

CITY OF MEDINA
Planning Commission Meeting

February 25, 2014
6:00 p.m.

Medina City Hall Council Chambers
501 Evergreen Point Road

CALL TO ORDER

The Planning Commission meeting of February 25, 2014, was called to order at 5:59 PM by Chair Nunn.

ROLL CALL

Present: Chair Heija Nunn, Vice-Chair Jennifer Garone, Peter May, Peter Papano and Randy Reeves.

Absent: Shawn Schubring (excused)

Staff Present: Robert Grumbach, Development Services Director
Donna Goodman, Development Services Coordinator

ANNOUNCEMENTS (6:00 PM)

Grumbach made the following announcements:

- A Short Course on Local Planning hosted by the City of Medina will be offered on May 7th. Officials from the other Points Communities have also been invited.
- The City Council retreat is scheduled for March 22nd.
- The City has made a formal response on the proposed Shoreline Management Program and the City expects to know more by mid-March.
- The City Council search for a new police chief is progressing. A "Meet & Greet" for the candidates is tentatively scheduled for March 26th. It is open to anyone who wishes to attend.

APPROVAL OF MINUTES (6:02 PM)

Grumbach notified the commissioners of a spelling error in Commissioner Schubring's name and that it would be corrected in the final copy of the minutes.

MOTION MAY / SECOND PAPANO TO APPROVE THE MINUTES FOR THE JANUARY 28, 2014, PLANNING COMMISSION MEETING WITH THE SPELLING CORRECTION AS NOTED. APPROVED 5 – 0. (6:02 PM)
--

AUDIENCE PARTICIPATION (6:03 PM)

There were no comments from the audience.

PUBLIC HEARINGS

LEGISLATIVE:

1) Proposed Area-wide Zoning Map Amendments (6:04 PM)

Grumbach made a presentation on the timeline of work and some of the background that went into preparing the map amendments. He summarized the purposes for the area-wide map amendments, which were:

- To digitalize the official zoning map
- To merge the PLUD and Medina Heights overlays with the official zoning map
- To update parcel information
- To extend zoning district boundaries to the middle of the roads
- To rezone several properties to match their use
- To eliminate the multi-residential zoning districts on single parcels
- To adjust zoning district boundaries to form blocks and use more easily identifiable features such as streets where possible.

Grumbach continued by noting the public noticing that had been performed, including notification of affected property owners by first class mailing and notification of the community by postcard. This was in addition to the regular notification methods such as public notice board postings and e-gov delivery. He also noted that the subsequent public hearing notice was sent via certified mail to affected property owners in addition to other methods. Grumbach added that he had received a number of phone calls following the first round of noticing and had spoken with many of the affected property owners.

Grumbach then displayed a chart highlighting the differences between the three residential zoning districts and showed the maps depicting affected property owners as well as the proposed official map. He explained that the staff report summarized the process that had taken place.

Chair Nunn opened the Hearing to public comment.

Allan Bakalian, representing Rudy Hoffman, testified that he was clarifying his previous letter submitted to the planning commissions and that he had supplemental comments regarding the zoning map.

Bakalian shared a brief history of the post office noting that it was originally located in the Medina Store and that the current post office building was referred to as "the phone company" prior to the city's incorporation. He explained that in 1969 John Frost acquired the property and moved the post office into "the phone company"

building where the post office is today. Bakalian added that a conditional / special use permit was approved in the 1970s for an addition to the post office building. He noted that it is not a historical building. Bakalian also once again addressed Hoffman's assertion that he had not received notice of the proposed zoning code change before it was adopted following John Frost's death and Hoffman's assuming the role of executor of his father's estate.

Bakalian emphasized that they remained concerned about the proposed zoning designation of Parks and Public Places because the property owner wished to retain the ability to build a single family residence on the property.

Rudy Hoffman, as executor of his father, John Frost's, estate and owner of the post office building, remarked on the failure of the city to notify him of the impending zoning change of the property, unless the notice had gone to his father's post office box. He added that his brother also had access to the post office box. Hoffman reiterated that his desire was to keep the R-16 zoning as the primary zoning so that if the post office operation ceases he would have the ability to sell the property at fair market value for residential use and did not like the idea of the "parks" designation to be added to the zoning.

Pat Boyd addressed the commissioners in the role of a non-council member complimenting everyone on the work that had been done. He also testified that the city needs to be thoughtful in order to make changes for the right reasons. He expressed concerns about how property values might be affected by the zoning changes.

Dr. Meredith Smith testified that he was concerned because he had heard there might be a plan to close the post office and move parking from city hall and Medina Beach Park to the post office property. He stated that the value of the post office to the community far outweighs the value of using that property for parking.

There was no further testimony from the audience.

Chair Nunn commented that she could say with great confidence that Mr. Hoffman was not about to lose his residential zoning on his property and that every property in Medina is allowed to have a residence.

Papano commended Grumbach for his work, adding that he had done a good job and had worked hard over a long period of time on this project, and stated that he supports the changes.

Vice Chair Garone stated that the commission had taken care not to make block by block changes near the country club and that Grumbach could explain why they did in certain situations.

Grumbach explained that the commission had discussed this issue and chose not to make proposed changes in certain areas. He showed on the map the areas where zoning changes were originally proposed, but not made. Grumbach went on to clarify

that single family residences are allowed in all zones and that a property zoned Parks and Public Places can still have a residential use.

Chair Nunn stated that she agreed with the comment that the zoning changes are a question of value for the property owner. She confirmed that the commissioners had a lot of discussion on whether it would be a denigration of value and determined that in most cases it would not. She went on to say that if a property owner perceived that their property would be losing value they had been given every opportunity to provide feedback, which is why the certified mailing had been carried out.

Grumbach noted that the main concern most affected property owners expressed when they talked to him was how their development capacity would be affected by the zoning change. He noted that the properties being rezoned to R-16 would have greater development ability per square foot of land than with R-20 or R-30 zoning.

Further discussion took place. May suggested that there was a potential public benefit to having more consistency and uniformity that will be achieved.

Discussion turned to the WSDOT property south of Fairweather Park. Grumbach explained that currently the highway does not go through that property, although there may be some storm water facilities there, and noted that it could potentially be sold if WSDOT didn't need it.

Hoffman spoke about his father's property on 80th Avenue NE and commented on the height restrictions. He asked what the city would do if the current buyer of the property in front of his father's residence wanted to build a second story and the owner of his father's property cannot build a second story (impacting views). Grumbach explained that would be a private property issue.

Grumbach illustrated how height is measured in the R-16 and R-20 zones.

Chair Nunn asked if any of the newly arrived audience members would like to speak on the zoning map. There were no additional speakers from the audience.

MOTION MAY / SECOND REEVES TO ACCEPT THE RECOMMENDATION AS DRAFTED TO ADOPT THE AREA-WIDE MAP AMENDMENTS BY REPEALING ORDINANCE NO. 555 AND ADOPTING THE NEW MEDINA ZONING MAP THAT ADJUSTS ZONING DISTRICT BOUNDARIES AND REZONES CERTAIN PROPERTIES AND TO FORWARD THIS TO THE CITY COUNCIL (7:02 PM)

Chair Nunn asked for discussion and stated that she was very strongly leaning against a rezone of the Post Office property; stating that she felt it would limit that property to potentially being able to keep a post office or a government use if for some reason the use lapses, and explaining that she felt the change had very little positive impact.

MOTION NUNN / SECOND GARONE TO AMEND THE MOTION ON THE TABLE BY REMOVING THE POST OFFICE PROPERTY FROM THE REZONE, LEAVING IT AS R-16 ZONING. (7:05 PM)

Discussion followed on the proposed amendment. Reeves suggested that the Parks and Public Place designation would actually give the property owner more options. He stated that they would already have the residential option and this change would give them the public option as well.

Grumbach referred to the Use Table, which dictates the uses that are allowed in each zoning district. He pointed out that the post office is only allowed in public zoning and noted that the use of the post office property is more consistent with public zoning than residential zoning. He explained that if the post office does not renew its lease and goes away, the non-conforming rights would be lost and if the R-16 zoning remains, it would only be eligible for residential use. However, if the property is changed to public zoning, a post office use could be re-established on the property at a later date, or a city hall, or another public use.

May spoke against the amendment.

MOTION BY NUNN / SECONDED BY GARONE TO AMEND THE MOTION ON THE TABLE BY REMOVING THE POST OFFICE PROPERTY FROM THE REZONE, LEAVING IT AS R-16 ZONING FAILED 1 - 4, GARONE, MAY, PAPANO AND REEVES OPPOSED. (7:15 PM)

ORIGINAL MOTION BY MAY / SECOND REEVES TO FORWARD TO THE CITY COUNCIL THE RECOMMENDATION TO ADOPT THE AREA-WIDE AMENDMENTS BY REPEALING ORDINANCE NO. 555 AND ADOPTING THE NEW MEDINA ZONING MAP THAT ADJUSTS ZONING DISTRICT BOUNDARIES AND REZONES CERTAIN PROPERTIES. APPROVED 4 - 1, NUNN OPPOSED. (7:15 PM)

Grumbach reported that the council will schedule a public hearing on the proposed zoning map changes so there will be an opportunity for further discussion.

OTHER BUSINESS

1) Tree Code Phase One Amendments (Continued Discussion) (7:15 PM)

Grumbach noted that the City Council included a deadline of May for the Planning Commission to forward to them a recommendation on this topic. He also noted that the commissioners had last talked about the tree code at their December, 2013, meeting and had left off at the exemptions. He added that he had done some additional editing, the first edits were shown in red in the January packet's document, and now the additional editing is highlighted in red.

Grumbach asked if there was further discussion regarding the exemptions, and Vice Chair Garone stated that she continues to hold the position that the city should not be

exempt from the tree code. She commented that some of the similar neighboring communities did not include exemption language. Discussion followed on what nearby cities' tree codes say on this issue.

Vice Chair Garone asked why utilities were exempt from the tree code. Grumbach clarified that utilities do have to comply and that the exemption she was referring to applied to City of Bellevue utilities for sewer and water work.

Vice Chair Garone reiterated that she felt that the exemption for the city should be removed. Grumbach responded that the City works in the public interest which is different than private interest and the exemption helps protect taxpayer dollars. He also pointed out that without the exemption, the City would be required to get Right-of-Way Tree Trimming/Removal permits that would potentially have public hearings associated with them. Grumbach also stated he would not recommend removing the exemption, however, if the Planning Commission wished to do so, they could. He also added that they could add language about following ANSI standards while maintaining the exemption.

May stated that he agreed there is a relevant distinction between public purpose and private action, but at most could agree to a restriction on the removal of trees of a certain size when it is not an emergency situation.

Chair Nunn suggested she would be in favor of adding a sentence that would require the city to follow ANSI standards when trimming trees. Vice Chair Garone added she would be agreeable to requiring the city to follow ANSI standards and mitigation requirements, while not requiring permits. Further discussion followed. Grumbach agreed to make changes to the language requiring the city to use ANSI standards for the commission's next review and also indicated that he would contact the Public Works Director about the city's practice regarding trees and will report back to the commission on this.

Chair Nunn asked if any audience members wished to speak on this subject and there were no comments.

Grumbach continued reviewing the document, noted what was new or changed and also discussed the process for developing the regulations in a logical sequence in order to bring clarity to the regulations.

May raised the issue of giving credit to property owners who have recently planted trees to apply to mitigation requirements when subsequently removing trees, as well as taking the density of trees on a property into consideration. Grumbach clarified that this would be addressed in phase two of the code update, if the City Council directs action on a phase two.

Grumbach explained hazard tree assessment and that this is an area that will change significantly. He related that the industry is moving toward prioritizing maintenance of trees so that they are pruned to become non-hazardous. This proposed change in the code will offer property owners the ability to more easily prune significant trees to

reduce hazards without the burden of having to mitigate for a removed tree. Using the TRAQ program (Tree Risk Assessment Qualification) which the Pacific Northwest arborists developed, the scoring system creates better consistency in rating trees.

Grumbach explained that the other new item is updating the penalty section under enforcement. He explained that currently someone could remove 20 significant trees and the fine would be only \$100. The change would assess the \$100 penalty per tree rather than per incident.

Commissioners asked about the City's enforcement program and Grumbach explained the policy provided by council that guides enforcement. He described the warning system the city currently uses and that most people work towards compliance once they are contacted.

2) 2014 Planning Commission Work Program (8:12 PM)

Grumbach reported that the council deleted one item on the commission's work program related to height in the R-16 zone, and added the deadline for completing review on the tree code.

Vice Chair Garone asked about the boarding house issue and Grumbach explained the council wishes to discuss that again before sending it to the commission. Vice Chair Garone wished for it to be noted for the record that the commission will start work on that issue when they have the material and council direction.

ADJOURNMENT

MOTION MAY / SECOND GARONE TO ADJOURN THE FEBRUARY 25, 2014, PLANNING COMMISSION MEETING. APPROVED 5 - 0. (8:16 PM)

The next Planning Commission meeting is scheduled for Tuesday, March 25, 2014, at 6:00 PM.

Minutes taken by:



Donna Goodman
Development Services Coordinator