

**RECORD OF PROCEEDINGS OF THE
PLANNING AND DEVELOPMENT COMMISSION
CITY OF BELLINGHAM, WASHINGTON
PUBLIC HEARING**

**THURSDAY
June 18, 2009**
Video-taped & Audio-recorded

**7:00 P.M.
CITY COUNCIL CHAMBERS**
www.cob.org

CALL TO ORDER: The meeting was called to order by Tom Barrett, Chairman of the Planning Commission.

ROLL CALL: Tom Barrett, Jim Bishop, Sharon Robinson, Kurt Baumgarten, Edie Norton, Allen Matsumoto, and Danne Neill.

Present: Tom Barrett, Jim Bishop, Sharon Robinson, Kurt Baumgarten, Edie Norton, Allen Matsumoto and Danne Neill

Absent:

Staff Present: Tim Stewart, Planning Director; Tara Sundin, Special Projects Manager; Marilyn Vogel, Senior Planner; Darby Galligan, Development Specialist; Chris Koch, Planner II; and Heather Aven, City Recording Secretary.

APPROVAL OF MINUTES: No minutes submitted for approval.

15 MINUTE PUBLIC COMMENT PERIOD

No testimony given.

PUBLIC HEARINGS:

1. Amendments to the Subdivision Ordinance, Bellingham Municipal Code Title 18, prohibiting the City from accepting a security in place of required construction of private access and private sewer and water lines prior to final plat approval (BMC Sections 18.12.040 and 18.28.020); and updating BMC Sections 18.28.100 and 18.28.110 regarding water and sewer systems for subdivisions to remove obsolete provisions and clarify.
2. **ZON2009-00001:** A public hearing to consider the adoption of the Samish Way Urban Village Sub-Area Plan and implementing development regulations. Includes new zoning for a portion of Sehome Neighborhood Area 14 and all of Areas 15 and 16; and a portion of York Neighborhood Area 5 and all of Area 8. The project boundary is generally west of Interstate 5, north of Bill McDonald Parkway, east of 34th Street and south of Edwards Street.
3. Amendments to the Bellingham Municipal Code 20.25 to require a design review process and establish design standards for development in Urban Village districts. The design standards would be applied as appropriate through Urban Village development regulations such as the Samish Way Urban Village.

STAFF PRESENTATION – Hearing #1

Marilyn Vogel explained that this amendment involves sub-division code provisions for the housing forms proposed in the Infill Toolkit. She commented that the Planning and Public Works Departments have been working together to develop modifications to the code that would help facilitate infill housing sub-divisions. She pointed out that the amendments would remove the requirement that each lot directly

about a public water main and a public sewer main. She stated that this would be possible if each lot had individual private service lines to the public mains. She pointed out that this option requires less space making it easier to design compact infill housing sites. Marilyn explained that the proposal would only apply to infill housing sub-divisions, and would not be available for private utility or private access improvements.

PUBLIC HEARING OPENED

Drew Weidenbacher wanted to know if the proposed amendments would have any effect on the existing lines.

Marilyn Vogel replied that it is the same system, and since it only applies to new development, it should have no effect on existing homes or lines.

PUBLIC HEARING CLOSED

DISCUSSION

No further Commission discussion.

**MOTION: SHARON ROBINSON MOVED TO ADOPT THE FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS CONTAINED IN THE JUNE 18, 2009 STAFF REPORT, AND FORWARD A RECOMMENDATION OF APPROVAL TO CITY COUNCIL. KURT BAUMGARTEN SECONDED.
VOTE: ALL AYES**

STAFF PRESENTATION – Hearing #2

PowerPoint given by staff can be found at <http://www.cob.org/web/commsnl.nsf>

Darby Galligan reminded the Commission that Samish Way was identified in the Comprehensive Plan as an potential urban village location. She displayed the existing zoning of the area and reviewed the different key elements necessary to create an urban village. She reviewed what has happened thus far and those processes that have encouraged public involvement. She also emphasized how important it is to consider the individual characteristics of a neighborhood, and work closely with all stakeholders involved when creating an urban village sub-area plan. She talked about the strengths of the Samish Way area that makes it ideal for an urban village, as well as the constraints.

Darby Galligan stated that the vision for the area is contained in the Sub-Area plan and the development regulations are a separate document. She discussed the challenges of circulation, how to implement connectivity, and highlighted some of the proposed changes that would address the issue. She talked about the different changes that staff is proposing the Samish Way Urban Village Core area, including maintaining the 2 travel lanes each direction, including a 14-foot sharrow lane that bicyclist and motorists would share, and a landscaped median with turn-lanes at the driveways.

Darby Galligan pointed out that some of the local streets are being proposed with parking in an effort to encourage the commercial development and reduce the onsite parking requirements. She discussed how a plaza could be added in the core area of the village with density bonuses or park impact fees. She provided a map that illustrated the proposed land use and briefly discussed some of the things that would be both allowed and prohibited in the different zones. She explained the proposed height limits, the parking requirements, the floor area ratio bonus, and how the Infill Toolkit housing forms would work in the residential transition zones.

Phillip Serka - Submitted written comments at meeting. He stated that he represents Albar LLC, owner of the former McDonald's/Popeye's Restaurant. He pointed out that the "proposed Samish Way Sub-area Plan and zoning code amendments will detrimentally impact the marketability of their (his clients) property." He explained that by not allowing drive-thru facilities in the core area, his clients property would become non-conforming, and they would only be allowed one year to fill the vacancy. He expressed opposition to the 35th street extension and the pedestrian / road access along the south border of the property. He pointed out that if the plan was adopted as proposed, 30% of the property would be dedicated to the City of Bellingham for the right-of-ways. He stated that there are no city funds allocated to construct the extension of 35th Street or the unnamed road extension abutting the southern end of the property, instead "the City proposes that property owners not only give up their property but pay for the improvements of the streets." He requested that drive-thru facilities continue to be allowed in the Commercial Core, and that the impacts of the proposed right-of-ways be considered.

Tom Barrett wanted to know if Phil felt the 35th Street was necessary.

Phillip Serka responded that he did not feel it was necessary.

John Canterbury is a partner with Albar, LLC, owner of the former McDonalds / Popeye's Restaurant. He agreed that the Samish Way area is an appropriate area to accommodate the expected growth; however, he requested that the proposed plan be modified to allow his property to maintain the "present use can continue unencumbered or restricted by new regulations". He also wants existing signage allowances to remain.

Don Keenan - Submitted written comments. He spoke on behalf of the Sehome Neighborhood Association. He stated that although "the Association is very pleased with both the proposal and the excellent open and interactive process staff utilized to develop it", they have four concerns.

1. They requested that the residential transition zone along 34th Street and Otis Street be limited to either the "small lot" housing form, proposed in the Infill Toolkit, or the single-family development under BMC 20.30.

2. They recommended that "small lot development structured like a cottage development be allowed where there is space", and allow it to be larger than 1500 square feet.

3. They also expressed their concern regarding the possibility of future access from 34th Street to the new developments in the residential transition zone.

4. The final recommendation from the Board was that the City impose an absolute height limit of 25 feet in the residential transition zone, as opposed to an average height of 25 feet with a pitched roof. He offered a neighborhood tour to the Planning Commissioners.

Tom Barrett requested that a tour be set up with Darby Galligan.

Kurt Baumgarten asked for clarification on the concerns relating to 34th Street.

Don Keenan replied that there is currently, with a few exceptions, no access onto 34th Street. He explained that due to the width of the street and the topography of the area, it is very important to the neighborhood not to have additional access onto the road.

Edie Norton wanted to know if Don was asking that single-family homes also be regulated by the proposed 25 foot height limit.

Don Kennan responded yes.

Scot Swanson represented Morley, LLC and Mark & Cindy Murdzia and stated that the properties owned by his clients are all fairly, newly constructed multi-family structures. He expressed concern over the proposed zoning not adhering to the current property lines, thus causing one of the Abbott properties to be split into two different zones. He requested this entire property be allowed in the Commercial Transition zone. He stated that he agreed with Mr. Serka's comments relating to non-conforming uses, and cited the proposed change under 20.37.140, that would require his clients to perform sidewalk improvements in the event the property endured a major disaster. He stated that his clients are not interested in dedicating any property to the proposed right-of-way; however they are interested in the possibility of a pedestrian trail. He commented that the Otis Street property would become non-conforming in the event that the proposed rezone was approved and requested that there be provisions added to the plan for those existing structures. He asked that the written record be left open.

Danne Neill mentioned that the Commissioners who participate in the tour should take special notice of these properties.

Tom Barrett wanted to know if Scott felt it was necessary to put 35th Street through.

Scott Swanson replied that given the use of his clients property, he cannot see a benefit to having a right-of-way coming through the property.

Jim Bjerke expressed his concern about the proposed break-up of a "super-block". He stated that in order to entice a developer to come in and build, it is going to be important not to bisect large blocks with access roads. He also expressed concern about the drive-thru use becoming non-conforming and only have one year to find a tenant before the use cannot continue at all.

Nick Hartrich represented Sustainable Connections. He provided a brief history on their involvement in the process; as well as, some early findings from conversations with business owners. He commented that he, as a resident of the neighborhood, is comfortable with the current height limit in place for the residential transition zones. He also pointed out that the demographics of today are vastly different from what they were when Samish Way was initially developed; and it seems the public is more interested in a walkable, pedestrian oriented, non-auto centric development than ever before. He mentioned that the LEED strategies, the FAR bonuses, as well as the green building practices proposed in the plan are excellent opportunities for solid development. He expressed his support for the Samish Way Urban Village Sub-Area Plan.

Derek Long also represented Sustainable Connections and commented on the early planning stages of the Samish Way sub-area plan and how Sustainable Connections was involved. He stated that although there are opportunities for improvements, he supports the work that staff has done on the Samish Way Urban Village Sub-Area Plan.

Drew Weidenbacher stated that he owns the property at 1101 Edwards St., which is adjacent to Master Lube. He pointed out that they share an easement and expressed his concern regarding the current zoning. He explained his house is currently zoned residential-single, and the Master Lube is commercial. He requested that the Commission consider allowing his property to be zoned commercial-transition, as proposed by staff.

Dave Cole - Submitted written comments. He stated that although he appreciates most of the Samish Way Urban Village project, he has concerns about the residential transition zones allowing single-family development. He requested that the Commission consider removing that option and only allowing cottage and small lot housing forms from the Infill Toolkit, or single-family residences with a 25' height limit, be allowed in these zones. He pointed out that most of the neighborhood is not single-family

residential and although he would like owner-occupancy to be promoted, he is in full support of Kulshan Land Trust doing a project in this area. He also expressed concern relating to 34th Street and requested that access be limited from that street.

Dominique Zervas - Submitted written comments. She stated that she is representing William and Robert Beye, the owners of the Arby's property. She commended the staff on the work done on the Urban Villages. She expressed her concern of the possibility that her clients property will become a non-conforming use as soon as the ordinance is adopted. She discussed some of the negative impacts to owners of non-conforming use properties, and requested the opportunity to submit some language that would address this concern. She mentioned the importance of streetscape improvements, and stated that more details are needed in the sub-area plan regarding the funding for this.

Tom Barrett asked Dominique to submit language for consideration within a week.

Allen Matsumoto wanted to know if an analysis of the economic impact of a non-conforming use could be sent to staff.

Dominique Zervas replied that she would forward the analysis to staff.

Jeff Kenoyer - Submitted written comments. He stated that he is the owner of the mobile home park and commented that his future project will be difficult to complete if access onto 34th Street is restricted. He requested that staff consider zoning his property commercial mixed-use, instead of residential in the event that the access to 34th is indeed restricted. He pointed out that a 25' height limit would also make it very difficult to develop considering the slope and desire to provide garage parking. He suggested that 35th Street be designed as a private road so that developers could design it to their own particular needs.

Tom Scott – Submitted written comments. He stated that he is the President of the York Neighborhood Association and expressed the neighborhoods support for the urban village concept. He referenced items 1 and 2 of the written submission and commented that the York Neighborhood is concerned about the southern part of Area 5 . He illustrated some concerns on the Land Use Map and pointed out that it was the neighborhoods understanding that Area 5 was proposed to be zoned residential-single because it was the same color, but now understands that it is actually being removed from the residential single-family. He requested that the Commission consider retaining the single-family status and not allowing it to be changed to residential transition.

Edie Norton wanted to clarify that it is important to keep Edwards Street single-family.

Tom Scott responded that the neighborhood would like to see Area 5 remain as it is. He commented that Area 8 is where they would like to see the increased density.

Allen Matsumoto pointed out that the only difference between the single-family residential and residential transition is the allowance of the Infill Toolkit housing forms in the transition zones.

Darby Galligan stated that the Land Use Map only indicates the overlay of the entire urban village; the sub-areas are illustrated in the urban village development regulations. She explained that unique uses are being proposed throughout each of the areas that make up the urban village designations. She clarified that staff is proposing that the portion of Area 5 that is in the York Neighborhood remain residential with developers having the option to build according to today's regulations or the Infill Toolkit regulations.

Ann Mackie expressed her concern about retaining the single-family zone along Edwards Street. She pointed out that one fear the neighborhood has regarding the transition zone is the fear that it encourages demolition and then would allow a 35' height limit. She would like to see the single-family zone preserved in an effort to provide a buffer to the rest of the neighborhood. She expressed concern that if 1101 Edwards was allowed to become rezoned to commercial, a large 5-story building could be "looming over the single family homes". She stated that although the redevelopment of Samish Way is welcome and supported, she would like to see some additional comments taken into consideration.

Lisa Anderson - She encouraged the transitional area, because she feels it is important; however, she would like her home to remain in a single-family zone.

STAFF PRESENTATION – Hearing #3

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Tara Sundin stated that there are several urban villages outlined in the Comprehensive Plan, with one having been completed in 2008. She stated that there are design standards and a design review process already established for the City Center, but not for the urban villages that will be created outside of those boundaries. She explained that applicable design standards and guidelines were used from the already existing handbooks that are currently in place for the City Center. She pointed out that in the event an urban village has some unique issues that require departure from the proposed urban village design guideline, those requirements will be incorporated into the urban village's specific development regulations.

Tara Sundin reviewed a few of the major issues associated with the design guidelines. She stated that the buildings will be required to come up to, and have access from, the street edge. She commented that surface parking will be required on the side or to the rear of the building, and some will be required to provide screening from abutting residential zones. She stated that, as it relates to drive-thru functions, the building is still being required to come to the street edge with the drive-thru to the side or rear. She pointed out that pedestrian connections will be required through some large sites, especially those over 350 feet. She discussed some of the design standards that are being proposed, regarding the scale of the buildings, so the structures are designed to provide a pedestrian friendly atmosphere. She also stated that approved building materials will be included in the design standards.

Tara Sundin stated that new development projects will be reviewed by the Design Review Board; as well as, any addition that is over a \$50,000.00 value. She pointed out that if a project is part of the local, state, or national historic register, the Historic Preservation Commission will review the project for consistency with the current standards.

Phillip Serka - Submitted written comments at meeting. He requested that the Commission consider the signage requirements in the Commercial Core designated area in an effort to make them more similar to the existing signage requirements. He expressed concern that the new regulations would not allow for adequate advertising. He referenced 20.37.140 and requested that the Commission have further discussion on this street improvement section and how it will be implemented.

Tom Barrett requested that Phillip submit language to staff about how he would like to see the street improvement section worded.

John Canterbury pointed out that, as a business owner, the signage for his establishment is critical. He stated that the reduction to 100 square feet is inadequate, and he would like to see the current standards retained.

Don Keenan spoke on behalf of the Sehome Neighborhood Association and requested that staff consider monitoring development in an effort to continually compare what is happening on the ground to the goals and wishes of the community.

Tara Sundin stated that both Phillip Serka and John Canterbury's comments were both specific to Samish Way, and will be reflected in that specific comment tracker.

DISCUSSION

Tim Stewart announced that July 23rd was reserved for the continuation of the public hearing.

There was a discussion about how the walking tour should be handled, and it was decided that Darby would work with Don Keenan to determine a date that would work for the neighborhood and the Commission.

Tom Barrett suggested that the Commission submit written comments to staff in an effort to provide direction on what changes they would like to see happen before the worksession.

Jim Bishop asked Tim to discuss non-conforming uses.

Tim Stewart commented that the issues that arose relating to the non-conforming uses are solvable. He stated that language can be constructed which would allow those uses and structures to continue, and even be replaced in the event of a fire or other disaster.

GENERAL BUSINESS

Planning Director's Report – Tim Stewart

Nothing to report.

Staff Discussion

Nothing to discuss.

Commissioner Discussion

Tom Barrett requested that any items that the Commission would like to discuss in the future should be submitted to Heather so they can be included in the agenda.

ADJOURNED: 10:00 p.m.

NEXT MEETING: June 25, 2009 in City Council Chambers

Minutes prepared by:

Heather Aven, Recording Secretary

Minutes edited by Planning Commission members and various Planning Staff.