

Planning Commission Report

To: City Council

From: Planning Commission

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Date: May 20, 2009

DGA Number: L070257, L080148 SEPA

Title: **Richardson Development Guide Amendment**

**Planning
Commission
Recommendation:**

Deny the requested amendments.

**Recommended
Action:**

Deny the requested amendment to the Redmond Comprehensive Plan and Community Development Guide Land Use and Zoning Maps for a 0.66 acre property in the Grass Lawn Neighborhood.

Summary:

The requested amendment would:

1. Change the land use designation of the site from Multi-Family Urban to General Commercial.
2. Change the zoning of the site from R-12 to General Commercial (GC).

Background:

Ms. Jill Richardson requested this amendment as part of the 2007-08 Comprehensive Plan Amendment package. She owns the subject 0.66

acre parcel at 7505 West Lake Sammamish Parkway NE.

Ms. Richardson proposed to change the designation of the property from Multi-Family Urban to General Commercial, with the stated intent of developing a mixed-use project.

The Planning Commission began review of the Richardson Amendment in May 2008. After consideration of the issues during subsequent meetings in June and July of 2008, the Commission recommended denial of the applicant's request for a change in land use and zoning on the subject property. The topics and questions discussed by the Planning Commission are detailed in the issues matrix attached to the Planning Commission Report dated July 9, 2008.

The City Council considered the Planning Commission's recommendation at their July 15, 2008 meeting. Due to a pending intersection improvement study near the applicant's property, the City Council remanded the Richardson Amendment to the Planning Commission for additional review after the results of the intersection study could be obtained. The Old Redmond Road/West Lake Sammamish Way Intersection Improvement Report of January 2009 provides alternatives for the improvements to the intersection which is located approximately 210 feet from the applicant's property.

On April 29, 2009, the Planning Commission held an additional public hearing on the proposal, for the purpose of considering the amendment in light of the results of intersection improvement study. A representative of the consulting firm DKS, which completed the study, and staff from Public Works Construction Engineering were present to provide information regarding the preferred alternative and its potential impact to ingress and egress on the Richardson property. The proposed improvements under the preferred alternative include installation of a new traffic signal, along with creation of a right turn lane for turning movements from Old Redmond Road. With these and other minor changes to the intersection, the Planning Commission concluded that there would be no significant improvement to access to Ms. Richardson's property as a result of the proposed intersection improvements.

**Reasons the
Proposal should
be Adopted:**

The Planning Commission recommends denying the proposal because:

- 1) There is no evidence that significant improvements to access will occur as a result of the proposed intersection improvements at Old Redmond Road and West Lake Sammamish Way;
- 2) With no changes in circumstances other than the proposed intersection improvements, the Planning Commission's recommendation of denial holds for the

- reasons cited in their report to City Council, dated July 9, 2008;
- 3) The site is more appropriate for multi-family use than for commercial or mixed-use, given its location, size, and vehicular access;
 - 4) Many commercial uses allowed under the proposed zoning could be incompatible with existing surrounding residential land uses;
 - 5) The proposal conflicts with established City policy supporting vibrant concentrations of activity in the Downtown; and,
 - 6) The proposal conflicts with the adopted Grass Lawn Neighborhood Plan.

Recommended Findings of Fact

1. Public Hearing and Notice

a. Public Hearing Date

The City of Redmond Planning Commission held a public hearing for this proposal on April 29, 2009.

b. Notice

The public hearing notice was published in the Eastside edition of the Seattle Times. Public notices were posted in City Hall and the Redmond Library. Notice for the hearing was mailed to property owners within 500 feet of the site, as well as interested parties who provided written and oral testimony when the application was considered in 2008. The site was posted with an Extraordinary Notice sign (4' x 6' white sign). Notice was also given by including the hearing in Planning Commission agendas and extended agendas mailed to various members of the public and various agencies. Additionally, hearing notification was posted on the city's web site and cable TV.

2. Public Comments

Seven people spoke at the April 29, 2009 public hearing and a total of five pieces of written testimony were submitted between April 26 and April 29, 2009.

Five residents of the Marymoor Trails Condos at 7250 Old Redmond Road spoke at the hearing: Robert Thomson, Duane Nakano, Dennis Anderson, Sherri Brown and Linda O'Hara. Mr. Nakano and Ms. O'Hara also provided written testimony. In addition, two other residents of the area, Anita Bieker and Sridhar Komandur, provided written testimony.

Mr. Thomson and Mr. Nakano testified that they are concerned with the traffic impacts of another commercial development in this area. Mr. Thomson also stated his concerns about the possibility of overflow parking from a commercial property and use of the nearby

Marymoor Trails parking. Mr. Nakano stated his concern about the General Commercial zoning and that it allowed too many uses which would not be compatible with nearby residents. He also stated that the City Council had asked the Planning Commission to reconsider the application only due to new information from the traffic study for the intersection at Old Redmond Road and West Lake Sammamish Way. He stated further that it seemed that the new signal at the intersection and other improvements would not improve access to the Richardson property.

Mr. Anderson stated that he has lived here since 1988 and has seen a significant increase in traffic since that time. He stated that he believes the traffic signal will allow better access to his home, as it will alleviate some of the queuing on Old Redmond Road which blocks the entrance to Marymoor Trails, but doesn't think that it will improve access to the Richardson property from West Lake Sammamish Parkway.

Ms. Brown stated that the traffic in that area was of serious concern on all sides and was getting worse; that West Lake Sammamish Parkway in front of the Richardson property is basically a one-way ramp onto the freeway, made worse with cars also trying to cross lanes. She questioned how people would access the Richardson property safely, as well as where they would be able to park. In addition she expressed concern regarding the environmental impact of clearing trees off a steep slope in order to develop the site, and questioned if Redmond needs more retail, especially in that location.

Ms. O'Hara expressed concern about the potential change in zoning to General Commercial due to the wide variety of uses that could be allowed and possible incompatibility with residences in the area.

Mr. Tubbs testified as the former 16 year resident of the duplex on the Richardson property. He stated that he owns a geotechnical consulting business and had conducted his home business on the ground floor of the duplex while residing above. In terms of traffic generated by his business, he indicated that there were very few client meetings at this location, and that most of the time he met his clients at their business. He also stated that the traffic over the years has gotten worse, and that when turning right into the site you need to warn drivers that you are turning; also that you need to be careful of people trying to cross lanes in order to turn left at the intersection of Leary Way and West Lake Sammamish Parkway. He further stated that as a professional in geotechnical analysis, he did not believe there was an issue of critical areas on the site.

Mr. Nakano submitted written testimony asserting his belief that the uses allowed by a General Commercial classification would negatively affect the quality of life for those who live at Marymoor Trails and other residences nearby and that the retail uses that might survive economically at this location due to the difficult access would likely not be compatible with residences. Ms. O'Hara also submitted a letter recommending denial of the application due to concerns about parking, uses that would not be compatible with residents and that the improvements at the intersection of Old Redmond Road and West Lake Sammamish Parkway will not appreciably improve ingress/egress to the Richardson parcel.

Mr. Komandur stated his concern about access to this site and requested that any development on the site preserve or enhance the existing greenery which residents enjoy. Ms. Bieker stated that she is a resident of the Knollwood Condominiums across Old Redmond Road from the site, and is concerned about the increased traffic generated from a commercial use of the property and how access to this site and others will be negatively impacted. She also expressed concern regarding pedestrian safety and safety for transit users, and how the traffic flow would be affected with a stopped bus near the subject property.

The applicant, Jill Richardson, 16702 NE 103rd PL in Redmond, spoke at the public hearing. Regarding traffic and access, Ms. Richardson noted that there is daily pedestrian flow around the site and that traffic flow would be improved by the new signal planned for the intersection of West Lake Sammamish Parkway and Old Redmond Road. She testified that she did not believe she had been given sufficient opportunity to be involved in the study. She stated further that the traffic signal to be installed as well as other improvements will provide longer gaps in the traffic in front of her property, and access will be improved as a result. She stated further that a mixed-use development at this site would not generate that much more traffic than a purely residential development and would not be a large impact to the City overall.

On the topic of permitted uses, Ms. Richardson testified that the size of the site is self-limiting and would not allow for uses incompatible with existing surrounding uses to be built. She stated that the property is in between the Grass Lawn and Downtown neighborhoods and is not in conflict with either neighborhood's policies. She further stated that she intends to provide uses suited to meeting neighborhood needs and that she would support conditioning the rezone by allowing fewer uses than permitted under the requested GC zoning.

Ms. Richardson also stated that the site does not meet the definition of a critical area and that if a landslide hazard area is present, it can be addressed through any development of the property.

She expressed her belief that the General Commercial zoning gives her increased flexibility to develop the site as she would like, and that development would improve pedestrian access by providing a stairway or walkway through the site.

Recommended Conclusions

1. Key Issues Discussed by the Planning Commission

- ❖ **Intersection improvements at Old Redmond Road/West Lake Sammamish Parkway**
The Old Redmond Road/West Lake Sammamish Way Intersection Improvement Report was presented to the Commission by a representative of the consulting firm DKS and staff from Public Works Construction Engineering. They briefly described the four alternatives of the study, as well as the preferred alternative, which was identified as

being the lowest cost and one which allows future expansion. The project improvement area does not include the Richardson property; however, as part of the analysis of alternatives, the consultant was asked to look at access to the Richardson property within the overall project.

Public Works staff described the improvements which include the installation of a traffic signal, along with lane channelization and widening for right turns from West Lake Sammamish Parkway to Old Redmond Road, as well as from Old Redmond Road southbound onto West Lake Sammamish Parkway. In addition, a left turn lane from West Lake Sammamish Parkway to Old Redmond Road will be widened and moved southward.

Commissioners asked how these improvements would affect ingress and egress on the Richardson property and whether the net effects of this project would result in increased capacity through the intersection. The consultant confirmed that the intersection would have more capacity because the traffic light and left-turn lane would improve the traffic flow. Commissioners also asked whether the signal would provide big enough gaps so that access to and from the Richardson property would be improved. The consultant replied that it was too early in the process to predict that accurately. Signal coordination would aim to get traffic moving through the intersection smoothly, rather than create maximum gaps at any given place. Further, the consultant confirmed that right turns on red from Old Redmond Road southbound onto West Lake Sammamish Parkway would continue even though the rest of the signal is red. There will not be a crosswalk there so those right turns will proceed at all phases in which case gaps would almost disappear, particularly at peak hours.

Commissioners generally agreed that the intersection improvement study did not indicate significant improvement to access on the Richardson property. While some gaps will occur in traffic on West Lake Sammamish Way as a result of the new traffic signal, these would not be of such a duration that vehicles either entering or exiting the property would necessarily experience cars moving at slower speeds on West Lake Sammamish Parkway while trying to do so.

❖ **Appropriateness of the site for commercial development**

The Commission discussed the possible application of the General Commercial (GC) for the site considering existing surrounding uses, access issues, and the topography of the area. Several Commissioners expressed concern about potential incompatibilities which might occur with many uses permitted under GC, a zone which is intended for, among other uses, those which might have adverse impacts if located near residential areas.

The General Commercial zoning allows a broad list of permitted uses that include larger retail uses such as grocery as well as other smaller retail, and office uses. In addition, the General Commercial designation is meant to provide for businesses that may have some adverse impacts if located close to primarily residential neighborhoods or other

commercial uses, uses that are land extensive, or uses that tend to attract vehicle trips from market areas beyond surrounding neighborhoods, and activities that involve wholesale commercial uses.

The Commission agreed that the full list of GC permitted uses would not be acceptable for the site if it were to be rezoned. However, they acknowledged the challenges to any development of the site and discussed the possibility of using a concomitant agreement which could limit the permitted uses within a commercial zoning classification to those more appropriate to the site. While some Commissioners were favorable to the idea of using a concomitant agreement, all expressed the concern that it could be difficult to determine which kinds of businesses would be most successful at this location, and did not want to suggest businesses that may have near-term success but may not be viable in the long-term.

As a specific site plan and concomitant agreement with identified uses was not before them, they did not want to recommend a General Commercial land use which could result in permitted uses which were too broad and potentially incompatible with surrounding residential uses. The Commission suggested that the applicant could pursue that option, and that a more specific plan and list of permitted uses could be developed through staff and Technical Committee review prior to consideration of a land use and zoning change by the Planning Commission.

Following the Planning Commission's discussion on April 29, 2009, staff consulted with the City's Attorney, James Haney, regarding the possibility of a concomitant agreement. Based on his advice, the City Council should first determine whether a General Commercial designation at this location (either with or without the use of a development agreement/concomitant agreement) can be supported by Comprehensive Plan policy. The Technical Committee has determined that neither a General Commercial designation nor a GC designation limited by development agreement to uses that may be essentially Neighborhood Commercial uses would be supported by the Comprehensive Plan. In general, Mr. Haney advised that definition of a list of permitted uses that is property specific would require establishing a development agreement between the applicant and the City.

Other Commissioners asserted that the testimony of the previous resident of the site supported the concept of locating live-work units on the property, and would not require a land use and zoning change for the applicant to pursue this option. They also noted that the existing R-12 zoning could accommodate up to seven multi-family dwellings which could be configured in such a manner as to be conducive to those types of businesses which do not generate large numbers of daily trips, such as the former resident had successfully done for 16 years.

(The following issues were discussed in the Planning Commission report, dated 7/9/08: Please refer to that report for complete discussion).

- ❖ **Potential impact of the site on surrounding traffic conditions and pedestrian safety and adequacy of site access for commercial uses**
- ❖ **Consistency with Comprehensive Plan goals and the Grass Lawn Neighborhood Plan**
- ❖ **Appropriateness of the site for commercial development, potential incompatibilities of future and existing land uses**
- ❖ **Possibility of conditioning the site to allow only some uses permitted under the requested zoning**
- ❖ **Residential development potential under the requested zoning**

2. *Recommended Conclusions of the Technical Committee.*

The recommended conclusions in the Technical Committee Memo (dated 4/10/09, Exhibit A and the Technical Committee Report (dated 05/21/08, Exhibit B) should be adopted as conclusions.

3. *Planning Commission Recommendation.*

The Planning Commission voted to support the Technical Committee's recommendation to deny the proposed amendment. The motion carried by a unanimous vote of five supporting and none dissenting. Commissioner Beithan recused himself from this matter. The Planning Commission Report was reviewed and approved by Commissioners at their May 20, 2009 meeting.

List of Exhibits

- Exhibit A: Technical Committee Memo, Addendum to Technical Committee Report of 5/21/08, dated 4/10/09
- Exhibit B: Planning Commission Report, 7/9/08 (Includes Technical Committee Report of 5/21/08)
- Exhibit C: Public Comment from Public Hearing, 4/29/09
- Exhibit D: Planning Commission minutes from Public Hearing, 4/29/08

Robert G. Odle, Planning Director

Date

Charles McCarthy, Planning Commission Chair

Date

Approved for Council Agenda

John Marchione, Mayor

Date