



Planning Commission Meeting Minutes for – March 9, 2016

Chair Laumbattus called the Meeting of March 9, 2016 to order at approximately 6 p.m.

Roll Call

Members Present: Commissioners Moffitt, Oppel, Laumbattus, Pollard, McNett, Cleland-McGrath and Farnsworth.

Minutes

Minutes of January 27, February 3 and February 17, 2016 were approved as read.

Correspondence

No correspondence was presented.

Old Business

Planning Commission Approval of Findings of Fact & Recommendation for the 2016 Comprehensive Plan

Ms. Libby Grage, Planning Manager, provided that the Planning Commission had previously voted for approval of the 2016 Comprehensive Plan subject to several changes to the preferred land use alternatives. Staff prepared draft findings and conclusions utilizing the direction from the Planning Commission and it is now the Planning Commission's discretion to authorize the Chair to sign the findings. Ms. Grage offered to answer any questions to which there were none.

Commissioner Pollard made a motion to authorize the Planning Commissioner Chair to sign the City of Anacortes Planning Commission recommendations for the 2016 Comprehensive Plan periodic update. Commissioner Farnsworth seconded the motion. Vote called for was unanimous in favor of the motion.

New Business

Public Hearing: 12th Street & D Avenue Replat and PUD, PUD-2015-0002

Mr. Kevin Cricchio, Senior Planner, presented the 12th Street & D Avenue Replat and PUD to the Commission. Mr. Cricchio provided this is a preliminary replat, preliminary planned unit development, SEPA environmental review, Code modifications, right of way dedication, right of way vacation to create five lots on a subject property zoned R2 and known as the 12th Street and D Avenue PUD. Several modifications are proposed, including a vacation request of right of way to unimproved 11th Street consisting of a 13.5-foot-wide by approximately 209.83 lineal foot strip of land on the north side of lots 1 through 7 and a dedication request of right of way. This would consist of a 6 by 209.84 lineal foot of strip of land on the south side of lots 1 through 7, block 203, map of the City of Anacortes. The right of way dedication would be 1259.04 square feet. A third modification proposed is no improvements to the unimproved 11th Street

and instead install a meandering 6 foot wide pedestrian pathway between D to C Avenues. The fourth modification is several lots would not front on an improved public or private road which would not provide the required 30 feet of frontage adjacent to the unimproved 11th Street.

There is one existing residence on the subject property which is slated for demolition if it cannot be moved. Each of the five residential lots would meet the R2 zoning if the subject vacation request is approved. In R2 the maximum density permitted is four dwelling units per acre. In the site area for the subject property, net lot area, excluding any type of vacation, currently is 36,000 square feet or .83 of an acre. The net lot area including the right of way vacation is 37,523 square feet or .86 of an acre. Gross area which would include half the abutting right of ways as well as the vacation request is 64,999 square feet or 1.49 acres. The applicant is proposing five dwelling units.

Mr. Cricchio reviewed the tree assessment and preservation plan and provided there are no critical areas on the subject property. The Planning Department recommends approval to City Council.

Steve Lange, Public Works Engineering Department, discussed the proposal including the six-foot pedestrian pathway that creates neighborhood connectivity and the location of the utilities. Mr. Lange concluded that this project meets approval by the Public Works department.

Commissioner Pollard asked whether the proposed swale in the 11th Street area is part of a required storm water mitigation for the short plat or the PUD to which Mr. Lange provided that it is because creation of more than 2,000 square feet of new impervious surface requires water quality improvements. Commissioner Pollard asked who would maintain the swale and if the right of way vacation is approved and becomes private property, will that prevent it from ever being opened and turned into a road. Mr. Lange stated he is not sure about the maintenance of the swale and concluded that a 32 foot wide road is not feasible in that area.

Mr. Lange provided the 24-foot-wide road is wide enough to be able to handle vehicular traffic in both directions with no parking. Commissioner Oppel made inquiry into the right of way and whether there could be a street put in that would eliminate the right of way. Mr. Lange responded he has yet to see a 32-foot-wide road go into a 50-foot right of way, but there is more than enough room to get a 32-foot-wide road with the applicable necessities.

Chair Laumbattus then asked for any further question for staff from the Commissioners. With no further questions, Chair Laumbattus opened the public hearing.

The applicants, Susan and Mark Harris, addressed the Commission and audience regarding their proposal. They provided the background to this decision to develop this property and hope to provide the community with the ambiance of a secret garden concept.

Ms. Mary Earnest, 1109 C Ave, Anacortes. Ms. Earnest discussed her concerns regarding maintenance of any plantings where the swale and pathway may be located. Ms. Earnest also expressed concern over flooding and the potential for increased collection of groundwater around the paved pathway that could cause flooding on their property; who would be responsible for the destruction of their landscaping if this occurred? Ms. Earnest expressed

concern over the removal of a rhododendron strip that provides a great deal of attraction for birds and other wildlife.

Mr. Measamer provided some clarification to these concerns including responsibility for maintenance of the landscaping in any unopened right of ways. Because this is a Planned Unit Development which comes before the Planning Commissioners for review and then on to the City Council, there are conditions that are placed on the request in response to some of the requests made by the proponents. City staff is continuing work on some of the proposals for the maintenance of that unopened right of way and the landscaping. Mr. Measamer suggested the landscaping in that right of way would also be maintained by the City to some degree. The whole concept for the landscaping condition was to try to get some native plants that would be low maintenance and not need much mowing at all. Mr. Measamer suggested it would be maintained by the City, not the abutting residences because this would be a public pedestrian corridor.

Ms. Joyce Anderson, 1006 C Avenue, Anacortes. Ms. Anderson provided she would like to make sure that these are single-family homes that go in rather than a duplex which would bring a lot more traffic into that alley.

Mrs. Marilyn Derig, 1302 "K" Avenue, Anacortes. Mrs. Derig asked what determines when a traffic study should be conducted. Mr. Steve Lange provided that under the Engineering Standards, any subdivisions with one to 10 lots would be subject to a small traffic study. The Engineering Department determined this project is not exceeding any additional lots than what is platted and did not see the necessity of a traffic study.

With no further public comment, Chair Laumbattus closed the public hearing.

Mr. Measamer suggested two additional conditions after listening to concerns presented which included no access onto 12th Street from lots one and two and that the City be responsible for maintenance of the pedestrian corridor and landscaping on 11th Street.

Commissioner McNett provided this is a great project and agrees with the condition presented by Mr. Measamer for the maintenance of the pedestrian corridor and landscaping.

Commissioner McNett stated his preference for the walkway be asphalt. Mr. Measamer provided that the recommended condition 15(g) shall have a minimum width of six feet and be constructed with cement concrete.

Commissioner Pollard stated she likes the plan because the proposed 13.5 foot vacation does not impact any future possibilities of creating an actual through street and that the pedestrian pathway is not proposed to have any lighting which keeps a natural, more native environment. She has no concerns with the parking and appreciates the applicants' efforts to keep as many of the trees on the site as possible. Commissioner Pollard stated she does not have any major concerns or issues moving forward with this project.

Chair Laumbattus stressed his concerns with the project in that it does not appear to correspond with the current Comprehensive Plan transportation goals and policies regarding improved traffic circulation, i.e., maintain existing dedicated rights of way where potential

future traffic flow indicates a need, future subdivision development, plat rights of way so they tie in with existing rights of way where reasonable and practicable and in future subdivision development and required street designs would provide routes for through traffic where reasonable and practicable. Chair Laumbattus believes the City should stick with those goals and policies.

Commissioner Pollard argued that she understands the Code to provide alternatives with the permitted application process such as instead of a required sidewalk being installed, something else is put in its place. Commissioner Pollard concluded that her interpretation of the code is a PUD provides an alternative so in lieu of the full right of way, 11th Street, a fire department approved wider alley and the pedestrian connectivity from C to D Avenues is constructed.

Chair Laumbattus disagreed and stated that goals, policies and development regulations are clear that he has never seen a PUD laid out where streets are platted that could be put through with no problem. At this site, the ground is flat, there are no wetlands, no critical areas, no rock cropping or anything that might indicate a need to deviate from city plans. Now there is an application for the right of way vacation because they need some extra property to get 7,500-foot lots on the north side of the alley. But they've given up six feet on the north side of the alley, pushing those lots into the 11th Street right of way six feet. If the lots were backed up to a 16-foot right of way in the alley, they could back the lots up off of 11th Street and they would only need seven and a half feet of 11th Street to get three 7,500-foot lots.

Mr. Measamer responded there are incidences where a property owner may apply for a planned unit development where there are some extenuating circumstances such as asking for some variations from the standard subdivision ordinance. Mr. Measamer explained that a PUD, planned unit development, shall be particularly encouraged where steep terrain, natural features or patterns of existing development make a standard subdivision difficult and where creative planning could result in a better development. The proponents believe their proposal could result in a better development by not specifically developing 11th Street.

Chair Laumbattus stated the Commissioners have adequate legal reasons to turn this down or modify it to suggest to Council that they approve this by giving them enough property off the 11th Street right of way and push the lots on the northern side back towards the alley and move the alley back to 16 feet. Chair Laumbattus stated he would not have any problem with vacating property to get three lots in the space and added that if 11th Street is not put in now, it will never happen.

Commissioner Cleland-McGrath requested clarification whether the need for extra width in the alley is for fire department access. Mr. Measamer responded that is correct. Commissioner Cleland-McGrath asked for confirmation that the proposal put forth was approved by City staff to which Mr. Measamer confirmed it was.

Commissioner Oppel asked whether this proposal was a variation from standard procedures. Mr. Measamer provided previous projects similar to this proposal including a project off of West Third where the alley was developed into a 20-foot alley, dedicated some property on the existing lots, and that is the access to the homes that would typically front on Oakes Avenue.

They were not required to develop Oakes Avenue with curb, gutter, sidewalk, etc. San Juan Passage has a number of lots that access only off of an alley. Portales has a number of lots that have a 20-foot alley they front on without a street.

Commissioner Farnsworth offered this is a fair use of the creative portion of the PUD stipulations.

Commissioner Pollard made a motion to recommend approval of the planned unit development along with the proposed street vacation with two additional conditions to include that the City be responsible for maintenance of the landscaping in the pedestrian corridor within the unopened 11th Street right of way, no access to 12th Street from lots one and two and the dedication of the alley. Chair Laumbattus called for a second to which Commissioner Cleland-McGrath seconded the motion. Vote called for: Ayes: Commissioners Pollard, Farnsworth, Oppel, Cleland-McGrath, and McNett; Nays: Commissioner Laumbattus. Motion carried.

With no further business, Chair Laumbattus called the meeting to a close at approximately 7:20 p.m.

