

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

THURSDAY
August 6, 2009
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, Edie Norton, Allen Matsumoto, and Danne Neill

Absent: Kurt Baumgarten

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

APPROVAL OF MINUTES:

Minutes from June 25, 2009 were submitted for approval.

***MOTION: Edie Norton moved to approve the minutes from June 25th with corrections.
Seconded. VOTE: ALL AYES***

15 MINUTE PUBLIC COMMENT PERIOD:

No testimony given.

WORKSESSION #1:

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.

STAFF PRESENTATION / DISCUSSION

Darby Galligan provided a summary of the most complicated and controversial changes. She referenced a decision agenda:

- 1a** – Darby explained that Area 5 of the York Neighborhood has been removed from the Urban Village project boundary. She explained that this omission included the property at 1101 Newell Street and pointed out that staff recommends that the Commission consider including that parcel in the Commercial Transition Zone. She reminded the Commission of the design restriction that requires a 15' setback and limits the height within 30' of a property line abutting or across the right-of-way from a residential zone to 2 stories.
- 1a.3** – Darby pointed out that staff has proposed expanding the Commercial Transition Area boundary to include the Aloha Motel parcel which had originally been in the Commercial Core.

- 1b** – Darby stated that the height limit was reduced to 45' in the Commercial Transition Area that is adjacent to the York Neighborhood.
- L** – Darby explained that a policy had been added to the Sub-Area Plan that prohibits vehicular access from 34th Street to the Commercial Zoned areas of the Urban Village. She clarified that the existing mobile home park contains an access restriction to 34th Street, which was a condition of the development of the property as part of a conditional use permit. She stated that if that property were to be redeveloped they would be allowed access. However due to the higher intensity commercial development that is being proposed through the Sub-Area Plan, staff felt comfortable limiting access to 34th from the Commercial Zone, but still allowing the residential transition zone to access 34th Street.
- 2** – Darby explained that this section contains actual code changes that would affect anything that was built on the property.
- 2e** – Darby pointed out that the plan has been amended to reflect that the Residential Transition Zone 1, currently zoned multi-family, will allow multi-family housing uses, as well as Infill Toolkit housing forms. She also explained that the only housing forms allowed in Residential Zone 2, would be single-family (under current regulations), and all Infill Toolkit housing forms except Smaller Lot, Duplex / Triplex, or Townhouses.
- H5** – Darby noted that, due to the concern expressed regarding the dedication of the right-of-way and street improvement requirements, staff met with the legal department and concluded that a threshold should be established that is similar or equal to current zoning allowances. She provided an example of how that would work.

Allen Matsumoto stated that although he has no objection regarding York Neighborhood Area 5 being removed from the Sub-Area Plan, he would encourage continued conversations with that community to ensure that they understand the implications of being removed from the plan.

Darby Galligan replied that staff would be willing to include language that stated if the York Neighborhood Association became comfortable with Area 5 being included in the Residential Transition Zone, prior to the plan going before City Council, staff would be empowered to add them back into the plan as previously proposed.

There was consensus among the Commissioners for this change.

Tara Sundin stated that although staff was willing to remove Area 5 from the Sub-Area Plan; they will be proposing that the 1500 sq. ft. parcel, attached to the Master-Lube property, be included in the Commercial Transition Zone when the plan goes forward to City Council.

Edie Norton stated that it makes sense to have it part of the Commercial Zone.

Sharon Robinson stated that it should be the same zoning as the commercial parcel adjacent to it.

Allen Matsumoto agreed that it should be part of the Commercial Zone.

Danne Neill stated that it should be part of the same zoning as Master Lube.

Jim Bishop also agreed with other Commissioners.

Tom Barrett would like to see it remain single-family zoning.

Sharon Robinson referenced **H** and requested clarification on where redevelopment is defined, and suggested that a section of the code be referenced here.

Darby Galligan explained that since the Sub-Area Plan is a policy document, the definitions are contained in the development regulations.

Tom Barrett clarified that if the development on a single parcel is less than 10,000 sq. ft. they will not be required to dedicate a right-of-way or build a street.

Darby Galligan responded that it has to be less than 10,000 sq. ft. and less than 35' in height.

Tom Barrett wanted to know if one parcel does not get developed does the right-of-way just not get completed.

Darby Galligan stated that staff feels confident that over time the incentive will be there and the road will get completed.

Tom Barrett wanted to know if there were other instances of this method being done in other parts of the City.

Darby Galligan referenced Deemer Road as having a similar situation.

Sharon Robinson expressed her concern about the road not being completed, and suggested the idea of a LID agreement for those developers that choose to go beyond the 35' height limit or 10,000 threshold.

Darby Galligan encouraged the Commission to make that recommendation if they feel strongly about it. She explained that although the legal department feels it is a fine alternative; the Public Works Department does not think that option will be possible.

Tara Sundin explained that when a LID is entered into, the City fronts the cost of the project and the property owners pay that back over time.

Tom Barrett supports the Commission recommending a LID option to City Council.

Jim Bishop stated that a partial road does not look good, nor does it go anywhere.

Danne Neill encouraged staff to keep the language more broad in an effort not to limit future options.

The Commission and Staff will come back to this discussion at the end of the meeting.

Eddie Norton wanted clarification on **M** as it relates to Perkins Street.

Darby Galligan explained that Perkins Street is an existing access easement, which staff had proposed be turned into a wider street. However, based on public feedback, staff would like it to remain an access easement. She further explained that future development of this right-of-way onto the other side of Samish Way will be outlined in the Sub-Area Plan as a goal for a bicycle/pedestrian trail or alley.

Eddie Norton wanted to know what the purpose of "sudden" was in **2a**.

Tara Sundin explained that "sudden" would exclude those property owners, who have allowed their property to deteriorate over a long period of time, from the same opportunity to be considered a non-conforming use.

Edie Norton suggested that a time-limit be attached to the existing drive thrus. She feels they are contrary to what the Core Commercial Zone is intended to be, and would like the momentum to continue toward no drive-thru establishments in that area.

Sharon Robinson stated that there are many points in the document that clearly stated the intention of the Commercial Core. She expressed her concern about requiring a business shut their doors on a specific date.

Darby Galligan explained that, in the event a sunset clause was attached to the permitted use, that use would be conforming until the end of the sunset period and then it would become non-conforming. She pointed out that under the non-conforming use regulations, the business can operate in perpetuity with restrictions on redevelopment and would not be required to close.

Danne Neill stated that a sunset clause is not necessarily in the best interest of the business. She would like to see the business remain there as long as there is a demand for them.

Jim Bishop agreed that the market should dictate what businesses remain in the Commercial Core as development occurs.

Tom Barrett would not support a sunset clause.

Darby Galligan encouraged the Planning Commission to wordsmith **N1** if there were any changes they wanted to make to the street improvement requirements.

Tom Barrett reiterated the Commission's suggestion to consider a LID option for this area.

Darby Galligan recommended the language be changed to include "and LID commitment" instead of half street improvements.

Allen Matsumoto clarified that the LID would ask the property owner to dedicate the right-of-way at point of development, and then do the improvements once the specified threshold is met.

Darby Galligan replied that although this is the most common way to do it, there still needs to be a lead developer that will design the entire street. She stated that staff would research the concept further prior to the City Council Public Hearing.

Tom Barrett stated, in his opinion, this is a negative aspect to the plan. He asked staff if it was truly necessary.

Darby Galligan replied that the creation of this street is not only critical to circulation, but a major benefit to the property owners in this area.

Tara Sundin explained that if these property owners are not required to construct 35th Street, they would be required to improve Samish Way.

Tom Barrett suggested that "since property owners are not being required to provide improvements to Samish Way" be added to the language on line 18, directly before "30 feet".

Tara Sundin recommended placing that language in the Sub-Area Plan rather than in the development regulations.

Sharon Robinson expressed her concern that the City is placing undue burden on the first developer along 35th Street.

Darby Galligan explained that, according to her understanding from conversations with Public Works, the first developer designs their portion, and then following developers have to design their portions to work with that of the first developer.

Tom Barrett suggested that the Commission consider the option of requiring these property owners to improve Samish Way and let the City build 35th Street if it is so critical.

Danne Neill recommended that there be some resources to help the owners along 35th Street, since they will not be interested in the fact that they do not have to improve Samish Way, they will only be focused on how to find the money to develop 35th.

Allen Matsumoto expressed his concern about the money that the developers will have to spend up front on something that may never get completed.

Jim Bishop reminded the Commission that the decision before them is not how the right-of-way gets developed, but rather is it a necessary component of the Sub-Area Plan.

Darby Galligan recommended that half street improvement be stricken from line 19 and let the sentence read that the 30' right-of-way dedication is required once the threshold has been exceeded, and insert language that would require a LID commitment, or other method of ensuring the construction of the street once the right-of-way is assembled, be entered into.

MOTION: Allen Matsumoto moved to adopt the Findings of Fact, Conclusions, and Recommendations contained in the June 18, 2009 staff report as amended, and forward a recommendation of approval to City Council. SECONDED. VOTE: ALL AYES

WORKSESSION #2:

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 / DISCUSSION

There was a discussion about the process of design review and how it effects the different urban villages both current and future.

Tara Sundin stated that the goal of the City is to have consistent design review guidelines for all the urban villages with some unique standards included in the individual urban village plan.

Sharon Robinson stated that she is in favor of minimizing the amount of different design review guidelines.

Jim Bishop agreed that design review standards are important to have, and appreciates staff commitment to making them more consistent.

Edie Norton requested that staff continue to consider flexibility in the individual urban villages as they are developed.

Danne Neill stated that although the standards will change, it is important to have a starting point to work off of.

Tara Sundin stated that staff would be in favor of making Commissioner Robinson's suggested change of rewording number 3, so it would read: "To avoid repetition and monotony, create a range of different forms similar to the variety of buildings and styles found in traditional downtowns, which evolved over time".

MOTION: Sharon Robinson moved to adopt the Findings of Fact, Conclusions, and Recommendations contained in the June 18, 2009 staff report as amended, and forward a recommendation of approval to City Council. SECONDED. VOTE: ALL AYES

GENERAL BUSINESS:

Planning Director's Report
Nothing to report.

Staff Discussion

Commissioner Discussion

ADJOURNED: 8:30 p.m.

NEXT MEETING: August 20, 2009 in City Council Chambers

Minutes prepared by:

Heather Aven, Recording Secretary

Minutes edited by Planning Commission members and various Planning Staff.