REDMOND PLANNING COMMISSION MINUTES

July 17, 2013

COMMISSIONERS PRESENT: Chairman Franz Wiechers-Gregory, Commissioners

O'Hara, Chandorkar, Sanders, and Biethan

COMMISSIONERS EXCUSED: Commissioners Miller, Murray

STAFF PRESENT: Sarah Stiteler, City of Redmond Planning

Department

RECORDING SECRETARY: Lady of Letters, Inc.

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chairman Gregory in the Council Chambers at City Hall.

APPROVAL OF THE AGENDA:

There were no changes to the agenda.

ITEMS FROM THE AUDIENCE:

There were no items from the audience.

MEETING SUMMARY APPROVAL:

MOTION by Commissioner O'Hara to approve the meeting minutes from the 7/10/2013 meeting. MOTION seconded by Commissioner Chandorkar. MOTION approved unanimously.

PUBLIC HEARING AND STUDY SESSION, Proposed Zoning Code Amendment to expand allowance for drive-through facilities in the General Commercial (GC) zone, presented by Sarah Stiteler, City of Redmond Planning Department.

Chairman Gregory opened the public hearing. Ms. Stiteler noted that this amendment deals with drive-thrus for drug stores in a GC zone. In the Redmond Zoning Code, drugstores are under the health and personal care use, which is within the overall general sales or service category. Health and personal care is defined as the retail sale of health and personal care items such as prescription and non-prescription drugs, and cosmetic beauty supplies, for example. Drive-through facilities are prohibited in all zones unless they are expressly permitted per the land use, per zone. Ms. Stiteler has reviewed the areas in Redmond, Downtown and elsewhere, where drive-thrus are permitted. Primarily, they are not allowed, or allowed with conditions. There are a few zones in Downtown, including Bear Creek, the Trestle zone, and Valley View, where drive-thrus are allowed. Bartell's Drugs, for example, has a store with a drive-through in the Bear Creek zone.

Commissioner Sanders asked about the Fred Meyer store and what zone that was in. Commissioner O'Hara noted that store was in the Gateway Design District zone, which is a separate area not included in Ms. Stiteler's presentation. An application did come in from one private landowner requesting the drive through in the GC zone. The GC zone represents about 40 acres of the City's total of more than 10,000 acres. The GC zones are generally in the southeast part of the City. The GC zone purpose statement is in Land Use Policy 47 in the Comprehensive Plan. The statement says that the GC zone generally provides for the retail and service businesses that serve community needs and are better suited for locations outside of urban centers or neighborhood commercial zones. Some examples of these businesses include uses that are land-extensive uses, which tend to attract vehicle trips from beyond surrounding neighborhoods and activities that involve wholesale commercial uses.

The proposed amendment would be to basically use the conditional language that allows drive-through for the purchase of food as well as banking services. The item states, specifically, that drive-through facilities for drugstores would be permitted, that there would be adequate vehicle queuing, and that Type 2 landscaping would be in place. Adequate queuing space means the ability to serve peak demand without overflowing onto public sidewalks as determined by a professional traffic engineer hired by the proponent or developer and approved by the City. Type 2 landscaping means providing a visual screen from adjacent properties that is 75% site-obscuring, with a minimum of 60% of the vegetation being evergreen trees and shrubs. Regarding the notice given for this, letters about the proposed amendment were sent to all property owners as well as business owners or tenants in the GC and also for the second amendment for the MP zones that the Commission is considering at the hearing.

Chairman Gregory asked if there were any written comments. Ms. Stiteler said there were none. Chairman Gregory opened the hearing for oral comments. The first to speak was Mr. Stuart Anderson from 2417 84th Avenue SE on Mercer Island. He was interested because his family has operated a business in Redmond since the 1960's, and has acquired three lots over time that were shown in the staff presentation. He is now trying to redevelop a former trailer park in Redmond, and took on considerable expense to move people from that spot. During this process, Mr. Anderson became aware that a drugstore with a drive-through was not allowed for future possible tenants of that site. He was confused as to why that prohibition was in place. He has had interest from McDonald's, which has a site on Redmond Way that has a drive-through that sometimes backs up onto the street at prime times of day. For that reason, McDonald's came to Mr. Anderson and inquired about putting another site in Redmond. The former trailer park site, Mr. Anderson says, would allow adequate stacking of cars.

He added that he thought the City has done a good job addressing the stacking issue on drive-thrus, but he was amazed to learn that the City would not allow a drugstore drive-through on his property. He did not believe he had ever seen more than two cars at a drugstore drive-through. Issues such as stacking do not exist, Mr. Anderson says, at a drugstore drive-through. He said the convenience of a drive-through was a good option for drugstores and their customers, where possible. He thought allowing this option in the

GC zone would make extreme sense. He was in support of the amendments in front of Commissioners and could not think of any reason not to allow them. He thought the amendments were reasonable. If the room is available, he said, a drugstore drive-through makes sense, especially on the east end of Redmond.

Next to speak was Larry Calvin, owner and founder of Northwest Development Advisors, LLC, at P.O. Box 12391, Mill Creek, Washington, 98082. Mr. Calvin has been working with Mr. Anderson and the City regarding his properties for the last seven years. This has been a long process, and Mr. Calvin said there has been a lot of evolution with the City's Zoning Code and Comprehensive Plan during that time. For some reason, during the last Zoning Code update, Mr. Calvin said, this change to drive-thrus was left out. Mr. Calvin said he has been talking with the City about making this change, especially in an area that is auto-oriented and has a general commercial use. He noted that the GC area was very limited in the City and not in an urban center area or neighborhood center, which are more pedestrian-oriented. He echoed Mr. Anderson's point that the amendments in front of the Commission made sense. Mr. Calvin supported the City moving forward with this Zoning Code change.

Commissioner Chandorkar asked Mr. Calvin if the drive-through for a drugstore would offer anything else in the store, or if this would cover only prescription dispensation, as is the case currently. Mr. Calvin said people can only call in orders for medication or pharmaceutical products at the drive-through, not food or other items. Commissioner Biethan said this was a tenant-driven issue. Mr. Calvin noted that the amendment spoke specifically to medical uses for the drive-through, not general household uses or other products sold at the drugstore. Commissioner Chandorkar said the language did not say that, exactly, in that what would be dispensed through the window is not specified. He asked if the language needed to be changed. Commissioner O'Hara said lawn chairs or umbrellas cannot be ordered through the window. While that might not be legally prohibited in the language, Commissioner O'Hara said it would make no sense for drugstores to offer other products at the drive-thrus.

Mr. Calvin noted that establishing new conditions on drive-thrus in the GC zone rather than what currently exists would be unfair to the current drive-thrus. Other zones might need changes in that situation, too. Commissioner Chandorkar said he was fine with the amendments presented, but wanted to make sure the language was written properly and legally. Mr. Calvin said the NIC standard could provide a definition and more clarity with regard to this situation. Chairman Gregory said a "personal care item" could potentially include a bottle of hydrogen peroxide, for example, but he did not see this as a larger retail outlet. If so, Commissioner Biethan said, other drugstores would have offering other products already. He asked why a GC change was necessary for the whole City rather than a development agreement specifically on the Stuart Anderson site.

Mr. Calvin explained that the Anderson site was originally in the GDD, or Gateway Design District zone. In the City's update of its Comprehensive Plan in 2005, NE 70th Street became a connector between Redmond Way and 180th Avenue NE. That created a combination of five acres into three irregular shaped lots, none of which was larger than

an acre. That meant the property owner could no longer accommodate the uses allowed in GDD, so the zoning was changed to GC for this area with help from the City Council and Planning Commission. At that point, Mr. Calvin learned about the drive-through prohibition and started working to change that prohibition. This year, the City moved this project forward. Commissioner Chandorkar said this appears to be an overlooked situation in the Code rewrite process.

Dorothy Brown next spoke to the Commission. She lives in the Marymoor Apartments at 6308 East Lake Sammamish Parkway NE. She has lived here since 2006, and she told the Commission that she has noticed tremendous traffic around her neighborhood. She said the building of more buildings in Redmond has exacerbated traffic, and there is no public transportation, she said, on East Lake Sammamish Parkway. She was unsure why having more pharmacies in the area, as proposed in these amendments, would help traffic. She has called the City about trying to change the traffic light timing to lessen congestion. She said she wanted to protest the building up of more buildings and the new development on East Lake Sammamish Parkway that is ruining the beauty of that road, in her opinion.

Ms. Brown said Redmond is no longer quaint, and is becoming more commercialized, much like Bellevue. She said traffic was getting dangerous, even when she is walking her dog. She said she had almost been hit five times. She wanted to make sure the Commission took her concerns about traffic into consideration. Chairman Gregory shared Ms. Brown's frustration about traffic and growth, but wanted to keep the focus of this part of the meeting on drugstore drive-through changes. He said allowing drugstore drive-thrus would not impact the general impact of traffic and growth. However, he did appreciate Ms. Brown's comments.

Commissioner Sanders noted that the Commission has been updated by staff about the Southeast Redmond Neighborhood Plan, and she encouraged Ms. Brown to stay involved and follow this issue. Ms. Sanders said she valued Ms. Brown's participation. Commissioner Biethan said it would be important for Ms. Brown to contact Kim Dietz and Jeff Churchill on City staff to get more information about the planning process for Southeast Redmond. Commissioner Biethan said he appreciated Ms. Brown's comments and asked her to stay involved. Chairman Gregory closed the public hearing on this issue and asked for a motion.

MOTION by Commissioner Biethan to recommend approval of the Zoning Code amendment to expand allowance for drive-through facilities in GC zones. MOTION seconded by Commissioner O'Hara. The MOTION approved unanimously.

PUBLIC HEARING AND STUDY SESSION, Proposed Zoning Code Amendment to hours of operation for eating and drinking establishments in the Manufacturing Park (MP) zone. Presented by Sarah Stiteler, City of Redmond Planning Department.

Chairman Gregory opened the public hearing on this amendment. Ms. Stiteler reviewed the topic and showed the Commissioners a map of the MP zones in the City. They are

primarily in southeast Redmond and also west of the Sammamish River across from City Hall. There are several types of eating and drinking establishments in the Zoning Code, including full service restaurants, cafeterias or limited service restaurants, and bars or drinking places. In the MP zones, there is a seating limit of fifty, or 25% of the gross floor area. When there are secondary uses associated with other food and beverage assembly or manufacturing or distribution uses, like for a caterer or microbrewery, the seating capacity is one hundred, or 25% of the total gross floor area of the combined uses. Currently, the hours of operation are limited, from 6 a.m. to 10 p.m., and the proposal is to extend the hours from 10 p.m. until 12 a.m., or midnight, daily.

Ms. Stiteler discussed how additional conditions would limit a full service restaurant, cafeteria or limited service restaurant, bar, or drinking place; as they are required to locate in a multi-tenant building or a single building in a multi-building, multi-tenant complex. The fifty-person seating limit capacity is in place except when associated with the manufacture of food or kindred products. In that case, a brewery, for example, could have a hundred-person seating capacity or greater as long as the seating area does not occupy more than 25% of the gross floor area of the combined two uses. The hours are currently limited from 6 a.m. to 10 p.m. The types of retail food related uses are limited, generally, to either serving employees in the area, such as a small deli, or associated seating for a business such as a caterer or brewery. A single tenant building serving food is not allowed in the MP zone. It must be located within a multi-tenant building or a single building a multi-building, multi-tenant complex, such as an office park, for example.

Staff has reviewed business licenses in the MP zones, and several businesses could benefit from this extended hours proposal. There are fewer than ten food related retail businesses, including the Black Raven Brewery, Flying Saucer Pizza, and others. Letters have been sent to all property owners, tenants, and businesses in the MP zones.

Commissioner Sanders asked how this amendment originated. Ms. Stiteler said this has been a concern among businesses over the years to make this change, especially on weekends. Commissioner Biethan asked about the businesses that would be impacted and what the largest number of seats would be allowed, using the 25% of the gross floor area instance. Ms. Stiteler did not know what the largest business would be. She did note that there is a limiting factor, in that parking would be limited to two to three spaces per 1,000 square feet. That would be well under half of what a restaurant would require for parking. Chairman Gregory clarified that the seating restriction calls for 100 seats or 25% of the gross floor area, as the limit.

Jonathan Zimmer spoke to the Commission first in the public hearing. He lives at 13427 NE 36th Place in Bellevue. He owns the Pomegranate Restaurant, which is in an MP zone in Redmond. He said his restaurant expanded last year and added a bar. Private dining rooms were built at that time. He said that seating limitation he is hearing at this meeting is a different interpretation than what he had heard before. The City asked him to repermit his project due to many changes in the Zoning Code, and asked him to take out the private dining rooms, as they exceed the one hundred seat limit. However, those dining

rooms make up only about 18% of the total square footage of the building and only about 10% of the total square footage in the restaurant. He said the new interpretation of the Code he was hearing would have an impact on his business.

Chairman Gregory said, in reading the legislative language, the maximum seating was one hundred people, so long as it does not occupy more than 25% of the square footage. Thus, the 100-person mark is a maximum. Commissioner Biethan noted that seating limit does not apply when the use is secondary to a winery or a brewery, but the 25% limit would continue to apply. Mr. Zimmer said his catering company was his primary business. Commissioner Biethan said it appeared the seating limit would not apply to a winery or brewery, but he was not clear if that was true. Mr. Zimmer said it appeared this concept might be up for interpretation with regard to his business, but Ms. Stiteler disagreed.

Focusing back on the hours of operation, Mr. Zimmer said extending the hours should not be a big issue. He and a number of his customers have asked for that hours extension for some time now, in that the liquor laws allow the service of liquor until 2 a.m. He said there are certain sections in the MP zone that lend themselves to a business like catering, but he still faces some limitations. He proposed a hybrid type of zoning that could be considered in the future with regard to these businesses, especially when there is no impact on surrounding residential areas. He said extending hours to 12 a.m. would make sense to him and his business.

Ms. Brown, 6308 East Lake Sammamish Parkway NE came back to testify and said a lot of people in her complex are complaining about their kids and pets with regard to traffic hazards. She wanted to make sure the Commission heard her concerns, even in light of the growth and opportunity happening in the City. She wanted to make sure the Commission knew that traffic was getting a lot worse and was getting ridiculous, in terms of danger and noise. Chairman Gregory noted that the previous issue regarding drugstore drive-thrus was closed, and again urged her to join up with the Southeast Redmond Plan to voice her opinions. Chairman Gregory thanked her for testifying. He closed the public hearing regarding the hours of operation in the MP zone and asked the Commission to review the issues matrix on this topic.

Commissioner Biethan had a concern about whether the proposal of extending the hours for eating and drinking establishments supported the purpose of the MP zone. Commissioner Biethan appreciated staff's response to this issue, which Chairman Gregory closed.

The next issue raised the question of whether there were possible impacts to nearby residential areas and if there are ways to mitigate those impacts. This was raised by Commissioner Miller at the July 10, 2013 study session. Staff has made a response to this, and Chairman Gregory asked Ms. Stiteler what staff's recommendation was with respect to the Woodbridge Residential Area and the Jefferson Apartments. Ms. Stiteler said staff has noted that some residences are proximate to MP zones. There are not businesses, per se, that are eating and drinking establishments near those residences. That

is not to say that such establishments could be put in place nearby in the future. However, staff has consulted with Redmond Police and asked if there have been any issue officers would anticipate with regard to this proposal, and the police did not feel there would be any problems. If there are complaints of noise after 10 p.m. the police could handle these. Chairman Gregory closed this issue.

The next issue raised the concern over whether extending the hours for eating and drinking establishments would require additional police calls. Chairman Gregory noted the prior statement from police and staff that such concerns would not be significant if the hours were extended. Chairman Gregory said he had some concerns in recent weeks about the change in character that breweries and other establishments could have on MP zones. He reminded the Commission, however, that these would not be free-standing buildings and thus do not have the same character as a standalone restaurant, which might generate more traffic and potentially more problems after midnight. Chairman Gregory was satisfied that extending the hours would help the businesses without any notable impacts with respect to additional police calls or problems.

Commissioner Biethan said he was sorry about the Pomegranate situation regarding seating, and he was also concerned about possible character change with this amendment. He was not overly enthusiastic about what he called scope creep. He said he was a dissenting vote on this topic. He said these new uses were a concern, and he was concerned about allowing for more places to be set up primarily as drinking establishments. He said this was a fairness issue, too. A restaurant working in a retail space would pay retail rent. But in an MP zone, the rent would be tied to the MP zone and potentially much less. Supply and demand could then drive rents higher in the MP zones. Commissioner Biethan said unless he heard something different, he was absolutely not in support of this amendment.

Commissioner Chandorkar asked if all the businesses in question were drinking establishments associated with manufacturing. Commissioner Biethan said he should not have said that in that way. Commissioner Chandorkar asked if it was unambiguous in the language that drinking establishments could be created that would be associated with manufacturing uses. Ms. Stiteler said that if there is a brewery in an MP zone, they are there due to the manufacturing of beer, and thus a bona fide manufacturer. If there is a use that is secondary to the primary manufacturing use, meaning the manufacturing, distribution, or wholesale distribution of food or beverages, then there is a limitation on the seating capacity and/or the 25% limitation noted earlier. In all cases, the hours issue is separate and would apply to any and all businesses that deal with food and beverage.

Commissioner Sanders has an opposing view to Commissioner Biethan, and said these businesses in MP zones enhance the character of Redmond. They are more startup, creative, individual businesses. Having retail facilities associated with the primary manufacturing use helps grow these businesses and expose their products to more people. It is thus a unique part of Redmond and she liked the idea of extending the hours to help those businesses grow. Not all involve the drinking of alcohol, and in some cases, surrounding MP businesses can benefit from having an eating and drinking establishment

nearby. She continued that smaller businesses could benefit from this proposal and that it would not attract big chain businesses.

Commissioner Chandorkar asked, simply, where in the language it was clear that this new proposal did not allow more "bars." Eating establishments made sense to him, but he had concerns over drinking. Chairman Gregory clarified that there are no pure bars in Washington. Food has to be provided, as he understood the state law. Commissioner Biethan asked if there were any businesses involved in this situation that served more than just peanuts. Commissioner O'Hara clarified that the Commission was discussing changing the hours, not the nature of the businesses involved. Commissioner O'Hara asked, if the Commission passed this measure and, hypothetically, southeast Redmond turned into a problem drinking area, whether staff might come back and ask to put the 10 p.m. limit back in place. Ms. Stiteler said that was possible. Commissioner Chandorkar said changing the closing hours by two hours might change the character of the MP zone. Chairman Gregory closed the issue about additional police calls.

The next issue dealt with an information request about whether alcohol could be served at 6 a.m., and according to state law, that is indeed possible. This would be limited by the hours of the businesses involved in an MP zone, however. Chairman Gregory closed this issue and moved back to the general discussion.

Commissioner O'Hara said this was a good discussion, and he did not think changing the hours to go two hours later would create a significant change in character. Moving ahead to 2 a.m. would be different, in his opinion. He added that the MP zones are not like Belltown or other areas with lots of bars and nightlife. He said he was comfortable with the amendment as written.

Commissioner Chandorkar noted that there was an amendment a few years ago before the Commission allowing for residential units in the MP zone west of East Lake Sammamish. That would bring residents closer to these eating and drinking establishments, potentially. Having said that, Commissioner Chandorkar said rejecting this amendment would not be fair to some businesses. He said this amendment is okay, but in spirit, he agreed with Commissioner Biethan that the proposal will change the character of the MP zone and may need to be revisited in the future. Right now, penalizing businesses in the MP zone does not make sense to him.

MOTION by Commissioner Sanders to recommend approval of the proposed Zoning Code amendment to hours of operations for eating and drinking establishments in the MP zones. MOTION seconded by Commissioner O'Hara. MOTION approved (4-1), with Commissioner Biethan casting the opposing vote.

REPORTS/SCHEDULING/TOPICS FOR NEXT MEETING(S):

Chairman Gregory noted that the Commission would next meet on August 14th. Ms. Stiteler noted the City's website had an announcement regarding the Southeast Redmond Plan on the home page. The Southeast Neighborhood Plan Open House is happening July

18th from 5 p.m. to 7 p.m. at the Redmond Fire Station. Ms. Stiteler asked Commissioners if they would like to see a demonstration of the e-zoning code. Commissioner O'Hara said it would make more sense for Ms. Stiteler to postpone a full demonstration of the website until more Commissioners were present.

Ms. Stiteler stated that the City has just received a 2013 Governor's Smart Communities Award, a Judge's Merit Award for Innovative Public Accessibility for the digital planning and development suite, Redmond also received an award for this from the Puget Sound Regional Council in April. Redmond's digital planning and development suite, includes the online Zoning Code, Comprehensive Plan, and e-track portal for permit review. Chairman Gregory offered his congratulations to the City and City staff. Ms. Stiteler said, at Derby days, the City went through 2,000 Dixie cups of lemonade at the Neighborhoods booth. The public offered some ideas about the kinds of elements or characteristics they would like to see in higher density neighborhoods to make them comfortable and friendly to any person or family.

ADJOURN

MOTION by Commissioner O'Hara to adjourn the meeting. MOTION seconded by Commissioner Chandorkar. Chairman Gregory adjourned the meeting at approximately 8:12 p.m.

Minutes Approved On:	Planning Commission Chair