height limit would only apply to side or rear setback areas. This allows for maximum height on the primary street.

Section 16

These changes were in response to concerns about incompatibility between residential and light industrial areas. First, note that this has been contemplated in the existing regulations for Planned Mixed Use Developments. However, specific examples are provided in the amendments.

Section 22

This section amends the nonconforming use section of the zoning code and allows for the addition of dwelling units to a structure in the MUD zone. There were comments from the public requesting a greater leniency for nonconforming uses in the MUD zone. Specifically, the requirement that until the building is 100% demolished, it shouldn't have to conform to the MUD zone. The code, however, is more lenient on nonconforming commercial development than other uses. Nonconforming development can still rebuild after a fire, and has the right to limited expansion (up to 25 percent). These are two provisions that are not afforded to other nonconforming uses, such as industrial.

GANZ expressed concern with the MUD being mandatory.

WINDISH responded that the Council wanted to ensure that mix of residential and commercial, and to prevent stand-alone commercial. It was the feeling that the market would support it or that it was not too far behind making it happen. It is what they approved in the Town Center Plan, and is what we have to work with. WINDISH stated that he would forward any concerns to the City Council.

BUSH asked that Staff discuss with Council the option of making it not a requirement.

WINDISH stated that he would provide a recommendation and/or a minority opinion to City Council, however, he would like to go forward with it as well.

WALTER commented that amendments could be made to the Town Center Plan down the road. It is a legitimate concern that it could end up all being developed as commercial and that there would be a shortage of housing. It is consistent with the Town Center goal having residential to support the downtown businesses. It is understandable not wanting to get wrapped up in what is controlled or forced, however, that is what zoning does. These ordinances are just implementing what has already approved by the City Council.

WINDISH further noted that general commercial zoning provides a mixed choice.

BUSH asked if the changes addressed "any" kind of accessory dwelling unit, i.e. a shed?

WINDISH stated that it does.

BUSH asked with regard to Section 13 of the Zoning Code Ordinance, if it is possible at sometime that a developer might run into a conflict between meeting the height requirement and meeting the FAR? Which would have the highest priority?

WINDISH stated that the City would hold to what is the most restrictive, and would not allow the height increase.

GANZ asked if anybody had looked into where underground parking would be feasible?

WINDISH stated that it would be analyzed on a site by site basis. The code allows for the parking to be on the surface with the structure built above it if necessary.

GANZ asked, with regard to Section 16 of the Zoning Code Ordinance, what would happen if, after a development is built, the neighboring residents complain that the new development is not compatible?

WINDISH stated that Staff tries to make sure that a proposed business is compatible with residential. If it is not compatible, landscaping, berms, and other buffers are required to lessen the impact. There is the potential that there will be some impact, however, Staff reviews the plans to set up solutions ahead of time.

HANNUS asked if the right of way for city streets is 50 feet?

WINDISH responded that it is 60 feet most of the time.

BUSH asked with regard to page 19(d)(2), under 18.26.060, "Property development standards", does that mean that potentially the density could be more than 40 units per acre? If so, why is it in there?

WINDISH confirmed that was correct. He stated that he does not know why that is in there, other than it may have seemed appropriate to increase density, and this would allow it to be recommended. PMUD is already a chapter in the code that allows for

flexibility from the existing development standards. It would also potentially provide an incentive for a developer in the PMUD. Language could be added to say, "... except in the Town Center Plan density increases shall not be allowed." PMUD areas go through a very rigorous approval process. These projects go through the Hearing Examiner, City Council and the Design Commission. Developers do not like to take that kind of risk.

WALTER asked if they went before the Hearing Examiner first? Can a developer bypass the Hearing Examiner and lobby City Council for approval?

WINDISH noted that it is a *Type 6* decision in the code, which requires a public hearing, a decision by the City Council, and design review by the Design Commission.

WALTER noted that in the case of the Town Center Plan, a PMUD will be limited to 30 units per acre, however, outside of that they can go up to 45 units.

BUSH asked if this applied to the mixed use area?

WINDISH stated that it does not. It just applied to the PMUD and M1 zones.

BUSH asked with regard to page 11, under #19, hospitals, does the Critical Areas Ordinance allow for hospitals? It was her understanding that it did not.

WINDISH confirmed that they are prohibited in the MUD zone.

HANNUS asked if that would include the veterinary hospitals?

WINDISH stated that it would not.

WINDISH noted that it is in conflict with the Critical Areas Ordinance, however, he would hesitate to make too many changes outside of the Town Center area. He suggested leaving it at this point, and letting the critical hazard areas take care of it.

WALTER asked if, as previously discussed, Staff had a city consultant working with them on the Design Guidelines?

WINDISH stated that they do not have a consultant yet, but will hopefully have one in this budget year.

WINDISH concluded review of the Zoning Ordinance, and moved on to review of the Design and Development Guidelines Ordinance.

Design and Development Guidelines Ordinance

Preamble

Added a "Whereas" addressing the Addendum to the Final Environmental Impact Statement.

Section 1, Page 2, Table of Contents

Changed Mixed Use Designation to “Development” to be consistent with the Zoning Code.

Section 1, Page 4, 1. Mass and Size

Clarification of unified concept (C.2.) and “usable open space” (C.3.)

Section 1, Page 6, 5. Lighting

Clarified that “low level luminescence” would only be required if it provided adequate safety.

Section 1, Page 8, 7. Automobile Circulation and Parking

Amendments clarified that parcels with large frontage on a primary street (i.e. Traffic or Fryar Avenue) could have limited driveway access from the primary street. Otherwise, the parcel must take access from the secondary street.

Section 5 and Section 6

Removed illustration showing berms and reductions. This was inadvertently left in this draft and pertains to the M-1 and M-2 zones, not the Town Center Plan.

There were no questions with regard to the Design and Development Guidelines Ordinance. WINDISH moved on to review of Comments on the Rail Road Plans and Expansion.

Comments on Rail Road Plans and Expansion

There were outstanding questions about whether or not the Union Pacific Rail Road would be constructing a third rail connection to the BNSF line and bisecting the downtown. There are no written plans at this time regarding that proposal. Please see the attached email response from Washington Department of Transportation that says it won't be happening in the “foreseeable future”. The email is from Stephen M. Anderson, Freight Service Manager at WSDOT.

HANNUS commented that concerns about the railroad do not appear to be an issue at this time.

WINDISH confirmed that to be the case.

WINDISH moved on to review of Comments on Marketability of Mixed Use.

Comments on Marketability of Mixed Use

Requiring mixed use in the MUD zone rather than making it an option or providing incentives narrows market potential for redevelopment. However, it appears from the the research that I've been conducting over the last few days speaking with developers and commercial real estate brokers, that similar developments are occurring in Auburn and Puyallup without government subsidies.

WINDISH state that there was only one motel in the downtown area.

Roll call votes were taken on the 3 ordinances as follows:

Comprehensive Plan Ordinance

GANZ motioned to adopt the Comprehensive Plan Ordinance. **HANNUS** seconded the motion.

BUSH expressed her concern over the number of dwelling units allowed.

A roll call vote was had as follows:

BUSH	-	No	GANZ	-	Yes
HANNUS	-	Yes	MORRISON	-	Yes
POWERS	-	Yes	WALTER	-	Yes

MOTION passed by majority vote.

Zoning Code Ordinance

POWERS motioned to adopt the Zoning Code Ordinance. **MORRISON** seconded the motion.

A roll call vote was had as follows:

BUSH	-	No	GANZ	-	No
HANNUS	-	No	MORRISON	-	Yes
POWERS	-	Yes	WALTER	-	Yes

MOTION failed for lack of a majority vote.

Design and Development Guidelines Ordinance

GANZ motioned to adopt the Design and Development Guidelines Ordinance. **POWERS** seconded the motion.

A roll call vote was had as follows:

BUSH	-	Yes	GANZ	-	Yes
HANNUS	-	Yes	MORRISON	-	Yes
POWERS	-	Yes	WALTER	-	Yes

MOTION passed by unanimous vote.

WINDISH commented that it looks as though some things need to be worked out as to the Zoning Code Ordinance. He asked the opposing Commissioners to elaborate on their concerns.

BUSH stated, and the others agreed, that the code is not consistent with the desired scale of Sumner. A three story building with parking underneath is not within the scale. Forty units in mixed use, and potentially higher in the PMUD, is a higher density than she would like to see.

WALTER commented that the Town Center Plan is what it is, and she is not sure how the Planning Commission can get past this impasse.

BUSH suggested making mixed use *not* required.

DISCUSSION was had about where to go from here with regard to the Zoning Code Ordinance.

WINDISH stated that he would forward the Commissioners' concerns, and would talk to the City Attorney about what is next. This does not come as a surprise, as there were a lot of close votes in adopting the Town Center Plan.

BUSH corrected the record as to the original vote on the Zoning Code Ordinance. It states that it passed with a 6 to 1 vote, when actually both BUSH and HANNUS were opposed to and voted against it.

NEW BUSINESS

There was no new business.

CORRESPONDENCE

There was no correspondence.

COMMISSIONER'S COMMENTS

MORRISON asked Staff if there was any word on Casey's Caboose?

WINDISH stated that there was a hearing on it on September 22, 2005, before the Building Improvement Board (the Design Commission). The owner has 45 days to do something, before the City can go in and demolish it and clean it up. We are getting closer to being able to get something done. As it is now, the Insurance Company is still investigating it for arson.

BUSH had a question about the drill this week. She stated that after the first announcement it was kind of garbled. She was hoping that it was only a drill. What was the conclusion?

WINDISH stated that they put in a new siren, which sounded like the old siren to him. It cannot really be heard inside. He is unaware of any conclusions at this time.

WALTER asked Staff if they knew what the development was above the Golf Course. Is it apartments or condos?

WINDISH stated that he is not sure at this time.

A woman from the audience stated that she saw a sign advertising apartments in front of that site.

GANZ asked if the emergency radios were available yet?

WINDISH stated that emergency radios could be bought on-line, at Radio Shack, or even at McLendons.

HANNUS noted that at last Monday's City Council meeting the Valley City Association was discussed. Are the areas on the slopes included in that?

WINDISH stated that he does not think they are, as this is more directed at areas with distribution and warehouses, which would exclude Edgewood and Milton.

HANNUS also noted that as he has traveled North on Valley Avenue toward Elm Street, he has notice a lot of double parking going on. Does the apartment complex have enough parking?

WINDISH stated that there is parking on either end of the complex. If your apartment is on Valley Avenue, it may be more convenient for you to park there. Soon the curbing and sidewalks will be completed in that area, which would eliminate that parking problem.

STAFF COMMENTS

WINDISH had the following Staff comments:

- 1) Certificates were passed out at the Volunteer Recognition Appreciation Dinner thanking the City's volunteers for providing a very valuable service to the community. WINDISH passed out certificates of appreciation to the Commissioners who did not attend and thanked them for their commitment and dedication;
- 2) We have a lot of permits in. Panantoni alone has asked for 7 permits on warehouse buildings. They have property on 142nd and West Valley Hwy. Also, there is the Larson Acres residential project on 29th, and somebody has submitted a 25 block plat for residential. Further, there are a couple plats on Elm Street, and 35 lots have received preliminary lot approval. There are also site plans for the site south of Starbucks. The storefronts of that site will be similar to the corner grocery. The site plan looks good. There are some good ideas out there;
- 3) The City will be paving the road in front of the Old Cannery on the 18th or 19th of October, and Zehnder will be worked on soon as well. Further, they have completed

- the sidewalks and pathways at East Side Park, although there are issues with the soil that was brought in. It is full of rocks and needs to be screened; and
- 4) WINDISH stated that he will be speaking at the State Planning Conference, "Thinking Outside the Big Box". He will be speaking about the Fred Meyer project. The conference will be October 31st through November 3rd. Robert Holler will be doing a presentation on single family residences there as well, and Paul Rogerson will be doing a short course on local planning presentation at the beginning of the conference.

ADJOURNMENT

GANZ motioned to adjourn at 8:25 p.m. POWERS seconded the motion and it passed unanimously.

Ryan Windish
Senior Planner