

February 23, 2012
Ellensburg City Planning Commission – Special Meeting Minutes
Teanaway Room, Hal Holmes

Members Present: Chair Bruce Simpson, Vice Chair Sarah Bedsaul, Bill Beattie, Beverly Heckart, Gretchen Thatcher
Members Absent: Bob Hood, Fred Padjen
Others Present: Planning Supervisor Lance Bailey, Paul Jones, Jesse Oliver, City Attorney Jim Pidduck

Chair Bruce Simpson opened the meeting at 5:45p.m.

Minutes:

January 26, 2012

Beverly Heckart moved to approve the minutes with a minor change on page 1.

Bill Beattie seconded. Motion carried.

Public Hearing

1) Carl's JR Conditional Use Request (C12-03)

Request for an 85 foot Freeway Oriented Freestanding Sign in the Commercial Highway (C-H) Zone

The quasi-judicial pre-hearing notice was read by Bruce Simpson

Planning Supervisor Bailey presented the staff report. Jesse Oliver (dba Eagle Signs), on behalf of QSC Beef LLC (Carl's Jr), has submitted a complete conditional use application requesting to install an 85 foot freeway oriented freestanding sign at 1303 S Opportunity Street. The property is located in the Commercial Highway (C-H) Zone. Ellensburg Municipal Code 13.24.060(K) allows "Freeway Oriented Freestanding Signs" as a conditional use when approved by the Planning Commission at a Public Hearing. Ellensburg Municipal Code 3.12.240(A) states that the maximum height for on-premise signs in the Commercial Highway Zone shall be 35 feet, except that greater height may be allowed through a conditional use. With conditional use approval, the maximum height for an on-premise sign in the Commercial Highway zone is 100 feet.

Exhibits showing the sign elevation and design are included as attachments to the agenda report. The property where the sign will be located is zoned Commercial Highway (C-H). The area to the east of the property is zoned Heavy Industrial (I-H), and the areas to the north, west and south are all zoned Commercial Highway (C-H).

The City's Sign Code allows on-premise signs in the Commercial Highway (C-H) Zone that are taller than 35 feet if they are approved as a conditional use. A maximum height of 100 feet is allowed with a conditional use approval. The applicant is requesting an 85 foot sign.

Ellensburg Municipal Code 3.12.240 regulates on-premises signs. All on-premises signs shall adhere to the following conditions:

- A. The maximum height for all on-premises signs in the C-C, C-C II, R-O, C-H (except for those allowed by conditional use), C-N, I-L, I-H, MHP and MHS zones shall be 35 feet; provided, however, that wall signs shall be permitted to extend to the top of a building wall. The maximum height for all on-premises signs in the T-C zone and on-premises freeway-oriented signs allowed by conditional use in the C-H zone shall be 100 feet.

Freeway-oriented freestanding signs in the Commercial Highway (C-H) Zone are permitted as a conditional use. The sign being proposed is an on-premise, freeway-oriented freestanding sign. Ellensburg Municipal Code 13.24.060 allows freeway-oriented freestanding signs as a conditional use in the Commercial Highway zone.

The Planning Commission was informed that the applicant was initially given incorrect information regarding the zoning designation of the property. Prior to the initiation of the project, the applicant scheduled a pre-application meeting with City staff. The meeting was held on April 12th, 2011. At that meeting the applicant was provided with information that incorrectly identified the zoning of the property as Commercial Tourist (C-T). The information provided to the applicant indicated that a sign 100 feet in height would be allowed, which is correct for the Commercial Tourist (C-T) zone. The applicant was later advised upon submittal of the sign permit that the correct zoning on the property is actually Commercial Highway (C-H), and that a conditional use permit would be required for a sign taller than 35 feet.

Notice of the conditional use application was mailed to property owners within 300 feet of the proposed site on Friday, February 10, 2012. Notice of the Public Hearing was also published in the legal section of the Daily Record on Monday, February 13, 2012. No comments have been received.

Conditional uses are governed by Ellensburg Municipal Code Chapter 13.50 which gives the Planning Commission authority to hear conditional uses; to decide such questions as are necessarily involved in determining whether a conditional use should be granted; and to grant such conditional use permits with such conditions and safeguards as are appropriate. The Planning Commission may prescribe appropriate conditions and safeguards in conformity with the zoning code and shall prescribe a time limit within which any conditional use shall commence or be complete, or both.

Paul Jones spoke in favor of the application. He is the owner of Carl's Jr. He described the process involved in site selection for a franchise fast food restaurant. One of the key factors is visibility. He initially had concerns about locating off of Canyon Road, but the fact that he could have a 100ft sign, which is the information he was given at the pre-application meeting, he felt he would be able to achieve the necessary visibility through signage. All of the fast food places along Canyon Road have tall signs. He did a flag test to determine the height needed for the sign to be seen from Canyon Rd. He initially considered a 60ft sign, but the flag test showed that was too low. A taller sign costs a lot more money, and he had initially budgeted for 50ft sign. It is the buildings along Canyon Rd that block the visibility of his site. The Subway is currently building a new 2 story building, which further blocks visibility to his site. With the combination of being the first business in a new development, customers having to make a left turn off Canyon and travel over railroad tracks as well as reduced visibility from the main road, he is very concerned for the viability of his business if he is not able to have the 85ft sign that he has requested. He testified that he had a pre-application meeting in April and didn't buy the property until December. Prior to buying the property he was under the impression that he was allowed a 100ft sign. He is scheduled to open in a few weeks and needs the sign situation cleared up. He was informed on Feb 1st that a conditional use would be required for a sign over 35ft in height.

City Attorney Jim Pidduck addressed the Planning Commission. He submitted a number of documents into the record. He discussed the pre-application document that was given to the applicant, which clearly indicates that the zoning on the property was identified as Commercial Tourist and that a 100 ft sign was allowed. He submitted into the record a letter provided by the applicant that described how he had relied on information given to him by the city in his decision on the signage for the restaurant. Mr. Pidduck

discussed a couple of court cases dealing with these types of situations.

Mr. Pidduck discussed the legal aspects of conditional use reviews and the types of decisions the Planning Commission can legally make. The application is for a freeway-oriented sign, which in the C-H zone is allowed up to 100ft, with conditions. The way the city's code is written a 100ft sign is allowed, but the Planning Commission can attach conditions to such an approval.

The Planning Commission asked the applicant about the process he went through to determine the proposed 85 ft sign height. The applicant responded that he had initially contracted for a 50ft sign, but after doing an on-site flag test he determined that a higher sign was needed. He ended up spending an extra \$20,000 for the taller sign, which was an expense he would have forgone if at all possible. The taller sign is the only way that he can get the visibility needed for his business. He testified that as an example, the existing Taco Bell sign is 100ft.

Motion:

Sarah Bedsaul made a motion that the Planning Commission approve C12-03 with the proposed 85ft sign height

Beverly Heckart seconded the motion

The motion passed 4-1

Public Meeting

1) Continued discussion on the Land Development Code Update

The discussion started where the last meeting left off, with a consideration of 15.32.130(A)(2):
The caption seems confusing. It was explained that the difference between the photo in the middle and the one to the right is that the one in the middle illustrates a lack of the required 5ft setback from the sidewalk.

15.35.070(B):

There was discussion about the language that allows the required 40 acres to be separated by a public ROW. These types of development are typically located on busy streets, and this language will result in development that is not very conducive to bike and pedestrian use. It was commented that a regional retail development that was built separated by ROW would still trigger other development requirements, such as street frontage design elements and NMT facilities as required in the code. The majority of the Commission seemed to be in favor of leaving the language as it currently exists.

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

The motion passed 5-0

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. For 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

The motion passed 5-0

The next meeting was scheduled for March 8.

The meeting was adjourned at 8pm

Respectfully submitted

Lance Bailey, Planning Supervisor