

SPECIAL COUNCIL MEETING





Monday, January 28, 2013 – 6:00 p.m.
Council Chambers
501 North Anderson Street**

Agenda Items:

**Joint Meeting with the Planning Commission re: Land
Development Code Update**

**** PLEASE NOTE TIME CHANGE**

AGENDA REPORT

Date: January 22, 2013
To: City Council
Thru: Ted Barkley, City Manager 
From: Mike Smith, Community Development Director 
RE: Special Meeting with the Planning Commission
• Land Development Code Update Project

Summary: Council has set a Special Meeting with the Planning Commission for January 28, 2013 to review and consider the Planning Commission's comments on Draft 1 of the new Land Development Code (LDC).

Background: The Planning Commission performed a review of Draft 1 of the Land Development Code during a series of study session in late 2011 and early 2012. The Planning Commission's comments on that Draft 1 were transmitted to staff and to the consultant assisting the City in developing the LDC. Those comments were reviewed by staff and the consultant as part of development of a Revised Draft 1 LDC now undergoing review.

Some of the Planning Commission's comments have been addressed in the Revised Draft 1 document, others have been provided with explanation from staff/consultant as to why they have not been addressed or as to why they should perhaps not be addressed, and a number of the comments have been identified as requiring further discussion between the Planning Commission and City Council in order to provide staff with direction in preparing a Draft 2 of the LDC that will then undergo a formal review process.

On January 14, 2013 City Council considered and discussed the Planning Commission's comments and the staff/consultant responses to those comments and a list of Top Discussion Items was developed to help guide the discussion at the January 28 Special Meeting with the Planning Commission.

Attachment 'A' is a list of the Top Discussion Items identified for discussion at the January 28 meeting.

Attachment 'B' is the Planning Commission's original comment document along with the staff/consultant responses to those comments.

The Revised Draft 1 Land Development Code document can be viewed electronically at the Community Development Department located on the City's webpage at www.ci.ellensburg.wa.us or hard copies can be reviewed at the Community Development Department, 501 N. Anderson, or at the City Library, 209 North Ruby.

Recommendation: Conduct Joint Special Meeting and provide Staff with Direction.

TOP DISCUSSION ITEMS
JANUARY 28, 2013
JOINT SPECIAL MEETING
CITY COUNCIL and PLANNING COMMISSION

This list is based on the document that includes the Planning Commission's comments on Draft 1 and Staff's responses to those comments based on the Revised Draft 1, as well as the City Council discussion on January 14, 2013. **The items are referenced by page number in that document.**

1. Use of Hearing Examiner for quasi-judicial actions such as conditional uses, landmarks and design decisions, etc. – Page 1
2. The concept of "Visitable/Universal Design Housing and whether it should be added to the bonus options – Pages 7 at bottom and page 8, Page 15 item E, and page 14 (townhouses)
3. Small Wind Energy Systems in the commercial zones and residential high density zone – Page 5
4. Building heights in the historic downtown, the non-historic CC zone and the CC-II zone – Page 7
5. Removing office uses in the C-T zone - Page 4-5
 - other use table issues identified in Article 3
6. Franchise Architecture – Page 11-12
7. High Visibility Street Corners – Page 12
8. Bicycle Parking – Page 14 item 6
9. Signs – Page 16 thru 19
 - Numerous issues raised - Key ones for discussion are:
 - elimination of existing very tall pole signs – Page 16 and Page 18
 - exempt signs relating to building age, etc. – top of Page 17
 - wall signs – Page 18
 - projecting and banner signs – Page 17-18
10. Thresholds for major vs. minor design review and should minor projects be administratively reviewed? (Not in Planning Commission comments as it is more of a Landmarks and Design Commission issue, but it is an issue that needs discussion.)

OTHER ISSUES

11. Interim recycling facilities, police and public agency or utility yards in C-T zone – Page 5
12. Wireless antennas on P-R property – Page 6
13. Prohibition of reverse frontage lots in new subdivisions – Page 9 at bottom
14. Umptanum Road street frontage designation as Secondary or Secondary 2 – Page 11

A

**Planning Commission Comments
Land Development Code**

Staff/MAKERS' response in track changes below, 1/11/13

A checkmark (✓) notes that Staff/MAKERS are OK with specific recommendation.

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While all final decisions herein will be by the City Council, there are a number of recommendations that we neither support or disagree with, and simply defer the decision to City Council. For applicable items, we've indicated "Council decision"

Article 2

Table 15.21.050(B)

In the section on commercial wireless communication, there needs to be a reference in the table to 15.28.090. 15.28.090 involves changes to "landmark registered properties". The primary reference is 15.34.080 which directly relates to such facilities. 15.34.080 includes a reference to 15.28.090 if the applicable property is within a landmark district. Therefore, no change recommended.

The Commission is in support of requiring a pre-application meeting for "major design review project (Type II review)" ✓

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15.22.100

The Commission fully supports the development of a grade and fill permit process. ✓

15.24.030 Benign and detrimental nonconformities

Staff explained that there is a policy regarding nonconforming uses. If the policy is to have existing nonconforming uses go away over time, then you should not allow these uses to be altered or expanded. The idea of differentiating between benign and detrimental nonconforming uses is to allow some alterations to benign uses, but to limit changes and alterations to uses determined to be detrimental.

The Commission supports the new language dealing with nonconforming uses. ✓

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Motion regarding Conditional Use applications

A motion was made to revise the language in the LDCU to have the Planning Commission be the decision-making body for Conditional Use applications. Council Decision/Planning Commission Discussion. Legal review has strongly recommended that the City utilize a Hearing Examiner system for such quasi-judicial decisions.

The motion passed by a vote of 5-1

Article 3

15.30.050(A)(3)

10 acres seems like a large area for a C-N zone. Need to be careful not to encourage large scale developments within established neighborhoods. ✓

Commission recommendation:

B

3. *Providing a maximize size of 5 acres (~~10 acres for areas divided by a public street~~) for neighborhood commercial zones to maintain a small scale and compact, pedestrian-oriented design; STAFF sees a potential problem with referring to specific pages or Figures in the Comp Plan as that document is amended yearly which could cause the LDC to also be amended. SEE 15.30.010(A), the new Purpose section that references the comp plan. Perhaps a better solution would be to reference the Comp Plan for future land use designations that guide the various zones in the City.*

15.30.050(B)(4)

Reference Figure 4.9 in the Comp Plan.

15.30.050(C)(4)

Reference Figure 4.9 in the Comp Plan.

15.30.050(D)(8)

Reference Figure 4.9 in the Comp Plan.

15.30.050(E)(6)

Reference Figure 4.9 in the Comp Plan.

15.30.050(F)(7)

Reference Figure 4.9 in the Comp Plan.

15.30.050(G)(5)

Reference Figure 4.9 in the Comp Plan.

15.30.050(H)(3)

Reference Figure 4.9 in the Comp Plan.

For the I-L zone:

Make restaurants, bars and brewpubs as well as coffee house and espresso bar an accessory use (Definition of "Accessory use": means on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.) ✓

Planning Commission recommendations:

Remove Regional Retail entirely from the I-L zone. ✓

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The Ellensburg Arts Commission would like to propose additions to sec 15.33.030 (Floor area ratio (FAR) bonus system) for the R-M, R-H, R-O and I-L zones similar to those in sec 15.33.020 providing a density bonus system for owners/developers willing to participate in a 'Percent For Art' program.

Owners/Developers of property with planned private building development costs in excess of \$300,000 in R-M, R-H, R-O and I-L zones would be eligible for density bonuses of 15-25% in return for their voluntary contribution of no less than 1% and no more than 1.5% of the total project budget for the acquisition and installation of publicly accessible art on the development site. In lieu of on-site public artworks, a developer may make an equivalent contribution to the Ellensburg Public Art Fund. ✓ SUGGEST A BONUS OF UP TO ADDITIONAL 0.25 FAR (NOT MORE) FOR THE SUBJECT PROVISION. AGREE WITH POTENTIAL FOR OFF-SITE IMPROVEMENTS.

The way the proposed language is currently written, it addresses development in the residential zones, because those are the only zones in the new code where a density bonus is available. NOTE THAT MAXIMUM F.A.R. PROVISIONS ARE ALSO IN THE C-N, C-T, C-H, AND I-L DISTRICTS. THE INTENT HERE IS LARGELY TO ENSURE THAT THE MORE INTENSIVE DEVELOPMENT TYPES (IN TERMS OF BUILDING SCALE/MASSING – AND SUBSEQUENTLY THE NUMBER OF EMPLOYEES) IS WITHIN THE DOWNTOWN CC ZONES. Moving forward it might be a good idea to look at incentives that could be provided for commercial developments.

The Planning Commission was favorable towards including the proposed language from the Arts Commission into the density bonus section of the LDCU. Criteria would need to be developed. The following criteria were proposed for discussion:

The Arts Commission will apply the following criteria when considering approval of a public art project claiming a density bonus: ✓

- 1) The project has no other function than to be appreciated for aesthetic and/or intellectual reasons;
- 2) The project has no corporate logos;
- 3) The project is an original piece or part of a limited edition;
- 4) The project is emblematic of local themes or depicts the shared past our City, region, state or nation;
- 5) The project includes no mass-produced items;
- 6) The project has no religious or sectarian purpose;
- 7) The project portrays no school, team corporate or organizational mascot;
- 8) The project portrays no violence, inappropriate nudity, no denigration of individuals or cultures, and no desecration of significant cultural symbols;
- 9) The project's structure and its surface must be sound and resistant to theft, vandalism, and weathering;
- 10) The project must not present a hazard to public safety.

Participation would be optional for any developer. The Public Art Fund does not currently exist, so a mechanism to create and manage that fund would have to be developed and adopted.

Motion

The Planning Commission conveys to the Arts Commission general agreement with the policy of density bonuses for public art and encourages the Arts Commission to go further and bring back a more refined proposal. SEE NOTES ABOVE.

The motion passed 5-0

15.30.050(C)(4)(a)

A motion was made and passed to eliminate "corridor neighborhood commercial" and "tourist commercial" Council decision. Per Comp Plan Figure 4.9, the "corridor neighborhood commercial" is a Comp Plan future land use designation that is implemented by the C-T zone and the C-H zone. This LDC section would implement that Comp Plan direction by allowing "corridor neighborhood commercial" uses. Some better zoning language in the C-T and C-H would be helpful in defining what this form of development will be.

Motion:

Make restaurants, bars and brewpubs as well as coffee house, espresso bar a permitted use in the I-L zone, with development condition P13 making those uses accessory uses as defined in 15.31.030. ✓

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The motion passed (4-2)

Pros and cons of allowing office uses in the C-T zone

- There can be aesthetic issues trying to make office uses compatible with typical C-T uses (con)
- Provide services for residents, particularly in the north part of town (pro)
- It is not important for the functionality of office uses to be located close to the interstate

Motion:

Remove all office uses from the C-T zone. Council/Planning Commission Discussion: Several years ago Council added offices to the C-T zone and will need to revisit that decision.

The motion passed (6-0)

Motion:

Allow conference center as a permitted use in the C-H and C-T zones

The motion passed (5-1) ✓

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15.31.040 Special Uses

Motion:

Remove "Art, performing arts, and recording studios" and "museums" as permitted uses in the C-T zone.

Make parks and playgrounds accessory uses within the C-T zone ✓

Motion passed (4-2)

Comment [MS1]: Staff Comment: Perhaps allowing performing art or museums as conditional uses that must be accessory to a permitted use such as a conference center.

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Motion:

Remove interim recycling facility, police facility, public agency or utility yard as permitted uses in the C-T zone. Council decision

Motion passed (6-0)

Motion:

Include Public transportation passenger terminals as a permitted use in the C-T, C-H, CC and CCII zones

Motion passed (6-0) ✓

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Motion:

For 15.30.040 Residential zones and map designations

Include the following for sections A(7) and B(6):

"i. Visitable/Universal Design Housing" Council decision – see related discussion below.

And in sections C and D, include as #3: "Providing standards and guidelines that encourage affordable and Visitable/Universal Design Housing "

Motion passed (6-0)

Motion:

A motion was made to remove SWES as permitted uses in the R-H, CC, CCII, C-H and C-T zones.

The motion passed 5-0 Council decision. As drafted, the SWES Chapter in 15.34.070 allows them in all zones with certain number, site, and height criteria for various zones. The thought was that commercial uses could benefit from small wind energy installations to offset their electricity bills. A large parking lot could utilize the light posts at a higher height to harness the wind energy.

Motion:

Remove from 15.31.040 the C6 Development Condition designation from the P-R zone for all residential based uses in the chart. Also remove the "P" designation for accessory dwelling unit and home occupations And remove Development Condition C6 from p 3-15.

The motion passed 6-0.

Council decision. Note that the Comp Plan was amended in 2012 to develop new zoning code language that would enable P-R zoned land that is no longer in a public use to be rezoned to a non-public zone such as the adjoining property zoning. Staff is drafting up code amendment options and will be running those through the Planning Commission in the very near future. If approved prior to LDC adoption, that language would drive the conditional uses in the LDC Tables which were placed there to indicate that a number of uses could be allowed subject to conditions that address impacts from such conversion.

Motion:

Remove from Table 15.31.040 all of the C10 Development Condition designations from the P-R zone.

The motion passed 6-0

Council decision. Currently wireless communication towers are permitted on P-R property subject to certain setbacks from residential zones. They are also specifically allowed and encouraged to site on the City's water towers which are zoned P-R.

Motion:

Remove from Table 15.31.040 Special Uses the C8 designation from P-R. Allow golf courses and golf driving range with the stipulation that they only be a permitted use if they are a public facility, and remove the "C" designation from public agency or utility yard. ✓

The motion passed 6-0

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Table 15.31.040 Non-residential uses

Motion:

Add Outlet Centers as a permitted use in the C-T and C-H zones

The motion passed by a vote of 4-0

Note: City Council has approved outlet centers as a permitted use in the C-H zone subject to certain criteria. In that discussion last year including the C-T zone was discussed but Council chose to not allow outlet centers in the C-T zone.

Motion:

Planning Commission supports the language in 15.31.050

The motion passed 6-0. ✓ Note that the current PR zone allows for a Master Planning option for larger campus PR uses such as CWU that would allow the Council to review and approve the Master Plan and then the institution could proceed to develop without having to come to the City for approval for most items contained in the approved Master Plan. Some language similar to this should be considered.

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Motion:

In Table 15.32.040 the maximum building height in the CC zone should be 45 feet and the maximum height in the CCII zone stay at the suggested 70 feet.

The motion passed 5-1

Council decision. The thought here was to keep the new buildings in the historic district of the CC zone at the same height as currently developed and then allow them to get taller outside of that historic district in order to encourage density of development. The CC-II zone should be a uniform height.

There was a suggestion that 15.32.140(A) and (B) include a diagram to illustrate what is being required. ✓

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15.33.020(G) – Affordable Housing

Proposed language:

For the purpose of obtaining affordable housing in perpetuity, the Director will consider for review and approval projects from non-profit organizations, such as Community Land Trusts, that meet the following standards:

- 1) A nonprofit corporation owns the land and leases lots to the home owners**
- 2) The non-profit corporation shall set the design and size standards**
- 3) Home owners can sell the house on a formula determined by the non-profit for any equity gain**
- 4) The non-profit organization shall have first right to purchase any homes facing foreclosure**

There was a question of whether the term “perpetuity” needs to be included. It was pointed out by the Commissioner who submitted the proposed language that similar codes from other communities seem to consistently use the term perpetuity. It was also pointed out that 15.33.020(G)(2)(b) refers to a duration of 25 years, which would not be consistent with the concept of a Community Land Trust (CLT).

Motion:

*Accept for inclusion in 15.33 the proposed language for providing density bonuses for the development of affordable housing. ✓ **WORK NEEDED ON DETAILS, HOWEVER.***

The motion passed 5-0

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There was discussion regarding proposed language for allowing a density bonus for providing visitable/universal design housing. It was decided to use the term “visitable/universal design” and to provide a specific definition in Section 15.13. The proposed language:

H. Visitable/Universal Design Housing (15-50% Density Bonus)

1. Purpose. To design homes that are universally accessible regardless of age, physical mobility or stage of life. To promote housing options and homeownership to individuals that would otherwise be isolated by architecture. To encourage residents to remain in their homes as they age, rather than having to do costly renovations or move into another home or nursing home.

2. Density bonus. The available density bonus increase is based on the percentage of visitable/universal design units integrated into the subdivision, with a minimum of 15 percent to qualify and a maximum of 50 percent. The percentage shall be based on the number of visitable/universal design units divided by the base maximum density.

2. Visitable/universal design housing shall meet the following requirements to receive the density bonus:

a. at least one entrance door, whether located at the front, side, or back of the building is on accessible route served by a ramp (maximum slope not exceed 1:12 inch ratio) or no-step entrance;

b. 32 inches clear passage through all exterior and interior doors, including bathrooms;

c. each hallway has a width of 36 inches and is level, with ramped or beveled changes at each door threshold; and

d. at least a half bath (preferable a full bath) on the main floor and each bathroom wall is reinforced for potential installation of grab bars to meet the ADA requirement to bear a 250 pound load.

Motion:

Accept for inclusion in 15.33.020 the proposed language allowing density bonuses for providing visitable/universal design housing Council decision on concept. Suggest that any density bonus be limited to 10 percent, maximum. Considerations – integrating this provision may come at expense of other incentive features (council decision). Consider the relative ease/difficulty in obtaining this bonus compared to other bonuses. Also – consider the implementability of the provision. A note on the plat would be required – enforcement needed by building department in terms of hallway widths, entrances, etc.

The motion passed 5-0

Article 4

15.40 Street Design

- 1) There were questions regarding where the specific road standards would actually be placed in the City's code. Some of the standards currently contained in the Public Works section of the code will be pulled into the development code, while some other standards (such as the specific dimensions for the street cross sections) would be contained in the Public Works Development Standards. Intent here was to address this critical issue – but provide a reference to the P'W standards for details (to avoid internal inconsistencies). P'W standards will need to be updated – we have provided a draft – including the proposed dimensions/cross sections.

2) It was suggested that the language in the Arterial (15.40.020) and Collector (15.40.030) Street design sections referring to the street cross sections be clearer in regards to the fact that the specific dimensions are contained in the Public Works Development Standards. ✓

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3) It would help those reading the code to have examples of each street type listed in the "Intent" section for the street types. Clarify – examples of streets within Ellensburg that include the particular street type designation and/or examples of streets in Ellensburg that meet the applicable standards (there may not be any). OR perhaps the intent was to show examples of streets elsewhere that meet the requirement (if so, it may be possible to find some or all, but finding an image that perfectly meets the description can often be a challenge).

4) Street widths - Allowing three options for the Local Access streets could result in adjacent developments with different street designs. It was suggested to consider deciding on one specific standard for all Local Access streets. Suggest to keep options available – as there may be different needs/desires based on development and context.

Public comment was made that in terms of the 3 options for local streets, most developers will choose the lowest cost option. With the smaller lots allowed in the draft code, you might not want wide streets. But designing streets without any on-street parking can be a problem because people will try to park on the street and it could become an enforcement issue. Page 4-7 we've added discussion on the limitation of 20' streets – including standards for guest parking. Also, on Page 4-6, we've added language addressing the continuity of streets – trying to avoid scenarios where one street includes an odd mix of the 3 local street types.

Motion

For Section 15.40.040 the Planning Commission recommends that the width of local access streets tie higher densities to wider streets with 30ft, 24ft and 20ft wide options allowed, with the caveat that the 20ft option be allowed only in conjunction with an alley and that the street not exceed more than ½ mile in length. The motion passed 5-1. See updated changes in new draft.

15.41.030(C) - Integration with Natural Amenities

The Planning Commission realizes this section doesn't have the teeth of a specific requirement, but supports leaving it in. ✓ This is simply a voluntary guideline – we wouldn't want to require, but it's important enough to specifically encourage.

Motion

15.41.030 (D) should be worded as follows:

Gated communities and other residential developments designed to appear as continuous walled-off areas, disconnected and isolated from the rest of the community are prohibited.

The motion passed 3-2. ✓ Under current draft, they could be allowed, but they would have to be small enough to not meet the connectivity/block standards. See new language on Page 4-15.

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Motion

15.41.030 (D) (1) should read as follows:

Subdivision design that incorporates reverse frontage lots is prohibited. (All of the rest of the section is deleted)

The motion passed 4-1

Council/Planning Commission discussion warranted.

15.41.050 (A) – Zero Lot Line

There were a number of concerns expressed – your neighbor could build right up to your property line, extend their roof eaves 18 inches over the property line thereby dropping all rain/snow onto your lot. The first person to build seems to get the benefit.

Motion

Add#4 to 15.41.050 (A) to read as follows:

4. The provisions of this subsection shall apply only within subdivisions

The motion was passed 5-0

Council/Planning Commission discussion warranted. If in subdivisions, the face of the plat would have to designate the sides in order to alleviate the concerns raised. What about a large vacant lot within an existing developed residential area – it could benefit from 0-lot line development – perhaps only if it has an approved site plan that addresses the concerns raised.

Article 5

General Comments on Article 5:

- 1) The Planning Commission likes how the final draft has taken out the numerous references to “approved by Director”. But in many cases it seems to have been replaced with “reviewing authority”, which isn’t clearly defined. Reviewing authority is defined in Article 1.
- 2) The Planning Commission agrees with the inclusion of the Landmarks and Design Commission as the recommending body for departures. This has actually changed in the updated draft – if the project is small and qualifies as a minor project, design review – it is approved administratively even with a departure proposal. The thought here is that there is good design criteria for the departure issues.
- 3) Section 15.50.020 The Planning Commission likes the thresholds for the Level I, II and III improvements. ✓
- 4) Section 15.51.030 In the table presented along with this section, the phrase “No additional ground floor use restrictions” is not clear. We’ve added the language to clarify differences between secondary streets and storefront streets. If it’s determined to be confusing, we can remove the sentences. The Planning Commission supports restricting ground floor uses along Storefront Streets to non-residential uses. ✓ but allow residential in the area past 30-feet from front of bulding. Front 30-feet could be retail or could be a hotel lobby, etc.
- 5) Section 15.51.050(C). This section is an encouragement to those building on storefront streets, both current and future, to provide 60 feet of frontage for parking, when what we really want on these streets is to eliminate parking in front of the buildings. There was no consensus on this issue, the counter argument being that we need to allow flexibility for the provision of parking in downtown. If market conditions supported structured parking, we would likely not want to allow any such off street surface parking lots – but in this situation, we recommend keeping standard as is.
- 6) Section 15.51.050(D). This should not say that vehicular access is prohibited because Figure 15.51.050(B) clearly shows an approved design option with vehicular access from the street. ✓
- 7) Section 15.52.030(E)(1)(g) Space should not only be oriented toward sun in winter and shade in summer but also according to the prevailing wind pattern. It’s important that open space in Ellensburg take the wind into account. ✓

15.51.040 Street Frontage type maps

Motion

- 1) *Extend the Storefront Street designation along Pearl St all the way to University Way*
- 2) *Extend the Storefront Street designation on 5th Avenue all the way to Water Street*
- 3) *Extend the Storefront Street designation on Main Street all the way to 6th Avenue*

The motion passed 5-0. ✓ ALL OF THESE CHANGES ARE INCLUDED IN NEW DRAFT.

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Motion

The Secondary Street 2 designation along Umptanum Rd and the roads to south as depicted on Figure 15.51.040(C) should be removed, and those streets should be designated as Secondary Streets.

The motion passed 5-0 Council decision. The reason Secondary 2 was chosen here, as this is a less prominent/visible road(s) where perhaps more flexibility might be granted.

15.51.060(C)(1) – Landscaped frontage standards for Secondary Streets

There was discussion on whether to require a maximum rather than a minimum setback. This would require that buildings be constructed up close to the street.

Motion:

Amend 15.51.060(C) to require a maximum setback of 10 feet. Suggest keeping as is – as this affects a substantial area of the city (notably multifamily residential zones) – and a strict 10' max would often be incompatible with the historic context of many areas. If this landscape street designation covered a very small and urban context, then perhaps the 10' max would be appropriate (but not in this case).

The motion passed by a vote of 5-0

Section 15.53.020(B)(2) - Franchise Architecture

- 1) It was suggested that there are examples of existing franchise buildings that are not distinctively “franchise” and are adaptable for future businesses. If there is to be a section in the new code regarding franchise architecture, maybe some examples of these building could be incorporated into the code.
- 2) Ellensburg does not have an actual building or design theme. So it’s difficult to say what couldn’t be built because there aren’t examples of a theme or design to make review decisions. A lack of theme is the catalyst for the Commission’s comments about the difficulty of defining what could and could not be approved under the proposed language. Having said that, it is not being suggested that Ellensburg adopt some kind of theme.
- 3) Should we treat franchises any differently than any other business when it comes to building design? Under the proposed code changes all new development will already have to meet a variety of design requirements – site orientation standards, architectural requirements and signage.

Public comment was that prohibiting franchise architecture seems like a difficult standard to hold a business to. The reason people invest in a franchise is to get the visual identity that franchise provides. It was pointed out that there haven't been a lot of franchises go out of business in Ellensburg, and there are examples of some that have where the buildings have successfully transitioned to other uses. It was also pointed out that in the past Ellensburg has required other franchises, notably Fred Meyer, to provide a design alternative to their standard corporate look.

Council decision on this. The same language has been adopted by numerous cities we've worked with. Franchise businesses are very used to design guidelines and typically have "plan B" and Plan C" ready in these cases.

One notable example – several years ago Rite Aid updated their store's corporate design to include large blue diamond windows that were unusual. Three such stores were built along a single urban corridor in King County. Two have since gone out of business. However, they will continue to look like "Rite Aid" stores until a new tenant spends a significant amount of money changing these large windows to another type/design. The prominent red mansard roofs of some other fast food chains are other obvious examples of corporate architecture. Each of those chains are capable of producing other designs. Council decision.

15.53 Building Design

- 1) Section 15.53.040(D) It is unclear what criteria were used to designate the "high visibility street corners" in Figure 15.53.040(D)(2). Along Main St. practically every corner, particularly at a traffic light is highly visible. On Canyon Road, all corners at Mt. View, Umptanum Rd. and the freeway entrance exits are highly visible. Along University Way, all the way from the freeway through Brick Rd., practically all four points at every corner are highly visible. There's also a highly visible corner at the junction of Railroad and Fifth Aves. The designation of highly visible corners appears to be sporadic rather than systematic. Maps can be updated as such ✓
- 2) Planning Commission does support designating high visibility street corners. It was discussed to potentially add an 8th element to the list in Section 15.53.040(C). Landscaping was discussed as a possibility, but not ultimately considered the best idea because it can be too subjective and temporary.
- 3) Every street corner in the downtown area should be designated as a high visibility street corner. ✓
- 4) Section 15.53.040(F) The required plaque should be located near the main entrance. ✓
- 5) Section 15.53.050(D) The Commission really supports this section ✓

15.53.040(D) High visibility street corners

There was agreement, both among the Planning Commission and public comment to delete this section. The City's current design guidelines contain language regarding development on corners in commercial zones. Confusing given comments above. Council decision. Will warrant discussion with Planning Commission on locations.

Motion:

Remove the following language from both 15.53.040(B) and 15.53.040(C):

"Exception: Buildings in the I-H zone and buildings in the I-L zone that are primarily used for manufacturing, storage, and/or service uses and are generally not visible from the street or customer parking

lot are exempt from these standards.” Such language has been removed in the new draft – see various sections of Chapter 15.53.

The motion passed by a vote of 5-0.

15.54 Housing Type Standards

- 1) Section 15.54.020(B)(1) This section should include clear directions that the front door must be positioned in front of the garage. At least part of the reason for setting the minimum garage setback at 25 feet is to prevent it overpowering the pedestrian entry to the house. The front of the garage should be set back *at least 3ft* further than the actual front door of the house. Figure 15.54.020(B) shows this, but the text does not require it. ✓
- 2) Section 15.54.030 The requirement to setback the garage further than the front door should be included for duplex and triplex designs. ✓
- 3) Section 15.54.040(B)(6) While the Commission supports the idea of protecting the privacy of the neighbors of an accessory dwelling unit, it was suggested to include landscaping to meet the visual barrier requirement. How do you define “solid”? Another suggestion is to include language that vegetation is encouraged when this requirement is met by constructing a fence. We can add language if Council concurs.
- 4) Section 15.54.060(E) There was concern expressed that as the requirements are written, that some of the most recognized historical townhouse designs wouldn’t be allowed. There are town houses in New York, Baltimore, Annapolis, Washington, D. C., Boston, Philadelphia, London, Bath and other places where every single house is the same as its neighbor and, when the row is skillfully executed, it looks very good. Suggest keeping language, but allowing alternative designs as a departure – with criteria noted above, perhaps we can find good photo examples.
- 5) Townhouses are typically not very accessible and are not a good option for anyone with physical limitations. Encouraging diversity in design, such as the examples in Figure 15.54.060(E)(2) with the mix of one and two story units, is a very good idea. Accessibility needs to be taken into consideration when creating standards for all housing types. The Commission had a discussion on the concept of universal design – designing homes and environments that are universally usable by everyone, regardless of physical ability or stage of life. There is nothing in the new code that is aggressive or even mentions accessibility. The Commission was provided with a handout on the concept and practice of “visitable homes, visitable communities”. The Commission discussed the possibility of including some kind of density bonus option for incorporating universal design elements into new development. It was further suggested that there be a requirement for all housing types that at least one entrance be designed with no steps. Council decision on this. Clarity needed on proposal – is this just a density bonus incentive as noted earlier? Is it a voluntary guideline? Is it some form of requirement (1 out of every X units...)?
- 6) Section 15.55.030(E)(1) 1 bicycle parking space for every 5 vehicle spaces is too low. It seems like a very car dominated ratio. It is suggested to at least double the requirement, to 2 bicycle spaces for every 5 vehicle spaces. Council decision. Also see new bicycle parking language in updated draft.

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15.54.020(C) – Garages, placement and design

There was discussion regarding the idea of providing a reduction in the required planting strip if alleys are provided in the rear. There was not majority support for eliminating planting strips. The argument for reducing the planting strips was that planting strips and alleys ultimately reduce the amount of buildable space, and if we want to encourage alleys, you need to provide some kind of incentive. Some of the older parts of town have 10ft planter strips, but the areas of newer development have not been built with planter strips that wide.

Motion:

Provide an option to allow a 5ft planting strip when alleys with garage access are provided.

The motion passed by a vote of 5-0. ✓ Would need to mention provision in article 4.

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Motion:

Require that attached garages are setback a minimum of 5 feet from the front door of the house, measured from the ROW. ✓

The motion passed by a vote of 5-0

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Section 15.54.060 Townhouse design standards

A. Purpose

Add a number 6. To promote visit-ability Council decision. Would need a definition.

E. Building design

1. (Leave 1 as written.)
2. Repetition with variety [See Figures 15.54.060 (E) (2) and 15.54.060 (E) (3) Townhouse developments shall employ at least one (delete "or more") of the following "repetition with variety" guidelines

Remove (a) Suggest keeping (a) – see image example.

Thus (b) becomes (a)

Remove (c)

Thus (d) becomes c.

3. Add Visit-able Housing

a. Townhouse developments provide opportunities to provide visit-able housing.

b. Such housing may introduce variety through units that observe the following requirements:

1. One zero-step entrance;
2. Interior doors, including bathrooms, with 32 inches or more of clear passage space;
3. Each hallway has a width of 36 inches and is level, with ramped or beveled changes at each door threshold;
4. At least a half bath (preferably a full bath) on the first floor;
5. At least one bedroom on the first floor.

See earlier discussion above.

Rationale:

This change would take account of the numerous examples from the past where townhouses have presented a uniform facade to the street and avoided a jumbled design that will distract rather than please the eye. It will still allow for variety and also for occasions to introduce visit-able housing.

The motion passed by a vote of 6-0.

15.55.030(E) Bicycle Parking

Change item 5 to read:

5. Employee bicycle parking shall be provided for commercial, industrial, and institutional uses shall be provided in a well-lighted, secure location within a convenient distance of a main entrance. Bicycle parking shall be protected from the weather by an overhang or covered walkway. ~~A secure location is defined as one in which the bicycle parking is:~~

- a. A bicycle locker;
- b. A lockable bicycle enclosure;
- c. ~~Provided within a lockable room, or~~
- d. ~~Clearly visible from, and within 30 feet of the employee's work station.~~ ✓

Delete 15.55.030(E)(6)

Change item 7 to read:

7. One ~~indoor~~ bicycle storage space shall be provided for every 2 dwelling units in multifamily uses, unless individual garages are provided for every unit. Required parking spaces shall be provided in a well-lighted, secure ground level location within a convenient distance of the entrance residential units. Bicycle parking shall be protected from the weather by an overhang or covered walkway. ~~A secure location is defined as one in which the bicycle parking is provided outside the residential unit within a garage, a lockable room, a lockable bicycle enclosure, or a bicycle locker.~~ ✓

Motion:

Eliminate 15.55.030(E)(1)(a)

The motion passed by a vote of 5-0

15.56 Signage

- 1) Section 15.56.050(A) Signs in general should be strictly regulated in the R-O zone. It's best not to permit monument signs there at the present time. The RO zone is primarily residential and the signage should reflect that. Suggest PC recommend types of signage that are encouraged/allowed in zone.
- 2) Section 15.56.060(C) Definitely no pole signs in the R-O zone. ~~Already not allowed – see 15.56.060(A).~~ If we have to have pole signs, then 35 feet high should only be allowed in the C-T zone and not in any of the others. Again, see the same section/subsection. There needs to be a stipulation here that allows us over time to eliminate the 100 ft., high signs. City Council decision. Many communities have enacted ordinances like this, but it isn't easy and takes a strict enforcement commitment. For example, when the owner changes, when the sign changes, when the function changes, the 100 ft. high pole sign should be removed. As it stands now, the 100 ft- high pole signs severely damage one of the finest tourist attractions/sights in Ellensburg--the view from Canyon Road toward the mountains.
- 3) Section 15.56.070 The Commission support allowing wall signs in the C-C zone. ✓
- 4) Section 15.56.180(A)-(C) The R-H zone needs to be included in the text. ✓
- 5) Section 15.56.180(E) The text of this paragraph needs to more clearly describe what is required. ✓
Discussion with staff needed here regarding language.

- 6) Section 15.56.180(G) It should be considered to eliminate this section, or at least change the language to differentiate between signs and banners. Signs can be designed to be permanent, whereas banners normally aren't. City Council decision.

15.56.010(E)

The statement in the Purpose section to “minimize light and glare on surrounding areas” applies to all signs in the city. This will cover some of the issues regarding the impacts of lighted signs. Planning Commission is in strong support of this language. ✓

There was comment from the public that the sign code does not seem to address billboards, and particularly the lighting on billboards. All lighting on billboards should be downward facing, not pointed upwards. 15.56.040(7) seems to address the concern regarding upwards, non-shielded light. It was suggested to consider adding the term billboard in this section to make those types of signs are covered by this language. Billboards aren't listed as one of the permitted types of signs. Existing ones are permitted as nonconforming uses. Some jurisdictions grandfather them out, but there are legal issues involved. Also see proposed section 15.56.190. Prohibited signs.

There was public comment that the City needs to be careful not to regulate signage to such a degree that a business isn't able to use their logo on a sign. They can as long as the design standards are met.

There was public comment about whether there would be any kinds of departures included in the chapter on signage? Is there enough flexibility in the code as it is currently written? The statement “Other types of sign lighting not mentioned above are prohibited” would seem to be quite restrictive. The code offers a substantial amount of flexibility and addresses all the commonly used types of signage. The only exception might be taller versions of the standing signs (see 15.56.120) that might be appropriate for uses in the office zones. See example right.



There was public comment to consider requiring that lighted signs have the ability to be turned on and off, or possibly the use of a timer so the lights aren't on all night long. Especially in the R-O zone. Keep in mind the restrictions on backlit signs if making any decision on this.

15.56.040 Sign Illumination

The numbered examples in figure 15.56.040(A)(1) need to be clearly referenced in the specific sections that refer to regulation of those types of signs. Planning Commission agrees with the Landmarks and Design Commission that some of the photo examples should be replaced with graphics that clearly show the elements that differentiate the different classification of signs. The graphics and captions match up with the types of signs referenced in the standards.

(A)(3) Back-lit awning signs

The main issue is with the brightness of the sign. The emphasis should be on the message of the sign, and to the largest degree possible reduce the amount of the “extra” in the sign – the brightness, area of the sign not necessary to identify the business. *There was not unanimous agreement on prohibiting back-lit awning signs.*

15.56.050 Monument Signs

Should possibly consider prohibiting lighted signs in the R-O zone. There was public comment that having some kind of light in front of a business, such as in the R-O zone can provide some protection against vandalism and

theft. Per 15.56.040, no backlit signs are permitted in the RO zone. Externally lit signs are typical for the smaller zones common in mixed residential zones and they are allowed here.

15.56.060 Pole Signs

(C) Maximum Height

The proposed maximum height of 35ft is a lot more restrictive than the current allowed maximum of 100ft. The existing ½ mile radius from an interchange was originally adopted because it seemed a reasonable distance for businesses that are intended to attract freeway customers.

There was support among the Planning Commission to restrict all pole signs to a maximum of 35ft. ✓ However, there is a clear need and demand for taller signs within the I-90 interchange areas so that drivers can see from a distance away that a particular business is there. The most recent one found 65-feet a good height but others would disagree.

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15.56.070 Wall Signs

Sections C, D and E are confusing. There was a discussion on whether the size of the signs allowed in sections D and E are out of scale for Ellensburg. There was public comment suggesting to eliminate the language in “D” allowing “1 square foot for each lineal foot of the façade” and just rely on the maximum wall sign up to 100 square foot. *There was not unanimous agreement on this issue. The most critical standards here that impact sign size – besides the area (sf) standards, are (A)(1) – signs must be centered and proportional....and (2) must not cover windows or special ornamentation, and (C)(2) signs shall not exceed 2/3 of overall storefront dimensions. The standards that are proposed have evolved over years of working on the issue with other communities, looking at what provisions work well, what’s too restrictive, and what’s the minimum requirement.*

15.56.070(D) – Wall signs, Maximum size, building or center name

Motion:

Amend this section to read:

“A wall sign may be 1 square foot for each lineal foot of the façade, up to a maximum of 100 square feet.”

The motion passed by a vote of 5-0. As the current proposed language reads, if a building has more than 100lf of frontage, then a larger sign is allowed, provided it meets all the design criteria listed above. City Council decision.

15.56.080 Projecting and banner signs

(A)(4) Current code allows a maximum size of 25 square feet. Landmarks and Design Commission recommends a maximum of 15 square feet. For vertically oriented signs LDC also recommends limiting the amount of projection from the building to 2 feet with a maximum height of 6 feet. Wider than 2 feet extends over the sidewalk too far, especially in the CBD where sidewalks are 10 feet wide. The 6ft maximum height is more appropriate for two story buildings. Suggest keeping standards as they are now proposed – per analysis. Also – if the above revisions are adopted, the following signs wouldn’t be allowed, as the projections and/or size would exceed the standards (and each sign, it seems, would be appropriate in downtown or other commercial zones).



Also, the vertical sign example, far right, in Figure 15.56.080(A) would exceed the 6' height specified by the PC.

15.56.080 – Projecting and banner signs See notes and images above.

Motion:

Add to 15.56.080(A)(2) an additional (d) to read:

“In the CC zone a sign may not project more than 2 feet, whether vertical or horizontal”

Add to 15.56.080(A)(5) the following:

“In the CC zone, maximum height is 6 feet; and”

The motion passed by a vote of 5-0

15.56.120(E) – A-frame and standing signs

Motion:

Amend to read: “The area of an A-frame sign shall not exceed 6 square feet per side in the CC and CCII zones. In the C-H, C-T, C-N, I-L and I-H zones the area of an A-Frame sign shall not exceed 10 square feet per side. The area of a standing sign shall not exceed 4 square feet per side. All A-frame and standing signs shall be firmly anchored against the wind. ✓”

The motion passed by a vote of 4-0

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15.56.130 Service Station Signs

(E) Staff recommendation to allow electronic signs for gas price display only. The City has recently received a number of inquiries to allow these types of signs. If allowed, these signs could not be used for any kind of advertising other than to display the current price of fuel.

The Planning Commission was in agreement with this recommendation. ✓

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15.57 Landscaping

15.57.030

B. Tree standards and guidelines.

Unless otherwise noted herein, required trees shall meet the following standards at time of planting:

1. Required trees within parking areas shall be a minimum caliper of ~~2 inches~~ 1 ½ inches (as measured 6 feet above the root ball) and a minimum height of ~~10~~ 6 feet at the time of planting. ✓ New draft includes 1” and 10’.

2. Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of 1 1/2 inches (as measured 6 feet above the root ball), and a minimum height of 8 feet at the time of planting.

~~3. Required evergreen trees (other than street trees) shall be fully branched and a minimum of 6 feet in height, measured from the treetop to the ground, at the time of planting. Keep in mind that if (2) and (3) are taken out, then there are no standards for such trees. Suggest keeping proposed language.~~

4. If the reviewing authority decides reducing the minimum size of trees will not detract from the desired effect of the trees, the minimum size of trees (other than street trees) may be reduced if the applicant submits a written statement by a licensed Washington landscape architect or Washington-Certified Professional Horticulturist (CPH) certifying that the reduction in size at planting will not decrease the likelihood the trees will survive.

C. Shrub standard.

Shrubs, except for ornamental grasses, shall be a minimum of ~~2-gallon~~ 1 gallon size at the time of planting. ✓

E. Soil augmentation and mulching.

1. Existing soils shall be augmented with a 2 inch layer of fully composted organic material tilled a minimum of 6 inches deep prior to initial planting.

2. Landscape areas shall be covered with at least 2 inches of mulch to minimize evaporation. Mulch shall consist of materials such as yard waste, bark mulch, landscape rock, sawdust, and/or manure that is fully composted.

See new proposed language on page 5-107.

15.57.060(F) – Enforcement

Motion:

Planning Commission recommends requiring a bond rather than a penalty.

The motion passed by a vote of 4-0. ✓

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