

City of Burien

BURIEN PLANNING COMMISSION MEETING

August 25, 2009

7:00 p.m.

City Council Chamber, Burien City Hall

MINUTES

Planning Commission Members Present:

Janet Shull, Jim Clingan, Brian Bennett, Rachel Pizarro, Joe Fitzgibbon, Stacie Grage, Rebecca McInteer

Absent:

None

Others Present:

Elizabeth Ockwell, assistant planner; Chip Davis, planner

Roll Call

Chair Shull called the meeting to order at 7:10 p.m. At the call of the roll all commissioners were present.

Agenda Confirmation

Motion to approve the agenda as presented was made by Commissioner Clingan. Second was by Commissioner Grage and the motion carried unanimously.

Approval of Minutes

Motion to approve the minutes of July 28, 2009, was made by Commissioner Clingan; second was by Commissioner Grage. The motion carried unanimously.

Election of Chair and Vice-Chair

Commissioner Bennett nominated Commissioner Fitzgibbon as chair; Commissioner Pizarro seconded the nomination. Commissioner Fitzgibbon was elected chair by a unanimous vote. Commissioner Clingan nominated Commissioner McInteer as vice chair; Commissioner Grage seconded the nomination. Commissioner McInteer declined the nomination because of her work schedule. The commissioners then withdrew their nomination. Commissioner Fitzgibbon nominated Commissioner Clingan; second was by Commissioner Grage. Commissioner Clingan was elected vice chair by a unanimous vote. Commissioner Shull then handed the gavel over to newly elected Chair Fitzgibbon.

New Business

Elizabeth Ockwell, assistant planner, introduced 14 proposed zoning code amendments, noting that 11 of the proposed amendments would correct typographical errors in the Zoning Code and three provide clarification of code sections. She then reviewed the proposed amendments with the commissioners.

Chair Fitzgibbon asked what the timetable is for the commission to review the amendments and make a recommendation to the City Council. Ms. Ockwell said she hoped to have a public hearing on Sept. 8th, but that could be pushed back to Sept. 22nd, if necessary; the commission's recommendation should be going to the City Council in October.

Commissioner Shull voiced concern that while the first amendment loosens present code that is probably too restrictive, it does not set an upper limit on the size of a detached single-family garage. She said perhaps the code moves from too restrictive to too lenient. Ms. Ockwell noted that in Zoning Code Chapter 19.17 Miscellaneous there is a section on residential accessory structures stating that residential structures need to be subordinate and incidental to the main use on the site. Staff interprets that as limiting the size of a garage to something smaller than a single-family residence, the main use, even with an accessory dwelling unit included over the garage.

Commissioner Shull expressed concern that by removing the maximum square footage allowed it opened up the possibility of huge garages inappropriate for a single-family neighborhood. Ms. Ockwell explained that Zoning Code Chapter 19.17 Miscellaneous states that residential accessory structures must be subordinate and incidental to the main use on the site, the single-family residence. Also, height, building coverage, impervious surface and setback requirements also will limit the size of an accessory structure. Commissioner McInteer agreed with Commissioner Shull's concern and wondered if there isn't some more specific way of limiting the size of an accessory structure, such as a garage, rather than leaving it open to interpretation.

Mr. Davis said it's difficult to come up with a standard that will fit every situation. Staff works with applicants to come up with a reasonable solution to their garage needs; there have been only a couple of instances of property owners pushing the limits by constructing large buildings. He also noted that the size of accessory dwelling units is limited by code, so a very large garage probably could not include the equivalent-size living space above.

Mr. Davis volunteered that staff could return to the Planning Commission after researching how other cities are handling it. The commissioners agreed. Chair Fitzgibbon asked if saying a garage cannot exceed a certain percentage of the size of the house on the lot would be more restrictive than the proposed amendment; Mr. Davis answered yes.

Commissioner Shull questioned the language of the 14th proposed amendment, concerning nonconforming structures, that defines the extent of "voluntary demolition" when determining whether or not a nonconforming structure can be rebuilt if it is damaged or destroyed. Staff explained that the amendment was triggered by a property owner taking a nonconforming structure to the foundation to rebuild it and a neighbor pointing out to the City that the code does not allow replacement if the structure is removed by voluntary demolition.

Commissioner Shull then asked if the code would apply in areas under shoreline jurisdiction. Mr. Davis answered that the current shoreline code doesn't deal with it, but the new shoreline code that is being created by David Johanson and the Shoreline Advisory Committee will be more specific. Mr. Davis said he assumed that once the new shoreline code is adopted that will be the controlling document in the shoreline areas, regardless of what the City's other regulations say.

Ms. Ockwell explained that she had researched nonconforming code in other jurisdictions and found that the 50 percent value cutoff was the middle of the road between the cities researched. Commissioner Fitzgibbon asked for staff to bring examples of other cities using the 50 percent assessed value cutoff. Ms. Ockwell agreed to bring a list to the next Planning Commission meeting.

Old Business

Chip Davis, planner, presented a follow-up regarding the fee-in-lieu of parking program presentation that the commission received at its July 28th meeting. Three handouts were distributed to the commission. The first was a copy of the fee-in-lieu of parking program draft report, which was distributed at the last meeting, for those members who may have forgotten their copy at home.

The second handout was a letter from the consultant, Steve Nolen with Transportation Solutions, summarizing the reaction of the Burien Business & Economic Development Partnership (BEDP) to his

August 14th presentation. In the letter, Mr. Nolen responded to two questions raised by the BEDP regarding composition of the Public Development Authority Board (PDA) and regarding the current utilization level of parking in Downtown Burien (see handout for details). Mr. Nolen indicated that there were no negative comments regarding the proposed fee-in-lieu of parking program and several of the BEDP members expressed strong support for the program.

The third handout for the commission was a copy of the consultant's August 14th PowerPoint presentation to the BEDP. The presentation was very similar to the one given to the Planning Commission at its last meeting, but included some of the discussion points raised by the commission. Mr. Davis tabbed Page 11 of the handout to focus commission discussion on the consultant's recommendations, which will provide a framework for specific language to be inserted into the Zoning Code to implement Burien's fee-in-lieu of parking program.

Commissioners Bennett, Grage, Fitzgibbon and McInteer had questions regarding Table Appendix C Comparison Fee-in-Lieu of Parking Programs for other cities in the United States. There was some discussion regarding the comparability of various programs to Burien's Downtown and the level of overall success for other cities such as Kirkland, Washington, and Bend, Oregon. Following a brief discussion it was the consensus of the commission for the staff and consultant to use the recommendations on Page 11 of the handout as the basis for drafting specific language to amend the Zoning Code.

Mr. Davis indicated that drafting of code language will take some time and prior to any public consideration of the language it must undergo a 60-day state Department of Commerce (formerly CTED) review, so the earliest presentation would be at the November 10th commission meeting. At that meeting the staff will determine if the commission feels that it is on the right track and if so the commission can set November 24th for a public hearing and possible recommendation to the City Council on the amendments.

Planning Commission Communications

Commissioner Grage will not be attending the September 8th meeting. Commissioners Fitzgibbon and Pizarro will not be attending the September 22nd meeting. Commissioner Sehill will not be attending the November 23rd meeting.

Director's Report

None

Adjournment

Motion to adjourn was made by Commissioner Sehill; meeting adjourned at 8:00 p.m.

Approved: September 8, 2009

/s/ Joe Fitzgibbon, chair