

**City of Gig Harbor Planning Commission
Work Study Session
Community Rooms
September 1, 2011
5:00 pm**

PRESENT: Harris Atkins, Jim Pasin, Craig Baldwin, Bill Coughlin, Jill Guernsey and Reid Ekberg. Michael Fisher was absent.

STAFF PRESENT: Staff: Jennifer Kester and Tom Dolan

CALL TO ORDER: at 5:00

APPROVAL OF MINUTES:

Ms. Kester stated that the minutes from the previous meeting were not ready for approval yet.

- 1. PL-ZONE 09-0002 – Retail Building Size in the C-1 Zone** – Finalize the Planning Commission’s written recommendation for denial for the proposed zoning code text amendment to increase the retail building size (commercial gross floor area) in the C-1 district outside of the view basin from 65,000 square feet to 100,000 square feet provided a conditional use permit is granted.

Mr. Atkins said that the goal for this evening was to finalize the Planning Commission recommendation to the City Council for the denial of this zoning code text amendment.

Senior Planner Jennifer Kester went over the draft recommendation she had prepared. She also noted that there were letters prepared by Commissioners Pasin and Fisher expressing their minority opinion in the matter. Additionally she noted that there were e-mails from Commissioners Atkins and Fisher with their proposed changes to the draft recommendation.

Chair Atkins stated that he had made comments on the findings of fact and he hoped everyone would comment in order to determine that these are in fact the basis for our decision. Ms. Kester stated that she had tried to summarize the statements made the commissioners in the majority and did not try to make a determination as to whether they were right or wrong.

Mr. Pasin clarified that although he had voted to approve the proposal he was not trying to change the recommendation but rather to assure that we have the recommendation correct going forward. He stated that item #3 where it talks about the amendment furthering public health safety and welfare he didn’t believe that public comment was a criteria. Mr. Atkins clarified that the statement was that public comment was considered in the criteria regarding public health, safety and welfare not that public comment was a criteria. Everyone agreed.

Discussion followed on the findings of fact and whether they are made in response to the criteria of approval or should only list those related to the recommendation of denial. Mr. Dolan recommended that they list all of the criteria. Mr. Atkins stated that he liked Ms. Kester's idea of stating that the Planning Commission makes the following findings of fact related to their recommendation of denial.

Mr. Pasin asked that item 1 in the findings of fact be reworded to more clearly state that it was referring to the Comprehensive Plan Policy 2.2.3.d. Everyone agreed.

Mr. Pasin stated that he believed that the only intent statement that addresses building size is in B-1. Mr. Atkins said that he felt that item 2 was wrong and Mr. Coughlin said that he it was poorly stated. Ms. Kester went over the allowed uses in the C-1 zone. Mr. Atkins stated that the allowed uses are not consistent with the intent statement. He suggested that the language state that the proposal is not consistent with the intent of the C-1 zoning district. While sales level 1, 2, and 3 and ancillary are permitted within the zone, the intent of the zone is to provide for uses that are different from direct sales and services to customers. This proposal would promote direct sales by opening the zone to additional retail types that currently aren't compatible because of the size limit. Mr. Pasin didn't agree and said he didn't understand what was trying to be stated. He thought it was creating an inconsistency and Mr. Atkins said that he felt the proposal was promoting further sales in a zone that is not intended to promote sales. He then asked if everyone felt that this amendment was consistent with the intent of the C-1 zone. Mr. Ekberg said that he felt that the amendment promoted retail so it contradicts the intent. Mr. Pasin again stated that if this were car sales is would be different. Mr. Atkins stated that he didn't see how auto sales were pertinent; it's about the building size. Ms. Guernsey suggested that in the last line of the first number 2 the word retail be changed to sales tenants and in the second number 2; retail be changed to sales.

Discussion followed on number 3 and use of the word attractive and what that meant in relationship to the use. Ms. Kester suggested that perhaps a better word is character.

They then discussed item 3 of the findings of fact. Mr. Pasin suggested that item c be stricken because they had no measurement of success. Mr. Atkins suggested that it state, "recent retail developments in the Westside neighborhood have been developed under the 65,000 square foot retail building size limitation and have attracted retail uses that have been well received and appear to be popular within the community". Everyone agreed with the proposed language.

Item C was then discussed. Ms. Kester explained that this was a finding developed from a statement made by Mr. Coughlin. Everyone agreed that it was fine.

Ms. Guernsey stated that she would remove "has incurred" and instead of warrant would say justify in item d. She continued by stating that she would reword the last sentence to state; "Furthermore no evidence has been provided which shows that the community is in need of 100,000 square foot retail buildings in the C-1 zoning district as compared to 65,000 square foot retail buildings". Mr. Pasin stated that one of the

changes in that zone was that we lost two big car dealerships because they couldn't build bigger facilities. Mr. Dolan said he thought they moved because they couldn't have a bigger sign. Everyone agreed that it was no known why they moved. Mr. Pasin stated that we don't know what the community needs. Mr. Coughlin pointed out that there is no data; however, we did ask the applicant to provide that and they failed to do that. Ms. Guernsey suggested that it state "the record does not support a finding of a change in conditions since that review to justify the proposed amendment". Everyone agreed.

The Commission then discussed item e. Mr. Pasin didn't agree with the statement since it talks about another zone. Discussion followed on changing the rules and how that affected current developments. It was decided to strike e and f.

Discussion was then held on the new e. Mr. Atkins asked why triggering a similar change in B-2 was a bad thing. Ms. Guernsey felt that perhaps something needed to be stated about the possibility of triggering a change in B-2. Mr. Pasin argued that he felt that there were issues relative to building size outside of the C-1 zone. Ms. Guernsey agreed that there were lots of issues that needed to be addressed but that doesn't relate to the wording of the findings. Mr. Coughlin stated that he did hear from the community that they didn't want to open the flood gates and change the building size in other zones. Ms. Guernsey suggested that it state that it was preferable to change retail building size limitations in a comprehensive fashion rather than as a text amendment to one particular project in one particular zone. Mr. Ekberg suggested that it state that it could trigger a change not consistent with good comprehensive planning. Mr. Atkins agreed that it should be a comprehensive examination. It was decided to rephrase it to state, "An increase in the retail building size limitation in the C-1 zoning district could trigger a similar increase in the neighboring B-2 zoning district. The Planning Commission finds that it is preferable to change retail building size limitations after a comprehensive review rather than in response to a specific request in a specific zone".

On the next item Ms. Kester noted that Mr. Fisher had asked that this item be removed as he didn't see where the city places requirements on sourcing of local goods. Mr. Ekberg stated that he has found that the type of tenant that is in a 100,000 square foot building is a national chain that is less connected to the community. Ms. Guernsey felt that it should remain because it did reflect an opinion as to why we voted the way we did. Mr. Coughlin stated that he had found the same thing is that the percentage of dollars spent and donated within the community for small businesses is larger than that of a larger chain. Mr. Pasin disagreed and stated that large companies are not enemies and that they donate even more to the community. Mr. Coughlin stated that he felt that the community felt that smaller scale retailers are more attractive. The majority felt that the finding would remain. Ms. Guernsey asked Mr. Pasin what he would say to support the statement and he said he didn't have a suggestion.

A ten minute recess was called.

Ms. Kester then went over the revised language. Mr. Pasin said he still had a problem with the last sentence in finding of fact item 2. Ms. Guernsey made a couple of typographical changes. Ms. Guernsey suggested that "big box" be in quotes. Mr. Pasin asked if this made an implication that 100,000 square feet is okay if it's not a big box retailer. Ms. Guernsey said that regardless of who it is, it implies one tenant in a large building. It was decided to add a note stating that big box meant a single tenant in a building over 65,000 square feet.

MOTION: Move to authorize the chair to sign the notice of recommendation as presented with the changes. Guernsey/Ekberg – Motion passed with Commissioner Pasin and Baldwin opposed with Commissioners Guernsey, Coughlin and Ekberg voting in favor.

Chair Atkins asked that the commission give some thought to the process followed through this text amendment for discussion at a later date.

2. Interim Parking Provisions for Existing Buildings in the DB zoning district -

To review the adopted interim ordinance that added special parking provisions for existing buildings in the downtown business (DB) district. As required by the adopting ordinance, by January 19, 2012 the Planning Commission must review the interim amendment, conduct a public hearing and make a recommendation on whether the amendment, or some modification thereof, should be permanently adopted.

Planning Director Tom Dolan gave a brief introduction to this item. He noted that there had been some discussion at a commission meeting about looking at other issues within the view basin. He cautioned that they are on a tight timeline for this issue in addition to another interim ordinance that will need to be addressed by February. It was decided to finish the discussion on this item at the next meeting. Mr. Pasin suggested that perhaps downtown merchants could provide some feedback on how this interim parking provision has been working. Mr. Dolan noted that he didn't think anyone has taken advantage of this provision. Ms. Kester noted that there had been a business owner who had asked that it be allowed in other zones.

3. Parking Provisions in the View Basin - The City Council has asked that in the fall of 2011, the Planning Commission review the existing parking provisions for the commercial zones in the view basin and make recommendations for changes if appropriate.

It was decided that this item would be continued to the next meeting.

OTHER BUSINESS

Discussion was held on a possible joint meeting with the City Council and Mr. Dolan suggested that perhaps one should be scheduled in December and January and everyone agreed. He noted that the C-1 recommendation will go to the City Council on September 26th. Mr. Dolan stated that they will be bringing a resolution and an

ordinance to the council so that after the public hearing the council will have either option. He also noted that staff will be meeting with the City Council regarding the Shoreline Master Program on September 19th.

MOTION: Move to adjourn at 7:30 p.m. Pasin/Guernsey – Motion carried.