

**City of Gig Harbor Planning Commission
Minutes of Public Hearing
Thursday, July 15, 2004
Gig Harbor Civic Center**

PRESENT: Commissioners Carol Johnson, Kathy Franklin, Bruce Gair, Dick Allen, Theresa Malich, Scott Wagner and Chairman Paul Kadzik. Staff present: Steve Osguthorpe and Kristin Riebli.

CALL TO ORDER: 6:00 p.m.

APPROVAL OF MINUTES:

MOTION: Move to approve the minutes of June 17, 2004
Johnson/Gair – unanimously approved.

MOTION: Move to approve the minutes of July 1, 2004
Gair/Franklin – unanimously approved

NEW BUSINESS

WORK-STUDY SESSION

Design Manual Update -

Planning Manager Steve Osguthorpe went over his staff report outlining the comments received at the Public Hearing on July 1, 2004 along with staff comments on specific recommendations. He stated that zone transition was one of the bigger issues that arose from the public hearing and that the Planning Commission had asked that staff prepare a map of the areas affected by zone transition. Mr. Osguthorpe presented the map and gave a brief explanation. Additionally Mr. Osguthorpe had prepared a list of zoning categories to facilitate the zone transition discussion along with the map which he distributed to the Planning Commission. He asked that the Planning Commission provide specific recommendations on each subject and that if there is an issue on an existing regulation that the Commission couldn't come to an agreement on that the original language in the Design Manual be retained. It was agreed that they would go through the list of written comments to facilitate discussion.

The first written comment was from David Fisher. His first proposal was to propose time limits on design review. Mr. Osguthorpe responded that there are already time limits in place that require 120 day turnaround on development applications. There was no further discussion.

Mr. Fisher's second proposal was to not require the shortest distance between buildings for pedestrian paths, a longer path may provide a higher quality pedestrian experience. The Commission agreed that the shortest distance would be an administrative requirement and if an applicant felt they had a superior design they could go to the DRB

on that requirement. No further discussion. His third proposal was to not require all outdoor fixtures, furnishings, etc. in activity centers to be coordinated. Chairman Kadzik stated that he thought that in the Design Review Board meetings it had been decided to drop that requirement. Planning Manager Steve Osguthorpe responded that he recalled that the DRB had just dropped the requirement for new activity center. Chairman Kadzik then asked Lita Dawn Stanton and Chuck Hunter who were present in the audience if they recalled the discussion. They replied that they did not recall. Mr. Osguthorpe stated that he thought that Mr. Kadzik was correct and that perhaps the requirement only remained for individual developments to coordinate their fixtures within the development not within the whole activity center. Mr. Osguthorpe looked at the Activity Center section of the Design Manual and stated that it still said “coordinate all outdoor fixtures, furnishings and right of way paving materials in activity centers”.

Commissioner Wagner asked if the Design Review Board had felt that that should be removed and Chairman Kadzik stated that he recalled that it was. Mr. Wagner further stated that he felt that having the furnishings different was more diverse and charming. Planning Manager Osguthorpe stated that in the downtown area it was the light fixtures that tied the area together. Commissioner Kadzik directed everyone to look at section 1.1.04 and pointed out that the bold language talks about the furnishings and the specific language underneath only talks about the light fixtures. It was agreed to leave the language regarding light fixtures and right of way paving materials and remove the language regarding accessories and furnishings.

The next item was to add a provision that allows structures on parkways to be up to 1/3 higher or larger in massing. Planning Manager Osguthorpe pointed that providing a number for administrative review is helpful. Commissioner Gair stated that when you start averaging and then increasing the size the average size will just get larger and larger and voiced his concern for doing this along parkways. Chairman Kadzik pointed out that the existing language did not provide for an exact requirement, but rather stated “reflect mass and scale of adjacent structures”. With that in mind Mr. Osguthorpe recommended that the language remain unchanged. It was agreed to leave the language unchanged.

Minor Street Standards (Section 1.4.01) was the next item addressed and it was decided to recommend to the Council that that be included in the public works standards and removed from the Design Manual. Proposal #6, the requirement for alleys, was also recommended to be moved into the public works standards.

The zone transition standards were discussed and the concern for perpetuating a small house. Commissioner Johnson pointed out that the change to measure within 200’ did improve that situation. It was decided that this item be put on hold for a broader zone transition discussion at 8:00 p.m. Items 8 and 9 were also deferred to the zone transition discussion.

The proposal item #10 was that setback standards should not be stated in the Design Manual because they are already stated in the Municipal Code. Mr. Osguthorpe explained that this was being concurrently addressed by the inclusion of the Design Manual into the zoning code and by amending each section of the zoning code where

setbacks are now stated to reference the setbacks in the Design Manual.

Parking lots on corners (2.10.01) was the next item and proposal #11 was to change the distance provision to a screening provision for them. Mr. Osguthorpe responded that this item could be addressed by an applicant going to the Design Review Board. It was agreed that the language would remain unchanged.

Proposal number 12 was to change the term “cinder block” to concrete block and/or concrete masonry unit, not to be confused with ground-faced block. Planning Manager Osguthorpe expressed that he felt this was an easy change and consistent with the intent of the existing language. The Commission agreed to this change.

Sports facility lighting was the subject of Mr. Fisher’s proposal number 13. Mr. Osguthorpe stated that this had already been addressed in the recently adopted provisions for performance-based height exceptions.

Proposal number 14 was to allow pole lights between 20 and 40 feet in height except in pedestrian areas. Mr. Osguthorpe explained that 30’ had been successful in several areas of the city. Discussion was held on the size of the base and whether or not that should be included in the height calculation. Mr. Osguthorpe further explained that the standard was actually 20’ and that the 30’ had been allowed through a DRB process. Chairman Kadzik stated that the DRB had been concerned with excessive light throw and considered topography and site conditions in their decision to allow additional height. It was decided to add language that stated that the 20’ be measured above base with a maximum 36” base.

The next item for discussion was proposal number 15 to delete language that states that porches, porticos and similar unheated spaces do not affect the height-width ratio of the wall plane from which the unenclosed structure projects. A vote was held and it was decided to leave the existing language as is with Commissioners Wagner, Gair and Allen voting no.

Proposal number 16 was to add language that states that prominent entrances must be visible from a public street or an interior private street. Mr. Osguthorpe pointed out that this is allowed in the existing language. It was decided that no change be made.

Proposal number 17 was to reinsert language pertain to “traditional siding materials with human handicraft” in general requirements and, for specific requirements, develop list of “premium” materials and “commodity” materials. Mr. Osguthorpe pointed out that this would take significant time to develop such a list. Commissioner Wagner proposed that siding materials be regulated in the historic district or the view basin only. Commissioner Gair voiced his concern with allowing this and felt that the Planning Commission had discussed this at length previously. Commissioner Johnson felt that the integrity of every neighborhood is just as important as every other neighborhood. Chairman Kadzik expressed that he felt there was merit in the “premium” vs. “commodity” materials discussion but that it was something that would have to be discussed at another time. It was decided to make no change to the existing language.

Changing the 100% provision in the masonry façade option to a 90% provision was the proposal in item number 19. Chairman Kadzik asked what the intent of reducing it to 90% was and Planning Manager Osguthorpe replied that perhaps it was to add some timbers or some other accent material and agreed that it may be prudent to add some flexibility here. Commissioner Wagner asked why not make it 80% like is allowed with other materials and the Planning Commission asked those DRB members in attendance if they had any problems with the change to 80% and hearing none they then agreed to change the masonry façade option to 80%.

Proposal number 19 was to state that the roofing materials provisions apply only to roofs sloped 1:12 and greater. Mr. Osguthorpe went on to explain the Mr. Fisher had commented that there are some slopes that you just can't use those materials on. It was agreed upon to make the change as proposed.

The 20th proposal was to eliminate the prohibition on the use of faux windows. Planning Manager Osguthorpe explained that the language to eliminate the use of faux windows had been proposed because they had been used as a means of meeting fenestration requirements. Commissioner Wagner expressed that he felt that faux windows when used effectively to create a second story were a valid option. Mr. Osguthorpe pointed out that the language in the second story requirement had changed to allow dormers as a second story and that the DRB could approve the use of the windows if they felt it presented a more lofty design. After discussion with some of the DRB members in the audience it was decided to leave the language unchanged.

Proposal #21 was to eliminate the proposed language addressing false fronts because false fronts are needed to comply with the Design Manual. Planning Manager Osguthorpe suggested that false fronts do not convey an honest approach to building design. The Commission agreed and it was decided to leave the language prohibiting false fronts.

Proposal #22 was to use foot-candles as a measure of allowable lighting as opposed to wattage of incandescent bulbs. Mr. Osguthorpe expressed his concern with using foot-candles as it requires a level of expertise that few people have. Commissioner Gair commented that foot candle meters can be bought and is a more accurate unit of measure than watts. Discussion followed on what the standard should be. It was decided to add "or equivalent foot candles" to the existing language.

Mr. Fisher's 23rd proposal was to eliminate the requirement to vary design on multi-family developments. It was explained by Mr. Osguthorpe that perhaps variation of design may be more difficult to achieve with stacked units and apartments, however, it is possible. It was decided to change the language to vary design on units or groups of units.

Proposal number 24 was to revise requirements pertaining to de-emphasizing the garage on single-family houses to provide more options. Mr. Osguthorpe pointed out that this section had been revised in the proposed update, however, he did note that the option to include a side-loaded garage in the single-family section had been overlooked and should be corrected. Additionally he stated that the proposal for an option for

garage doors not visible from any public right-of-way would be a good addition to the proposed list of alternatives. Commissioner Wagner expressed a concern for imposing design standards on single family homes outside the historic district. It was decided to make both the changes as suggested.

The next proposals were submitted by Wade Perrow. His first proposal was to revise the statement on page 5 Overview to “Compliment the existing character of the specific neighborhoods or geographic areas within the City in which the proposed building or site improvements are suggested”. Mr. Osguthorpe stated that he felt the change would reinforce the concept of neighborhood and be consistent with other Design Manual policies. The Planning Commission agreed.

Proposal number 2 was to expand on the language addressing an objective basis for decisions, including additional sub-bullets. Mr. Osguthorpe stated that staff was unsure as to how to best incorporate the proposal and asked for the commission’s direction. Commissioner Johnson stated that she felt the manual was much clearer than it once was and gives more guidance to the Design Review Board and staff which in turn provides the objective basis for making decisions. Chairman Kadzik read each of the bullets as proposed by Mr. Perrow. Planning Manager Steve Osguthorpe read item E) and suggested that if the bullets were added that the language in item E) be changed also. The Planning Commission decided that there was no change necessary.

Proposal number 3 was to eliminate the statement on page 6 of the overview that states, “Design Review cannot override underlying zoning requirements”. Mr. Osguthorpe agreed that in fact our City attorney had also recommended that his language be deleted.

The fourth proposal in Mr. Perrow’s letter was to include a provision that allows the DRB to waive a particular general requirement if they find that the project in its entirety is otherwise superior. Mr. Osguthorpe stated that he felt that the overall idea was good but expressed a concern for undue pressure on the DRB to simply waive any number of requirements with the claim that the overall project is somehow superior. The Planning Commission decided that no change should be made as there is already flexibility present.

Proposal number 5 was to relocate those requirements that have dimensional standards from the general language into the specific language in order to allow the DRB flexibility on those items. Planning Manager Osguthorpe explained that this is one of the few items that the DRB does not have the authority to review as these types of standards can only be granted through the normal variance process. Commissioner Wagner asked about the ability of the DRB to grant flexibility in setbacks and presented information he had obtained from the City of Seattle and their process. He recommended that this item be further discussed and that more information be obtained on this legal issue. Mr. Osguthorpe recommended that this item of process be addressed as a separate issue as it could change the entire scope of the Design Manual. Chairman Kadzik suggested that perhaps these larger issues of process be examined at a later date by a joint meeting with the Design Review Board, Planning Commission and committee members from the City Council.

Proposal number 6 was to define “not visible” to mean anything within 800 feet of a public right-of-way or enhancement corridor. Mr. Osguthorpe stated that Mr. Perrow made a good point and that projects that may be seen from distant vantage points are not necessarily intended to be included in the “not visible” definition. Commissioner Wagner agreed that it was a good idea but that 800 feet may be too far and asked where was this more applicable. Mr. Osguthorpe replied that it was probably most applied in the Employment District. It was agreed to make the change to 800’.

Proposal number 7 was to expand and/or clarify uses that fall under the Industrial Building definition. Mr. Osguthorpe stated that he felt the Design Review had given this subject careful consideration and that the additional uses in Mr. Perrow’s list were include in the existing language by definition: For example, the definition of *light manufacturing* in the zoning code includes “fabrication facilities”. Commissioner Wagner pointed out that there was also a new requirement to record an industrial building exemption against the property which could be a problem if the zoning code changes. Additionally he stated that the City’s permitting should be enough to track that and that the city doesn’t do title searches anyway. Commissioner Wagner further stated that if the city is going to grant an IBE then they need to track who has it. Mr. Osguthorpe stated that if we can’t track it then we would have to remove the Industrial Building Exemption. Commissioner Wagner emphasized that the property could be rezoned to allow the use and then the title is still clouded. He further suggested that perhaps an Industrial Building Exemption be a conditional use. It was decided that this required further legal analysis and this item would be held in abeyance.

The next set of written comments was from Jason Fowers. Mr. Fowers first proposal was to allow commercial zones across the street from residential zones to use modulation on the street side of their buildings to promote scale similarities. This was item was set aside to discuss along with the zone transition issues.

The second proposal was to delete buffer requirements between adjacent commercial projects of different commercial projects. This was also a zone transition issue and it was agreed to discuss these items later.

Proposal number 3 was to allow the replacement of like-kind vegetation rather than require retention of existing significant vegetation. Planning Manager Osguthorpe recommended that this item remain because many developer’s first preference is to remove all vegetation with the promise of replacement. He stated that this would result in substantial removal of existing vegetation and the replacement is not usually as significant as the existing vegetation. Commissioner Wagner asked for clarification of the existing requirement and whether there was a provision for removing some trees to achieve a superior design. Commissioner Wagner recommended that the 20% requirement be removed from the bold and underlined text and leave it in the specific requirements. Chairman Kadzik asked what happens if all the significant vegetation is in the center of the property. Mr. Osguthorpe agreed that perhaps we could create language to accommodate that. Chairman Kadzik suggested that the bold and underlined text state “approximately 20%”. Commissioner Wagner pointed out that this was something that should be discussed along with the procedural changes as he felt

that applicants should be required to bring two sets of plans before the Design Review Board, one that shows what the project would look like if they met the requirement and here is what it would look like if we removed the trees. Commissioner Gair asked if staff required landscaping plans and Mr. Osguthorpe stated that yes landscaping plans are a submittal requirement. Commissioner Wagner went on to explain that this requirement only worked on a forested site and if you only have one tree in the middle of the site you are removing 100% of the significant vegetation. Mr. Osguthorpe expressed his concern that there would be significant pressure on the Design Review Board to allow clear cutting and replacement. It was decided to change the bold text to read “approximately 20%”.

The next two proposals (4 & 5) were decided to be non-issues as they are already addressed.

The remaining written comments submitted were general in nature and no specific proposals were suggested.

It was pointed out by a member of the audience that the term “light bulbs” should be changed to “lamps” throughout the manual.

The Planning Commission then discussed the Zone Transition section. Planning Manager Steve Osguthorpe suggested that categories of zones be developed and that zone transition perhaps only apply between different categories.

Chairman Kadzik replied that he felt there were two different issues relative to Zone Transition, one being dissimilar uses and the second being the presence on the streetscape. He further stated that it seemed that most of the issues that have been brought before the Design Review Board related to mass and scale on the streetscape.

Mr. Osguthorpe further suggested that perhaps to address the streetscape issues that the Planning Commission establish the zoning categories and then identify parkways within those categories when zone transition does occur.

Chairman Kadzik expressed that he would not like to see zone transition be eliminated. Mr. Osguthorpe presented the map he had prepared which illustrated the areas in the city where zone transition occurred.

Commissioner Malich stated that she felt zone transition served to soften the edges of districts within the city and that it wasn't necessary to have a huge buffer in most instances but to have some kind of buffer. Commissioner Johnson pointed out that most of what they were talking about were zoning issues not necessarily design issues.

A suggestion was made by Commissioner Wagner to perhaps put a maximum on how much larger a building can be than its neighbor when located on a parkway. He additionally pointed out that some of the modulation requirements solve these problems. He further suggested that the massing and scale language replace the footprint & height language in the zone transition section.

Planning Manager Osguthorpe reminded the commission that there are several new buildings in town which have received criticism for their massing and scale yet they meet the modulation requirements.

Chairman Kadzik stated that on commercial streetscapes he did not see the need for zone transition standards. He stated that the mass and scale wasn't as important as the landscaping and modulation of the building in those cases.

The Planning Commission then went to the zone transition section of the design manual to review the current language.

Planning Manager Osguthorpe suggested that perhaps there are groups of zones that could be identified where zone transition did not apply. Commissioner Wagner expressed that it does look nice to have a streetscape where the smaller buildings are at the street face then the parking and then the larger buildings. Commissioner Allen voiced his support for the idea of zoning categories to avoid the zone transition between similar uses.

Discussion was held with the Design Review Board members present in the audience about allowing the DRB to decide zone transition issues relative to mass and scale but not of height and setbacks. Planning Manager Osguthorpe referred everyone to the section on Parkways within the design manual where mass, scale and height are also addressed.

Chairman Kadzik asked if there was a reason why number 1 on page 8 of the Parkway section couldn't be incorporated into the zone transition section. Commissioner Wagner suggested that number 1 be replaced and number 2 be deleted. Mr. Osguthorpe pointed out that the section only required that the projections of a building reflect the mass and scale of adjacent structures, therefore, the building itself could still be very large. Commissioner Wagner stated that if the Design Review Board required that the building reflect the architecture of the adjacent structures then that may be okay.

Commissioner Franklin stated that the overall size of the building is important regardless of the modulation. She additionally pointed out that in most instances it is site specific and that there really is no general language that can be written to apply to each and every situation.

Commissioner Wagner proposed that the existing average footprint be used and then add the ability of the Design Review Board to allow up to 4 times that in certain situations. Commissioner Johnson expressed her concern for picking a number whereas the average has some logic to it. It was stated by Commissioner Gair that he had heard several times tonight that no number can be assigned to every situation but that the Design Review Board needs the ability to make these decisions.

Discussion followed on the pending Building Size Analysis and it's affect on some of the zones. Planning Manager Osguthorpe explained that in the event of a vacant lot the maximum allowed size in that zone would be used to calculate the average.

It was suggested by Commissioner Wagner a replacement of numbers 1 and 2 in the zone transition development standards with bold print stating “reflect the mass and scale and height of adjacent structures. Larger structures built next to smaller structures shall include projections in the façade which reflect and approximate the smaller structure’s massing and heights. Heights of existing structures shall be measured from the average finished grade along the street side façade to the highest point of the roof”. In the general language, “Building footprints shall be no larger or smaller than 4 times the average footprint size on the buildings in the opposing zones located within 200’”. He additionally stated that he felt this language would give the Design Review Board some flexibility.

Commissioner Gair pointed out that we had reached the 9:00 time limit and it was required in the by-laws that they vote on how much longer to continue. Chairman Kadzik proposed a 9:30 deadline. Everyone agreed.

Planning Manager Osguthorpe clarified the proposed language that Mr. Wagner had proposed. He suggested using the existing language with the addition of “4 times the average” and then add another requirement that addresses mass and scale. Mr. Wagner clarified that he would like to replace the words “limit building footprint”. Mr. Osguthorpe further pointed out that the Design Review Board would still not be able to address the building size and so Mr. Wagner suggested that all dimensional references be removed including the “4 times the average footprint size”.

Discussion followed on the merits of providing a limit while still giving the DRB the ability to decide. Commissioner Gair advocated applicants being required to bring in a scale model of the surrounding neighborhood.

Planning Manager Osguthorpe recommended that the Planning Commission appoint a sub-committee to further address the zone transition issue. Chairman Kadzik suggested that the sub-committee also include Design Review Board Members and then asked for volunteers. Commissioners Scott Wagner and Carol Johnson volunteered along with Design Review Board members Lita Dawn Stanton and Chuck Hunter. Mr. Osguthorpe further inquired as to whether the Planning Commission would also like to schedule a special meeting prior to finalize their recommendation prior to the City Council Meeting of August 9th, 2004. It was decided to meet again on July 29th, 2004 at 6:00 p.m..

Mr. Osguthorpe further pointed out that they still needed to discuss whether the historic district standards within the R-1 portion of the historic district would be optional or mandatory. Chairman Kadzik recalled that at the last meeting they had agreed to go back to the optional method. The Planning Commission agreed that the historic district standards in the R-1 portion of the historic district would remain optional.

A member of the audience, Randy Boss asked for clarification on section 3.3.01 (d) and the comments from David Fisher which states that the entrance has to face the road. Mr. Boss asked which road, the public road or the interior private street. Mr. Osguthorpe referenced the definition of prominent façade. He suggested that the language be changed to state public road or primary access road to site. Mr. Boss

asked if the internal access road would then become the front setback line.

At 9:35 Commissioner Gair apologized and stated that he had to leave the meeting.

Mr. Osguthorpe replied that those roads were for parking lot circulation and that the public road side is still the front setback. He further stated that this was to maintain architectural presence at the street face rather than turn their back to the street. Mr. Boss stated that then all the buildings on a big 40 acre shopping center would have to face the front setback. Mr. Osguthorpe explained that these requirements were only for primary structures and that not all the buildings on a site are primary structures. He then referenced Mr. Boss to that section.

Mr. Boss then stated that he felt that the requirement that not more than 50% of the parking be in front of the building required a tighter definition of what front is.

Chairman Kadzik asked if staff could address those two issues at the meeting on July 29th.

Lita Dawn Stanton asked about Design Review of the public rights of way and public projects. Planning Manager Steve Osguthorpe recalled that the Design Review Board was going to write a letter to the City Council and the Planning Commission recommending that there be a requirement for this. Ms. Stanton replied that they had written a letter but that due to a malfunction in Chuck Hunter's e-mail it did not get sent. Chairman Kadzik asked that the letter be submitted.

NEXT REGULAR MEETING:

July 29, 2004 at 6pm – Special Meeting
August 9, 2004 at 6pm – Work-Study Session

ADJOURN:

MOTION: Move to adjourn at 10:00 p.m.
Johnson/Allen – unanimously approved

CD recorder utilized:
Disc #1 Track 1
Disc #2 Track 1