

**CITY OF CLARKSTON
PLANNING COMMISSION MINUTES
February 5, 2018**

CALL TO ORDER: 6:02 P.M., Clarkston City Hall, Chairman McCroskey
Staff: Kevin Poole

ROLL CALL: Flerchinger, Gilbertson, Filler, Merrill, and McCroskey.

AGENDA CHANGE: Add the following items to Regular Business

B. Election of Chair and Vice Chair

C. Planning and Zoning Report to City Council

Moved – Gilbertson, Seconded – Flerchinger, Approved on 5-0 vote.

APPROVAL OF MINUTES:

Approval of minutes as submitted for December 4, 2017. Moved – Merrill, Second – Flerchinger. Approved on 5-0 vote.

PUBLIC HEARING:

A. Public Hearing for ZC-2018-01 801 Elm St.

Public Works Director (PWD), Kevin Poole introduced the issue by stating the applicant, Victor Dalosto, wishes to change the zoning from R2 – Medium Density Residential to NC – Neighborhood Commercial. The city received the zone change application on December 8, 2017. Staff reviewed the application and determined all the information required was included in the application so the zone change hearing was scheduled for February 5, 2018. The property is commonly referred to as “Smitty’s Barrell”. Sometime in the past the property was over laid with an R2 zone even though the use had never changed. The property had been used as a restaurant/tavern since it was built in 1922. In discussions with the applicant, it was determined that a zone change to NC zone was the appropriate zone for the property. The zoning needed to match the use because banks do not loan on businesses existing as a non-conforming use in a zone. Also insurance companies cannot write a policy to cover replacing a non-conforming use building in a zone.

Chairman McCroskey reminded the audience that they need to state their name and address for the record before they continue to give their hearing testimony.

Applicant Victor Dalosto, 801 Elm St., Clarkston, WA 99403 presented the following information in support of his request for a zone change from R2 to NC. He and his family have driven by the property the past several years. They were always interested in the building and it was just recently that they were able to negotiate the purchase of the building. The roof is in the shape of a barrel and has 10 foot ceilings. They are going to keep the barrel feature. The building has been added on to and remodeled several times in the past. They have taken down some of the walls and interior ceiling to see what they have for building structural work they need to do. They have retained an architect, Bott & Associates, to do the building remodel design. The interior ceiling will follow the slope of the exterior roof to the bottom of the “Barrel”. They have ordered a \$25,000 steel ring to fit inside the barrel to support the roof. He is in the process of getting permits to do the construction work. The railroad ties around the outside of the building will be removed and replaced with a more decorative black fence. The idea is you can sit anywhere inside the building and look up into the barrel.

He has a couple of people interested in running the business as a Mexican restaurant. He has some other options he is considering but the business will remain a restaurant. He is hoping to get the commissions approval of the zone change so he can move forward with the project.

PWD Poole asked the commission if they had any questions for Mr. Dalosto at this time. Gilbertson stated that it was mentioned that the railroad ties were going to be removed and replaced with another kind of fence. He wanted to know what type of fencing will be used to replace the railroad ties. Mr. Dalosto stated that they will have to use some sort of secure fence. A structural type of fence that you can see through and 4 foot height but take the impact of a car. He is concerned for the safety of his customers that will be eating outside. There are 3,500 cars a day driving past the business in Elm. St. and if a car hit the existing fence it most likely wouldn't stop a car and wood splinters would be flying everywhere.

Gilbertson asked about the property behind the Barrel and the small strip running north and south if they are part of the property purchase. Mr. Dalosto replied that the referenced property is part of the property purchase. Mr. Dalosto replied yes.

Gilbertson asked if parking was going to be on the west side. Mr. Dalosto replied yes.

Filler asked PWD Poole if there are requirements to pave the lot. PWD Poole replied that the final plans have not been submitted for review. There is some discussion of possibly adding a drive through window. Paved surfaces are a requirement for parking lots. Right now the Building Dept. is waiting for submittal of final design plans to review.

Flerchinger asked about lighting requirements. He stated a parking lot will need to have lighting. PWD Poole stated that NC zone allows for a community to do spot zoning of commercial in a residential area that benefits and enhances the neighborhood. These could be a small restaurant, medical center, vision center, or a dentist office or small convenience store. NC zone limits the building size to 2500 square feet. You do not want a big box store in a residential neighborhood. Even a laundromat would be considered an appropriate use in a NC zone. Lighting requirements in a NC zone needs to be pointed downward and not shining out and away from the property into the residential area. There are also some landscaping and screening requirements for NC to shield adjacent residential property from commercial activity next door. Mr. Dalosto stated he plans on having a real nice restaurant there and does not want his business to impact the neighbors and he will work with PWD Poole.

McCroskey asked is the business will be primarily a restaurant with outdoor seating or will there be other activities such as music. Mr. Dalosto said there may be some music but that would not be the primary focus or draw of the restaurant. He said they have looked at the drive through window and have decided that would not work since there is another Mexican restaurant just opened up with a drive through. He did not think he could compete with that. He wants to develop a sit down restaurant that is middle to high end.

Gilbertson asked what the intended capacity will be for the restaurant. Mr. Dalosto said they were looking at seating capacity of 60 people. They are removing the support poles in the interior. It will be designed as an open concept building.

Gilbertson asked how wide is the little strip of land to the south on Diagonal. PWD Poole said it appears to be 15 – 20 feet wide from the drawing scale. He noted for tax purposes, the two parcels have been combined and are considered one parcel with the assessor's office. Gilbertson asked if the resident on the south end of the block was buying that small strip of land. PWD Poole stated at this time it is all one taxable parcel that was purchased under the real estate transaction.

Chairman McCroskey asked if there were any more questions from the commission. Hearing none she asked for the staff report.

PWD Poole provided the staff report on the requested zone change.

a. Names and addresses of the owners and Applicants:

Victor Dalosto
P.O. Box 178, Asotin, WA 99402

b. Brief summary of the requested action;

The requested action is to change the zoning designation of the property from and R-2 (Medium Density Residential) Zone to a NC (Neighborhood Commercial) Zone. The applicant has recently purchased the Smitty's Barrel property and is continuing its use as a restaurant. For financing and insurance purposes the land use needs to match the zone. The business has been at this location since 1925 and has been a non-conforming use in an R-2 zone for at least 20 years.

c. A common description of the subject property and a legal description of the subject property;

Property is commonly referred to as 801 Elm St.

Legal description is as follows:

A parcel of land, comprised of East 132.57 feet of Lot 4, of Block 8 and Northwest 100 feet of Lot 4, Block 8 of Clarkston according to the official plat thereof, records of Asotin County, Washington, located in the South half (1/2) of Section 21, Township 11 North, Range 46 East, Willamette Meridian, City of Clarkston, County of Asotin, State of Washington.

d. A technical data summary of the land use plan designation and zoning designation of the subject property;

An R2 zone buffered by an R3 zone adjacent to a commercial zone is not considered a transitional zone. The subject property is bounded on the east, north, and south side by R3 (High Density Residential) zone. It is bounded on the west side by R2 zone. Across 8th Street to the east is DC (Downtown Commercial) zone.

The subject property is a triangular shaped property that is relatively level and the existing restaurant has been at this location since 1925. Elm St. used to be US 12 into Clarkston in the early to mid 20th Century.

e. The current access to the subject property and the proposed access to the subject property;

Access to the property will be off of 9th Street on the west side, Elm Street on the north side, and Diagonal Street on the south side of the property.

f. In-depth analysis of the proposed project;

Subject property is a relatively level lot. It has access to utilities (water, sanitary sewer, telecommunications, gas, and electrical) at the property line or in the adjacent street or alley.

Subject property is currently in R-2 zone and adjacent to existing R-3 zone. An R-2 zone buffered by an R-3 zone from an adjacent commercial zone is not considered a transitional zone. The Comprehensive Plan recognizes the need for some commercial business to be located within a residential zone. A NC (Neighborhood Commercial) zone is created to allow for restricted commercial spot zoning within a residential zone to provide needed commercial services to the surrounding neighborhood. These restrictions include a building size less than or equal to 2,500 square feet, additional requirements for visual and noise shielding of NC zone from the adjacent residential zone are also required. There are also restrictions on signage and lighting of the property. The NC zone is consistent with the comprehensive plan land use designation and growth management policy.

Subject property at 801 Elm St. is an existing restaurant that has been operating, under various business names, at this location since 1925. Elm Street was part of US 12 in the early to mid 20th century.

This will increase the property tax valuation on the subject property because of the change from R-2 zoning to NC zoning and the proposed improvements to the property.

The subject property is fronted by Elm St. on the north, Diagonal St. on the south, and 9th St. on the west. The local PTBA transit stop is located east of the subject property at the intersection of 7th St. and Elm St.th St.

This property is within the Clarkston City Limits.

Current land use plans would not allow a restaurant business in a R-2 zone. Changing to an NC zone would be an allowed use for a restaurant less than 2,500 SF floor area. The current building is 2,200 square feet.

g. A history of the requested action;

- Property has been used as a restaurant since 1925.
- Elm St. has historically been US 12 in the early to mid 20th century.
- Business would not be able to secure insurance or mortgage financing sine the business is a non-conforming use in a R2 zone.
- The zoning application was submitted on December 7, 2017.
- The applicant was notified on December 8, 2017 the application was complete and would be notified of the hearing date.

- Hearing date for ZC-2018-01 is February 5, 2018.

h. A summary of any other requested land use permits in the area;

Zone change application from R-2 to SC for 616 Maple St. was approved by P&Z on July 17, 2017.

Zone change application from R-3 to SC for 428 5th St. approved by P&Z on August 21, 2017.

Zone change application from R-2 to SC for 535 6th St. approved by P&Z on December 4, 2017.

i. The compatibility and impact of the proposal on the existing development and the probable character of the proposal;

The proposal is consistent with the comprehensive plan and the use of NC zones imbedded within an R-2 (Medium Density Residential) zone. This use is consistent with the recognized need to provide retail facilities and other services within walking distance within a residential neighborhood .

j. A summary of the reports or recommendations or any other agencies consulted;

No other agency has commented.

k. Appropriate maps of the subject property;

Staff has provided 2 maps for the discussion.

Zoning map of subject property

Vicinity map of subject property

l. The result of the determination pursuant to the State Environmental Policy Act (SEPA);

The City of Clarkston is the designated agency for SEPA determination. No environmental impacts have been identified with this zone change.

m. Staff's conclusions and recommendations;

The proposed zone change is consistent with the Comprehensive Plan and the use of NC zones for providing retail facilities and other services within an R-2 Residential zone. It is also consistent with the following Comprehensive Land Use Policies:

Objectives

A.10 – Where appropriate, new development should include planning approaches that increase physical activity, such as neighborhood commercial nodes to allow walking and cycling to local services, transit oriented development, linear parks and trails network, and siting schools and other public facilities within neighborhoods to allow easy walking.

A.11 – Mixed use developments should be allowed when the size of the development provides for planning as a cohesive neighborhood with commercial and residential uses co-existing.

Policies

A.1.15 - Continually review permitted, conditional, and prohibited uses to assure the mix of uses allowed by the zoning ordinance does not adversely impact residential neighborhoods.

A.1.16 – Review and revise development standards to buffer residential zones and/or uses from commercial and industrial uses. Such revised standards may address landscaping, berms, fences, walls, access, lighting, uses, hours of operation, or other criteria as may be appropriate.

Recommendation is to approve the zone change application from an R-2 zone to an NC zone.

PWD Poole asked if there were any questions from the commission regarding the staff report.

Merrill asked if the chiropractic office to the west is in an R2 zone and is a non-conforming use. PWD Poole replied yes it is a non-conforming use in a zone. Merrill asked if we only address the zone change when the property owner comes to the P&Z Commission. PWD Poole replied yes, we can only address the zone change at the request of the property owner at this time. However, the commission can review and make changes to land use zones during the revision of the Comprehensive Plan revision that is currently underway. For example the commission may want to convert a number of non-conforming commercial uses in a residential zone into a NC zone. The commission can do that because they will advertise for a hearing to take testimony on the zone change map and all those addresses will be listed in the advertisement. That may have been what happened when the commercial business at Smitty's was overlaid with an R2 zone even though it was an ongoing commercial use.

Chairman McCroskey asked if there was any additional questions from the commission regarding the staff report. Hearing none she opened the hearing for testimony at 6:31 PM.

Kelly Blackmon, 819 Sycamore St. Clarkston, WA 99403. Mr. Blackmon stated that since this business had been used as a bar or restaurant continuously since 1925 that this zone change appears to be just a housekeeping item. The owner is proposing several improvements to the property, increasing employment in the area, and additional revenue for the city. He hopes the commission goes ahead with the recommendation and approve the zone change.

Mark Wright 1246 Sycamore St., Clarkston, WA 99403. He is surprised that this is even an issue. He thought this should have been left commercial. He thought the whole corridor should be commercial. He said this would give the neighborhood a chance to grow and develop, just like 15th St. This should be commercial and the zone change is a good one. This property has become blighted to some degree. He heard that Mr. Dalosto bought the property and his projects are top notch, first cabin. He encourages the commission to support the zone change.

Chairman McCroskey asked if there was any additional testimony. There was none. She asked if the applicant wished to answer any questions that may have come up in testimony. Mr. Dalosto said he is anxious to proceed with the project and appreciates the help and guidance he has received from the city.

Gilbertson asked what the plan was for alcoholic beverages. Mr. Dalosto said that Mexican food goes well with margaritas and there is a way to make them with out having hard liquor on the premises. He would like to give the restaurant a chance to develop to the best potential it can. Alcohol fits into that and they will monitor consumption and have strict guidelines for staff to follow. They will note who is driving and who is drinking. Driving under the influence is not as acceptable as it was in the past. Insurance and liability exposure has concerns for him in regards to alcohol. But it is hard to compete with other Mexican restaurants with just beer and wine. Gilbertson stated he thought that beer and wine can be sold by permit and hard liquor license was based upon the percentage of your business that is food versus alcoholic beverage. Mr. Dalosto said the bar area in the building design has not been defined yet but he is looking onto what is required for beer, wine, and hard liquor for permitting and license.

Gilbertson asked if there was any thought about entrances and exits from the parking area west of the building going onto 9th St., Elm St. or Diagonal. Mr. Dalosto said that will all be addressed in the design. He knows we have talked about paving and understands the existing lot is gravel. He does not want to have a first class restaurant with a gravel parking lot.

Gilbertson said there was a figure used at the start of the presentation of how many cars drive by the business. Mr. Dalosto said he was given the 3500 cars per day figure by one of the officials he has talked with. He could not recall who gave him the figure. He has had the health department out to inspect the building as well as the city and fire department. Gilbertson stated he would hope that they do not exit the restaurant onto Elm St. but use 9th St. or Diagonal. Entering into the property from Elm St. is not a problem but he is concerned about exiting the property onto Elm St.

Chairman McCroskey asked if there were any additional questions from the commission. Hearing none, she closed the hearing at 6:40 PM.

Chairman McCroskey asked if there were any discussion from the commission.

Gilbertson stated the existing use has been in place for years and years. The zone change request conforms to its use.

With no other discussion she asked if there was a motion. Merrill moved that they approve the zone change request from R2 to NC and send to city council. Seconded – Gilbertson. Vote 5-0 motion carried.

Chairman McCroskey told the application the commission would forward the Findings of Fact and Conclusions of law to approve the zone change and amend the zone map to the City Council for their action.

PWD Poole said he would bring the Findings of Fact and Conclusions of Law before the commission at the next P&Z meeting.

B. Public Hearing PD-2018-01 1935 Bridge St.

PWD Poole introduced Tom Denlea to the commission and stated the group Mr. Denlea represents has purchased the property fronting Bridge St. at the southeast corner of Bridge St. and 14th St. He has a presentation on what he would like to do with the back (southern) portion of the property.

Tom Denlea, 58402 N. Griffin Rd., Grandview, WA 98930. He and his group own the Best Western Hotel just a few blocks east of the property they have just purchased. He wants to present a plan of what they would like to do with the southern portion of the property. The property is the vacant lot on Bridge St. and 14th St. Just under 5 acres in size. This is Lot 1 of the Larpo Addition. They purchased it in June of 2017. They want to build a hotel on the north part of the property. The property straddles two zones. Northern portion is Service Commercial, the southern portion is R2. As they were developing a site plan for the property they were trying to decide what the best use would be for the southern portion. His group is very positive about the Clarkston area and see the area has a lot of potential.

In their review of the property they recognize it made sense to do some sort of housing on the parcel since there is not a lot of middle income housing available in the area. They are trying to figure out how to optimize tasteful development of middle income housing on this parcel. The existing plat map shows one large parcel. The zoning splits the parcel into a north half and a south half. He is going to short plat the parcel into three parcels. Lot 1 will become a smaller parcel and he will create a Lot 5 & 6 in the Larpo Addition. Lot 5 will be the north east quarter of the north half and Lot 6 will be the southern half of the Larpo Addition. The northern two zones Lot 1 and Lot 5 will be in the commercial zone and will have commercial applications. They are not the topic of the presentation. The southern portion referred to as Lot 6 is 1.58 acres. Mr. Denlea showed a proposed site plan to the commission. The site plan showed a townhouse type development in Lot 6. This townhouse development has 6 buildings with 4 townhouses, each are three stories, for a total of 24 units. He showed an example of the townhouses that were built in Federal Way. They have a garage on the ground floor and some units will be 2 bedrooms and some 3 bedrooms with 1-1/2 to 2-1/2 baths in a compact footprint. These could be rental units or condominiums depending on how the market responds.

Another proposal was a 30 unit apartment type building. This is more of an apartment style. This allows for more density of units on the property and is a more efficient way to build. Not as many exterior walls. He showed the commission an example of the building. This will be comprised of one bedroom to three bedroom units with one to three bathrooms depending on the market. The design lets you mix and match units to create something that makes sense for this market.

Mr. Denlea is asking the commission to consider a Planned Development (PD) in this zone to allow them to build something with a little higher density within the existing zoning. This would not be a tremendous increase in the amount of density but would allow for more units to be built in the area for middle income housing. Given the need for middle income housing and their wanting to build something that improves on the area, this is not low income or section 8 housing, they have submitted this plan with the two alternatives.

Flerchinger asked if these were going to be one floor construction for old people. Mr. Denlea stated the apartment style will be on one floor but the town houses will be three stories. So it depends on which structure or concept is built.

Merrill asked given current markets what do you consider affordable pricing per month for housing? Mr. Denlea stated given the current market around \$1.00 per square foot.

Gilbertson stated there was mention of a single story and a three story structures. Was there a possibility of a combination of those? Mr. Denlea said it depends on efficiency when you mix the two types and maximize what you can do with buildings and still leave some open space. We are not trying to pack things in as tightly possible but create an environment that is pleasant for people. He doesn't think it would be easy to develop a mix of the two structures on the property.

Chairman McCroskey wanted to know if the three level structures fall within the height requirements of the city. PWD Poole stated that the maximum building height in Clarkston is 35 feet and the proposed development appears to meet that.

Chairman McCroskey asked about open space requirements for this development. PWD Poole stated the PD process allows the commission flexibility in setting what the open space requirement should be. The PD process gives the commission flexibility working with a developer in dealing with all the in-fill properties in the city. To better fits the needs of the community and blend in with the characteristics of the surrounding neighborhood.

Commission had no more questions so Chairman McCroskey called for the staff report.

PWD Poole provided the staff report on the requested zone change.

STAFF REPORT

PD-2018-01, 1395 Bridge St.

Hearing Date February 5, 2018

n. Names and addresses of the owners and Applicants:

Tom Denlea
58402 N. Griffin Road, Grandview, WA 98930

o. Brief summary of the requested action;

The requested action is to change the zoning designation of the property from and R-2 (Medium Density Residential) Zone to a PD (Planned Development) Zone. The applicant has recently purchased the property and is in the process of starting construction of a hotel and restaurant in the northern portion of the property zoned SC (Service Commercial). The southern portion of the property is zoned R-2 and the developer wants to build higher density living units on the 1.52 acre site.

p. A common description of the subject property and a legal description of the subject property;

Property is commonly referred to as 1395 Bridge St.

Legal description is as follows:

A parcel of land, comprised of South 200 feet of Lot 1 of Larpo Addition according to the official plat thereof, as recorded in the office of the County Recorder of Asotin County, Washington, on December 27, 2012 under recorder's Instrument No. 333334 located in the South half (1/2) of Section 21, Township 11 North, Range 46 East, Willamette Meridian, City of Clarkston, County of Asotin, State of Washington.

q. A technical data summary of the land use plan designation and zoning designation of the subject property;

An R2 zone adjacent to an SC commercial zone is considered a transitional zone. The subject property is bounded on the east, west, and south side by R2

(Medium Density Residential) zone. It is bounded on the north. side by SC (Service Commercial) zone.

The subject property designated for the PD is relatively level to sloping downward to the north. This is undeveloped land that is cleared of trees.

r. The current access to the subject property and the proposed access to the subject property;

Main access to the PD will be from Poplar St.

s. In-depth analysis of the proposed project;

Subject property is a relatively level lot. It has access to utilities (water, sanitary sewer, telecommunications, gas, and electrical) at the property line or in the adjacent street. Water and sanitary sewer are provided by Asotin County PUD.

Subject property is currently in R-2 zone and adjacent to an SC zone. An R-2 zone adjacent to a commercial zone can be considered a transitional zone. The Comprehensive Plan recognizes the need for additional quality rental housing with one and two bedrooms for starting families and retirees. A PD is a zone is created within an existing zone to allow for flexibility for the developer to provide an overall project that enhances the community and the neighborhood, and provides needed facilities for the community such as rental housing. The PD zone is consistent with the comprehensive plan land use designation and growth management policy.

Subject property is a vacant, undeveloped piece of land comprising of 1.52 acres.

This will increase the property tax valuation on the subject property because of the change from undeveloped R-2 zoned property to a developed and improved property.

The subject property is fronted by Poplar St. on the south. There is possible access through the SC zone to access 14th St. to the west. The local PTBA transit stops are located north of the subject property at the intersection of 14th St. and Fair St. There is also a transit stop to the west on Bridge St. in front of Walla Walla Community College.

This property is within the Clarkston City Limits.

Current land use plans would not allow a high density development in a R-2 zone. Changing to an PD zone would provide the developer the flexibility to build some higher density residential units on this 1.52 acres of land.

t. A history of the requested action;

- Property has been undeveloped and vacant.
- The PD zoning application was submitted on January 11, 2018.
- The applicant was notified on January 15, 2018 the application was complete and would be notified of the hearing date.
- Hearing date for PD-2018-01 is February 5, 2018.

u. A summary of any other requested land use permits in the area;

Zone change application from R-2 to SC for 616 Maple St. was approved by P&Z on July 17, 2017.

Zone change application from R-3 to SC for 428 5th St. approved by P&Z on August 21, 2017.

Zone change application from R-2 to SC for 535 6th St. approved by P&Z on December 4, 2017.

v. The compatibility and impact of the proposal on the existing development and the probable character of the proposal;

The proposal is consistent with the comprehensive plan and the use of PD zones imbedded within an R-2 (Medium Density Residential) zone. This use is consistent with the recognized need to provide rental housing facilities for the community .

w. A summary of the reports or recommendations or any other agencies consulted;

No other agency has commented.

x. Appropriate maps of the subject property;

Staff has provided 2 maps for the discussion.

Zoning map of subject property

Vicinity map of subject property

y. The result of the determination pursuant to the State Environmental Policy Act (SEPA);

The City of Clarkston is the designated agency for SEPA determination. No environmental impacts have been identified with this zone change. The SEPA application for the complete property is currently advertised and open for public comment until February 9, 2018.

z. Staff's conclusions and recommendations;

The proposed zone change is consistent with the Comprehensive Plan and the use of PD zones for providing rental facilities and developments within an R-2 Residential zone. It is also consistent with the following Comprehensive Land Use Policies regarding the Housing Element:

Goal A – Ensure housing diversity in the city to meet existing and future housing needs.

Goal C – Inventory of Existing and Future Housing

Objectives

A.2 – Encourage the development of multi-family housing.

A.11 – Mixed use developments should be allowed when the size of the development provides for planning as a cohesive neighborhood with commercial and residential uses co-existing.

B.2 – Housing Types – A wide range of housing development types and densities will be encouraged and promoted. This will include multi-family and special needs housing to provide affordable housing choices for all.

Policies

A.1.1 - Continue to plan for the sufficient provision of the various housing needs of Clarkston residents.

Recommendation is to approve the zone change application for the proposed preliminary Planned Development Master Plan and choose a recommended alternative to forward on to the city council.

PWD Poole asked if there were any questions from the commission regarding the staff report.

Merrill stated the developer is proposing the highest and best use for this property is 24 units on 1.5 acres. PWD Poole replied the city needs additional rental housing. Condominiums are also an attractive option because of the lack of owner occupied housing. Over 54% of available housing in Clarkston is rental property. Condominium development is one way to promote owner occupied housing if that is the direction the commission wishes to go.

Filler stated this is the first time she has dealt with PD zoning. She wanted clarification of which option, townhouse or apartment, the commission is considering. PWD Poole responded that the planning commission needs to decide which option they prefer. Then make suggested changes in the PD zone to address parking needs, fire access, lighting and noise requirements to shield adjacent residential areas from the development impacts. That is the beauty of the PD process is it allows the commission to pick and choose what they feel comfortable recommending to city council. City council still needs to approve the final plan. In the PD process, almost any change from the approved plan has to come before city council for another hearing to see if city council will allow the change. Right now you have an open book or blank canvas to work with. Mr. Denlea has given the commission a couple of alternatives to consider but it is up to the commission to decide what is an appropriate use in the PD zone. The final plan that will come before the city council will have what the landscaping, streets, lighting, parking, and buildings will be in specific detail.

Filler asked if issues like open space or egress handled outside of this commission? PWD Poole replied the commission needs to identify which alternatives they do or do not like and raise any concerns such as parking, street standards, or emergency egress which will be detailed in the final plan.

Filler asked about the 24 unit alternative and emergency egress. It looks like there are bollards blocking the north entrance into the development. Tom Denlea stated that those can be removed by the fire department when responding to a fire but are there to restrict traffic from the PD from using the north entrance as a road.

It is for emergency access only. Filler stated that all the traffic from the PD will be onto Poplar and that is a concern to her.

Filler asked where is the resident parking? Tom Denlea replied parking is provided in the attached garage and the driveway. There is also some parking in the street but no parking lot is currently provided.

Merrill said most residences have two cars and nobody parks in their garage, they use it for storage. It looks like there is no room for the second car in the street.

Merrill asked PWD Poole why are we doing a PD when we could go to an R3 and meet the use? PWD Poole said we would be spot zoning R3 in a R2 residential and a commercial zone.

Merrill asked why is that different from a PD zone? PWD Poole replied the PD process can put limits on the development or additional requirements such as parking, on a PD zone where it would be allowed in an R3 zone. The PD process gives the commission flexibility to tailor the development to fit the land use and not be as big an impact on surrounding zones. We are asking the developer to give us a detailed final plan on what the development will be. This is a good tool to use when addressing in fill areas of development.

Merrill was concerned the commission is being asked to make a decision on the alternatives without more detail. He was concerned that the developer could come back to city council with a final plan that is completely different from what the commission approved. PWD Poole referred the commission to CMC 17.10.050 Planned Development Zone Section 3 – General Review Process (c) Preliminary Plan. He stated we are setting the ground rules tonight for the developer to come up with a final plan for review by city council.

The commission having no more questions of staff, Chairman McCroskey said they will move on to the public hearing. She reminded the participants they need to state their name and address for the record before they make their comments.

PWD Poole asked the commission to take a short recess while he changes the disk in the recorder.

Chairman McCroskey opened the public hearing for PD-2018-01 at 7:23 PM.

Neal Stenerson, 1380 Poplar St., Clarkston, WA 99403. Owns property south of the development. He is concerned about the amount of traffic the development will create. With the schools in the area, what are we going to do to make Poplar St. safer?

Kristen Kemack, 825 6th St., Clarkston, WA 99403 - She is the CEO of the Chamber of Commerce – She wanted to say thank you. One of the requests they regularly get is for this kind of housing. This will enhance the tax base of the community. This is a great opportunity and the city should embrace it and grant the PD zone change. Gilbertson asked if they get more requests about single family dwellings, townhouses or apartments? She replied they get a lot of requests for middle income homes. Merrill asked if it was just homes, Ms. Kemack responded both rentals and homes. They are looking for housing of higher quality. She also stated she has an attached garage and she parks her vehicles inside it.

Kelly Blackmon, 819 Sycamore St., Clarkston, WA 99403 – He agrees that Clarkston needs additional affordable housing developed to bring people into the area. He does have concerns as previously mentioned that streets in the area aren't well developed right now. 14th St. and Poplar St. His concern is how well can the area support the increased traffic and if street improvement is needed who is going to pay for that? IS it the developer or is it going to fall upon the city? He hopes these thoughts are taken into consideration because 14th St. and Poplar St. will be seeing a lot more traffic then they have now.

Denise Bissel, 526 Monroe St., Clarkston, WA 99403 – She wanted to know what the development would do to her taxes? If anything? Merrill responded that the increase in tax base would get billed.

Eric Justice, 2035 Deer Point Drive, Clarkston, WA 99403 – He understands that a project of this magnitude brings on challenges such as parking and roads. All of that will be thoroughly examined. He encourages that the zone change to make this project move forward be strongly considered by the commission and council. I think what Mr. Denlea is proposing is wonderful for the community. Through his business involvement and other committees he has been on and his wife's involvement in the business community as well know there is a need for this type of middle income housing. Whether it be the townhouses or apartments. Particularly the townhouses are a great idea. There is nothing like them in the market. He owns two other rental properties as well. He is also aware of the demand for middle income rentals. People tell him all the time there is very little out there. He knows there is a lot of planning going into this but encourages a positive mindset to make something like this come to fruition. It is a great investment to be here.

Matthew Slaybaugh, 1370 Poplar, Clarkston, WA 99403 – As someone who lives on Poplar St. and drives it every day there is no parking on Poplar. So any overflow parking for this would be on Poplar where there isn't any. There are no sidewalks for kids. There are kids playing in the street. There are kids walking across the street all the time. There are chickens and other farm animals across the street that are often in the street and it does have a lot of traffic. There is no sidewalk. When kids walk to school in the morning they are walking in the street. When they walk home in the afternoon they are walking in the street. He doesn't see the townhouses or apartments do anything good for the city for the amount we are going to have to pay to put sidewalks in to make it safe for everybody. You have to put parking in and I don't see it as a good idea.

Clarence McFarland, 1462 Poplar St. – Traffic is a big concern. You have 360 gym, the academy, and the boat place. Traffic is real bad. Sometimes it takes it takes a minute or two to get out on Poplar. Parents delivering their kids to 360 gym and the school going the other way don't do the speed limit. They do 40 mph sometimes. Another thing, Mr. Poole, we do have low income housing on Poplar St. Dietrich. You gave him permission to put in a half a block of low rentals and trailers parked all over the place. I would like to know how far back from the current housing the apartments are going to be. Are they going to build a privacy fence around there? Can the sewer handle the extra that is on 14th St. PWD Poole responded that PUD has said there is adequate capacity in the sewer and for fire flow for water for the development. You guys are going to block our view of the hill.

Terry Beadles, 1123 10th St., Clarkston, WA 99403 – He parks his car in the garage. There is a rental shortage. He has a friend looking for a 2 bedroom place to rent and it is difficult to find rental property in this town. His one concern is off street parking. He has a friend that lives in Westridge Apartments near the golf course. He has to park a long ways away from their unit when he visits them. So parking is a concern. Other than that, we do need some nice rentals.

Wes Westring, 1398 Poplar St., Clarkston, WA 99403 – They aren't exaggerating the traffic, we have about 100 vehicles a day go by there just to avoid the two lights on 13th St. and 15th St. Not to mention the trucks. When it comes to putting in sidewalks, we got to pay for the sidewalks. Is that correct? PWD Poole replied that the developer would be required to put in sidewalks along his frontage on Poplar St. All along 14th St. would require curb, gutter and sidewalk. None of the surrounding property owners would be required to put in sidewalk because of this development. Mr. Westring stated they do have water pressure problems in the neighborhood. You can't set a sprinkler. There were three times last year on 13th and Poplar they were flushing the sewer line trying to clean it. If they have to bring additional water in to supply the project, who is going to pay for it? PWD Poole replied that at this time Asotin County PUD says there is adequate pressure and flow of water and sewer capacity for the project. Asotin County PUD is always maintaining and upgrading their system. He can't speak for Asotin County PUD but he is aware they have plans for future upgrades in their water system in the area. Mr. Westring wanted to know if the development is going to

impact their property taxes along Poplar St.? PWD Poole stated that the proposed development will increase the value of the surrounding properties. As far as property taxes, your tax rate will be based upon your property assessment. What will change is the property tax rate for the developer. His tax rate will be taxed at the assessed use and rate. It will be a higher tax rate than the ground is being taxed at now because it is vacant.

There was no additional testimony given. Chairman McCroskey asked if there were any written communication received in regards to the hearing. PWD Poole replied that there was no written comments received.

Chairman McCroskey asked what notification was given to the public for this zone change. PWD Poole replied that for a zone change action the following notifications are done according to the Washington RCW's. First the zone change and hearing date is advertised two separate weeks in the newspaper. There are letters sent out to every resident/property owner within 300 feet of the zoning action boundary. The property is posted with a sign giving notice of the proposed zone change and the time and location of the hearing. These signs were posted on the property at the Bridge St. and Poplar St. frontage

Chairman McCroskey asked if there were any questions.

Mark Rudd, Chairman of the Asotin County P&Z Commission, stated when they deal with PD's they get one plan. PD's are a wonderful way to let a developer go in and pack in as much improvement they can, that is why there is green space and things like that. It is a great vehicle to get the highest and best use and highest and best financial potential out of a property. I was confused because we get a specific plan for a property. Are you guys breaking this out in phases that it is a good idea to put a PD there then later on come back and have a hearing on the specifics of a PD? This is a zone change and a zone change is predicated on a specific development. If you have to decide which is best takes you out of zoning and into consulting. Which is hard for you to have expertise in. He has got crap loads of that expertise. I am confused as to what your process is. Are you saying I will approve this but will come back and look at it again because this is not what my understanding of a PD process is. PWD Poole replied that Mr. Rudd's comment is completely appropriate. As I outlined earlier we are following the ordinance process and we are at the point the commission can say we like this the preferred alternative we would like to pursue for the preliminary plan or you can leave it up to Mr. Denlea to show us which one are you going to pick and show us your recommendation from there. There is flexibility in this process. I think Mr. Denlea came here tonight to ask the commission which of the two alternatives would be the most acceptable to the community and from that decision decide if he is willing to pursue that.

Chairman McCroskey asked if that isn't what the commission is asked to do make a recommendation to city council to change the zone from an R2 to a PD? PWD Poole replied yes.

Filler said she was confused because it states in the ordinance that the preliminary plan shall include location of proposed and existing buildings. I am confused by two totally different ideas. Do we have to approve this in two different sections?

Merrill stated this is certainly new to us, more or less, this PD. He has come up with proposals that need to be fleshed out for me. I certainly do not want to say yes to something we have just a vague idea of what he is proposing with two different (proposals). Certainly we want to see the highest and best use, no question. I have some personal preferences on what I would like to see. I just don't want to say yes to a PD that needs to be fleshed out a whole lot more for me.

Chairman McCroskey asked if she should close the hearing to start the formal discussion. PWD Poole replied they should give Mr. Denlea a chance to respond to comments and then close the hearing for discussion.

At this time Chairman McCroskey asked Mr. Denlea to respond to questions and make his final remarks.

Mr. Denlea said he wants to say thank you. He has been through a lot of hearings and this has been enjoyable. He appreciates that. It is not in the communities best interest or his best interest to put together a development that does not work. There needs to be enough parking or you do not do that development. One of the areas where parking can be added is in the drive in area off of Poplar. It is 50 feet wide so it is wide enough for parallel parking on both sides. It was not his intent to confuse the commission with the two alternatives. Actually there are three. This property is zoned R2. Looking at the code he could build 5 triplexes and not go through a zone change. But looking at the community and the opportunity to maximize the value of the property and return on investment a higher density of development made sense. We put together two plans. We put together a maximum density of development which is the 30 unit apartment building. That has more than adequate visitor parking programmed into it and it addresses the needs of the community. That would be his desired alternative to build. He put the townhouses out there because he likes it. It is unique and is something that will work very, very well in Clarkston. He doesn't want to do something the community doesn't want. His goal is to be a good neighbor and a good partner in the community not come in and try to make as much money out of a development as he can and then leave town. The reasons for the alternatives were not to confuse you but to get an idea of what you are willing to agree to. It is incumbent on the commission to give him some idea of what alternative is the most acceptable. Once he has that information he is ready to move forward.

Gilbertson asked what the height is on the townhouse versus the 30 unit apartment? Mr. Denlea replied the city has a height limit of 35 feet for a structure. That is for both alternatives.

Flerchinger asked how many fire hydrants are you putting in? Mr. Denlea said he would be looking to the Clarkston Fire Marshal to get that determination.

Mr. Denlea said he would be putting a fence around the development to give it some exclusivity.

Filler said she personally likes the townhouses because we have many apartment buildings but very few nicer townhouses like that are being proposed. She would like to pursue the town house idea if you could solve the parking issue and the traffic issue. She wanted to know if it would be possible to have additional parking north of the breakaway bollards and eliminate the breakaway bollards. Mr. Denlea said you have to take into consideration the parking that is required for those two commercial developments before he could answer that question. He needs to make sure he has adequate parking for the hotel and the restaurant. It is best if the parking associated with the apartments/townhouses stay within the development.

Flerchinger asked how far back from the street is the building? How far back is the garage from the street? Do you have two car lengths or three or what? Mr. Denlea said he believed it was at least 20 feet from the garage to the sidewalk. At some places maybe 30 feet. He could get this plan and blow it up for them so you have a better picture.

Flerchinger stated you have adequate parking if your building is set back enough from the street.

Merrill asked how many of his other developments he is involved with are townhouses? Mr. Denlea responded – none. They are hotels, Starbuck's, retail, a heartbeat park. Merrill stated this would be your first endeavor into that. Mr. Denlea responded that his architect has designed quite a few of them.

Filler asked if he had any idea of how to alleviate the concerns about traffic brought up by the neighbors? Mr. Denlea responded he has not.

Gilbertson asked PWD Poole if the city can do a traffic count on Poplar around 14th. He noticed there were some traffic counters around Elm St. the other day. PWD Poole replied that is something that can be done. Poplar St. in that area is split down the centerline with county on the south and the city on the north. But that is something that can be coordinated. He thought that Poplar may be one of the streets functionally classified as a TIB collector. There is a possibility that a joint project sponsored by the city and county could get some improvements done on the corridor.

Chairman McCroskey stated she to is concerned about the traffic and some of concerns of the neighbors. She thinks there is a tremendous need for high end townhouse type developments in the residential areas. So much of our downtown is rentals that are not well taken care of. Something like this to be developed and built would be wonderful. But she has some concerns of changing the zone to a PD zone, it is like the first "blush" for the commission. They have not done this before. She can speak in favor of high end townhouses. She can see the concerns of the others as well. Is it possible to take a step back and learn a little more about the PD process and not change the zoning right now? That would give Mr. Denlea time to come back with a more detailed plan of development or does he need a decision to move forward.

Mr. Denlea replied it is more of needing a decision to move forward rather than wait and bring more detail back. He has three alternatives right now. He has an R2 property that he can build triplexes on right now, he doesn't need to bring anything to the commission. The only reason he is here is because there is an opportunity for him to increase the density of the development. In discussions with PWD Poole he asked if he could rezone to R3. PWD Poole suggested he apply for a PD zone because it provides more flexibility in the development. This gives the commission the opportunity to develop something unique in the community. IF the community is desirous of this type of development, he will move forward. If not he will take the least path of resistance. He doesn't want the commission to feel he is pressuring them to make a decision but he needs answers. He can't have a decision hung up in committee.

Merrill stated he just needs things more fleshed out. We had a developer wanting to put up townhouses on the river then the economy went south and he ended up putting in storage units. His presentation was in stark contrast to your generalizations. He had everything mapped out for his townhouse development. That is what I would like you to decide on your own where you want to go and bring back a more detailed plan on what you want to do for us to go forward with this zone change.

Chairman McCroskey stated that the people speaking against the development aren't necessarily against building townhouses that are nice, or apartments. I think they are concerned about what is going to happen to their properties, what about the traffic, what about the little kids? I think those are valid concerns. I think we can work through some of those things because there is a tremendous need (for housing).

Filler asked if they recommend changing the zone to the planned development, we are not giving the developer free reign, he has to still meet many requirements. You talked about sewer, water and things like that. It isn't if you can go in and do whatever you want. There is still a number of limitations.

PWD Poole replied that the commission will still need to give some recommendation to the city council. It would be appropriate to table the motion and continue the discussion to the next meeting. That would give the developer more time to bring back a more detailed plan. It may be appropriate to have another hearing on a more specific plan. He understands the traffic concerns of the people living on Poplar St. The minimum that would be required of the developer is a traffic impact analysis (TIA) of the development on the Poplar St, corridor between 13th St. and 15th St. If the TIA shows there is a large impact on the corridor, it could trigger a full traffic impact study (TIS). Traffic impacts are one thing that is going to be looked at as part of this

development. The question about who pays for road improvements is that Mr. Denlea is responsible to pay for curb, gutter, and sidewalk on his frontage along Poplar St. We won't require any additional frontage improvements in front of adjacent residential properties.

Chairman McCroskey asked if the only improvements would be on Poplar St. PWD Poole replied just at the entry way of the development onto Poplar St.

Gilbertson asked as the owner of the Best Western on Bridge St. do you have any plans to accommodate truck parking in the new hotel development? Mr. Denlea said the truck parking is in the southeast corner of the commercial development.

Neal Harrison, 1380 Poplar St., Clarkston, WA 99403 -- He was wondering why does the traffic have to come in from Poplar St. Why can't it come from Bridge St.? Merrill said it is a separate development that doesn't have access to Bridge St. Just to Poplar St.

Chairman McCroskey closed the hearing at 8:05 PM. She asked for any discussion on the zone change.

Merrill thought the commission needed to delay the decision, he needs to do a drive by. He needs to walk the property and talk to some of his developer friends in Boise. To better understand the PD process for this piece of property. PWD Poole cautioned Commissioner Merrill that this is a quasi-judicial process, you have to be very careful about ex parte communication. The only thing the commission should use in coming to a decision is the presentation given tonight and the testimony given during the hearing.

Filler stated she is in favor of moving forward with the zone change and trusting the ability of PWD Poole to make sure the PD process is correctly followed. She is relying on the testimony of the people that have stated that Mr. Denlea's developments (Best Western Hotel) is a good neighbor. The increase from 15 triplex units to 24 townhouses is not a big increase in traffic to her. She is in favor of approval.

Gilbertson stated he is leaning toward the townhouses. He thinks they need the traffic impact study before they can do anything else. PWD Poole replied that that will be part of the final plan presented to city council. The commission can table the discussion and wait for the TIS if they feel that is necessary to make a decision on the zone change.

Chairman McCroskey stated if they recommend that a TIS is done then what? PWD Poole replied the TIS needs to be based upon a specific concept to determine traffic impacts. Chairman McCroskey asked if the TIS says to do this, we will require this? PWD Poole replied yes the recommendations from a TIS would be a requirement of the final plan. These improvements would be required to be done by the developer because these impacts were caused by his development.

Filler asked what happens in the PD process in regards to the final plan if the zone change is approved tonight? PWD Poole said if the commission wants to table the decision until a more developed plan is presented, that would most likely require another hearing with the commission. The commission can approve the zone change with a recommended consensus whether it is the townhouse or apartments.

Gilbertson stated that from the proposal, all traffic will enter and exit from Poplar St. Merrill said there is only one access, that is Poplar St. Gilbertson asked if there is a way to provide access onto Bridge St.? Merrill said it is two different properties. That the commercial development may not be the same owners of the PD development. They may not want any traffic from the PD development coming across their property. PWD Poole said the access from the commercial property to the PD is blocked by bollards that can only be moved by emergency access vehicles. Mr. Denlea is replating this property into three separate plats, so these will be three separate properties.

Chairman McCroskey stated they need to decide if they want to proceed forward or reschedule for another hearing. PWD Poole stated that Mr. Denlea has said he could just go ahead and build triplexes right now without any commission approval. He would like to build a higher density development. The city is in need of additional housing so a higher density development would be an asset to the community. The available housing stock is lacking.

Flerchinger moved to accept the preliminary plan. Filler seconded. Vote 3-2, Merrill and Gilbertson voting nay. Motion carried.

Chairman McCroskey commented that Mr. Denlea needs to bring something with more detail. That this is a new process to the commission that isn't really "gunho" about it. So you are going to have to sell them again with what you are going to bring to the table and satisfy the needs of the neighbors and the needs of the council.

Chairman McCroskey asked if the Findings of Fact will be brought to the commission at the next meeting. PWD Poole said he will get with the developer and get the work started for detail the final plan for council. Just as a courtesy, he will bring the final plan to the commission for review. The apparent consensus of the commission was the townhouse development.

REGULAR BUSINESS:

A. Introduce Don Brigham to Commission

PWD Poole said that the city has received a \$4,500 grant to help in updating the growth management act and critical areas of the comprehensive plan. With that grant money and budgeted funds, Don Brigham has been retained to help in updating the Comprehensive Plan. Mr. Brigham was instrumental in completing the last comprehensive plan update.

B. Planning and Zoning Commission Board Elections

Chairman McCroskey opened up nominations for Chairman. Merrill nominated McCroskey. Seconded by Gilbertson. No other nominations. Vote 5-0, nomination stands.

Chairman McCroskey opened nominations for Vice Chairman. Merrill nominated Gilbertson. Seconded by Filler. No other nominations. Vote 5-0, nomination stands.

C. Planning and Zoning Report to City Council

PWD Poole stated that city ordinance requires an annual written report of commission activities be submitted to the council. Chairman McCroskey directed PWD Poole to submit a report to the commission for approval for presentation to the council. PWD Poole said he would have a report prepared for the next commission meeting.

UNFINISHED BUSINESS: None

COMMUNICATIONS:

A. From Public: None

B. Written: None

C. From Planning Commission: None

D. Staff Reports: Staff is developing some ordinances to adopt the International Property Management Code. This will give staff some tools to deal with derelict properties, junk cars, and living conditions of property. Drafts will be given to the commission when they are ready

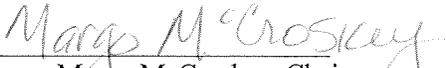
for council action. The sidewalk project is getting close to be out for bid. The adjacent landowner will be required to pay for the sidewalk or have a tax lien filed on their property.

E. Next meeting on March 5, 2018, 6pm Clarkston City Hall

ADJOURNMENT:

Motion to adjourn by Commissioner Merrill, seconded by Commissioner Filler.

Vote to adjourn 5-0, meeting adjourned at 8:34 p.m.



Margo McCroskey, Chairman