

PLANNING COMMISSION
Minutes of November 9, 2009, Meeting

Members Present: Melvin McDonald, Tom Dantzler, Rick Lucas, Roxie Chapin

Staff Present: Steve Butler, Planning Director; Jack Dodge, Principal Planner; Mike Scarey, Senior Planner; Kate Kaehny, Associate Planner

1. Call to Order:

The meeting was called to order at 5:30 p.m.

2. Approve Minutes of October 26, 2009, Meeting:

A motion was made, seconded, and unanimously passed to approve the minutes of the October 26, 2009 meeting as presented.

3. Public Hearing:

A. Staff Presentation on the 2009 Final Docket of Proposed Comprehensive Plan Amendments

The Chair opened the public hearing at 5:35 p.m.

Mike Scarey advised that all proposed amendments have been reviewed except a portion of the Capital Facilities amendments. Tonight's discussion will focus on the Sources and Uses of Funds tables. Using Community Parks as an example, dollar amounts for the years 2010 through 2015 are provided for Sources of Funds (new funds and existing funds), and Uses of Funds, Capacity and Non-Capacity Projects. The bottom line balances are zero, indicating no funding deficits. Sources and Uses of Funds tables are prepared for City Hall, Community Park, Park Facilities, Community Center, Fire Services, Surface Water Management, Transportation, and Station Areas. At the end of the Capital Facilities Background Report is a new section titled, "Projects Outside the 2010-2015 Capital Facilities Planning Time Frame" to track Station Area Plan projects that will be implemented after 2015.

Discussion was held about item #17 in the above referenced new section, New 30th Ave. S. Phase II, specifically how much of the \$8.4 million was slated for property acquisition, and the benefits of the LID process being used to fund the new avenue.

A motion was made, seconded, and unanimously passed to recommend to the City Council that the New 30th Avenue South within the SeaTac/Airport Station Area Overlay District be funded via the LID process.

A question was raised about the Military Road project (South 160th Street to South 176th Street), and why this project is not on the list.

Concern was raised that the Commission had not received a presentation on the new parking structure proposed for the SeaTac/Airport Station area. Steve Butler will try to arrange for a presentation at the Commission's November 16 meeting.

B. Public Hearing on the 2009 Final Docket of Proposed Comprehensive Plan Amendments

Shauna Decker, 321 3rd Ave. S. #402, Seattle, WA 98104: Ms. Decker read the definition and purpose for the "Park" Zone, and stated she is not anti-development but is in favor of responsible, thoughtful development in an appropriate place to protect and enhance environmental and recreational opportunities in the community. She quoted from a memorandum from the Washington State Department of Health to the Department of Ecology stating that soil and groundwater contamination on the parking lot site poses a potential threat to the underlying regional aquifer. The report suggests a potential health threat, and that SeaTac Public Works and utility companies should be notified to prevent exposure to subsurface vapors. In summary, the report states there's not enough information to fully conclude the threat to people's health. An amendment that would allow clearing of vegetation for a parking lot would aggravate this issue. Ms. Decker wrote another letter addressing SEPA issues, specifically that three of the six required criteria have not been met; she believes a full Environmental Impact Statement should have been required. Ms. Decker strongly encourages the Planning Commission to vote against the proposed amendment (Map Amendment #A-3).

Doris Cassan, 2737 77th Ave. SE, Mercer Island, WA 98040: Ms. Cassan asked that the Commission review pages A4-77/78, and stated that the "176th property acquisition" was not an acquisition, but a condemnation takeover of property the Cassans have owned and operated as a park and fly for 42 years; she questioned whether or not the citizens would want their resources spent in this manner. For the cost of a parking garage, the City could repair a lot of streets, and complete the Military Road project. Ms. Cassan urged the Commission to recommend against approval.

Wes Wood, 8730 133rd Ave. NE, Redmond, WA: Mr. Wood is representing the Cassans. It was explained to Mr. Wood that tonight's public hearing is regarding the Final Docket of Proposed 2009 Comprehensive Plan Amendments; however, he was invited to make his comments relative to the Major Zoning Code Update. Mr. Wood encouraged the Commission to read the entire Zoning Code and not just the PowerPoint presentations which do not include a number of items objectionable to both property owners and developers. Mr. Wood will return and speak in more detail at the November 16 public hearing.

Earl Gipson, 17050 51st Ave. S.: Mr. Gipson believes the Zoning Code and Comprehensive Plan issues are tied together. He is a regulatory consultant, and sees structural failure in the City's process e.g., every time he attends a Planning Commission meeting, there are more changes and the ramifications are not being fully explored. At some point, amendments should be finalized so the public can review and comment on exactly what the Planning Commission and City Council will be voting

on. The City's current process needs to be changed, citizens are neither adequately involved nor provided with adequate information. Mr. Gipson expressed concern about the proposed public parking garage and related condemnation action, and the SEPA determination on Map Amendment #A-3 (for which he has not seen adequate traffic studies). Further, the Major Zoning Code Update needs additional citizen involvement and better briefings to both the Commission and the Council before adoption is considered.

Roger McCracken, 2003 Western Ave. #500, Seattle: Mr. McCracken stated the Commission had heard his presentation on the benefits of Map Amendment #A-3, including \$650, 000 in annual tax revenue. He reiterated that it was his understanding the proposed Comprehensive Plan amendment was the first step in the process; if approved, the second step would be the Rezone process, which includes SEPA review. All relative environmental issues, landscaping issues, etc. will be addressed during the Rezone/SEPA/permitting process. The SeaTac Engineering Division has already determined there are no significant traffic impacts. Mr. McCracken addressed the contamination issue, stating that pertinent parties and the Department of Ecology have agreed upon a clean-up plan. All underground tanks have been removed, contaminated soil has been removed, and a process is underway to remove the gasoline from the aquifer.

At 6:35 p.m., hearing no further requests to speak, the Chair continued the public hearing to November 16.

PLEASE NOTE: AT THIS POINT, THE AUDIO EQUIPMENT FAILED, AND THE REMAINDER OF THE MEETING WAS NOT RECORDED. FROM THIS POINT FORWARD, THE MINUTES REFLECT NOTES TAKEN BY PLANNING STAFF.

C. Continued Review and Discussion of Comprehensive Plan Amendments

None.

4. Old Business:

A. Continued Discussion about Methods to Deal with Existing "Tree Retention Covenants"

The Land Use & Parks Committee (LUP) has extensively discussed the issue of tree covenants on existing lots. Based upon this discussion, the LUP Committee is making the following recommendation regarding covenants on short plats that have been recorded, and short plats that have received preliminary approval but have not been recorded:

Short Plats That Have Been Recorded (lots with or without homes)

- Send a letter to the property owners that they can remove the tree covenant upon request to the City.

Short Plats That Have Received Preliminary Approval, but Have Not Been Recorded (lots with or without homes)

- Allow the property owner the option to retain the covenants as required under the previous Code or conform to the new Code requirements.

The LUP Committee is not making a recommendation regarding recorded long subdivisions with tree covenants (plats of five or more lots). Under RCW 58.17.212, all property owners within the subdivision must sign a petition to remove the covenants before the Council could take any action. Should all property owners sign the petition, then the Council could hold a public hearing regarding the removal of the covenants.

A proposed schedule for future action has not yet been created, but this issue will likely be sent to the City Council for action before the end of 2009.

Commissioner Dantzler suggested that further discussion be continued to the next regular Planning Commission meeting on November 23 to allow Commissioner Forschler to participate and provide input.

B. Continued Review and Discussion about the Major Zoning Code Update and Related Code Changes

Kate Kaehny presented three discussion items for the evening e.g., the LUP Committee's direction on proceeding with the Zoning Code Update project, the November 16 Zoning Code Update Open House and Stakeholder Roundtable, and review of the SeaTac/Airport Station Area Overlay District.

Kate then discussed the LUP Committee decisions regarding the Major Zoning Code Update project including extending the project into 2010, creating a Citizen's Advisory Committee (CAC) to help provide input on Phase 1 and Phase 2 of the Zoning Code Update project, and moving forward with adoption of the SeaTac/Airport Station Area Overlay District on December 8, 2009.

Kate then gave an overview of the public notification process for the November 16 Open House and Stakeholder Roundtable which included distributing meeting flyers to parties of record, property owners within the SeaTac/Airport Station Area Overlay District, SeaTac members of the Southwest Chamber of Commerce, members of the Hotel/Motel Tax Advisory Committee, and an ad in the Highline Times.

Then Kate proceeded to highlight the proposed changes in the SeaTac/Airport Station Area Overlay District. Commissioner Dantzler raised concerns about the proposed change in the vertical variation requirement. The proposal would revise the existing requirement for vertical variation to be provided after 100' of building façade and then at 80' increments. The new proposal is for vertical variation to be provided for every 40' of building façade. Commissioner Dantzler also raised concerns about the proposal to change the existing requirement for parking structures to be set back 100' from International Boulevard. The new proposal would allow parking structures to be set

within the regular 0' to 20' setback from International Boulevard, but would require the building to look like a hotel or office and also require additional ground floor uses. Commissioner Dantzler said he believed this would be unfair to existing businesses who have had to comply with the 100' setback regulation.

After some additional discussion, a motion was made and then retracted to provide preliminary approval to these proposed changes in order to wait until after the 11/16 public hearing, open house, and stakeholder roundtable.

5. Detailed Commission Liaison's Report:

None.

6. Planning Director's Report:

Steve Butler told the Commission that there was a "special" LUP Committee meeting, scheduled for Nov. 10, starting at 4:30 p.m. The sole focus of that meeting was a King County proposal to locate a temporary animal shelter and "office trailer" for Animal Control Officers on the Sunset Playfields site during a flood emergency, and Potential Code Amendments. He also mentioned that the Work Schedule document would be revised, based on the requests made at tonight's meeting.

7. Planning Commission Comments (including suggestions for next meeting's agenda)

None.

8. Adjournment:

The meeting was adjourned at 7:45 p.m.