

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

March 14, 2012
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Vice Chair Carlson, and Commissioners Ferris, Hamlin, Laing, Sheffels, Tebelius

COMMISSIONERS ABSENT: Chair Turner

STAFF PRESENT: Paul Inghram, Nicholas Matz, Department of Planning and Community Development; Liz Stead, Development Services Division

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:34 p.m. by Vice Chair Carlson who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Tebelius, who arrived at 6:45 p.m., and Chair Turner, who was excused.

3. PUBLIC COMMENT

Mr. Brian Park said he recently opened a volleyball facility at 2120 116th Avenue NE. Ms. Louise Park said that after opening the business in October 2011 they encountered zoning issues. She said they have been working with staff for the past few months trying to resolve the issues, and has also worked with land use consultant Robert Thorpe and land use attorney Charles Klinge. What is needed is a textual code amendment so the use can fit into the code and the business can be kept open.

Answering a question asked by Commissioner Ferris, Comprehensive Planning Manager Paul Inghram said the volleyball use is located in the Bel-Red Medical Office zone in the Bel-Red area where it is not an allowed use. What the Parks refer to as a “textual amendment” would simply be an amendment of the Land Use Code. If the solution is a code amendment, the amendment would come before the Planning Commission.

Mr. Robert Thorpe, 2734 SE 27th Street, Mercer Island, said the Parks find themselves in a situation. The Bel-Red corridor is in transition to new uses, but the question is what should be done to keep businesses active in the interim. They worked with a real estate broker and the building representative, and they went to the city and received an interpretation that led them to believe their use would be allowed. Some medical-type services are provided at the site along with the volleyball use, which is set to wind down in June. There has been great support from city staff and everyone is focused on finding a solution to the problem. Because there are other uses also facing similar zoning problems, the solution may be as simple as changing the text of

the code.

Commissioner Laing asked if the use is outright prohibited by the code as it is currently written. Mr. Thorpe said the medical use is permitted, but the volleyball use has been determined to be not permitted.

Answering a question asked by Vice Chair Carlson, Mr. Thorpe said initially the city staff who reviewed the use when it was proposed concluded the use could be permitted, but since then other staff have reached different conclusions. Ms. Park said the property was zoned for recreation and the real estate agent and the landlord assumed the use would be allowed, but apparently there was a zoning change between the time the initial investigation was done and the time the use actually opened. The city indicated the site could be used as a special school, so an attempt was made to adapt to a volleyball academy; the staff concluded that in that configuration the use would be permitted. However, it turned out the staff who made that finding determined later that in fact the special school use was not permitted. What is needed is a "P" in the box for recreational uses. The city is allowing the use to operate until June.

Ms. Irene Leggate, 325 105th Avenue SE, said hers is one of the properties appealing for a rezone. She said she has lived on the property for 53 years in what was once a close-knit neighborhood. The neighborhood has changed over the years and is no longer as closely knit. The area should be rezoned to allow multifamily housing.

Mr. Mike Lodge, president of the newly formed Lower Sunset Homeowner's Association in south Bellevue, addressed the proposed Comprehensive Plan amendment submitted by Holy Cross Lutheran Church. The Association consists of homeowners and residents situated south of Newport Way along 129th Avenue SE and 130th Avenue SE, including all the sides streets to the north and south of those streets up to and including Forest Hill Neighborhood Park. There are over 260 single family homes within the catchment area, and the residents are concerned about the possible impact on their neighborhood if the Comprehensive Plan amendment is approved, resulting in a rezone from R-5 to a more dense multifamily zoning. The Association looks forward to working with the Commission and planning staff in the coming months to assure that all voices are heard before a decision is made.

Mr. Bob Sternoff, 255 7th Avenue South, Kirkland, spoke regarding the Banner Bank property proposal. He said he and his brother have owned the property since 1991. When the property was purchased, the buildings were almost 20 years old. Over the years rezones have been sought to obtain greater density for the site, which is needed to make redevelopment pencil out. The Banner Bank site provides drainage for the property to the west on the corner, and the owner of that property supports the rezone proposal. He said he participated in the Bel-Red planning process. The plan originally covered only the area on the north side of Bel-Red Road, and he said he made the argument that whatever happens on the north side will affect the south side. The scope was ultimately expanded to include the south side, and the plan did include an allowance for retail uses on the site. What is being proposed is recognition of the fact that the area is no longer residential; there is an assisted living facility to the south, the rest is all office. The proposed rezone makes sense and could help to kick-start redevelopment in the corridor.

Answering a question asked by Commissioner Sheffels, Mr. Inghram said the property under the Bel-Red zoning is limited to 45 feet of height. Under the proposal, there would be a 70-foot height limit.

Mr. Inghram noted that the staff would be suggesting to the Commission inclusion of some of the adjacent properties as part of the review. He asked Mr. Sternoff if he had had conversations

with any adjacent property owners. Mr. Sternoff said it was his understanding that the neighboring property owners are in full support of the proposed rezone.

Mr. Robert Thorpe also spoke regarding the Lorge-Benis Comprehensive Plan amendment. He called attention to page 10 of the memo and pointed out that graphic was mislabeled. He noted that the while the diagram itself was correct, the reference to “Ren-Fu” is incorrect.

4. APPROVAL OF AGENDA

Commissioner Tebelius moved to approve the agenda. Commissioner Hamlin seconded the motion and the motion carried unanimously.

5. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS

Councilmember Wallace reported that he no longer would be serving as liaison to the Commission but instead would be serving as liaison to the Human Services Commission and the Parks and Community Services Board. Deputy Mayor Robertson has taken up the mantle of liaison to the Planning Commission. He said he is proud of the Commission and the work it does. He said he would continue to follow the work of the Commission regarding the Shoreline Master Program and other issues.

Councilmember Robertson said she is looking forward to working with the Commission for the next two years. She said her intention was to serve as conduit between the Commission and the Council, and said she intends to attend as many Commission meetings as possible.

6. COMMITTEE REPORTS – None

7. STAFF REPORTS

Mr. Inghram pointed out that the Commission desk packets included copies of an email from Brian and Louise Park, a letter from Councilmember Davidson in his role as chair of WRIA-8, and a book about salmon recovery.

8. STUDY SESSION

A. Comprehensive Plan Amendments

Mr. Inghram informed the Commissioners that four applications for Comprehensive Plan amendments were received during the application period. He noted that the two-step process begins with threshold review which is intended to verify that proposals are appropriate for the city’s work program. The Commission conducts the review and forwards a recommendation on to the Council. Once there is agreement by the Council with regard to the work program, the individual amendment proposals are brought back to the Commission for a more detailed review.

Senior Planner Nicholas Matz said one of the criteria used during the threshold review phase is whether or not expansion of the geographic scope should be considered in order to apply a proposed designation to a broader area. Where the recommendation is made to expand geographic scoping, the expanded area will be highlighted in the notice for the threshold review public hearing.

Mr. Matz said the privately initiated application submitted by Holy Cross Lutheran Church

concerns the property bounded by Factoria Boulevard and Newport Way, and which gains access from 120th Place SE. The application seeks a map change for the three-acre site from Single Family High to Multifamily Medium. The use on the site is currently a church, and if approved the resulting rezone could allow for multifamily redevelopment at a density of up to 20 units per acre. The applicant's stated purpose is to bring about the development of approximately 40 to 50 affordable connected dwelling units.

The Factoria subarea plan seeks preservation and maintenance of a natural setting for residential areas in District 1, and to manage change in the commercial area District 2. The boundary between the two districts is Newport Way and Factoria Boulevard. The church is situated on the edge of District 1.

Mr. Matz said the recommendation of staff was not to expand the geographic scope of the application. He noted that religious institutions in the city are typically, though not exclusively, designated single family residential. The Holy Cross site is bounded by residential uses, but church uses and residential uses tend to be distinct from each other. The shared characteristics necessary to consider expansion of the geographic scoping to the east or the south do not exist.

Commissioner Sheffels asked if the intention of the property owner is to retain the church facility and the church use on the site. Mr. Matz said the site planning he has seen for the site shows housing on the site in addition to the church, though the continued use of the church on the site is not addressed in the application materials.

Mr. Inghram said he and Associate Planner Janet Lewine have had conversations with the applicant and members of the church congregation, and learned that the intent is to use some of the church land for the construction of affordable housing units while maintaining the church facilities as well.

Commissioner Sheffels asked if the site can sufficiently support the housing units as well as adequate parking. Mr. Matz said the application would be presented to the Commission as multifamily and would at that time address the density that could result along with the decision criteria at the final review stage to determine if the site could be developed under the current zoning rules.

Commissioner Ferris agreed with the recommendation of the staff not to expand the geographic scope. He said he would at some point like to know more about the elevation grade on the site, which might influence how the site might be developed. He also said he was interested in knowing if access for any future housing units could be from Newport Way. Mr. Inghram said those are final review issues that will be addressed if the application survives the threshold review.

Commissioner Hamlin agreed as well not to expand the geographic scope. He suggested that if the proposal for the church site is ultimately approved, that could change the thinking about what to do with the Professional Office site across the street.

Commissioner Tebelius also concurred with the recommendation not to expand the geographic scope. She said she would want to know how the residential communities nearby feel about the proposal relative to both increased density and traffic. She commented that there will be huge traffic problems associated with the Walmart store going in, and stated that allowing more multifamily could have an additional traffic impact.

Commissioner Laing said he agreed with the recommendation of the staff not to expand the

geographic scope. He also agreed that access to and from the site will be an important consideration.

Answering a question asked by Commissioner Tebelius, Mr. Matz said the Holy Cross application has six or seven parties of record to date.

Vice Chair Carlson asked how many housing units could be constructed on the site under the existing zoning. Mr. Matz said the R-4 zoning would yield a maximum of 12 units on the three-acre site, but other factors would come into play to reduce the total.

Mr. Matz said the Leggate-Balwada privately initiated application includes four of the six single family properties on the west side of 100th Avenue SE. The site is located between multifamily development to the north and the access road, called Wolverine Way, to the south. The downtown boundary is approximately 500 feet to the north past other multifamily, Professional Office and other office designations. The proposal is to amend the map designation for the four separate properties totaling nearly one acre from Single Family High to Multifamily Medium. If adopted, the subsequent rezone could allow multifamily development at up to 20 units per acre.

The land use goals for the Southwest Bellevue subarea plan in which the subject property is situated seek to provide for land use patterns and densities that minimize conflicts, protect and maintain single family neighborhoods, maintain a variety of residential areas of different densities for a wide range of opportunities, and preserving the residential land uses at the entrance to the neighborhoods.

The application site is on the western edge of a larger single family neighborhood between 105th Avenue SE and 108th Avenue SE. The neighborhood consists of a mix of older and newer single family housing units. There is a distinct topographic break between the site and the Office and Professional Office designations along Bellevue Way. Although 105th Avenue SE, 106th Avenue SE and 108th Avenue SE provide direct access to the downtown, the presence of Bellevue High School prevents the neighborhood from feeling passthrough traffic moving from the downtown to points further south.

Mr. Matz said the recommendation of the staff was not to expand the geographic scope of the proposal. The subject property is similarly situated to other single family in the area in terms of access and use, and there is no credible stopping line for geographic scoping going east or south.

Commissioner Ferris asked if the two lots immediately to the south are zoned single family. Mr. Matz allowed that they are. The triangular site to the west is zoned Office and an application has been submitted for an office building on it.

Commissioner Hamlin asked why the two lots to the south should not be included in the geographic scope. Mr. Matz said if an expansion is made to the south the argument could be made it should also be expanded to the east.

Commissioner Ferris agreed with the recommendation not to expand the geographic area. He also observed that nearly every time the Commission is asked to re-designate properties along Bellevue Way the conclusion reached is that there are no changed conditions. He said he has not always agreed with that interpretation. The staff report relative to the subject property states that there has been no significant change in the subject property based on other changes in the area. However, many of the properties were developed 40 or 50 years ago at a time when the downtown zoning was far removed from what it is currently, and when the traffic and other developments along Bellevue Way did not exist. The focus should be on changes that have

occurred since the subject property was developed, not just since the last subarea update.

Commissioner Hamlin agreed with the staff recommendation not to enlarge the geographic scope.

Commissioner Laing asked what has been heard from surrounding property owners and residents, particularly the single family residents on the other side of 105th Avenue SE and the two properties immediately to the south. Mr. Matz said some six or seven parties have registered comments and have become parties to the application. Most of the inquiries have sought a better understanding of what has been proposed and what will happen next. Commissioner Laing said he was not one to suggest changing the use on someone's property unless they come in and ask for the change. He said if the proposal is approved it is possible that others will in the near future seek a similar change, the result from which would be over a period of time a series of Comprehensive Plan amendments submitted piecemeal for at least the rest of the properties on the east side of 105th Avenue SE and possibly the two southern parcels. The argument could be made that the entire strip all the way down to Wolverine Way would be a logical extension of the proposed zoning.

Vice Chair Carlson asked what likely would be the development results of approving the proposed amendment. Mr. Matz said there likely would be redevelopment with multifamily units at up to 20 units per acre. Given the significant topographic break to the west, and the fact that access to the site would remain unchanged, the likely result will be a development similar to what is happening to the north.

Commissioner Sheffels said she opposed increasing the scope beyond the subject property. Commissioner Tebelius concurred. Commissioners Carlson and Laing said they were undecided. Mr. Inghram said he counted four Commissioners not in favor and two undecided. On the strength of that finding, the staff was instructed not to expand the geographic scope.

Mr. Matz explained that the Banner Bank Comprehensive Plan amendment was also privately initiated. The application includes three Office properties on the south side of Bel-Red Road across from the Coca Cola plant. The properties gain their access from Bel-Red Road on the north and from NE 10th Street from the south, and the property's southern boundary is coterminous with the southern boundary of the Bel-Red subarea. The proposal is to amend the map designation for the 2.61-acre property from BR-ORT, which is Bel-Red Office Residential Transition, to BR-CR, which is Bel-Red Commercial Residential. There currently is one office building on each of the three properties, and if adopted commercial redevelopment could occur at an intensity of up to an FAR of 2.0.

One goal of the Bel-Red subarea plan is to develop a sustainable urban development pattern that will dramatically reshape the future of the subarea while allowing it to transition gracefully from its past. The discussion will involve the transition and buffer issues associated with the south edge of the subarea.

Mr. Matz said because the subject property is similarly situated to the property to the west and the two properties to the east, the recommendation of staff is to expand the geographic scope to include them. The application site and the adjacent properties fulfill the purpose intended by the policy for buffering but are themselves actually buffering Professional Office- and Office-designated properties to the south.

Commissioner Hamlin agreed with the recommendation of staff to expand the geographic scope in accord with the reasons cited.

Commissioner Ferris asked if the BR-ORT provides a buffer to the Multifamily Low immediately to the south, and asked why the zoning should not be extended any further to the east. Mr. Matz said staff liberally interpreted the policy as referring to residential buffering, including the single family properties that lie further to the east.

Mr. Inghram highlighted the intent to provide a step-down of intensity from the north side of Bel-Red Road to a moderate intensity in the BR-ORT strip. The subject properties and the properties recommended for inclusion in the geographic scope are not adjacent to any residential.

Commissioner Ferris asked what the allowable FAR is under the current zoning, and he was informed by Mr. Inghram that the BR-ORT allows an FAR of 0.75. The zoning being requested has an FAR of 2.0. Mr. Matz added that because of setbacks and other constraints, it would have been difficult for the subject sites to achieve the 0.5 FAR allowed under the old Office zoning in place before the subarea plan was updated.

Commissioner Sheffels agreed with the recommendation to expand the geographic scope as proposed by staff.

Commissioner Laing disclosed that the applicant has approached his law firm seeking representation, not about the application but about the property. He clarified that no representation was formed and there is no ongoing representation of the applicant.

Commissioner Tebelius said an ethical issue would exist if Commissioner Laing's law firm were in fact representing the applicant. Commissioner Laing reiterated that no attorney-client relationship exists, and stated that he met with the applicant in the past about a potential engagement of his law firm regarding an issue wholly unrelated to the application at hand.

No objections were raised to Commissioner Laing participating in the discussion.

Commissioner Tebelius agreed with the staff recommendation to expand the geographic scope.

Commissioner Ferris said his preference would be to expand the geographic scope to include the next group of BR-ORT properties to the east up to the border of the single family zone. Except for the multifamily to the south, there is no other reason to stop with the properties outlined by the staff.

Commissioner Laing said it was his understanding that some limited commercial uses are allowed in a multifamily zone. Mr. Inghram said that is not the case. Answering a question asked by Commissioner Laing concerning how commercial zones buffer multifamily zones, Mr. Inghram said the city has transition standards that apply to the areas between more intense uses and some residential uses. In the past, multifamily has had the transition standard applied to it. Previously when the subject properties were zoned Office, the transition standards applied as essentially a dimensional standard. Under the new zoning, the aspect of transition is captured in the BR-ORT zoning, but it is not captured in the BR-CR zoning. There may be other fixes to alleviate the condition, but just in switching to the BR-CR the transition standard would no longer apply.

Commissioner Sheffels pointed out that during the Bel-Red subarea process the adjacent neighborhoods were vocal about the need to have transition between them and the higher intensity uses. The intention is to keep the Bel-Red uses from sloshing over into the neighborhoods.

Commissioner Laing agreed with Commissioner Ferris that it might be appropriate to expand the scope eastward to where the single family zone begins.

Mr. Matz answered a question asked by Vice Chair Carlson by saying the current zoning on the subject properties allows building heights up to 45 feet, whereas under the proposed zoning the limit would be 75 feet. The entire south side of Bel-Red Road has the BR-ORT designation. The north side of Bel-Red Road, however, has the BR-CR designation and is thus allowed the greater height limit.

Commissioner Laing asked about the developability of some of the single family properties to the east along Bel-Red Road. Mr. Inghram allowed that there is a wetland area that would greatly restrict development.

Vice Chair Carlson pointed out his own house on the map in the single family neighborhood to the east of the subject properties and south of Bel-Red Road. He noted that Goff Creek meanders through the area before merging with Kelsey Creek and then running under NE 8th Street. Most of the area has been walled off to development. He voiced his support for expanding the geographic scope further to the east.

Commissioner Hamlin reiterated his support for the geographic expansion recommended by the staff. He stressed the fact that during the Bel-Red study there was a clear buffer line drawn and it should not be erased.

Mr. Inghram said his read was that the stronger opinion was favored the approach recommended by the staff.

Mr. Matz said the privately initiated Lorge-Benis Comprehensive Plan amendment seeks to amend the map for the two-parcel site that totals two-thirds of an acre from Professional Office to Community Business. He said the site lies to the west of the intersection of Factoria Boulevard SE and SE Newport Way. The applicant has attached development conditions that would ameliorate the intensity of a Community Business use. There is a small office building on each of the two parcels.

Mr. Matz noted that a third parcel located to the west of the northernmost of the two application parcels, which is also zoned Professional Office and has a dentist office on it, is not part of the application. The two parcels were the subject of a Comprehensive Plan amendment application in both 2008 and 2009. In 2008 the Commission agreed to expand the geographic scope to include the third parcel; the application was withdrawn both in 2008 and 2009, so the three-year waiting limit has not been triggered. Mr. Matz said the recommendation of staff was to expand the geographic scope to include the third parcel given that the site is similarly situated.

Commissioner Laing asked if the owner of the third parcel had a reason for not joining in the application. He also asked if the use on that parcel would be rendered nonconforming should the proposed amendment be approved. Mr. Matz said he did not have answers to those questions and agreed to research the issues.

Commissioner Hamlin said assuming the use on the third parcel would not be rendered nonconforming, he was open to the idea of expanding the geographic scoping to include the site.

Answering a question asked by Commissioner Tebelius, Mr. Matz said Community Business provides for a broader range of commercial uses at a greater intensity than that allowed under the

Professional Office zoning. He noted, however, that some compromise with underbuilding parking would likely be necessary in order to achieve the intensity allowed under Community Business. Mr. Inghram added that the Community Business zone allows for both retail and multifamily residential uses. The applicant has talked about proposing a condition on the zoning to prohibit retail uses on the ground floor.

Commissioner Sheffels said it was her recollection that in 2008 and 2009 the owner of the third parcel elected not to be included in the geographic scope. Mr. Matz confirmed that position. Commissioner Sheffels recommended against expanding the geographic scope to include the third parcel.

Mr. Inghram said he was confident that the use currently existing on the third parcel would be allowed under the Community Business designation. The designation does not include extensive setbacks but does carry with it some site requirements. He agreed that more research was needed to verify his position.

Commissioner Laing said he would be comfortable expanding the geographic scope as recommended by the staff. If the amendment is ultimately approved, the third parcel will end up as an island of Professional Office in a sea of other designations. He said he would not support any action that would render the existing use nonconforming.

Mr. Inghram clarified that the amendment seeks only to change the designation on the Comprehensive Plan map for the parcels in question. The conditions proposed by the applicant would attach to the zoning, not the designation; the rezone action is a separate process, though they do occur in parallel. Any conditions to be attached to the zone would have to be approved by the hearing examiner. If the Commission elects to recommend approval of the Comprehensive Plan amendment, it could also include a recommendation that the subsequent zoning action include the conditions outlined by the applicant, and could elaborate on whether or not the conditions should apply to all or only some of the parcels.

Answering a question asked by Commissioner Tebelius, Mr. Matz said while it was premature for the staff to make a recommendation regarding the ultimate outcome of the amendment, it is obvious that the intensity of the use of the site will be a key issue in the decision to go from Professional Office to Community Business, and intensity is determined not only by the types of uses allowed but the building space allowed under the zoning. The analysis conducted in 2008 and 2009 will be one of the tools available to the Commission.

Commissioner Laing asked if there are buffering or other transition requirements between Professional Office and Community Business. Mr. Matz said there are transition requirements that apply between the commercial designations and the surrounding residential zone that is Newport High School, but not between Professional Office and Community Business.

Commissioner Ferris said he supported expanding the geographic scope to include the third parcel for purpose of the public hearing. Commissioner Sheffels said she would support the expansion for purposes of the public hearing but not beyond that. The Commissioners were unanimous in recommending expansion of the geographic scope for purposes of the public hearing.

Mr. Matz reminded the Commission that the city initiated a Comprehensive Plan amendment in 2011 to provide policy support and clarity regarding public involvement during the master planning processes. The amendment is associated with the Shoreline Master Program and as such is continuing to be developed. The anticipation is that it will be presented to the

Commission as a part of the 2012 work program.

Commissioner Tebelius asked for a quick update regarding the Sambica Comprehensive Plan amendment. Mr. Matz said staff met with the executive manager and the property's agent a week ago talk about some issues that need to be resolved regarding lot configuration and arrangement. The anticipation is that the matter will be back before the Commission fairly soon with a recommendation to set a public hearing date for the code amendment.

B. Neighborhood Business LUCA

Mr. Inghram reminded the Commissioners that the Neighborhood Business Land Use Code amendment is part of a longer and broader effort under way by the city, the community and the property owners aimed at helping the shopping center fill its vacant spaces. Everyone wants to see the center return to being a healthy place benefiting the neighborhood. During the time the issue has been absent from the Commission's plate, a lot of background work has been taking place. Staff have been working with the property owner particularly trying to find a solution from a code standpoint.

The proposal initially put before the Commission did not meet with strong support. The challenge is how to advance the long-term vision for the area while at the same time finding a way to get new tenants into the vacant spaces, and having those actions be compatible. The property owner has talked with potential co-developers for the property and has also talked to a number of potential tenants. To the same degree the city is struggling to identify the right code process to support the center, the property owner is struggling with understanding that while having new tenants will complicate future redevelopment efforts, not having new tenants will mean fewer rents and less money to effect redevelopment in the future.

Urban Design Planning Manager Liz Stead said staff have been meeting with the property owner and looking for ways to help him facilitate talking with the development community, and about what it will take to move forward. The community as well as the Commission has been clear with regard to the notion that not all Neighborhood Business zones are created equal and that some need unique treatment. To have a tenant in a vacant space can be cost prohibitive for short-term tenancy. Staff have also been talking with members of the local Newport Hills community.

Ms. Stead said the anticipation is that the original code amendment will be withdrawn in favor of a more comprehensive study plan.

Commissioner Tebelius said she would like to see a conclusion reached sooner rather than later. Leaving shopping centers hanging only creates problems relative to the perception people have of the communities.

Commissioner Laing asked if there is anything in the Comprehensive Plan that is prohibitive to making zoning level changes given the requirement for the zoning and the Comprehensive Plan to be consistent. Mr. Inghram said the primary restriction is that the site is designated for Neighborhood Business in the Comprehensive Plan. The Comprehensive Plan defines Neighborhood Business as that which predominantly serves the local neighborhood. Accordingly, a ten-story building or a new big box store would not be considered a neighborhood-serving use. One option would be to change both the Comprehensive Plan designation and the zoning to something totally different, but there does not seem to be agreement on the part of the community to move away from the general overall intent of having a neighborhood center.

Answering a question asked by Vice Chair Carlson, Mr. Inghram said the city has worked with a couple of consultants who were asked to look at market conditions in the area. The conclusions reached were that because of nearby retail areas in Factoria and Newcastle, the demand for traditional neighborhood retail is on the order of about half of the space existing at the Newport Hills Shopping Center and the properties across the street; there is on the order of 80,000 square feet available, and the demand is closer to 40,000. One of the consultants proposed looking at non-traditional tenants such as farmers' markets. One option then is to fill the empty spaces, probably at lower rents, with non-traditional tenants; another option is to redevelop the site and replace some of the existing retail space with residential units.

Commissioner Ferris said the original two-step approach was problematic from the start; taking more comprehensive approach makes the most sense. He agreed with Commissioner Tebelius that the issue should be moved along as quickly as reasonably possible. The Newport Hills Shopping Center is not the first neighborhood center to die on the line as part of a natural evolution; the same thing is happening all around the country, and a number of solutions have been adopted by various communities.

Commissioner Laing suggested that if the site in Newport Hills is to be redeveloped it likely will need a mix of uses with additional rooftops for residential uses. He agreed that in the end the amount of commercial gross floor area should be reduced. The fears on the part of the community are increased traffic and increased building height, which could become the view for many. He agreed short-term fixes should be avoided, especially given that they could create long-term problems. The additional building height and traffic impacts should be given some study.

Vice Chair Carlson commented that back in the 1980s when the Crossroads Shopping Center was dying on the vine and has lost so many tenants, Ron Sher, a very creative developer, stepped forward and saw something no planner or leasing agent had envisioned. Out of that came the shopping center in that neighborhood that is celebrated by so many as a renaissance. He asked if anyone has asked Mr. Sher to offer comment on the Newport Hills Shopping Center. Mr. Inghram said that has not been done but agreed Mr. Sher should be contacted. Ms. Stead informed the Commissioners that Mr. Sher recently came to the city seeking an application to develop senior housing on the Crossroads Shopping Center site, which everyone agrees would be a great addition.

Mr. Inghram said staff would continue moving in the current direction and would keep the Commission posted periodically.

8. OTHER BUSINESS – None

9. PUBLIC COMMENT

Mr. Mike Lodge, Lower Sunset Homeowner's Association, thanked the Commissioners for their thoughtful responses to the collection of proposed Comprehensive Plan amendments. He said his organization is most interested in the Holy Cross Lutheran Church proposal. He commented that Newport Way serves as the boundary between District 1 and District 2, and the church property abuts single family properties, which makes the threshold issue a major one for the Association. There are empty lots along 130th Avenue NE which, if the Comprehensive Plan amendment is approved and the subsequent rezoning occurs, may also want to seek similar treatments for their properties, resulting in a great deal more density in the neighborhood. Several years ago permission was sought to locate an elementary school on the Catholic church

site. The issue of traffic was addressed and some promises were made with regard to traffic flow, though none of the promises were ultimately kept when the project was executed on site. The Association intends to forward to the Commission a letter for the file indicating unanimous opposition to the proposed Holy Cross Comprehensive Plan amendment and rezoning.

10. APPROVAL OF MINUTES

A. January 11, 2012

Commissioner Tebelius called attention to the fifth paragraph under discussion item 9-A, selection of the Vice Chair and provided staff with written comments outlining her proposed changes to the paragraph. Mr. Inghram agreed to include the changes in the minutes and bring them back to the next meeting for approval.

Commissioner Laing referred to the third-to-last paragraph on page 27 and suggested the verb "was" in the first sentence should be changed to "were."

Commissioner Ferris highlighted the last paragraph on page 24 and pointed out that the sentence "...Commissioner Ferris reminded the Commission that both the City Council and the Bel-Red CAC had concerns..." should read "...Commissioner Ferris reminded the Commission that both the City Council and the Planning Commission had concerns...."

There was agreement to set the minutes for approval at the next Commission meeting.

B. February 22, 2012

Commissioner Laing referred to the middle paragraph on page 38 and noted that the word "reserving" in the sentence reading "The idea that any jurisdiction needs to show its work as to why it should not have to adopt a vegetation conservation area or any other provision is actually reserving the presumption" should be changed to "reversing." With regard to his comment in the first paragraph on page 41, he clarified that his statement was intended to say that anyone wanting to make their dock ADA compliant should be allowed to do so, not that all docks must be ADA compliant. He asked to have the sentence reworded to read "Commissioner Laing suggested that any dock should be allowed to be fully compatible and compliant with the Americans with Disabilities Act (ADA) requirements for accessibility."

Commissioner Sheffels remarked that in reading the minutes she was struck by how many times it was said that the Commission agreed with the staff's draft.

Commissioner Tebelius highlighted the fifth paragraph on page 39 and asked to have the third sentence deleted from the minutes.

Vice Chair Carlson referred to the last paragraph on page 41 and asked that the last sentence be revised to read "He said it appeared to him that the Commission was in agreement with regard to having simple, clear and coherent standards."

Motion to approve the minutes as amended was made by Commissioner Ferris. Second was by Commissioner Laing and the motion carried unanimously.

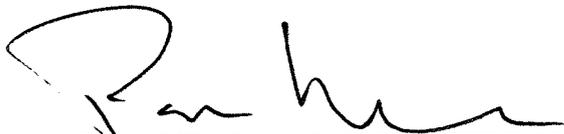
11. NEXT PLANNING COMMISSION MEETING

A. March 28, 2012

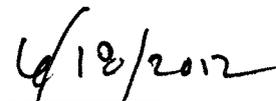
The Commissioners reviewed the Shoreline Master Program issues to be addressed at the March 28 meeting. There was agreement to invite a representative from the Parks and Community Services Board to be present to assist in working through the Meydenbauer Bay park issues. The suggestion was also made to invite someone from the Environmental Services Commission to attend the meeting at which the Commission discusses the Phantom Lake issues.

12. ADJOURN

Vice Chair Carlson adjourned the meeting at 8:44 p.m.



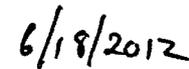
Paul Inghram
Staff to the Planning Commission



Date



Kevin Turner
Chair of the Planning Commission



Date