



2017 COMMISSION AGENDA

Regular Meeting Date: 08.02.2017

Planning Commission
Meeting:

First Wednesday of every
Month @ 7:00pm

Planning & Community
Development Department

1812 Main Street
Lake Stevens, WA 98258
(425) 377-3235

www.lakestevenswa.gov

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

*Items attached

**Items previously
distributed

Items to be
distributed

A. CALL TO ORDER: 7:00pm

Pledge of Allegiance

B. ROLL CALL

C. GUEST BUSINESS

D. ACTION ITEMS

1. Approval of June 21, 2017 Meeting Minutes

E. PUBLIC HEARING:

1. LUA2016- ARCO Code Amendment

Public hearing presentation will follow the public hearing format listed below:

PUBLIC HEARING FORMAT

2. PC Chair Opens Public Hearing

3. Staff Presentation

4. Commission's questions for staff

5. Proponent's comments

6. Comments from the audience

7. Proponent rebuttal comments

8. Close public comments portion of hearing by motion

9. Re-open public comment portion of hearing for additional comments
(optional)

10. Close Hearing by motion

11. COMMISSION ACTION BY MOTION—Recommendation to Council

A. Approve

B. Deny

C. Continue

F. DISCUSSION ITEMS-2ndBreifing- Storage Unit Code Amendment -Roth

G. COMMISSIONER REPORTS

H. PLANNING DIRECTOR'S REPORT—

I. ADJOURN

SPECIAL NEEDS

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Steve Edin, City of Lake Stevens ADA Coordinator, at (425) 377-3227 at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service,

PLANNING COMMISSION REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday, June 21, 2017

CALL TO ORDER: 7:04 pm by Chair Jennifer Davis

MEMBERS PRESENT: Chair Jennifer Davis, Janice Huxford, Vicky Oslund, Linda Hoult

MEMBERS ABSENT: Tracey Trout, Karim Ali and Brett Gailey

STAFF PRESENT: Community Development Director Russ Wright and Clerk Jennie Fenrich

OTHERS PRESENT: Rauchel McDaniel, Michelle Hampton, Sally Jo Sebring, Phillip Dawdy and Shaun Preder

Excused Absence: Commissioner Huxford made a motion to excuse Commissioners Ali, Trout and Gailey. Commissioner Huxford 2nd, Motion carried 4-0-0-3.

Guest business: None

Action Items: The minutes for May 17, 2017 were approved as amended. Commissioner Oslund and Commissioner Huxford seconded, motion carried 4-0-0-3.

Discussion Items: Community Development Director Russ Wright gave a briefing on Recreational Marijuana Regulations. There has been an application for a Code Amendment that would allow a second retail space in the city limits. Phillip Dawdy, a lobbyist for the applicant provided the Commissioners with some addition information regarding rules the State has adopted on signage and were open to questions that commissioners may have. Shaun Preder, the applicant, introduced himself. He lives in Lake Stevens and stated he has every intention of being discreet and adult oriented. The Commission discussed the process moving forward. Commissioner Huxford suggested the public be made aware of the proposal and give their input at the beginning of the process so all could be heard now rather than later. The Commission agreed and requested the City reach out now to let the public know of the proposal.

Commissioner Reports: Chair Davis had no report. Commissioner Huxford asked who decides school boundary lines as she has had questions from the public and wanted to know who to direct them to. Commissioner Oslund had no report. Commissioner Hoult suggested more public education on Growth Management Act process as the public is not aware of what plans and design have been laid out for the vision of the City.

Director Report: Community Development Director Russ Wright gave an update on the North Cove Park. He said there were about forty citizens who participated. He feels there is a lot of enthusiasm and is happy with the progress.

Adjourn: Motion by Commissioner Hoult to adjourn Commissioner Oslund 2nd. Motion carried 4-0-0-3. Meeting adjourned at 7:48 p.m.

Jennifer Davis, Chair

Jennie Fenrich, Clerk,
Planning & Community
Development



Staff Report City of Lake Stevens Planning Commission

Planning Commission Hearing

Date: **August 2, 2017**

SUBJECTS: Code Amendment to Permissible Uses (LUA2017-0009)

CONTACT PERSON/DEPARTMENT: Dillon Roth, *Associate Planner*

SUMMARY: Code amendment to allow car washes in Local Business zones adjacent to state highways

ACTION REQUESTED OF PLANNING COMMISSION: Forward a recommendation to City Council on proposed regulations.

On May 17, 2017, the Planning Commission discussed a code amendment that would allow the use of a car wash in the Local Business (LB) zone. The use would only be permitted on LB parcels that are adjacent to state highways. See Attachment 2 for a map of the affected LB parcels adjacent to highways. The use would be permitted through an Administrative Conditional Use Permit (ACUP). After discussion, the Planning Commission supported the code amendment without changes.

Since the briefing on May 17, SEPA review has been completed. A Determination of Non-Significance (DNS) was issued on June 16, 2017 and no comments or appeals were received. The code amendment was also sent to the Washington State Department of Commerce for expedited review. Expedited review was granted and no comments have been received.

If the Planning Commission recommends approval of this code amendment, the amendment will go to City Council for final approval.

FINDINGS AND CONCLUSIONS:

1. Compliance with selected elements of the Comprehensive Plan

- The Local Commercial land use designation discourages uses that are land consumptive and allows mixed-use developments.
- Economic Development Goal 6.4 – Support employment growth in the city.
- Economic Development Goal 6.8 – Provide a predictable development atmosphere.

Conclusions – The proposed code amendments are consistent with Comprehensive Plan goals as they relate to land use and development.

2. Compliance with the State Environmental Policy Act (SEPA) (Chapter 97-11 WAC and Title 16 LSMC)

- The applicant submitted a SEPA checklist as part of the application materials.
- A DNS was issued on June 16, 2017 (Attachment 3).
- No comments or appeals from agencies or the public were received.

Conclusions – The proposed code amendment has met local and state SEPA requirements.

3. Compliance with the Growth Management Act (RCW 36.70A.106)

- The city requested expedited review from the Department of Commerce on June 15, 2017
- The Department of Commerce sent granted approval on July 3, 2017 (Attachment 4).
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

Conclusions – The proposed code amendment has met Growth Management Act requirements.

4. Public Notice and Comments

- The city published a notice of SEPA determination in the Everett Herald on June 16, 2017. The notice was also posted at City Hall and on the city's website.
- The city published a notice of Public Hearing in the Everett Herald on July 19, 2017 and July 26, 2017 per Chapter 14.16B LSMC. The notice was also posted at City Hall and on the city's website.
- No comments were received.

Conclusions – The city has met public notice requirements per Chapter 14.16B LSMC.

RECOMMENDATION: Forward a recommendation to the City Council to APPROVE the proposed amendment adding car wash as a permitted use in the LB zone adjacent to state highways with an ACUP.

ATTACHED:

- 1) Draft Regulations
- 2) Map of locations for LB zones adjacent to state highways
- 3) SEPA DNS
- 4) Commerce confirmation

Attachment 1. Draft Regulations

1a. Car Wash, LUA2017-0009

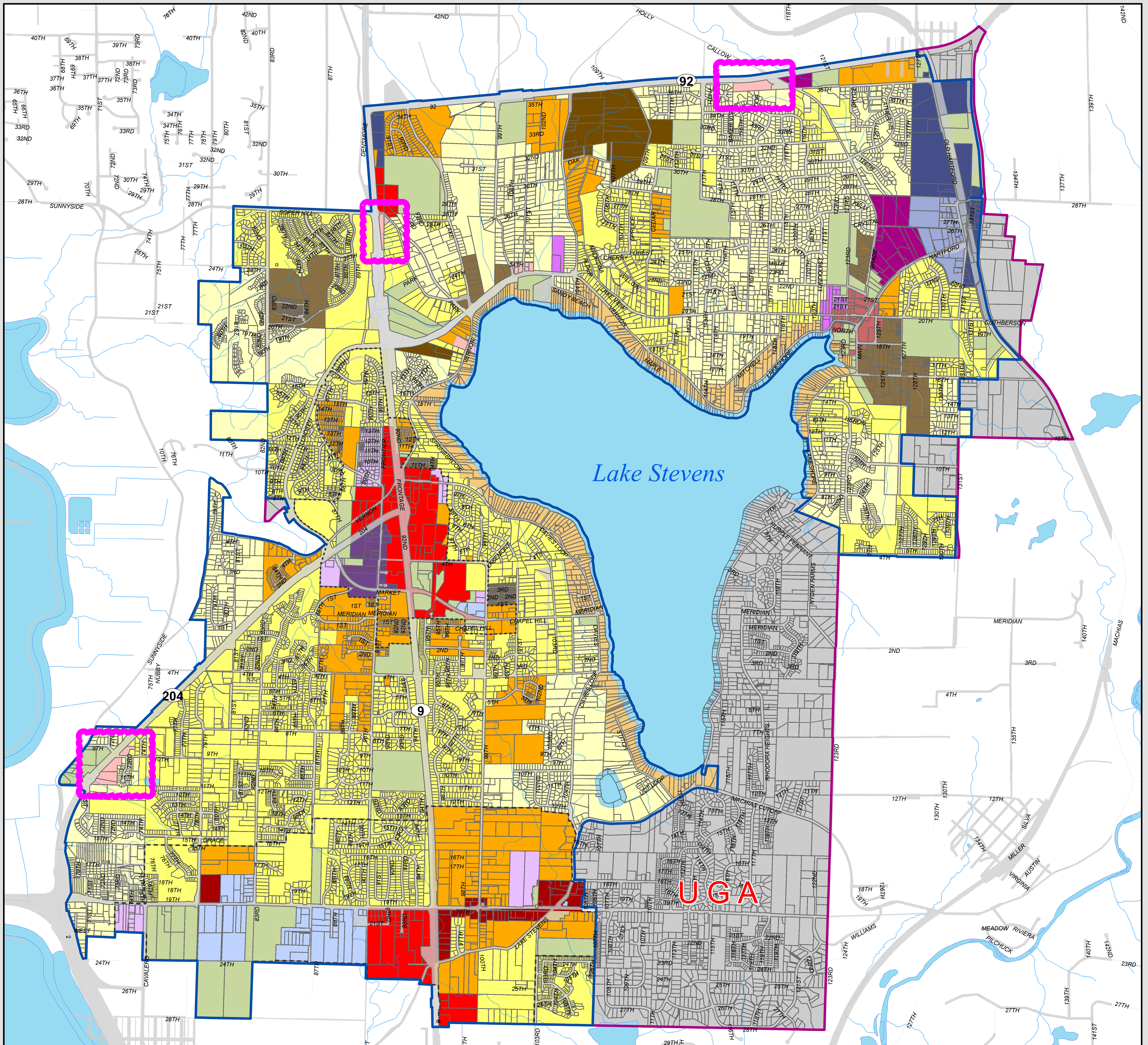
Proposed Code Text:

USE DESCRIPTIONS		SR	WR	UR	HUR	MFR	NC ⁴	LB	CBD	MU ¹	PBD ⁵	SRC	LI	GI	P/SP
9.600	Car Wash							P			P	P	P	P	

A* * Only adjacent to state highways.



CITY OF LAKE STEVENS ZONING MAP



City Zoning

City Zones

Suburban Residential (SR)	Multi-Family Residential (MFR)	Neighborhood Business (NB)	Business District (BD)
Urban Residential (UR)	MF Development Agreement (MFDA)	Central Business District (CBD)	Light Industrial (LI)
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	Local Business (LB)	Planned Business District (PBD)	Public / Semi-Public (P/PS)

Boundaries

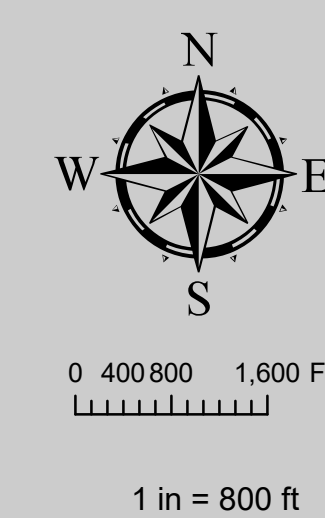
City of Lake Stevens
Unincorporated UGA
Parcels
Right-of-Way

Subarea Boundaries

20th Street SE Corridor
Lake Stevens Center

Features

Waterbody
Stream

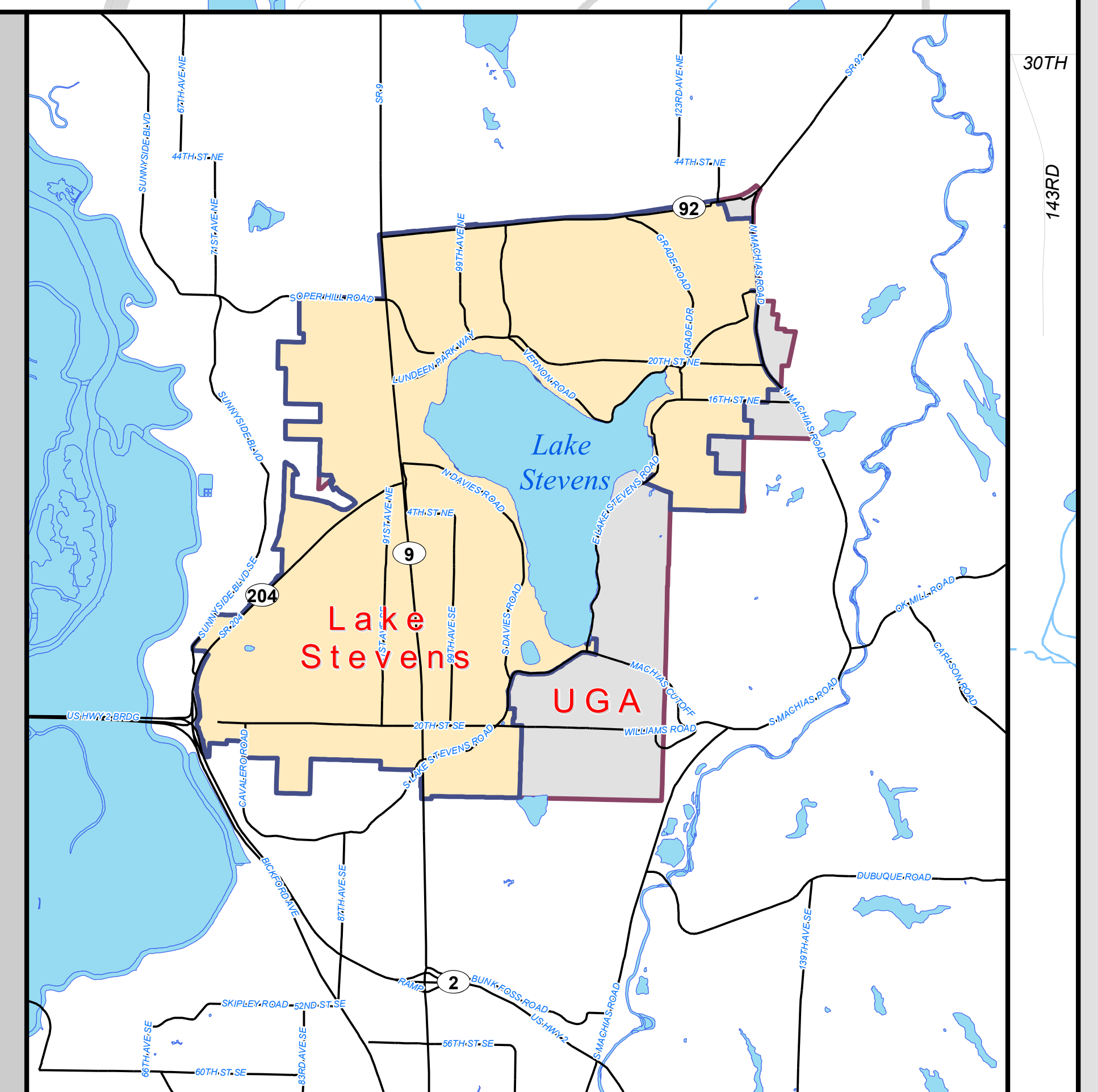


Adopted via:
Ordinance No. 876
Ordinance No. 885
Ordinance No. 903
Ordinance No. 920
Ordinance No. 921
Ordinance No. 960
Ordinance No. 961
Ordinance No. 974
Ordinance No. 981
Ordinance No. 982
Ordinance No. 983

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Data Sources: Snohomish County (2016), City of Lake Stevens (2016)

Revision Date: JANUARY 2017





SEPA DETERMINATION OF NONSIGNIFICANCE

Issuance Date: June 16, 2017

Project Name (No.): Arco Code Amendment / LUA2017-0009

Proponent: Arco AMPM

Lead Agency: Lake Stevens Planning Department

Description of Proposal: The applicant proposes a code amendment to allow the use of a car wash in the Local Business zone. The use would only be allowed on Local Business zoned parcels adjacent to state routes. The code amendment is being reviewed concurrently with the applicable permits for the project that includes a gas station, convenient store and car wash. The code amendment is a Type VI permit with a recommendation by the Planning Commission and a decision by the City Council. There will be no adverse environmental impacts.

Project Location: Soper Hill Road and Hwy 9 (parcels: 29051200200600, 00604900000706), Lake Stevens, WA 98258

Contact Person: Dillon Roth, Associate Planner

Phone: (425) 377-3223

Threshold Determination: The City of Lake Stevens, acting as lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance.

SEPA Responsible Official:

Russ Wright, Community Development Director

Comments on the Threshold Determination: Written comments should be sent to the address below by **June 30, 2017 (14 days from issuance)**. The Responsible Official may incorporate any substantial comments into the DNS. If the DNS is substantially modified, it will be reissued for further public review.

Appeals: You may appeal this determination of non-significance by submitting an appeal to the address below no later than 5:00 PM, **June 30, 2017 (14 days from issuance)**. The appeal must be in written form, contain a concise statement of the matter being appealed and the basic rationale for the appeal. A fee is required per the City's Fee Resolution. Please note that failure to file a timely and complete appeal shall constitute a waiver of all rights to an administrative appeal under City code. All comments or appeals are to be directed to City Hall, P.O. Box 257, Lake Stevens WA, 98258, Attn: Dillon Roth.

From: [COM GMU Review Team](#)
To: [Dillon Roth](#)
Cc: [Andersen, Dave \(COM\)](#)
Subject: 23813, City of Lake Stevens, Expedited Review Granted, DevRegs
Date: Monday, July 3, 2017 7:11:42 AM

Dear Mr. Roth:

The City of Lake Stevens has been granted expedited review for the:
Proposed amendments to the city of Lake Stevens Municipal Code – proposing
to allow the car wash use in the Local Business zone only on parcels adjacent
to state highways with an Administrative Conditional Use Permit. The change
would occur in Chapter 14.40 LSMC Table 14.40-I Use Description 9.600.

This proposal was submitted for the required state agency review under RCW
36.70A.106.

As of receipt of this email, the City of Lake Stevens has met the Growth
Management Act notice to state agency requirements in RCW 36.70A.106 for
this submittal. For the purpose of documentation, please keep this email as
confirmation.

If you have any questions, please contact reviewteam@commerce.wa.gov



Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing

Date: **August 2, 2017**

SUBJECTS: Code Amendment to Permissible Uses in LB zone (LUA2017-0010)

CONTACT PERSON/DEPARTMENT: Dillon Roth, *Associate Planner*

SUMMARY: Code amendment to allow storage in Local Business zones adjacent to state highways

ACTION REQUESTED OF PLANNING COMMISSION: Review and make recommendations on the proposed regulations.

On May 17, 2017, the Planning Commission discussed a code amendment that would allow storage uses in the Local Business (LB) zone adjacent to state highways. After discussion, the Planning Commission determined they would not support the code amendment moving forward. Staff summarized the discussion and specific reasons cited for not supporting the amendment (Attachment 1).

The staff summary was provided to the applicant. Prior to the public hearing on the amendment, the applicant has asked for the opportunity to respond to the Planning Commission's findings by way of another briefing. The applicant's responses are attached (Attachment 2). Staff is requesting the Planning Commission hear the applicant's responses and provide a conclusion on whether to support the code amendment moving forward.

The city received the code amendment application to change the permissible use table in Chapter 14.40 LSMC. The application proposes to amend Table 14.40-I to add a "A²⁵" (Administrative Conditional Use) in the LB column to the Use Descriptions "10.210 All storage within completely enclosed structures" and "10.220 Storage inside or outside completely enclosed structures." The footnote would limit the location of the storage use to only those LB zones adjacent to state highways. If approved as is, the code amendment would allow indoor and outdoor storage in the LB zones adjacent to state highways with an Administrative Conditional Use Permit (ACUP).

The code amendment would require a Comprehensive Plan text amendment. As discussed at the previous briefing, there are many challenges associated with developing the site near SR 204. If Planning Commission supports the code amendment, then staff would recommend changes to the land use element for consistency as part of the annual comprehensive plan update. The land use designation that supports the Local Business zoning is Local Commercial. The Local Commercial designation is intended to encourage professional offices and retail stores, while discouraging land consumptive and high-traffic generating uses like drive-through businesses or gas stations. The proposed text amendment to the Comprehensive Plan would allow for mini-storage buildings on parcels adjacent to state highways with the Local Commercial land use designation pursuant to the LSMC Title 14.

If Planning Commission supports the amendment, staff will finalize the regulations and begin environmental and agency review of the amendment.

ATTACHED:

- 1) Staff Summary
- 2) Applicant Responses
- 3) Draft Regulations
- 4) Map of locations for LB zones

Findings from Planning Commission, May 17th, 2017

Planning Commission was not supportive of storage uses in the Local Business zone.

The Planning Commission cited concerns about visibility of the City at its entrances, land consumptive uses discouraged in comp plan, storage not generating jobs, security after hours at storage units, and being pro-business is not the same as being pro-storage.

1. Visibility – The city has two locations that are zoned Local Business that could accommodate storage units if this code amendment were to be approved. These locations are at SR 92 and Grade Road, also at 10th St SE and SR 204. Both locations are highly visible when entering Lake Stevens. The Planning Commission considers these properties to be better suited for a more aesthetically welcoming commercial use. It was also noted that the site off SR 204 is up on a hill. Due to the topography of the site, required landscape screening may not be able to adequately screen the buildings.
2. Comprehensive Plan – The Planning Commission had concerns that the proposed amendment was not consistent with the comprehensive plan. The comprehensive plan specifically discourages land consumptive uses in the Local Commercial land use designation that underlies the Local Business zone. Storage units, like warehouses, are land consumptive and a comprehensive plan amendment would be needed to support the code amendment.
3. Jobs – The Planning Commission supports local businesses, in part, because they bring jobs to the city. While storage units would bring temporary construction jobs, the use does not sustain long term employment opportunities.
4. Security – The Planning Commission cited concerns regarding after hours security at storage units. The Planning Department noted that the security provided at the storage units would be at the discretion of the business owner.
5. Pro-Business Perspective – The Planning Commission noted the differences between the operations of a traditional retail establishment and the operations of storage units. The Commission expressed the desire for more businesses in the city and this code amendment could preclude traditional retail businesses from locating in the Local Business zones off SR 92 and SR 204.

Response to May 17, 2017 Planning Commission Meeting

1) Visibility

Due to the value of the land, any potential development of the site for storage units would be a combination of multi-story and single story buildings lending itself to much more attractive design than the typical "mini-storage" shed row design. The present zone will allow up to a 60ft tall building which provides for a more creative design. In addition to non-typical buildings (not shed row buildings), any storage buildings would also need to "flow" with the office buildings on the adjoining properties. The property owners understand the need to develop an aesthetically pleasing site not only for the city, but also cause of their own property values.

The sum of the Bruce Schauss property and the 10th Street, Llc property is nearly 6 acres. The useable area of both properties is greater than 5 acres, over 4.5 acres is presently undeveloped. It is the intent of the property owners to develop a combination of office, mixed use, and storage to fully develop the site. Therefore, any potential multi-story storage building would need to flow with office and residential uses. This combination of uses would actually be an aesthetically pleasing rather than just a shed row design.

2) Comprehensive Plan

It is understood that the comprehensive plan discourages land intensive uses in this particular zone. However, the reality is the entrance of the 6 acres south of 10th Street Exhibit 1A, 2E) is a limiting factor for any development of the site. The entrance of the site meets the minimum EDS (engineering design standards) in regards to the setback off the SR 204. The existing access is 50ft off the SR 204 with no possibility of improvement (1A & 2E)).

It is an unfortunate fact the site can not be developed fully within the zone because of this limiting factor. This was one of the main factors in the previous code amendment allowing car sales, another land intensive use. The site was marketed to auto dealerships but just does not work due to existing franchise areas for the major car brands. In addition to the access, a good portion of the land is below gravity sewer (Exhibit 1B). The projected sewer line is flat and does not reflect the necessary slope which would actually result in even more land below gravity sewer. Even though the comprehensive plan discourages land intensive use in this zone, it does contain the flexibility to address issues mentioned here.

3) Jobs

The property owners understand uses that create jobs also demand higher property values. The property owners would like to develop the subject area with the maximum amount of floor space, especially with the exposure and view that exists on the 10th Street/SR 204 site. This maximum develop would yield the highest return. However, after traffic studies on the site like those done for the expired 2008 12,000sqft office building (Exhibit 2F) and the 2014 code amendment allowing car sales, traffic and access will be huge limiting factors on the site. It is this reason both the past and present owners of the site have pursued land intensive uses acknowledging this limiting factor.

4) Security

Any development of the site will bring security concerns. However, the site in particular has only one way into the site, has a large retaining wall to the east (Exhibit 1C), steep slopes to the south (Exhibit 1D), and a 25,000 car/day highway to the west. In comparison to other storage sites or even other commercial uses in the area, the 10th Street/SR 204 site has a security advantage over other properties.

5) Pro-Business Perspective

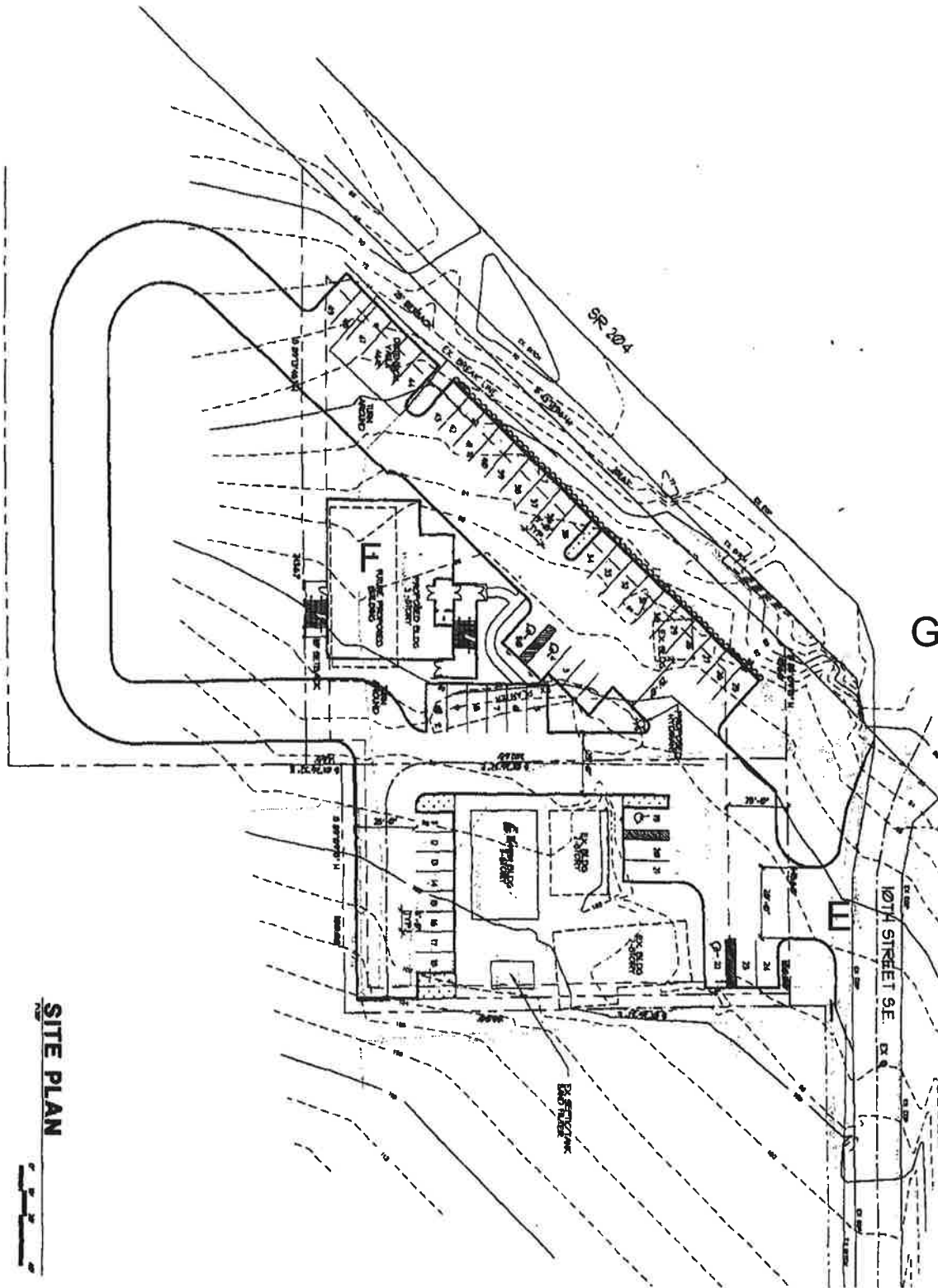
The property owners are in total agreement with the perspective of the Planning Commission. This perspective would also yield the highest property values as well. However, due to the access and traffic issues related to the 10th Street/SR 204 site it just is not realistic. The office complex at 7304 10th Street has a dramatically lower sq footage values than comparable spaces in the Frontier Village area. This lower value is both in rent and sales value. The complex has not been fully occupied since 2009 and has struggled to keep tenants since the turn restrictions put in place by WSDOT (Exhibit 2G). Even prior to the traffic restrictions (no south bound access) the complex was dramatically lower in rental value. As a direct result of these factors the property located on the north side of 10th Street sold far below market value in the very recently. The complex at 7304 10th Street sold for 50% of comparable value and the Bruce Schauss site suffered even more.

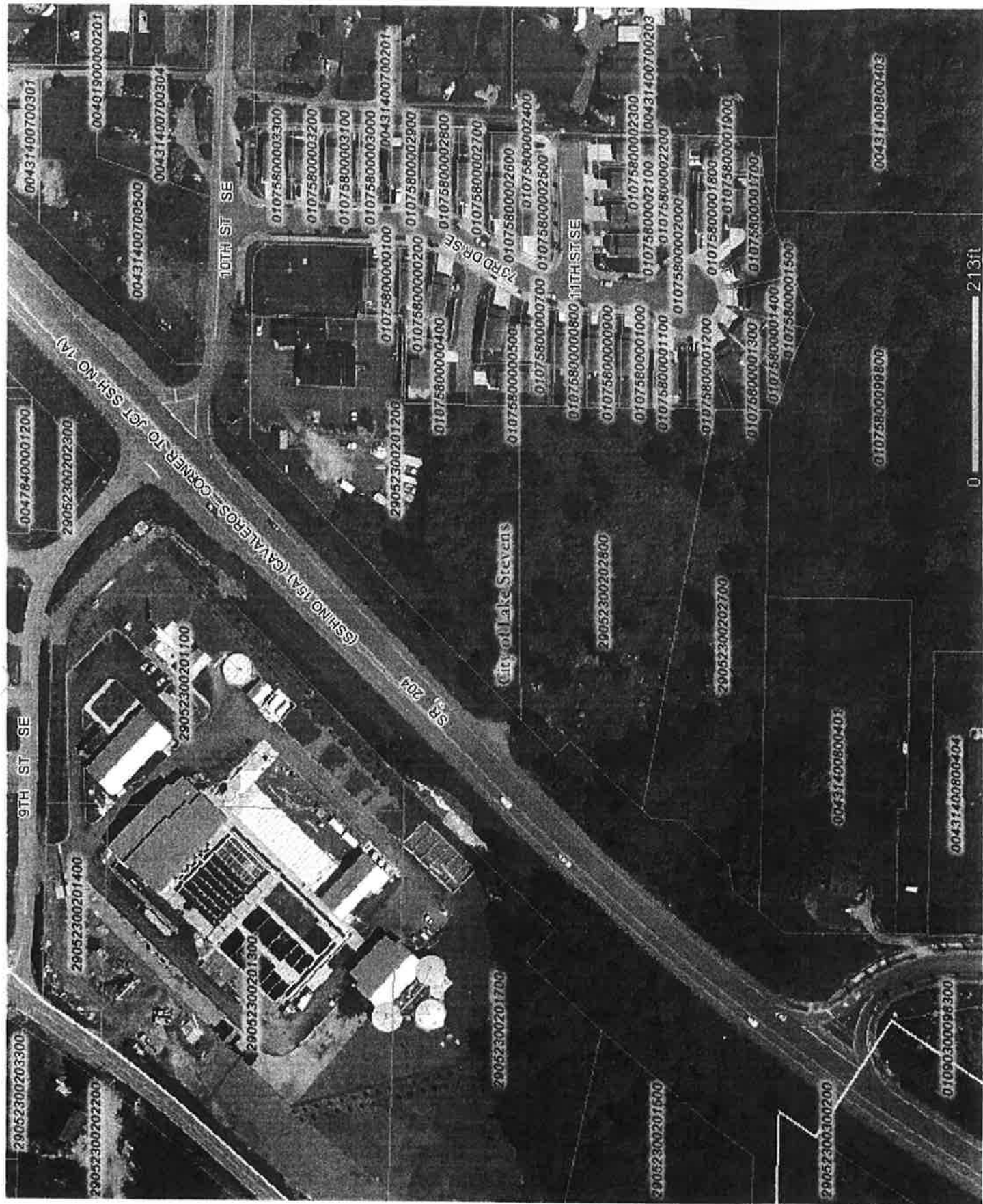
This is not to say business use or the need does not exist. There are presently 5 storage locations in Lake Stevens with one under construction. Even with all these facilities have hundreds of units each there are ZERO vacancies as of June 9th, 2017 with waiting lists at most locations. This business is needed in the Lake Stevens community.

Conclusion

The owners, both past and present, have been searching for a way to develop the property located at 10th Street and SR 204. Primarily due to access and traffic restrictions, the property just will not presently support development for retail or office. Recent sales prices of the properties, lower rent values for multiple decades, and even foreclosures of some of the commercial properties located at 10th Street and SR 204 are evidence challenges exist that do not exist in other locations. Because of these challenges the owners seek to get the development ball rolling on a use that actually works, like storage. Even with the existing challenges the owners are optimistic for future development and are pursuing a multi-story storage design saving land for both future office and mixed use buildings.

EXHIBIT 2





Draft Regulations

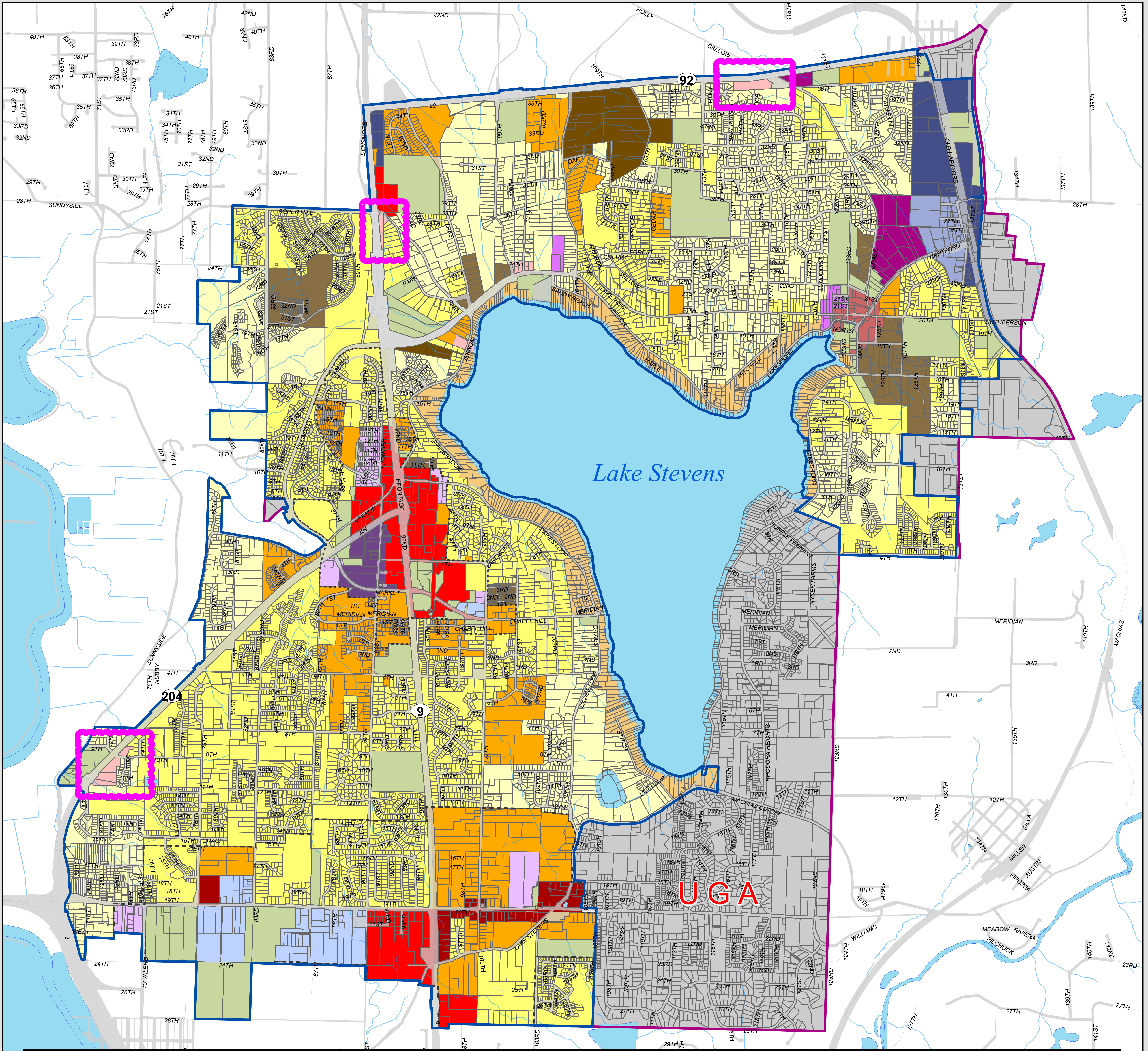
1b. Storage, LUA2017-0010

USE DESCRIPTIONS	SR	WR	UR	HUR	MFR	NC ⁴	LB	
10.000								
10.200								
10.210							A*	
10.220							A*	
10.300								

* Only adjacent to the State Highways



CITY OF LAKE STEVENS ZONING MAP



City Zoning

City Zones

Suburban Residential (SR)	Multi-Family Residential (MFR)	Neighborhood Business (NB)	Business District (BD)
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City of Lake Stevens
Unincorporated UGA
Parcels
Right-of-Way

Subarea Boundaries

20th Street SE Corridor
Lake Stevens Center

Features

Waterbody
Stream



Adopted via:
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Ordinance No. 982
Ordinance No. 983

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Revision Date: JANUARY 2017

