



SUMNER PLANNING COMMISSION

MINUTES

REGULAR MEETING

Thursday, December 7, 2006

7:00 p.m.

Sumner City Hall
1104 Maple Street

CALL TO ORDER

GANZ called the meeting to order at 7:06 p.m.

ROLL CALL

Members Present: Bush, Ganz, Powers, Swanson and Walter
Members Absent: Haines (Not notified) and Morrison (Not notified)
Also Present: Ryan Windish, Senior Planner

APPROVAL OF MINUTES

BUSH had a question on page 5 of the November 2, 2006 regular meeting minutes. Should the last word be “state holders meeting” or “stakeholders meeting”? WINDISH stated that it should be “stakeholders”. **WALTER motioned to approve the November 2, 2006 regular meeting minutes as corrected. SWANSON seconded the motion and it passed unanimously.**

PUBLIC COMMENT

There was no public comment.

UNFINISHED BUSINESS

- A) PUBLIC HEARING CONTINUED: Interchange Commercial Zone Amendments (Action)

WINDISH provided the Commissions Staff’s memorandum and draft ordinance as to the Interchange Commercial Zone Amendments. At the Planning Commission meeting on November 2, 2006 Staff was given direction to create a “truck stop” definition and add it

to the list of permitted uses in the Interchange Commercial Zone. The Alternative 3 Ordinance contains these changes. The Planning Commission voted to continue the Public Hearing from the last meeting so the record remains open for comment. Property owners were notified of the meeting.

GANZ opened this agenda item for public comment at this time.

DON MOODY, 1705 Dock St., Tacoma, WA, appeared. He represents the Petersen Property. He is the real estate broker working on the disposition of the property. He is here to discuss the zoning change. He has been working on this piece of property and other properties since 1973. He cannot think of very many intersections more important than this one. People like that this is right on the freeway. Last year they sold 6 acres on the southeast side of the freeway where the motels and restaurants are going. The north side of the intersection is where the gas stations are going to go. They all went there because of the easy access, and they are purely freeway type uses. When the zoning was expanded, businesses that do well in a freeway zone were looked into. Most of those were very secondary retail oriented, such as auto dealers, etc. There has also been discussion about light industrial and the ability to assemble in this area. There are many people who use these secondary retail sites, and retail type activity constitutes 50 to 60 percent of all sales. Some of these sites do their own assembly, however it is light industrial, not heavy. In other areas this is regulated by not having any type of outside work protected, and if it is outside it is usually done in the back or is fenced from the street. What is impressive is that all of this type of work is done inside today because of the zoning. These properties will not be used like those on the other side of the freeway. It would be too expensive for the owners to have big bulk warehouses in that area alone. Almost all the businesses in that area, such as those proposed for the Petersen piece, will be retail. Their fear, however, is that this will be limited. Truck stops have come up at these meetings. Truck stops take a while to land and need big parcels of ground, however, there is a very big need for truck stops in this area, as Federal Way took theirs out. This area is more of a transportation orientation. Their fear is that the City will be too restrictive and will eliminate users that provide high paying jobs, high property taxes, etc. They would hate to see this zone be limited. It will restrict itself for a large part by the City's restrictions and by the cost. It is much more expensive than straight industrial properties and eliminates itself from those types of uses. He would love to work with the City Planning Department to help with drafting the rules and regulations for that zoning, in limiting how it can be used. They would hate to see no manufacturing or assembly in that area as it would provide good jobs. CB Richard Ellis, is the commercial real estate firm he works for, and it is the largest firm in the country. A lot of their clients are coming from the East Coast and down south. They can very quickly get to all the users for this type of property. The Pacific Northwest is the bright spot right now. No other area in the United States is stronger than this area is now.

WALTER asked Moody if he could provide the Commissioners examples of the industrial and light manufacturing he is referring to.

MOODY gave the example of the Kayak dealers in downtown Bellingham. He could also see an office or medical clinic like Virginia Mason in this area. It is a site that will

draw a broad range of people, maybe even a Costco or a Wal-Mart, although they want more housetops. It is a destination location. Kayak people will drive 60 miles to go to a sporting good store that sells Kayaks.

WALTER commented that those are not manufacturing businesses. It is hard to conceptualize.

MOODY added that it would also be ideal for a Harley Davidson store. He would be happy to provide a list of the businesses that would do well in that area.

AXEL LINDSTROM, 2222 – 136th Avenue East, Sumner, appeared. The zoning amendment to this area was introduced in 2002 and was based on the Sumner Interchange Market Study. LINDSTROM reviewed some points from that amendment. It was well drafted, however, there were some concerns. It was first stated that this area was most conducive to development of a commercial nature because of the interchange. Given that it is disconnected, most traffic would be via automobile. The Buxton study also discussed this. What concerns him is that when there is a CUP they are already a year in the permitting process. This really encourages the municipality to put constraints on the developer. One of the points is the economic affect. It is too restrictive. They are currently negotiating with a marine developer who will require manufacturing and assembly. The problem is the time it takes to get a conditional use permit.

WALTER asked if the CUP was applicable to light manufacturing? Wasn't it in IC originally?

WINDISH stated that it is in there as requiring a conditional use permit.

MIKE REIMER, P.O. Box 1250, Sumner, WA, appeared. He has mixed feelings about the IC zone and the restrictions being considered. On one hand it sounds great because it is restricted to uses that make the property worth more. He also read up on the studies that the absorption rate for development might take many, many years. That will not necessarily create a rush of interest in that property. It may take 10, 15, 20 years to absorb that property. In the interim, the current owners have to pay those property taxes and have to absorb all the costs of LIDs and the current costs. The City sees the pot of gold at the end of the rainbow. There is a lot of tax revenue that the City wants to capitalize on without putting anything into it. The City has no investment. In the interim the parcel owners get stuck with the cost and trying to sell the properties. His opinion is that the City needs to step up to the plate. If they want to see that type of development, they need to grant tax relief, and make an investment. That is currently not part of the equation. They all desire the maximum use, however, there is no relief. In a perfect world they would all be sold tomorrow, but that will not happen. It will take a long time to develop.

SWANSON stated that he look through the ordinance, and there appears to be about 47 permitted uses. What is the concern?

RYMER responded that the concern is the restriction as to light manufacturing.

WALTER noted that truck stops are being added to the list of acceptable uses.

SWANSON asked Staff if light manufacturing would fall under a conditional use permit?

WINDISH stated that it would and that there would also be further conditions.

WINDISH noted that REIMER might not be responding to the latest draft, as the latest draft is recommending light manufacturing with a conditional use permit.

REIMER confirmed that he may not be dealing with the current draft.

SWANSON stated that he appreciates the dialog though. With regard to the conversation on tax breaks, taxes are a part of owning property, and property owners want increased value.

REIMER stated that their properties have been for sale for a long time.

GARY PETERSEN, 2008 East Valley Hwy, Sumner, appeared. He sold his land two years ago to the gas station. They had to go through a full permit process. After all that was taken care of, they could not make the fill permit. They had to build 15 to 20 thousand square foot buildings, as at that time there was a limit. The gentleman bought it and planned on pumping gas six months ago. It was predicted that they would pump a lot of gas a day. The gas station down the street takes appx. two semi truck a day. This guy has not pumped any gas to date. He was also going to put a car wash out there. He is far behind budget now. When the City is hurting financially, he does not understand why the delay. The guy should have been able to walk in and walk out getting a permit. If we put too many limitations on this area, the City will lose. The LID liens are huge. Nobody at that end has been able to use their property, while the people on the other end have been able to use their property. They paid LID's when they had no sewer and no water. It is the City of Sumner that loses. The City is getting no sales tax from those properties, all the City is getting is property tax. Buckley did not like his 20,000 sq foot buildings initially, now they want him to build more because of what it did for the City.

SWANSON asked if the concern here was the permitting process or the zoning?

PETERSEN stated that when it was zoned M-1 they put a review board on it. Before it changed to freeway zoning there were rules limiting the light manufacturing use. This worried them as it was a good tax base. People who want to buy out there were turned off by too many restrictions. They want nice things there too, but every little thing has to be approved which makes it rough.

BOB OLDRIGHT, P.O. Box 97, Milton, appeared. The people here are frustrated. They have expensive property they would like to develop. They see the restrictions and are digging in their heels. There is a lot of manufacturing and light manufacturing in the valley. They would love to have just retail out there, however, that is a big gamble.

Flexibility a big concern. Light manufacturing jobs pay more than retail pays. They have millions invested out there. Retail does not deliver a lot to the community. One of the biggest concerns is the permitting process. It would be great if we could streamline the process, as time is money. They have had sewer now for 8 years and they just got water out there about 3 years ago. Streamlining the process would help them overcome some of those hurdles. He is a builder, and has been building for the tribe. He is able to get a permit quickly through them. In Pierce County it takes 2 years, and as such they lose customers. It will take a year to get a permit for a gas station. They are just frustrated with it all. They want to do what is right. They are in it to make a buck, however, they want something that is good for the community as well, as it will generate taxes, increase property values and will help to make Sumner thrive.

GANZ closed the public hearing at this time.

WINDISH stated that a public hearing was held a couple months ago in October. Following that a stakeholders meeting was held and a proposal was discussed. He came back with an Alternative 2 Proposal to the Ordinance, that included contractor businesses. WINDISH reviewed his November 30, 2006 memo addressing those changes. The changes include the conditional use permit for light manufacturing.

POWERS asked if there are any restrictions on building size?

WINDISH stated that the only limitation would be lot coverage, which is 80 percent in this zone. As such, it would depend on the size of the lot. On page 4, warehouses or distribution facilities, are not allowed. On page 5, truck stops are listed as a permitted use, and truck terminals are prohibited, which has never been allowed. Section 4 provides additional restrictions on light manufacturing, but still allowing it. What Staff is trying to capture is a potential incompatibility with light manufacturing and retail / restaurants. Section 5 addresses accessory use. It states that if you have retail businesses, light manufacturing, assembly, etc, it would be allowed if the criteria is met. For instance, auto sales can have a service department, which is functionally supportive. The Old Cannery also does manufacturing and light assembly. Those are the modifications proposed at this time.

SWANSON asked if the Petersen's letter would be addressed at this meeting?

WINDISH stated that Staff's modifications address most of the concerns in the Petersen letter.

SWANSON commented that the zoning ordinance seems to be in line with what the property owners want. The only thing that we cannot handle is the streamlining of the permit process.

WINDISH advised that the Planning Commission can make a recommendation in that regard with a summary of concerns, such as permit turn around times, taxes, etc. WINDISH stated that he could draft that for the Commissioner's review and vote, or the

Commissioners can draft it.

WALTER stated that she would prefer to stay out of it. This is not a new complaint to City Council. Is there a business promotions arm or avenue where these concerns can be more directly brought before City Council?

WINDISH stated that there are business summits, and the Summer Downtown Association.

GANZ asked if Petersen and the others could bring this to the attention of the City Council when this matter is being voted on?

WINDISH stated that it is a legislative matter. They can lobby Council members with their concerns.

PETERSEN stated that he attended two closed sessions and was not able to do anything at them.

GANZ stated that they could be heard when the recommendation is sent to City Council.

SWANSON commented that he would like to see an avenue of implementation. He would be fine with the additional recommendation language.

POWERS stated that he too would agree to the additional language. He expressed concern with long permit timelines as well.

POWERS motioned to send recommendations up to City Council about offering breaks to the property owners in that area, by possibly streamlining the permitting process, giving tax breaks, etc. SWANSON seconded the motion and it passed unanimously.

WALTER motioned to approve the Amendments to the IC Zone as written. A roll call vote was had as follows:

| | |
|----------------|------------|
| BUSH | Yes |
| GANZ | Yes |
| POWERS | Yes |
| SWANSON | Yes |
| WALTERS | Yes |

The motion passed unanimously.

NEW BUSINESS

A) Fences and Hedges Heights (Discussion)

WINDISH reviewed Staff's report as to fences and hedges heights. On October 5, 2006 the Planning Commission directed Staff to study the current height requirements on hedges being used as fences and bring forward a recommendation on whether the regulations for hedges should be modified. Provided that the hedge does not create potential problems with shading, it seems reasonable that a modest increase in height should be allowed. Staff recommends that the Planning Commission consider amending the zoning code to allow an increase in fence heights for naturally grown fences to 8 feet in the rear and side yards. This would be considered at the next Planning Commission meeting.

SWANSON asked if Staff meant to increase the hedge height to 8 feet in the front?

WINDISH stated that they did not, they just meant to increase it to 8 feet in the side yards. That 8 foot increase in front was written in error.

BUSH asked how Staff would deal with this. The problem is when the hedge has grown over the sidewalk. Is there a setback from the center of the plant, or is there a maximum overlap?

WINDISH stated that this is covered in the nuisance code and by the sidewalk standards.

SWANSON asked if this includes low hanging branches?

WINDISH indicated that it does

POWERS added that it would require a complaint for the City to enforce it.

WALTER stated that she would be inclined to say more that it can be more than 8 feet, and would even go as far as to say 10 feet.

POWERS stated that he is also inclined to make the same suggestion as to side yards as it does tend to give a little more privacy and further makes you feel like it is your piece of property. At 6 feet, every truck could look into your place.

GANZ asked how this might affect shading of neighboring yards?

POWERS stated that the setback would control some of that shading?

WALTER commented that trees that shade are allowed.

SWANSON asked what the setback is?

WINDISH indicated that the setback is 15 feet.

BUSH stated that she enjoys the privacy of her backyard hedge, however, it can be hard

to maintain if it gets too high. It does shade at certain times of year. Those are things that need to be taken into consideration.

SWANSON asked about the enforcement provisions?

WINDISH reiterated that it is enforced on a complaint basis. As for shading, they would like to be courteous of other peoples windows that they enjoy having light come in. He stated that 10 feet would be fine and would not block a second story window.

WALTER stated that she is not so much concerned about shading, but about blocking light. It seems sensible to separate live fences from constructed fences.

WINDISH stated that if the Planning Commission has a desire to take this further, Staff could have prepared for the next meeting an ordinance. He may wrap it in with some other things, or it can be motioned that it be on the next docket for zoning changes.

SWANSON stated that it is worth considering as there are a lot of them in town. It is a popular way of screening.

B) Election of Chair and Vice Chair for 2007 (Action)

POWERS stated that he would like this agenda item postponed until the next meeting for a more full complement of people.

This agenda item was tabled to the next meeting.

CORRESPONDENCE

There was no correspondence.

COMMISSIONER COMMENTS

WALTER wished happy holidays to everybody.

POWERS commented that everybody should reflect on what day today is [Pearl Harbor Day], as it is quite a day in history. A lot of people were lost on this day 65 years ago.

STAFF COMMENTS

WINDISH had the following Staff Comments:

- 1) Staff has received proposals from 5 different development interests for the Red Apple site. It will be short-listed to 3, of which they will be asking for proposals. A short field trip to Puyallup may be made to see buildings similar in scale.

ADJOURNMENT

GANZ adjourned the meeting at 8:25 p.m.

Ryan Windish, AICP
Senior Planner