

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

**THURSDAY
July 9, 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, Sharon Robinson, Kurt Baumgarten, Edie Norton, Allen Matsumoto, and Danne Neill

Absent: Jim Bishop

Staff Present: Tim Stewart, Planning Director; Marilyn Vogel, Senior Planner; Tara Sundin, Special Projects Manager; Darby Galligan, Development Specialist II; 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.

WORKSESSION:

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.

The Commission reviewed the comment trackers and chose those comments they would like to discuss as a group.

STAFF PRESENTATION / DISCUSSION

Darby Galligan led the Commission through the discussion agenda which presented the remaining four issues and staff's recommendations for each.

Issue #1 – Residential Transition areas

Darby Galligan stated that staff recommends both single-family residences (at 5,000 square feet per unit) and infill toolkit housing forms (at 2,000 square feet per unit) be allowed in this area. She explained that the single-family homes would be subject to the existing regulations and the Infill Toolkit housing forms would be subject to the regulations in the proposed Infill Toolkit. She further clarified that this housing mix would provide an appropriate buffer between the Commercial Transition area and the existing single-family neighborhoods. Darby provided three alternatives to staff's recommendation for the Commission to consider: 1. Restrict the Infill Toolkit forms to those deemed appropriate for the area.

2. Limit the housing forms allowed in this area to small lot single-family and cottages. 3. Remove the Residential- Transition area altogether.

Kurt Baumgarten stated that he is not in support of completely removing the transition area. He asked staff to comment on the process that would have to happen in order to make changes to the design standards or zoning regulations, in the event development does not happen as planned for.

Tim Stewart responded that the Samish Way Sub-Area Plan will become part of the comprehensive plan. He explained that amendments to that document can only happen once a year through the annual review. He clarified that the implementing regulations are different whereas, if they are consistent with the overall comprehensive plan, they can be adopted any time during the year, through a legislative process.

Sharon Robinson suggested that the transition areas, within the York and Sehome Neighborhoods, be discussed separately. She recommended that the Commission consider only allowing certain forms of the toolkit in the zones, but she expressed her concern about modifying the forms from how they have been proposed in the Infill Toolkit.

Edie Norton suggested that a discussion be had regarding which housing forms should be allowed along 34th street. She expressed her concern about removing the residential transition zone from 34th Street and causing an abrupt change into commercial transition.

Danne Neill expressed her concern about removing the duplex/triplex from the transition zone. She encouraged the Commission to be open in planning for the future, and not just plan for today's housing market.

Allen Matsumoto stated that he is in favor of not allowing the duplex/triplex housing forms to be built along the portion of the transition zone that is currently single-family. He suggested a further modification to Alternative #1 by the way of splitting the transition zone into two parts and allowing the duplex/triplex housing form in the part of the zone that is currently zoned multi-family, but not in the area that is currently zoned single-family.

Tom Barrett suggested that the allowable housing forms be clearly identified for the transition areas so there is some predictability for the neighborhoods.

Tara Sundin replied that staff will create another alternative that represents Commissioner Matsumoto's suggestion for the transition zone located in the Sehome Neighborhood.

There was Commission discussion about the residential transition zone located in the York Neighborhood consisting of 7 single-family properties.

Kurt Baumgarten suggested that the housing forms in this zone be restricted to the Carriage and Detached ADU housing forms.

Tom Barrett requested that staff consider one or two additional options for the York Neighborhood Transition area.

Issue #2 – Transitions between the Commercial Transition and Residential Areas.

Darby Galligan stated that staff recommends that a 55' height limit be allowed in the Commercial Transition area with associated design standards. She explained that this height is necessary in order for structured parking, which was strongly desired during the public workshop, to be feasible. She

discussed the set-back and the step-back requirements included in the proposed Design Regulations; as well as three additional changes the staff would like to recommend: 1. Extend the set- and step-back requirements to development that abuts a right-of-way adjacent to a Residential zone. 2. Include this requirement to the Samish Way Code so the potential for design departures are eliminated. 3. Remove the triangular section of lots bounded by Laurel/Abbott and Otis Streets from the Core and locate them with the Commercial Transition Zone instead. Darby also provided two alternatives to staff's recommendation for the Commission to consider: 1. Expand the set-back or step-back requirements. 2. Reduce the height limit within the Commercial Transition Zone.

Allen Matsumoto wanted to know what the standards are between the Commercial Core and the Residential Transition Zone.

Darby Galligan replied they would have the same design standards, which is one of the reasons that the triangular piece of property was removed from the Commercial Core.

Allen Matsumoto stated that although he endorses the height limit in the transition zones, he would be in favor of small exceptions. He identified the property that includes Master Lube as an example, and proposed allowing the property to become a Commercial Transition Zone, with the height limit retained at 3-stories.

Tim Stewart replied that Commissioner Matsumoto's suggestion is worth considering; however, staff would need to seek the advice of the legal department to avoid any fairness and equity issues that could arise.

Tom Barrett summarized the options before the Commission as it relates to the triangular piece of property (1101 Newell) adjacent to Master Lube: 1. Leave it part of the single-family zone. 2. Allow Infill Toolkit housing options to be built on the property. 3. Change the zoning to Commercial Transition. 4. Remove it from the plan altogether.

Darby Galligan stated that if the option to remove the Master Lube property from the plan was chosen, it would leave it the only piece of land that would be zoned auto-commercial in the entire Samish Way Urban Village.

Issue #3 – How to address the designation of certain businesses as non-conforming uses.

Darby Galligan reviewed the changes that staff made, since the public hearing, to the language relating to non-conforming uses. Specifically, that existing drive-thrus would be considered "permitted" but no new drive-thrus would be allowed in the Commercial Core. She also provided two alternatives for the Commission to consider: 1. Include a 5-year sunset clause to the above provision. 2. Require drive-thru establishments to comply with the existing non-conforming use regulations without exception.

Kurt Baumgarten expressed his concern with the 5-year sunset clause alternative.

Tara Sundin replied that staff has not considered much detail to the sunset alternative, and is not proposing that it be accepted.

Darby Galligan compared the "old" proposed permitted use chart with the "new" proposed permitted use chart based on the changes staff made since the June 18, 2009 Public Hearing.

Eddie Norton wanted to know what the implication of a 5-year sunset clause would be.

Darby Galligan responded that if the Commission recommended this alternative, the establishment would be held to the existing non-conforming use regulations at the conclusion of the 5-year period.

Danne Neill expressed her support for staff's recommendation, and pointed out that it was very responsive to the concerns expressed by the public.

Allen Matsumoto suggested that the sunset clause, if recommended, be attached to the sale of the property.

Tim Stewart commented that a sunset clause does follow the property title and could cause barriers to financing and security.

Issue #4 – Should the extension of 35th Street be a requirement of the plan, if so how should it be achieved?

Darby Galligan stated that staff recommends that the 35th Street connection be retained in both the Sub-Area Plan and the development requirements, and that 35th Street should be established as a minimum 60-foot wide right-of-way. She stated that staff also recommends providing code language to clarify that property owners retain 100% of their pre-dedication development rights, and omit the east-west connection street from 35th Street to Samish Way. She reviewed the benefits that staff's recommendations would provide to the property owners. Darby also provided two alternatives to staff's recommendation for the Commission to consider: 1. Do not rezone the affected properties until access is provided. 2. Keep the location vague but encourage developers to provide access. 3. Remove references to any right-of-way extension/dedication in the area.

Edie Norton wanted to know why staff is recommending omitting the east-west connection from 35th Street.

Darby Galligan replied that staff is recommending that the existing 30-foot access easement for the mobile home park be retained, just not widened to the 60-feet.

Tom Barrett wanted to know at what point the property owner would need to provide the street improvements.

Darby Galligan responded that staff is trying to provide consistency between the Samish Way Sub-Area Plan and the rest of the City; therefore, a 50% valuation threshold will be maintained.

There was a discussion about some of the things that would trigger a developer to do street improvements, and about fire access issues for early developers since the recommendation is to build 35th Street as development occurs.

Tim Stewart stated that a Local Improvement District (LID) might be considered for this right-of-way. He explained some of the benefits the property owners would experience.

Kurt Baumgarten wanted to know if 35th Street would be primarily pedestrian. He also asked for clarification on how the street would get completed under an LID agreement.

Tara Sundin responded that it would be considered a "local street", and although it would only be required to have 10' lanes, it is proposed to be an access road to the properties along it. She also clarified that these properties would not be required to improve Samish Way.

Chris Comeau addressed Commissioner Baumgarten's concern about completing 35th Street under a LID agreement. He explained the benefits of having the access road constructed and stated that the first developer will do the bulk of the improvements (3/4) and the remaining improvements would be done when a business is constructed across the street. He pointed out that the purpose of this street would be

to alleviate some of the pressure off of Samish Way, increase access through the entire area, provide a great pedestrian environment, and create benefit for all the commercial frontages along those streets.

BREAK – 10 minutes

Tom Barrett suggested that the comment tracker discussion be tabled until the public hearing on July 23rd. He encouraged the Commissioners to send any additional comments directly to staff so that they can include that in their preparation for the hearing.

GENERAL BUSINESS:

Planning Director's Report

Tim Stewart reported that the final draft of the Shoreline Master Plan was released and has been scheduled for a final Public Hearing before City Council. He commented that the only significant change, from what the Planning Commission reviewed, is the Port's suggested alternative to set aside specific areas for recreation along the waterfront. He pointed out that those areas will be designated in the development regulations as open space and recreational opportunities.

Staff Discussion

Commissioner Discussion

ADJOURNED: 9:34 p.m.

NEXT MEETING: July 16, 2009 in City Council Chambers

Minutes prepared by:

Heather Aven, Recording Secretary

Minutes edited by Planning Commission members and various Planning Staff.