



SUMNER PLANNING COMMISSION

MINUTES

REGULAR MEETING MINUTES FINAL

Thursday, November 4, 2010

7:00 p.m.

Sumner City Hall
1104 Maple Street

CALL TO ORDER

SWANSON called the meeting to order at 7:00 p.m.

FLAG SALUTE

SWANSON led all in the flag salute.

ROLL CALL

Members Present: Bush, Hayden, Powers, Storey, Stuard and Swanson
Members Absent: None
Also Present: Ryan Windish, Planning Manager
Eric Mendenhall, Associate Planner

APPROVAL OF MINUTES

a) Minutes for September 23, 2010

STUARD had a correction to page 3 of the September 23, 2010 special meeting minutes. Page 3 attributes him asking a question about "street lights", he believes he meant "traffic lights".

BUSH had a correction to page 4 of the September 23, 2010 special meeting minutes. She notes that Commissioner Hayden is referred to as a "he", and that should be changed to "she". Furthermore, on page 7, Barbara's last name is misspelled and should be changed to "Bittetto".

The September 23, 2010 special meeting minutes were approved unanimously as corrected.

- b) Minutes for October 7, 2010

The October 7, 2010 regular meeting minutes were approved unanimously as written.

- c) Minutes for October 14, 2010

The October 14, 2010 special meeting minutes were approved unanimously as written.

- d) Minutes for October 21, 2010

The October 21, 2010 special meeting minutes were approved unanimously as written.

PUBLIC COMMENT

There was no public comment.

NEW BUSINESS

- a) Zoning Code Amendments - MUD Zone and Automotive Vehicle Sales and Rental Businesses (Public Hearing) (Action)

SWANSON opened the public hearing.

MENDENHALL reviewed for the Commissioners Staff's memo as to this agenda item. This text amendment is being proposed to allow for existing automotive sales businesses to be a permitted use in the Mixed Use Development (MUD) zone and allow for expansion of the business and remodeling, etc. Currently the MUD zone prohibits automotive sales and rental agencies and they are a nonconforming use. As a nonconforming use there are limitations on expansion of no more than 25% of the existing floor area. Approving the request would help support and retain existing businesses in the MUD zone and downtown in particular.

MENDENHALL clarified that this is a separate issue than the Zoning Code amendment that has recently come before the Planning Commission. This is not allowing automotive uses to be in residential areas. This is merely to make the correction to allow non-conforming uses to operate as they are today. Furthermore, the 45% noted in Staff's report is a typo. They would only be allowed to expand up to 25%. Staff does not want to make an exclusion for these dealers, but rather they would like to make an inclusion to allow them to stay where they are and have been and to allow them to expand in the commercial MUD zone, not in the residential. Staff looked at the Comprehensive Plan and found that the MUD zone encourages mixed use development, although it is not required, it encourages both uses. Staff has also looked at the automotive sales and rental

agencies, and while the City wants to allow for those existing uses, they want to maintain the intent to allow mixed use to occur as well. Staff would like this restricted to only the existing automotive dealers in the area. MENDENHALL directed the Commissioners to footnote 8 of Exhibit "A".

POWERS asked if it was left the way it is, would the automotive dealers only be able to expand 25 %?

MENDENHALL stated that would be correct.

POWERS asked what the square footage is at this time, and if they expand 25% what are we talking about? Could they add a 10,000 sq. ft. addition? If this is passed, will they be allowed to go up to 45%?

MENDENHALL noted that they are allowed to expand as much as their site would allow. They will still have setbacks and required parking areas. There are some site restrictions pertaining only to commercial zoning and their ability to expand in that zone.

POWERS asked if there is anything in this new zoning that helps protect the residents adjacent to this property as to lighting, sound / noise restrictions?

MENDENHALL noted that the design standards address those issues, particular when adjacent to residential. There are buffer widths, lighting requirements, etc. The Design Guidelines address those issues.

SWANSON noted that this issue has been discussed previously, and an additional 100 feet was approved. He asked if that is in Council's hands at this point?

BUSH asked if the requirements would be more restrictive than what has been recommended already, or just as strict as to sound / noise and light abatement?

MENDENHALL stated that he is not sure what was proposed in the MDR text amendment. If this were to stand on its own, then they would go before the Design Commission. This would apply to the whole perimeter of the site. This would trigger all sorts of requirements to conform with the code. He is not sure if this is more strict, but that it just requires them to meet today's code standards.

BUSH commented that this seems like it is making an exception without calling it that, for the existing businesses, by allowing them to be there, but allowing them to be conforming.

MENDENHALL stated that a week after this is passed, should a Toyota dealer want to come in, the City would say no, as it is not permitted in this zone. Existing is permitted, and new is not.

SWANSON noted that Sumner Tractor leases their property, and that Sunset owns their property. Is there any difference in how this would apply?

MENDENHALL stated that the City looks at the use of site, not the ownership.

STUARD stated that he understands that Toyota would not be allowed, and the same with rental car agencies by the train station, however, he is not sure he understands why? What is the logic in limiting it to businesses there now?

MENDHENHALL stated that by the train station, the MUD zone's intent is mixed use development. They are not requiring it, as they do not want businesses to move. We do not want to provide an incentive for this zone to change in modification of uses in this area. The MUD zone was created because it drove some mixed use development because of the economy. Given today's economic times, that goal would be a lot further out. We want the existing businesses to have that flexibility without saying "no" you are not supposed to be there anyway.

STUARD asked if the MUD currently allows for those car dealerships and/or car rental businesses?

MENDENHALL stated that it does. They were there before the change in the code. This will allow for those dealers to stay and allow for them to grow.

WINDISH clarified that when the City came up with the concept of the mixed use development zone, they were supporting residential over commercial, and higher density housing over by the train station. At the time, Riverside was under construction, and Sunset had property elsewhere. They were planning on moving out to the interchange area, and things were following into place. Things were favorable for the community and for the auto dealers. There was some resistance and concern about being outright prohibited / legal non-conforming, so we built in some expansion allowances. We had a vision for that zone, and over time we expected those uses would move, and that something that was more the vision would replace them. The City recognizes, however, that we are balancing the different goals of the Comprehensive Plan with economic development. We are trying to be responsive to changing situations. We are not opening the flood gates, but are recommending existing dealerships remain a permitted use.

MENDENHALL added that if a dealership decides to expand, it will have to go through SEPA, where we would look at all the issues and address those issues. Neighbors would be notified, and we would take into consideration their opinions and concerns.

STUARD asked what Staff means by "expand"? Would that apply to the building, or parking?

MENDENHALL responded that their parking lot has expanded to the hilt, and that appears to be the same for the other auto dealership. It would be looking at expanding the structure and enhancing the structure size.

STUARD asked if they could possibly expand their store underground?

MENDENHALL stated that the code does allow for it.

STUARD asked if Sumner Tractor is considered an auto dealer?

MENDENHALL stated that it is.

STUARD asked if they can also expand?

SWANSON commented that he used to be a Chevy dealer, and that he understands the dealers and the factories. Sunset Chevy has fully accomplished their sales goals, but that when the government took over General Motors, several of the dealers were told they could no longer have a franchise. They soon realized they would have lawsuits, so they went back to the dealers and told them they had to upgrade their facilities. That is part of what is driving this. Sunset Chevy has to make a determination. What they are talking about here is the ability to upgrade their facilities. SWANSON stated that he thinks it is important that we give this serious consideration. They are a major employer in this town, and a huge contributor to the tax base, and are very important to this City. In the overall scheme of things, we are not talking about creating a monster. They just want a reason to stay, and it falls within good planning. SWANSON commented that he feels it is something that we should do, and that the percentage is a separate issue.

BUSH stated that in looking back at the Town Center Plan, the expectation was that the car dealer presence would be temporary, as they would outgrow their space.

MENDENHALL noted that it was a totally different economic situation.

WINDISH added that if five years ago Staff had met with this much resistance, they would have gone with allowing it as a use. The dealerships were in line with what Staff was trying to do. That was their perspective. If there had not been a desire, we would have ended up in the same situation being proposed tonight. Staff is asking to allow a pre-existing use, but no new dealerships.

SWANSON confirmed that if Sunset moves today, there cannot be another dealership on that property?

WINDISH stated that to be correct. It would be more restrictive. They could not sell to another car dealership.

WINDISH commented as a matter of order, that the public comment had not yet been heard.

BUSH asked if Sunset wanted to buy additional land on Traffic Avenue, could they do that?

MENDENHALL stated that they could do that in the MUD zone.

BUSH asked if that could eventually undermine the Town Center Plan if they continue to expand as they have expanded?

MENDENHALL stated that they have not talked about buying more land, and noted that they own more land out of the City.

SWANSON asked if Sumner Tractor left if Sunset could expand there?

MENDENHALL stated that only Sunset could expand there.

POWERS asked what part of the map shows the 100 foot expansion, as he would like to see that. There were restrictions when we originally passed that. It sounds like the City Council is going to wipe out everything the Planning Commission has suggested. POWERS would like to see the residents protected. He does not want to stop the expansion, but just wants to see the residents protected.

WINDISH illustrated the 100 foot expansion at the map.

SWANSON noted that it also comes down to the property owners and if they want to sell. If nobody wants to sell it is a moot point. It still comes down to individual property rights.

POWERS asked if Sunset would be able to expand into that 100 feet?

WINDISH stated that no structures were planned, just a lot.

SWANSON added that they are upgrading their service facilities.

SWANSON called for public comment at this time.

KEN WOOLERY, 643 Elizabeth Street, Sumner, appeared. He noted that in the newspaper there was a comment that the government is looking to sell GM, so his point may be moot. He pointed to his property on the map. At item No. 49 on the big list it states, minor vehicle repair. It is his understanding that would be permitted. He asked if it is currently permitted, as it is taking place right now. He can hear it from inside his house.

MENDENHALL stated that it is part of the allowed use for auto dealerships as an accessory use to the primary use.

WOOLERY asked if this would change the status of that?

MENDENHALL stated that it would not.

WOOLERY asked if one of the requirements that would be triggered would be a fence that might offer him some relief?

MENDENHALL stated that it would. The Design Guidelines would also address that. Those would be implemented and would be required to be part of their proposal. Also, the SEPA application would require that notice be given to all neighbors with 500 feet.

SWANSON asked that Woolery address his comments to the Planning Commission, as they are trying to gather information.

WOOLERY stated that due to activity a few months ago, the dealership did get rid of their intercom system, and they did some work on their lighting. It was dark, however, on the second day they went to the other side of the lot, and turned on the lights. If this thing takes place, will that change? The lights are supposed to be downcast. That is not the case here. If that was going to change, he might be for this. He is worried about the coincidence of this being on the tail of the other request. Will this change their situation, or will it given then a stronger footing?

MENDENHALL noted that he is glad to hear that they changed the intercom system. As for lighting, it is supposed to be downcast. This would trigger that, and they would have to show that they have downcast lighting. They would have to submit a plan showing the amount of lumens on their site plan and off the site, and show how much light is being cast on to neighboring properties. This is addressed in the zoning code and the Design Guidelines. This would not help them or be a catalyst for them to expand in the residential. If they want to change the zoning, it would have to come before the Planning Commission. They would have to go through a Comprehensive Plan amendment. It would also have to go through a rezone. There is a lot of process they would have to go through. It is not an easy path for them to do that.

HAYDEN asked if they build, would they have to meet the code as it is today?

MENDENHALL stated that they would.

SWANSON noted that it is no different than McClendon's Hardware. If they change the parking, or anything, the lights will have to be changed.

WOOLERY commented that parking is a problem there because of the train station. He stated that they now have their street back. However, when all of the employees are there and all the parking spaces are full, there are four cars parked alongside the building. There are not enough requirements for parking for businesses. Historically, Sunset has used the old lot where the grocery store was. He does not know where their people park now. That ought to be kept in mind. Parking requirements are weak. WOOLERY passed out a picture of the lighting in association with his house for the Commissioners to review.

SWANSON closed the public hearing at this time.

HAYDEN motioned to accept the amendment as proposed. STUARD seconded the motion and noted that the names in Exhibit "B" need to be corrected, and that Storey's name needs to be added. The motion passed unanimously.

MENDENHALL noted that the City Council will be having a study session three Mondays from this date to discuss this. At the regular session in December, Council will have an ordinance in front of them at that time. During regular study session and the hearing, public comment would be allowed.

OLD BUSINESS

There was no old business.

CORRESPONDENCE

There was no correspondence.

COMMISSION COMMENTS

BUSH asked if the Comprehensive Plan amendment would allow stacked apartments in Orton Junction?

WINDISH stated that the multifamily would have to be ground related. Staff has written a memo to that. It is allowed in mixed use.

SWANSON commented that Orton Junction was a very interesting and intense proposal. There was a lot of comment from the public. It is great to see the process work. Staff has done a lot of work. He likes seeing people come to the meetings and participate.

POWERS asked Staff for an update as to where we are in the process?

WINDISH stated that Staff is talking about the HDR / MDR amendment that involves auto dealerships. There is a study session Monday night coming back to that issue. Sunset had some comments regarding the expense for the wall and different materials. It is going to be back on the agenda for Council on Monday night. Battery storage was approved. Furthermore, the Comprehensive Plan amendment for 2010 / Orton Junction is on the website. There has been a study session and a meeting, and then another study session this coming Monday. This has been postponed to November 15th. He thinks they will make a decision then.

BUSH asked if the public comment period is still open?

WINDISH stated that it is not.

STAFF COMMENTS

WINDISH had the following Staff comments, as noted in Staff's cover memo:

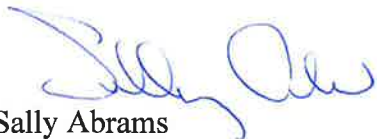
The following proposals are being reviewed by the City Council:

- 1. MDR/HDR zoning code amendments to allow expansion of automotive and vehicle sales and rental businesses. Council has had one study session on this proposal and is waiting for a report from Sunset Chevy regarding expense for a wall and options for use of different materials. They will be responding to the City Council at another study session prior to going to a public hearing. A date has not been scheduled.*
- 2. M2/M1 zoning code amendments to allow battery storage and distribution. This went to City Council for a public hearing on Oct. 18 and was approved.*
- 3. 2010 Comprehensive Plan Amendments (Orton Junction) went to Council for a study session on Oct. 25. Council will have a public hearing on November 1st.*

Election of Officers: *December is the month to elect a new Chair and Vice Chair for the Planning Commission. Be thinking about this for the next meeting.*

ADJOURNMENT

SWANSON adjourned the meeting at 8:03 p.m.



Sally Abrams
Administrative Specialist