



# PLANNING COMMISSION AGENDA

15728 Main Street, Mill Creek, Washington 98012 - (425) 745-1891

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**July 18, 2019**

**Regular Meeting  
7:00 p.m.**

	TIME
I. CALL TO ORDER	7:00 p.m.
II. ROLL CALL	7:01 p.m.
III. APPROVAL OF MINUTES	7:02 p.m.
A. Planning Commission Meeting of June 20, 2019 <sup>(1)</sup>	
IV. WORK SESSION	7:03 p.m.
A. Potential Comprehensive Plan and Zoning Code Amendments Relating to the Business and Industrial Park Zone District	
V. FOR THE GOOD OF THE ORDER	7:50 p.m.
VI. ADJOURNMENT	8:00 p.m.

#### ATTACHMENTS:

1. June 20, 2019 Planning Commission Minutes
2. Memorandum dated July 9, 2019 with Attachments

*We are trying to make our public meetings accessible to all members of the public. If you need special accommodations, please call City Hall three days prior to this meeting (425) 745-1891.*

**CITY OF MILL CREEK  
PLANNING COMMISSION MEETING MINUTES  
June 20, 2019**

Draft

I. CALL TO ORDER:

Chair Eisner called the meeting to order at 7:02 p.m.

II. ROLL CALL:

Chair Stan Eisner  
Vice Chair Matthew Nolan  
Commissioner April Berg  
Commissioner Brian Hyatt (absent)  
Commissioner Daniel Mills  
Commissioner Nicolas Marin  
Commissioner Dennis Teschlog

Staff:  
Tom Rogers, Development Services Manager  
Christi Schmidt, Senior Planner  
Sherrie Ringstad, Associate Planner

III. APPROVAL OF MINUTES

Planning Commission Meeting of June 20, 2019

**MOTION: Commissioner Teschlog moved, seconded by Commission Mills, to approve the April 18, 2019 minutes as presented. The motion was approved unanimously.**

IV. WORK SESSION

Potential Code Amendments

Planning and Development Services Manager Tom Rogers stated that the purpose of the work session is to discuss potential changes to the Business and Industrial Park (BP) zone district. He noted that most of the land left for development in the City is located in the BP zone district along the Bothell-Everett Highway and 9<sup>th</sup> Avenue Southeast, and most parcels have environmental challenges. The City has received requests from developers/property owners interested in locating a restaurant in the BP zone. Currently the Code restricts restaurant use to a small portion of another building (15%, with a maximum of 3,000 square feet) and it is intended to primarily serve the uses in the BP zone. A standalone restaurant would not be allowed under the current Code.

On a side note, Mr. Rogers advised the Commission that the City has recently began a study of the Mill Creek Boulevard Subarea that will involve a more thorough analysis of the uses allowed in the subarea, which includes both Community Business (CB) and BP zoned properties.

As background, Mr. Rogers provided a brief comparison between BP and CB zone districts. He read an excerpt from the Comprehensive Plan regarding the rationale behind the CB zone district as follows:

“The rationale pertaining to the community business land use designation is to provide appropriate land areas that provide economic stability for the City through jobs and tax base. The designation intends to provide an appropriate amount of commercial land that is properly sited to take advantage of a safe and efficient transportation network and transit facilities, provides a broad range of goods and services and is compatible with surrounding land use designations and environmentally sensitive areas. The zone also allows for limited multifamily residential as a secondary use.”

He read an excerpt from the Comprehensive Plan regarding the rationale behind the BP zone district as follows:

“Manufacturing, assembly, distribution, health services and facilities and wholesale/office activities assume a role in the City's economy by providing jobs and adding to the tax base. To support these types of land uses in the local economy it is necessary to provide for the appropriate amount of land.

The major form of business park land uses should occur in campus style development and on large tracts of land that are planned, developed and operated as integrated facilities. Special attention shall be given to circulation, transit access, parking, utility needs, aesthetics and compatibility between uses both within the business park and with surrounding uses.

The underlying rationale for the business park designation is to provide an appropriate supply of land for a variety of light industrial and office uses that may depend upon close proximity to other industries and are dependent on an urban labor supply. Through the conditional use process, hospitals, health care facilities, retirement and nursing homes, as well as congregate care facilities may be permitted in the business park land use designations as well. In addition, the designation should promote efficient public and private utility and transportation expenditures, and promote compatibility with surrounding non-industrial land uses and environmentally sensitive areas.”

In the Development Code, the purpose of the CB Zone is described as:

“The purpose of this district is to implement the community business land use designation of the comprehensive plan by locating commercial businesses and higher density residential uses near activity areas, pedestrian accesses, and major transportation arterials. Uses permitted within this district are intended to provide a broad range of goods and services to the surrounding community.”

In the Development Code, the purpose of the BP Zone is described as:

“The primary purpose of the business park (BP) zone classification is to implement the business park comprehensive plan designation. The intent of the business park zoning district is to provide suitable areas for commercial development where the primary land uses are manufacturing, product assembly,

wholesale sales and professional and business office development. Other uses may include health care facilities and public facilities and utilities. This district is not intended for the development of retail sales and services; however, limited retail sales and services may be allowed to serve the needs of the business park tenants and users.”

Uses allowed in the CB zone are:

- A. Retail and wholesale sales;
- B. Professional services;
- C. Personal services, including self-service;
- D. Offices;
- E. Health care, excluding overnight accommodations;
- F. Restaurants and taverns;
- G. Commercial recreation facilities;
- H. Hotels and motels;
- I. Accessory structures and uses;
- J. Parking facilities;
- K. Banks and similar uses;
- L. Veterinary clinics and indoor animal boarding; and
- M. Commercial day care centers

Uses allowed in the BP zone are:

- A. Offices, including but not limited to government, research and development, trade schools and professional services;
- B. Wholesale sales;
- C. Warehousing;
- D. Manufacturing;
- E. Financial institutions;
- F. Commercial day care centers;
- G. Health clubs;
- H. Retail sales and services primarily intended to serve the principal BP zone uses. Such uses shall occupy no more than 15 percent of the constructed floor area of individual buildings. In addition to the limitation on floor area, restaurants, delis and other eating establishments are restricted to a maximum floor area of 3,000 square feet;
- I. Mini-storage facilities; and
- J. Outdoor storage and display.

To provide additional background for the Commission’s discussion, Mr. Rogers gave the square footage of some of the existing standalone restaurants in the City as follows:

Boston Pizza	6,332 square feet
China City	5,428 square feet
La Palmera	6,692 square feet
Saw Mill Café	3,208 square feet

Finally, before turning the discussion over to the Commission, Mr. Rogers posed the following discussion questions:

1. Is a standalone restaurant consistent with the Comprehensive Plan and or BP zoning purpose statement?
2. Would a standalone restaurant use be appropriate in the BP zone district? Or is it considered strip commercial?
3. Should more intense land uses be centralized or decentralized in the City?

Chair Eisner asked Mr. Rogers to address the topography on the properties and the degree the parcels are impacted by wetlands as well as how those properties because of their size and usability lend themselves to uses related to parking.

Mr. Rogers explained that uses currently allowed in the BP zone typically require less parking than a retail or restaurant. In general, the properties are flat adjacent to the highway, then drop off fairly quickly to the wetland. The properties on 9<sup>th</sup> Avenue have more limitations as far as what is developable. He noted that there is a reasons these properties are not yet developed – they definitely have some challenges.

Several Commissioners wondered if you could not approve future requests for mini-storage because we already have enough, or if we could remove them from the allowed uses. Mr. Rogers explained that if mini-storage remains an allowed use, we couldn't prohibit it and if we remove mini-storage from the allowed uses, it makes all of the existing mini-storage businesses non-conforming, which creates its own set of problems.

Mr. Rogers stated that if the City wants to allow restaurants in the BP zone, the City would have to change language in the Comprehensive Plan and Mill Creek Municipal Code.

In response to a Commission question, Mr. Rogers explained that any changes would apply citywide, even in the case of a redevelopment, not just undeveloped properties. He confirmed that restaurants would include fast food restaurants as well.

Commissioner Mills said there is a reason why like businesses locate in close proximity – people like to have choices and he wondered whether a standalone restaurant would thrive. Or, maybe we could attract multiple restaurants.

Vice Chair Nolan said that his first priority would be to the existing businesses in the City and he would want to make sure they are thriving before we look at adding restaurants in another area. He expressed the opinion that we may be considering this Code change prematurely, in light of the ongoing Mill Creek Boulevard subarea study.

Commissioner Mills stated that while it is important to focus on the Mill Creek Boulevard subarea study, it is also important to keep in mind that any changes resulting from the study could well be decades down the road. Whereas what is happening on the Bothell-Everett Highway could be happening in just a couple of years.

Commissioner Teschlog said that he is in favor of pursuing allowing standalone restaurants in the BP zone and doesn't feel we need to wait. Commissioner Berg pointed out that if we

do wait, it might be a missed opportunity. She would prefer that we pursue it sooner rather than later.

It was the consensus of the Commission to direct staff to evaluate the potential amendments now and to bring back to the Commission the following information:

- More in depth information on the vacant parcels left in the City such as size, constraints, development potential, etc.
- Information on what other BP properties might be effected, such as properties that would be a candidate for redevelopment.
- Information on the process and timing of Comprehensive Plan/Zoning Code amendments.

VI. FOR THE GOOD OF THE ORDER

Mr. Rogers noted that the Planning Advisory Committee (PAC) for the Mill Creek Boulevard Subarea Plan had their kick-off meeting earlier this week and asked the Commission representatives if they wanted to make any remarks.

Vice Chair Nolan, Commissioner Teschlog, and Commissioner Mills, the Commission representatives to the PAC, agreed that it was a very successful meeting. It was nice to see so many groups represented on the PAC such as the property owners, business owners, Board representatives, and the City Council. A successful plan will be one that works for both the community and the businesses. All representatives gave Otak, the consultant and project manager, high praise for their expertise and coordination of the meeting. They felt a lot of feedback was gained in a very efficient manner.

VII. ADJOURNMENT

Chair Eisner adjourned the meeting with the consensus of the Commission at 8:12 p.m.

Submitted by:

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Sherrie Ringstad, Associate Planner

## MEMORANDUM

TO: Planning Commission  
FROM: Tom Rogers, Planning and Development Services Manager  
DATE: July 9, 2019  
SUBJECT: JULY 18, 2019 PLANNING COMMISSION MEETING

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The Planning Commission will hold its regularly scheduled meeting at 7:00 p.m. on Thursday, July 18, 2019, in the Council Chambers. The meeting will consist of a second Work Session to discuss potential amendments to the Comprehensive Plan and the Business and Industrial Park Zone District. The attached packet contains information that addresses:

- The developable area of the remaining existing Business Park zoned property
  - a. Anticipated Development Sites in the City
  - b. Future Development Site Matrix with BP zoned parcels
  - c. Zoning Map
  - d. Snohomish County parcel and wetland map of BP zoned properties
- The process to amend the comprehensive plan and zoning regulations
- Mill Creek Municipal Code Chapter 14.19 Comprehensive Plan; and
- Potential Code Amendments related to Business and Industrial Park zone district.

### Background Information

On June 20, 2019, the Planning Commission held a work session to discuss potential Zoning Code changes for the Business and Industrial Park (BP) zone district. Staff shared that over the past few years the City has received inquiries and requests from property owners in the BP zone district to construct a freestanding restaurant. However, the zone district prohibits a stand-alone restaurant. Currently a restaurant use is limited to no more than 15 percent of the constructed floor area of individual buildings. In addition to the limitation on floor area, restaurants, delis and other eating establishments are restricted to a maximum floor area of 3,000 square feet. After discussion of the issue and information presented, the Planning Commission directed staff to come back with the next steps and the comprehensive and code amendments that would be required to achieve allowing a free standing restaurant in the BP zone.

The next steps would be for the Planning Commission to review the potential development opportunities and available land in the BP zone district and determine if there is a desire to proceed with said amendments. If so, staff would begin drafting amendments to the Comprehensive Plan and Zoning Code which would be reviewed as established in MCMC 14.19, Comprehensive Plan.

If you are unable to attend the meeting, please contact Sherrie at (425) 921-5717 or at [sherrie@cityofmillcreek.com](mailto:sherrie@cityofmillcreek.com). We look forward to meeting with you next Thursday evening.

## MEMORANDUM

TO: Planning Commission  
FROM: Tom Rogers, Planning and Development Services Manager  
DATE: July 18, 2019  
SUBJECT: POTENTIAL COMPREHENSIVE PLAN AND BP ZONE AMENDMENT

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To allow standalone restaurants in the BP zone district, the Comprehensive Plan and Zoning Code would need to be amended as follows:

### Comprehensive Plan Amendments.

The following sections in the Land Use Element would need to be amended.

- Business Park/Office Park Land Use Issues
- Industrial – Business Parks Rationale (Purpose Statement)
- Industrial – Business Park Policies:  
Commercial and Business/Office Park Policies (2.03, 2.04, 2.09)

### Business and Industrial Park Zoning Code Amendment (MCMC 17.20)

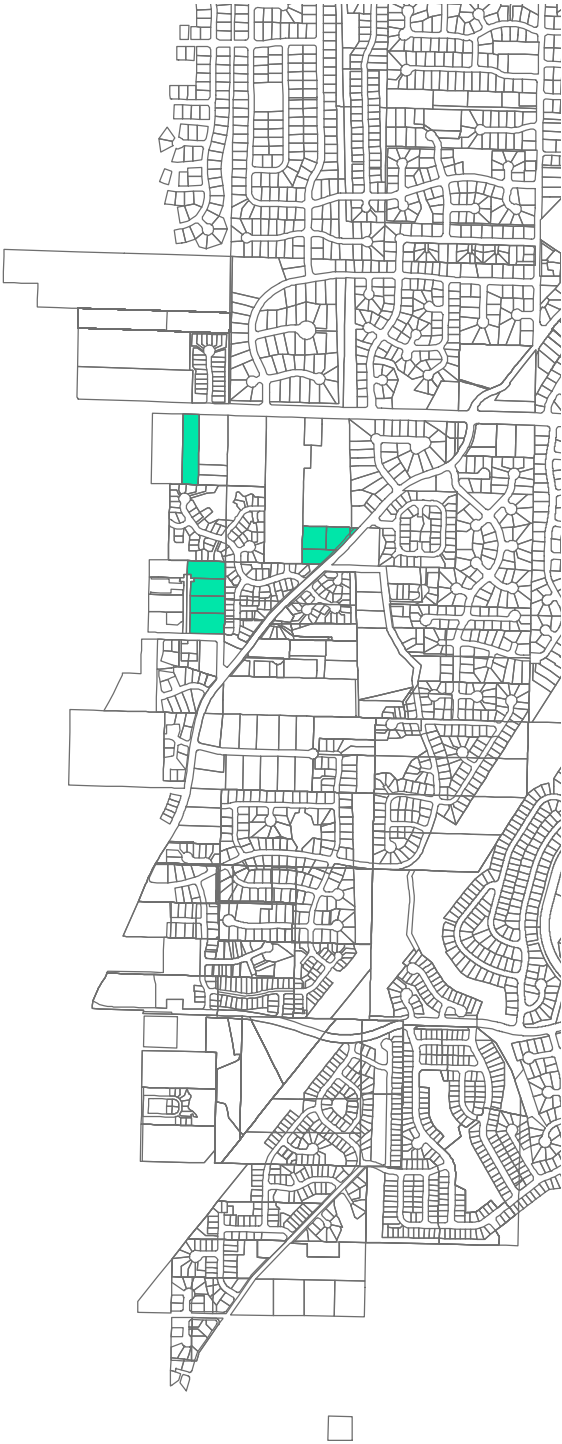
See attached draft.

### Comprehensive Plan and Zoning Code Amendment Process

Attached is MCMC 14.19, Comprehensive Plan, which outlines the process of how the Comprehensive Plan is amended. Below is a summary outline of the process.

- Staff-Initiated Amendment
- Planning Commission Work Session #1 – 6/18/19
- Planning Commission Work Session #2 – 7/20/19
- Planning Commission Work Session #3 – 9/19/19 – staff initial assessment presented to Planning Commission for review
- City Council preliminary review of assessment
- Staff analysis – staff report
- Public Hearing and adoption







## Future Development Sites

Development Site	Acreage	Zone District	Land Use Type	Estimated # of Units or Building Area
A	4.54	CB	Office/Retail	49,500 SF
B	4.49	CB	Office/Retail	49,000 SF
C	4.29	MDR	Single-Family Dwellings	25 Dwelling Units
D	1.97	EGUV	Office/Retail	21,453 SF
E	1.14	EGUV	Office/Retail	12,414 SF
F	2.32	EGUV	Multi-Family or Single-Family Dwellings	50 Dwelling Units
G	7.49	LDR	Single Family Dwellings	24 Dwelling Units
H	6.61	LDR	Single Family Dwellings	21 Dwelling Units
I	0.69	NB	Office	7,500 SF
J	8.82	BP	Warehouse/Office	96,049 SF
K	4.56	BP	Warehouse/Office	49,658 SF
L	1.63	BP	Warehouse/Office	17,750 SF
M	3.17	BP	Warehouse/Office	34,521 SF
N	40.78	BP	Warehouse/Office	222,047 SF
				Updated on October 29, 2018

**Assumptions:**

1. 20% of total site is allocated towards roadways in plats
2. Used a floor area ratio of 0.25 for office and commercial
3. Used 24 units per acre
4. Development Site N assumes an additional 50% reduction of developable area/size due to environmental constraints

Disclaimer: The map and information set forth above is provided for illustrative purposes only and are not to be considered an official determination of property development capacity as regulated by the Mill Creek Municipal Code. The City of Mill Creek makes no representation or warranty concerning the content, accuracy, concurrency, completeness or quality of the information contained herein.

## Chapter 14.19 COMPREHENSIVE PLAN

Sections:

[14.19.010 Purpose.](#)

[14.19.020 Elements.](#)

[14.19.030 Adoption and amendment procedures.](#)

### **14.19.010 Purpose.**

The comprehensive plan is the city's official statement concerning future growth and development. It sets forth goals, policies, and strategies to protect the health, welfare, safety, and quality of life for residents in the city of Mill Creek. The comprehensive plan is required to be consistent with and advance the goals of the Washington State Growth Management Act ("GMA"), Chapter 36.70A RCW, the Multicounty Planning Policies for the Puget Sound Region ("Vision 2040"), the Regional Transportation Plan for the Puget Sound Region ("Transportation 2040"), the Countywide Planning Policies for Snohomish County, and relevant Washington State statutes. The city implements the comprehensive plan through its municipal code, budget, and policies. (Ord. 2015-803 § 1 (Exh. A))

### **14.19.020 Elements.**

- A. The comprehensive plan shall include all planning elements required by RCW 36.70A.070, as that section may be amended or recodified.
- B. The comprehensive plan may include any additional elements or items as contemplated by RCW 36.70A.080, as that section may be amended or recodified. (Ord. 2015-803 § 1 (Exh. A))

### **14.19.030 Adoption and amendment procedures.**

- A. Adoption and Amendment. The comprehensive plan and its elements is adopted and amended by ordinance of the city council, following the procedures identified in this section. Adoption and amendment of the comprehensive plan must be consistent with the procedural requirements of Chapter 36.70A RCW.
- B. Annual Review Cycle. Amendments to the comprehensive plan and development regulations may be adopted by the city council no more than once each calendar year except as permitted by applicable law, including RCW 36.70A.130, as that section may be amended or recodified.
- C. Application. Any person or entity may propose an amendment to the comprehensive plan. Proposals from the planning commission, city council, city manager, or city manager designee do not require a formal application or strict conformance to the application review and assessment process herein, so long as all state law requirements for public participation, review, and approval

are met. All other proposals shall be made in writing on an application form approved by the city manager or designee between August 1st and September 30th of a calendar year. Said application should include information necessary for staff analysis described in subsection I of this section. Incomplete applications may be rejected and the applicant may be asked to provide additional information necessary to process the application.

D. Application Fee. For proposals requiring an application, the proposal shall not be processed until the applicant pays the applicable fee established in Chapter 3.42 MCMC.

E. Public Process.

1. For each annual review cycle, the director shall develop, update and broadly disseminate to the public a public participation program including a preliminary schedule for processing the proposed amendments consistent with RCW 36.70A.035 and 36.70A.130, as those sections may be amended or recodified.

2. For proposals that include land use designation changes and zoning reclassifications, a special notice of the acceptance of the proposal for processing shall be mailed to all property owners of record, as indicated in the records of the Snohomish County assessor, within 500 feet of the subject area. This special notice will inform property owners that an application has been filed, identify where the application and background information may be reviewed, describe in general terms the review and public comment process, establish a time and place for an informational meeting with city staff, and solicit preliminary comments.

F. Staff Initial Assessment of Proposals Requiring an Application. The director or designee shall review applications and provide an initial assessment to the planning commission, based on, at a minimum, the following criteria:

1. Is the proposal legislative in nature and otherwise appropriate in scope and subject matter to consider including in the comprehensive plan?
2. Has there been recent review or work related to the same area or issue?
3. Does city staff intend to address related areas or issues in a later amendment cycle?
4. Does the city have adequate budgeted resources to analyze the proposed amendment, and are such resources available to timely provide an informed recommendation within the requested review cycle?

G. Planning Commission Initial Assessment of Proposals Requiring an Application and Recommendation to City Council. The planning commission shall consider the application and staff's assessment of an application and make a recommendation to the city council as to whether or not the application should be further considered during the current annual review cycle. Before

making a recommendation, the planning commission may request additional information from the applicant.

#### H. Preliminary City Council Review of Applications.

1. Upon receiving a recommendation from the planning commission, the city council shall determine which proposals that required an application shall receive further consideration during the current annual review cycle.
2. At any time, the city council may, in its sole discretion, direct the city manager and/or the planning commission to redirect resources away from processing any or all applications or other amendment proposals before the planning commission. The city council may also choose to hold joint meetings with the planning commission, independently review any proposals, including those made by the city manager or planning commission, in order to provide policy and legislative guidance to staff and/or the planning commission.

I. Staff Analysis. Prior to the planning commission making a recommendation to the city council regarding the adoption of amendments to the comprehensive plan, the director or designee shall analyze the proposal and present that analysis in a written staff report to the planning commission. The analysis should include the following criteria:

1. Will the proposed amendment benefit the city as a whole?
2. Will the amendment adversely affect the city's public facilities or services?
3. Will the amendment support the city's role in governing public health, safety, and welfare?
4. Does the amendment conform to applicable provisions of state statutes, case law, regional policies, and maintain internal consistency within the city's comprehensive plan?

The analysis of the above criteria should include, as appropriate, whether the proposed amendment addresses inconsistencies or errors in the comprehensive plan or development regulations; whether the amendment addresses changing circumstances, such as growth and development patterns, needs and desires of the community, and the city's capacity to provide adequate services; and/or whether the amendment maintains or enhances compatibility with the existing or planned land uses and the surrounding development pattern. In addition, the analysis should document, as appropriate and necessary, public outreach and public comments, analytical data and research, economic impacts, sustainability impacts, environmental determinations, and other pertinent background information.

#### J. Public Hearing and Adoption.

1. Prior to recommending any comprehensive plan amendment, including those initiated by the city council, city manager, or planning commission, the planning commission will conduct at

least one public hearing to solicit comments from the general public, organizations and agencies, other governmental agencies, and adjacent jurisdictions as appropriate. The city council, at its sole discretion, may also hold one or more public hearings.

2. For land use designation changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the director shall ensure that a special notice of the public hearing is mailed to all property owners of record, as indicated in the records of the Snohomish County assessor, within 500 feet of the subject area at least 15 days prior to the hearing.

3. Consistent with Chapter 36.70A RCW, the city is required to notify the Washington State Department of Commerce and other required state agencies of the city's intention to adopt or amend the comprehensive plan or development regulations prior to adoption by the city council, and transmit copies of the adopted plan or development regulation and any amendment after city council action.

4. Upon receiving a recommendation from the planning commission regarding a proposed comprehensive plan amendment, the city council may choose to follow the recommendation, reject the recommendation, or follow the recommendation with modifications. (Ord. 2015-803 § 1 (Exh. A))