



**MINUTES OF THE  
PLANNING COMMISSION**

**MAY 16, 2007**

**Council Chambers, City Hall  
900 E. Fairhaven Avenue, Burlington, WA**

**MEMBERS:** Rebecca Bradley-Lowell – chair, Marianne Manville-Ailles, Jana Vater, Steve Sexton, Ed Tjeerdsma. Ken Frye excused.

**STAFF:** Margaret Fleek

Meeting was called to order by **Bradley-Lowell**, chairperson.

Motion by **Manville-Ailles/Vater** to approve the minutes of April 18, 2007 meeting as written.

**FENCE REQUEST**

**PASTURE AREA .31 ACRES**

**SHANNON PROUTY, APPLICANT**

Request to fence a pasture area less than one-half acres in size (.31 acres) for one horse. **Fleek** stated this lot is at the dead end of Ferry Street, which cannot be subdivided as it is in the special flood risk zone, and does not meet the code for a pasture area, which is one animal per one-half acre of fenced pasture area. The applicant has come up with a good plan and manure removal. We will give it a try for two or three months and if no complaints, they will come back to the Planning Commission for a one year temporary use permit.

**Shanny Prouty, 318 Ferry Street** – in the process of purchasing the property. The proposed pasture area would be approximately 14,000 square feet. The manure would be taken to Monroe for removal. **Fleek** indicated we only have the authority to approve a Temporary Use Permit for one year.

Motion by **Manville-Ailles/Tjeerdsma** to approve a fenced pasture area for two months subject to the following conditions:

1. Proper and regular disposal of manure, so it does not create a problem for adjacent neighbors.
2. In the event complaints are received, the permit will be reviewed, and the pasture may be required to be removed.

Motion carried.

**PLAN REVIEW**

**1820 S. BURLINGTON BOULEVARD**

**BDM PROPERTIES, LLC, APPLICANT**

Plan review of proposed 6,142 square foot building. This is the continued development of the site that includes the Hampton Inn. There is one additional large building proposed for the site.

**Fleek** stated there is one outstanding issue and that is whether or not a secondary means of access is needed for the overall site as it moves toward build out. The secondary access is required for basic emergency access, which is an

all weather surface that can bear the weight of the fire apparatus, and also to mitigate the impacts on traffic on George Hopper Road and South Burlington Boulevard with alternative access out of the site. *Manville-Ailles* asked what are they proposing. *Fleek* stated that no secondary access is proposed at this time except through the Whidbey Island Bank parking lot.

*Dave Smoots, 12082 Markwood Road, Burlington (works for BDM Properties)* – stated their intent is whatever access the City requires will be in place prior to occupancy. Mr. Smoots mentioned that at a previous Planning Commission meeting two months ago it was requested that a secondary access route be in place, but that has been worked out with the Fire Marshal. The applicant is proposing an access through Whidbey Island Bank parking lot. As far as paving east of the Piazza building, they are not sure where that is or if it can be worked out with the property owners.

*Fleek* indicated she just talked with a realtor about the property to the north to soon be on the market, and we are still requiring a secondary access that can be used by the general public. *Fleek* stated the overall approval was northeast of the Piazza building or east to hook up to South Walnut Street. *Manville-Ailles* stated the hookup access to the north thru Whidbey Bank is not acceptable. *Bradley-Lowell* suggested that the secondary access could be tied to occupancy, so they could start construction. *Fleek* - yes. *Mr. Smoots* noted that there will be more landscaping than what is required.

Motion by *Manville-Ailles/Vater* to approve subject to compliance with landscaping and maintenance plan, and completion of the second means of access other than what is shown through the Whidbey Island Bank parking lot. Motion carried with *Tjeerdsma* abstaining.

## **PUBLIC MEETING**

### **FLOODPLAIN MANAGEMENT & NATURAL HAZARD MITIGATION PLAN**

#### **CHAL MARTIN, PUBLIC WORKS DIRECTOR, REPRESENTATIVE**

Public meeting on the proposed amendments to the Burlington Floodplain Management and Natural Hazard Mitigation Plan. The plan of action is to evaluate the flood hazard, problems and possible solutions for Burlington, including the following topics: access the hazard, assess the problem, set goals, review possible activities and draft an action plan, over the next 5 Planning Commission meetings.

*Chal Martin, Public Works Director* gave an overview presentation of the problems with the hydrologic modeling that has been prepared for the FEMA flood maps and discussed the consequences for Burlington.

## **PUBLIC HEARING**

### **32-LOT SUBDIVISION #1-07**

#### **700-800 BLOCK S. SKAGIT & SHARON AVENUE**

#### **ROGER HELGESON, APPLICANT**

#### **RAVNIK & ASSOC., REPRESENTATIVE**

Public hearing on proposed 32-lot subdivision and development of 8.63 acre site. The site is zoned R-1-7.6, Single Family, 7,600 square foot minimum lot size. The lots range in size from 7,657 to 8,821 square feet. Project will be phased with the north Phase I served by a 24-foot looped road.

No on-street parking is proposed because of close proximity of driveways. The Phase II site will have on-street parking on one side with a 28 foot road. An alternative phasing plan may be needed if property line issues cannot be easily resolved. There is an existing encroachment with three existing buildings to the north, a house and accessory buildings and there will be a boundary line adjustment as part of the plat to accommodate the site.

**Fleek** noted that three comment letters were received from property owners in Homestead subdivision. The site will drain into Gages Slough. We are also adding conditions: 16) Solid wood fence along S. Skagit Street with a 5 foot setback landscaped with trees; 17) Lots #1-2-3-4-19-20-31-32 shall not have access to S. Skagit Street.

**John Ravnik, Ravnik & Associates, PO Box 361, Burlington, representing applicant** – noted a correction to the Staff Report average lot size is 8,821, and lots range in size from 7,657 to 11,754 square feet. Mr. Helgeson wants nice sized lots, he is a local residential contractor. They will be developed in two phases, he may have to sell a few lots to help pay for the infrastructure costs.

**Ravnik** noted that along the north side of the Homestead subdivision there are 10 lots, Mr. Helgeson is proposing 6, so the lots are bigger, and he would like to reserve the right to construct two story homes. They are responsible for water quality provisions and will be discharging into Gages Slough. Fencing along Skagit Street with street trees is not objected. 9 of 10 homes on the south side of Homestead are already fenced.

**Manville-Ailles** asked what they are proposing for water quality. **Ravnik** stated they will be using the cartridge type system.

**Manville-Ailles** what is the plan for the turn around at west end of Sharon Avenue? **Ravnik** stated Sharon Avenue continues beyond the point of Helgeson's property, so this is not a requirement of their project. **Bradley-Lowell** asked if there was an existing gravel street? **Fleek** – yes, and there is a gated emergency access to the Homestead subdivision.

**Bradley-Lowell** asked about the width of the grass strip separated by the sidewalk. **Ravnik** stated the width varies 4 – 5 feet. **Bradley-Lowell** - so the minimum width is 4 feet. **Ravnik**– yes.

Public hearing opened.

**Chris & Cathy Kennedy, 1099 Homestead Drive (Lot 37)** - live in a one story home surrounded by two story homes on either side and they do not want a fish bowl effect with another two story home behind them, and request that they be given the same opportunity that the residents on Curtis Avenue were given when the Homestead subdivision was developed and the Planning Commission conditioned one story homes along their property.

**Joe & Elizabeth Trullijo, 11201 Peter Anderson, Burlington** – owners of 625 S. Skagit Street, property north of the proposed Helgeson plat. They purchased the property in 1999. Helgeson's survey shows his (Trujillo) house on S. Skagit Street is located on Helgeson's property. Their property is approximately one acre, and Helgeson is taking 20 feet of what they thought was their property. Their goal is to build a future home on the west lot, but the setback from Gages Slough used to be 25 feet, but in recent years has been changed to 50 feet, Mr. Trujillo is feeling squished on both sides.

**Autumn Jorgenson, 1115 Homestead Drive** – is concerned about the impact this development will have on Lucille Umbarger. Where are all the kids going to go?

**Manville-Ailles** asked Ravnik to address the Boundary Line Adjustment issue. **Ravnik** stated it is a legal matter that involves attorneys. **Ravnik** does not know the history of the fences; on the northerly side of the plat (Tract X), which is owned by Helgeson will be Boundary Line Adjusted to Mr. Trujillo 270-280' (east-west) long. The property has been surveyed and shows as Helgeson's property. (Tjeerdsma left meeting for fire call).

Mr. Trujillo is also requesting the North 10 feet of Lots 6 and 7. **Bradley-Lowell** noted that Mr. Trujillo's only recourse is to contact an attorney for adverse possession. **Fleek** stated he might have a buildable lot or not, as they are giving him access thru Lots 6 and 7. Mr. Trujillo will be required to have a wetland delineation. We do not have enough information to say if he has enough square feet for a buildable lot or not.

*Fleek* commented on School Impact Fees – we are looking at raising our School Impact Fees, we do not vest impact fees, when they are changed, they will pay the increased fees at the time. *Fleek* indicated that she spoke with the BE School District today regarding their Capital Improvement Plan and the request from the School District to increase their impact fees will be coming and will go to the City Council.

*Bradley-Lowell* asked if Lots 8, 9, 10 & 11 water quality improvements will be going in along the Regent Street right of way. *Ravnik*, yes, and would not protest to any vehicle access on the westerly side of Lots 8-9-10-11.

*Bradley-Lowell* would like to restrict Lot 29 to a one story home, so the adjacent property owner is not in a fish bowl. *Ravnik* stated this lot is 105 feet wide; it will still have an open appeal. *Ravnik* noted in regards to including a Covenant to keep up lawns and yards, they will include that in the Covenants, Conditions & Restrictions. They are also in agreement with dead end signage and providing street trees along Skagit Street and in the landscaping strip on the interior roads.

*Cathy Kennedy* asked if all the houses are proposed to be two stories. *Fleek* if you are requesting a one story home, now is the time to get that settled. *Mrs. Kennedy* stated it is a big deal, they would like a one story home located behind their home. *Ravnik* stated that they could put several additional lots on this side, but the applicant chose to have nice big lots. *Fleek* stated Helgeson was limited by a contract rezone on the number of lots for this property.

*Joel Trujillo, 11201 Peter Anderson Road* – asked if the 20 foot strip of right of way is large enough to access their lot if they were to build. *Fleek* - yes, it is fire truck access issue and that is the minimum.

Public hearing closed.

*Manville-Ailles* clarified the additional conditions to the subdivision: 1) 6 foot, solid wood fence along all the lots on Skagit Street to be setback 5 feet and lined with street trees; 2) provide Dead End signage and prohibit vehicle access on S. Regent Street; 3) provide Covenants, Conditions and Restriction document for the subdivision; 4) Lots 1, 2, 3, 4, 19, 20, 31, 32 will only have access from the interior streets, not from Skagit Street; 5) the internal roads will have a 4 foot minimum landscaped area behind sidewalk with street trees; 6) Lot 29 will be limited to a one story home.

Motion by *Manville-Ailles/Sexton* to approve subdivision subject to the 15 conditions listed in the Staff Report and the additional 6 conditions listed above. Motion carried.

## **PUBLIC HEARING**

### **CONTRACT REZONE # 2-07**

### **120-UNIT ACTIVE ADULT HOUSING**

### **175 PUMP DRIVE**

### **CHRISTIAN BOHACEK, APPLICANT**

### **RAVNIK & ASSOC., REPRESENTATIVE**

Public hearing on a proposed contract rezone amendment to allow for the development of approximately 120 units of Active Adult housing. The contract rezone amendment is required to have a workable density for the site.

*Fleek* explained this site has a long history. In 1992 there was hot debate when the buildings on Burlington Boulevard were constructed. The easterly portion of the site was zoned single family. Development of the site included construction of a parking lot in part of the rezoned area, but the balance of the site was not developed. The contract conditions (existing) are as follows:

1. The official zoning map shall note the number of the recorded contact with the city.
2. A minimum setback of 20 feet is required from all residential uses.
3. Proposed projects are required to provide a solid six foot high screening fence or wall with a detailed landscaping plan to be reviewed by the Landscaping Committee, where proper abuts residential zones.
4. Uses generating noises after 9:00 p.m. shall not be permitted, including taverns, assembly occupancies, restaurants with cocktail lounges or dance floors, all night business and other similar types of activities.
5. Measures shall be taken to prevent light and glare from being directed to residential uses.
6. Compliance with the City of Burlington Design Guidelines shall be required for any construction project on the site.

Properties to the north would have an 87 foot setback with a solid concrete wall with landscaping, and 40 foot setback from the east.

Public hearing opened.

**Christian Bohacek, 4783 141st Avenue, Bellevue WA 98006 and John Ravnik, PO Box 361, Burlington** – stated the neighborhood needs more of a transitional use, not something that draws car and large trucks. The applicant is working on a traffic and demographic study for this area. The zoning and use to the east is single family, C-2, Heavy Commercial to the south and C-1 to the west, and B-1 to the north. Access is through Pump Drive, which has a traffic light (@ Cenex).

**Manville-Ailles** asked for clarification where the proposed commercial use is to be located. Mr. Bohacek pointed this out on the site plan, and if they include the commercial aspect they would size down the apartment building. **Fleek** explained they would have to come back for plan review; it would work with the contract rezone establishing the use as a high density senior housing. The project to the south (Cenex property) they would have to come back to us, as that is a separate property/project.

**Bradley-Lowell** asked how they came up with parking calculations, as 120 stalls for 120 units is not enough parking. **Ravnik** stated that Gibson Traffic Engineers has been involved; they are preparing a parking analysis for this facility. **Fleek** noted they also need to look at the issue of adding a left turn arrow at Burlington Boulevard. **Vater** indicated there are a lot of people at Creekside Retirement who do not have a car, and the facility provides a car/van to transport residents. **Bradley-Lowell** is concerned that there will not be enough parking. (Tjeerdsm returned from fire call).

**Garnor & Sandy Bensen, 1205 S. Walnut Street** – asked why they have 87 feet of setback to the north and only 44 to the east. He is concerned with the shadow effect on his property, and will the concrete fence be in line with the fence Pier One installed or installed on the property line, as there is 4 feet of no man’s land between the chain link fence and the property line. **Mr. Bensen** wants the fence on the property line, as he does not want blackberries in his yard.

**Fleek** explained there is height averaging and site averaging; the solar does relate to properties to the north.

**Ron & Irene Burden, 1207 S. Walnut Street** – concerns are: will be balconies on the backside of all these units, it is 55 & over and no children, that the concrete fence be located on the property line and blackberries removed. Also will the same conditions apply to this Contract Rezone as the one from 1992 (such as no taverns, etc.) **Fleek** – yes.

**Ravnik** explained the building solstice (87 feet on the north), the shadow does not cast to the east like the north. **Ravnik** asked Mr. Bensen if the existing block wall fence is not on the property line. **Mr. Bensen** stated no. **Ravnik** asked Mr. Bensen where he would like the fence. **Mr. Bensen** - on the property line. **Ravnik** stated the chain link fence will be removed.

**Fleek** stated the concrete wall will be located on the property line; the project is for 55 & older; no balconies are proposed. Lighting will be needed for pedestrian and driving. Lighting will be held near the property lines and cast into the lots, with lower voltage lights.

Public hearing closed.

**Vater** stated that a lot of developments like Cascade Mall, etc. are big ugly blocks, but this building looks really nice. **Vater** visited their website and they have done very nice projects.

**Bradley-Lowell** clarified the four additions to the conditions that will be added to the Contract Rezone: 1) the concrete wall will be placed on the property line; 2) the Architect will provide shadow illustrations; 3) prepare a parking study to determine the number of parking stalls and turn lane with left arrow to Burlington Boulevard; 4) provide a lighting plan to ensure lighting is only on their site and not adjoining neighbors.

**Ron Burden** – these are not low income? **Mr. Bohacek** – no, they will be similar to Creekside Retirement standards.

**Bradley-Lowell** asked if they will be required to go through the Design Review process to make sure architectural features are what we agreed upon. **Fleek** – yes.

Motion by **Sexton/Tjeerdsma** to grant the contract rezone to allow construction of the Adult Active Living facility, subject to the following conditions:

1. The official zoning map shall note the number of the recorded contact with the city.
2. A minimum setback of 40 feet is required from all residential uses.
3. Proposed projects are required to provide a solid six foot high screening fence or wall with a detailed landscaping plan to be reviewed by the Landscaping Committee, where proper abuts residential zones.
4. Uses generating noises after 9:00 p.m. shall not be permitted, including taverns, assembly occupancies, restaurants with cocktail lounges or dance floors, all night business and other similar types of activities.
5. The details shall be carefully evaluated, including dumpster locations and other factors that might be irritating to the adjacent neighborhood.
6. Measures shall be taken to prevent light and glare from being directed to residential uses.
7. Compliance with the City of Burlington Design Guidelines shall be required for any construction project on the site.

In addition, the following conditions will also apply to the project:

1. The concrete screening wall will be placed on the property line;
2. The Architect will provide shadow illustrations;
3. Prepare a parking study to determine the number of parking stalls and turn lane with left arrow to Burlington Boulevard;
4. Provide a lighting plan to ensure lighting is only reflected on their site and not adjoining neighbors.

Motion carried.

Meeting adjourned.