

City of Mount Vernon
Planning Commission
Minutes for June 17, 2008

Present: Mr. Legro, Mr. Cheney, Mr. Molenaar, Mr. Hulst, Mr. Keltz

Staff: Rebecca Bradley-Lowell, Ms. Elizabeth Higgins, Jana Hanson-Director

Meeting opened at 7:03. It was noted in the minutes of June 3rd, 2008 that **Elizabeth Higgins** last name was repeated. Those minutes have been corrected. It was moved and 2nd to approve minutes with correction.

Parks, Open Space Plan – **Elizabeth Higgins** introduced the replacement of Chapter 4 of the Comprehensive Plan from the previously adopted chapter. **Dave Skrinde** – Parks Operation Manager presented the change in that Chapter. It would be the addition of a trail section off of Division at the end of 29th Street to connect to Section Street.

There was short discussion of the exact location of the trail between Planning Commission and **Dave Skrinde**.

Elizabeth Higgins reported that she had made some revisions to the objectives and policies that had been adopted in 2005. The concerns that **Mr. Cheney** voiced regarding the landscaping of the trails will be addressed in the MVMC and not in the policies portion of the Comprehensive Plan. Planning Staff eliminated areas that were mentioned in the Comp Plan that were outside of the City jurisdiction or private property.

Objective 5 has been eliminated completely from the Comprehensive Plan.

Bruce Lisser – 320 Milwaukee – He questioned why put this trail so close to an existing trail. He felt with the price of oil that this trail would be better used in another location.

Mr. Hulst motioned to send these changes to council. **Mr. Cheney** 2nd the motion Motion carried.

Code Amendments

Rebecca Bradley-Lowell presented a new definition for card room as an accessory use in to commercial zones. There would not be any slot machines, or other gaming tables. It would just be approved for poker. This use is proposed to be allowed in the C-2, C-1, M-1 and CL zones.

The Mount Police has talked to the Burlington police regarding any problems they had with their card room at the Sports Keg. The Burlington Police stated they had no problems.

Mr. Cheney asked what the RCW states on restrictions for card rooms. He questioned limitations of hours of operation, service of alcohol and occupancy limits.

Rebecca Bradley-Lowell responded by stating she had researched some of these issues on the IRS website. She stated that the website was very particular about card rooms. There is no other gaming allowed.

Dan Brown-69162 Larriette, Sisters, OR – Dan is the proponent for the card table room. He stated that they would serve alcohol, same as any other establishment. He stated the difference between a card room and an casino is that at a casino people are mostly strangers to each other playing against the house. The card room is usually people know each other and they play against each other. The purpose for a card room is to augment and provide entertainment for their patrons.

Sally Brown-69162 Larriette, Sisters OR – she stated that the cities mandate the hours of operations. Usually it is a 2am closing time. The gaming commission is very strict with their rules and regulations.

Mr. Cheney asked if the Finance Dept issuing a Business License would have any hold over deciding what hours of operation and serving options they had. Jana Hanson stated no, they would not have hold over that. It would be in our zoning code.

Mr. Cheney is concerned about primary uses in the M1 zone. It states that you can have a private or vocational school there. If the card room would be allowed as an accessory use, these schools could potentially have a card room associated with them.

Mr. Keltz voiced concern about being next to a residential area.

Rebecca Bradley-Lowell explained that per our code, there is a certain amount of landscaping and screening that would have to be done to protect any residential areas.

Dan Brown – Dan commented that they would only be licensed for 5 tables with a maximum of 9 people at each table.

Rebecca Bradely-Lowell stated that the districts that this would be allowed as an accessory use in are usually not close to any neighborhoods. She stated that they specifically did not allow them in the C-3 and C-4 zones which are more neighborhood friendly.

Mr. Molenaar is concerned about a loop hole in the definition that may allow adult entertainment. He just wants to make sure that the definition is explicit enough to just allow card tables.

Sally Brown did state that the state allows anyone over 18 years old to play cards. They would have a section that would be portioned off to accommodate anyone between the ages of 18 and 21. This is mandated by the State. She also emphasized that card rooms are nice addition. They do charity events and celebrity poker tournaments. This is a good source of revenue for the City.

Rebecca Bradley-Lowell moved onto the title 3.40 – Traffic Impact Fees. This is in regards to vacant buildings that have been vacant for more than 12 months. Per our current code, impact

fees expire after being vacant for 12 months. City staff would like to remove that part of the code and have those credits available if someone wants to redevelop a vacant building.

Mr. Legro questioned some of the wording in the code that does not allow a developer to have a choice on who would do a traffic review. It states that the developer would have to pay the City's traffic consultant for their review. He also questioned if there would be any affect on the landscaping.

Mr. Cheney felt that a large cost of development is utility improvements. He has heard people say that the PUD #1 is not very customer friendly. Can the City use any leverage to get them to be more developer friendly.

Jana Hanson stated the contrary. She felt that the PUD was becoming more customer friendly. She is meeting with their manager to discuss more progress on this issue.

Mr. Hulst would like to separate title 17 and title 3.40

There was a motion to accept these codes.

Planning Commission discussion:

Mr. Cheney felt that the traffic credit issue is a good one but wanted to understand that the commercial traffic credits would become indefinite and residential credits would expire in 12 months. He stated he would like to see Sec A (residential) and Sec C (commercial) would be that same. Either expire in 12 months or be perpetual. **Mr. Cheney** asked if there is a way to pro-rate the credits so they would expire in 5 or 10 years.

Mr. Hulst stated he would like to see the redevelopment happen and get the vacant buildings to start becoming more viable to the community.

Rebecca Bradley-Lowell stated that keeping these impact fees with the buildings does not affect the outcome of the traffic model that has been adopted for the City. The City is not loosing out on any fees because these were not calculated into the model in the first place.

Mr. Hulst stated to be sure to think about both sides. Is the City loosing any fees? Look at the revenue that the empty buildings would generate by getting them occupied.

Rebecca Bradley-Lowell stated that the PW dept will be reviewing the traffic impact fees each year so we will continue to stay current with the need and demand of development and not loose out by not charging enough and having to make a big increase like the one that was just done.

Mr. Molenaar moved to accept the code amendment.

Mr. Hulst 2nd the motion.

Mr. Cheney would like to be sure that Section A and Section C both have the wording of expiring in 12 months removed so both are consistent.

Motion carried.

Chapter 17 revision – addition of Card Room definition and zones it would be allowed in.

Mr. Hulst voiced concern about the geographic of the areas permitted.

Mr. Cheney is concerned about it being an accessory use. He felt it may be better as a Conditional Use.

Jana Hanson suggested to table this issue and continue discussing it at a later date.

Mr. Hulst motioned to table this discussion.

Mr. Keltz 2nd the motion.

Motion carried.

Public Hearing for Comprehensive Plan Amendments opened at 8:25pm

LU08-012 – Skagit Council of Housing

Mr. Legro excused himself from discussion because of possible conflicts.

Mr. Cheney stepped in the Chair position for this discussion.

Dr. Jess Grosbeck-1224 E Blackburn

He re-stated his previous concerns from the last meeting. He is against this rezone.

Jim Vandermay – stated he was in attendance if anyone had any questions for him.

Bruce Lisser-320 Milwaukee-Bruce just made the statement to be sure to just focus on this Land Use issue, nothing else. The design phase would come at a later date. The concerns of the public would be addressed when the project is proposed.

Ida Forsythe-1404 Hillcrest Pkwy-she stated she wants to keep it residential.

Ken Naff-16707 Blodgett-he stated should the PC and council approve this and this project starts to adversely affect his property he would like the names and addresses of each PC member so their attorney can contact them.

Discussion by Planning Commission

Mr. Hulst stated he didn't see any guarantee if they agreed to change from the R1 to R4 zone. He is worried that it would be sold to another developer.

Mr. Molenaar stated this is one of the most frustrating “non-projects” that he as worked on with the Planning Commission.

Elizabeth Higgins showed the PC a map that had all of the R3 and R4 zones on it. She asked to take a look and see if they felt that there was enough multi family zones or should there be more? If you feel there should be more, where would you like to see them?

Elizabeth went of the Housing Element in the 2005 Comprehensive Plan and discussed what type of housing each city is required to have. She had a list of existing affordable housing already in Mount Vernon. There is a total of 1081 units that are subsidized in some way.

Mr Hulst asked **Jim Vandermay** what was the criteria for their project

Jim Vandermay stated that the funding source requires:

No property allowed in the flood zone

No wetlands

Availability of public transportation

Near medical facilities

Near open space or parks

Their organization serves the lowest of the low income seniors. 62 and over only

Jana Hanson talked about a contract rezone. She stated she had talked to the City attorney and that is not a possibility at this time because the zone and comp plan do not match what the contract would reference.

Mr. Hulst asked if City staff had worked with Skagit Council of Housing on this. City staff answer yes.

Mr. Keltz asked if the flood protection proposed for downtown would free up and other property?

Jim Vandermay stated that the mission of their board is to serve low income seniors only. This is per their grant regulations.

Mr. Cheney asked for approval or denial of this request.

Mr. Hulst stated he would like to see if staff would work with all parties involved. He stated he would like to have it moved to the next year

Jana Hanson mentioned there had been discussion on creating a new zone just for affordable housing. She stated that City council had not been in favor of creating a new zone.

Mr. Cheney stated he would like to see high density housing in the downtown area. He has a hard time accepting just one spot for high density in an all single family zone.

Mr. Hulst asked if staff could see any possibility of having a contract rezone in 6 months.

Elizabeth Higgins stated no, because they have to pass a comp plan amendment first and it would not happen until 2009

Mr. Keltz asked about creating the new zone for affordable housing

Elizabeth Higgins stated it has to go thru the processes.

Jim Vandermay stated that this project is funded in phases. Phase 1 would funding for approximately 13 units. They would do other small phases over the next 20 years. This is funded by a grant program, it is only funded when there is money there. They are hoping to manage this project with the managers from the MV Manor.

Mr. Hulst moved to continue this to next year.

More discussion followed.....

Elizabeth Higgins suggested they could do a BLA to make a smaller parcel and then do a smaller development zoned to R3 with less impact.

Mr. Keltz moved again to move this Land Use to next year 2009

Mr. Hulst 2nd the motion

Hulst, Keltz and Molinar in favor

Cheaney – nay

LU08-001 – **Mr. Hulst** motioned to approve

Mr. Keltz 2nd

Motion carried.

LU08-003 – **Mr Cheaney** motioned to approve

Mr. Hulst 2nd

Motion carried.

LU08-004 – **Mr. Hulst** motioned to approve

Mr. Keltz 2nd

Motion carried.

LU08-009 – **Mr. Cheney** motioned to approve

Mr. Molinar 2nd

Motion carried.

LU08-010 – **Mr. Hulst** motioned to approve

Mr. Molinar 2nd

Motion carried.

Mr. Legro concluded all the amendments. Discussion of next meeting for July 1st. All agreed to have that meeting

Meeting adjourned at 9:40