CITY OF COVINGTON
Planning Commission Minutes

March 16, 2017

City Hall Council Chambers

CALL TO ORDER
The regular meeting of the Planning Commission was called to order at 6:32
p.m.

MEMBERS PRESENT
Chele Dimmett, Jennifer Gilbert-Smith, Jonathan Ingram, Bill Judd, Jim
Langehough and Alex White

MEMBERS ABSENT - Paul Max

STAFF PRESENT
Kathy Hardy, City Attorney
Richard Hart, Community Development Director
Salina Lyons, Principal Planner
Ann Mueller, Senior Planner
Nelson Ogren, Development Review Engineer
Kelly Thompson, Planning Commission Secretary

APPROVAL OF MINUTES AND AGENDA

- 1. Commissioner White moved and Commissioner Dimmett
   seconded to approve the March 2, 2017 minutes and meeting
   agenda for March 16, 2017. Motion carried 6-0.

CITIZEN COMMENTS - None

UNFINISHED BUSINESS - None

PUBLIC HEARING

2. Public Hearing, Discussion and Recommendation to City
   Council on Lakepointe Urban Village Boundary Line Adjustment, Zoning
   Map Amendment, and Development Agreement (DA)

Chair Judd opened the Public Hearing at 6:36 p.m.

Community Development Director, Richard Hart reviewed the application
information and displayed a map showing the proposed zoning for the property.
He briefly reviewed the actions taken under the Sub Area Plan and Planned
Action Ordinance. He reviewed three of the major concerns shared by Covington residents; the tree buffer in the southwest portion of the development, increased traffic and the roadway connection to 191st Pl SE, and the zoning in the southwest corner of the development. He explained that a Development Agreement (DA) is being utilized which allows the city and the developer greater flexibility to outline specific details and conditions which are legally binding.

The City Council will make the final decision and is scheduled for a Public Hearing on April 11, 2017.

Megan Nelson, Director of Legal Affairs for Oakpointe introduced Colin Lund, the Director of Development. They request the Planning Commission’s support by recommending approval of the Boundary Line Adjustment (BLA), Zoning Map Amendment and Development Agreement to the City Council. She reminded the Planning Commission that the DA creates guidelines, it does not define the uses, the location of uses, buildings or building footprints. She shared that they have made adjustments to the green space buffers as a result of feedback they have received.

Public Comment

Bob Van Grinsver, Covington resident - He is concerned about light intrusion and a multi-story building facing his yard from the neighboring property. He is concerned about the increase in traffic and the removal of trees. He is concerned about access for the Fire Department and Emergency Services. He likes the project but wants to see the traffic addressed.

Sheryl Ward, Covington resident - She feels a 100’ buffer is necessary to retain their privacy and reduce noise from the potential hotel on the neighboring property. She is also concerned about lights from the hotel and the potential increase in crime. She feels there are other locations on the Lakepointe site that would be better suited for a hotel. She wants to protect the quality of life in her neighborhood.

Cynthia Calhoun, Covington resident– She became aware of the Lakepointe Development project a month ago and feels this project will impact her quality of life. She is concerned about the increase in traffic that will be diverted into local neighborhoods. She is concerned that a multi-family development will contribute to crime and decrease property values.

Elizabeth Porter, Covington resident – She and her husband bought their home 20 years ago and want to stay in the area because of the environment. She is concerned that a reduced buffer will impact her quality of life. She wants to see all of the trees remain. She is concerned with the increase in traffic and does not
want a hotel in her back yard. She named several new residential plats and new
apartments complexes in Covington and feels traffic is already congested. She
asks the Planning Commission to consider the impacts of crime and traffic that
the Lakepointe Development will have on the community.

Mike Porter, Covington resident - He is concerned about the potential for a 30% reduction in trees. He cited the Comprehensive Plan in support of retaining the buffer. He wants a minimum of a 100’ buffer around the development, wants a smaller hotel or requests that it be moved somewhere else in the city. He does not want the area adjacent to their property to be zoned anything but residential. He said the original concept was shown as being town houses and recommends not moving forward with the development until his concerns are addressed.

Darcy Jayne, Covington resident - She lives adjacent to the development and has a second floor office from where she can currently see right into the gravel pit. She knows that any development will impact her with an increase in noise. She wants the trees to remain. She is concerned that a hotel will attract crime. She is concerned about transitory population near the trails and near her home. She had the understanding that this space would be kept as open public space.

Cathy Cunningham, Covington resident – She believed this property would remain a natural space. She is not happy their home will now be behind a hotel parking lot. She wants the zoning next to their homes to be residential. She wants to see the commercial uses moved closer to the center of the development.

Matt Kellner, Covington resident – He lives on the southern edge of the development near a trail head. He enjoys his current quality of life. His primary concern is the increase in car and people traffic. He is concerned about the potential for fireworks displays and motor boats on the lake and would find these activities disruptive. He has spent a lot of time and money on his home and does not want to compromise his quality of life.

Elaine Kellner, Covington resident – She is within 500’ of the development and she wants to see the green belt preserved. When she and her husband purchased their home, they were looking for an area that is quiet and close to shopping. Trees increase the value of homes and she feels that retaining the trees will increase the value of the existing homes as well as the new homes. She reviewed several benefits to retaining the trees citing several studies. She wants to see the green belt retained in whole.

Mat Kordell, Covington resident – He moved to Covington last September from downtown Bellevue to get away from city noise, smells and cars and was
disheartened to learn about this project. The first communication he received
was a week ago. Out of 40 neighbors, only a handful knew about the project. He
felt that the impact of the development will be felt greater than the 500’ mailing
radius. He is concerned about the increase in traffic and wants to see adequate
arterial roads developed. He is concerned about a lack of parking. He asks the
Planning Commission to walk the property and think about how the homeowners
will be affected.

Jack Jorgensen, Covington resident – He received the mailing and he has lived in
Covington for 50 years. He is concerned about SE 254th Street because it appears
to bisect the wetlands and displaces Jenkins Creek.

Carolyn Gabrio, Covington resident – She has been a teacher for 25 years and
experienced the development of Weyerhaeuser in Federal Way. She lives near
the utility easement and said people use it all the time. She is concerned about
the trees that have already been taken down and would like to know what will
become of the buffer.

Megan Nelson, Oakpointe – She provided a response to the public comments,
thanked everyone for attending the Public Hearing, and appreciates the
comments.

- She shared that as part of the Environmental Impact Statement (EIS), the
impacts to the Kent School District have been analyzed and the developer
will pay school impact fees to help mitigate those impacts.
- She shared that the 254th Street roadway that appears to cross through
the wetland is actually unvacated right-of-way that will be vacated as part
of the development process.
- Any trees removed will be replaced at a 2 to 1 ratio. Any trees that are
blown down in the future would also be replaced at a ratio of 1 to 1. The
developer will strive to retain the same tree density.
- In response to residents requesting an increased buffer between the
existing residential neighborhood and the proposed hotel location, the
developer responded that this would constrain that area of the site. If
they increase the buffer to 100’ and the hotel is built 100’ from the
property line, the project is no longer feasible.
- The existing tree buffer was retained because the current mineral use is
less compatible with residential use. The proposed use is more compatible
with residential use.
- Traffic impacts were analyzed as part of the EIS with identified mitigation
measures.
- The Sub Area Plan adopted by the city in 2014 defines the city’s vision for
the Lakepointe Village. The vision statement doesn’t replicate the existing
residential model and allowed for commercial uses.
The Planning Commission Chair allowed additional public comment in response to Oakpointe’s responses.

Matt Kellner, Covington resident – He feels they did not receive adequate notification about the process and felt that had they known, this could have taken on a different direction.

Bob Van Grinsver, Covington resident - He wants the hotel moved elsewhere on the site. He is concerned about the traffic.

Mat Kordel, Covington resident – He found out about the public hearing because his neighbors put flyers out on the mailboxes. No one knows this is happening. He asked that the developer put a piece of paper in everyone’s mailbox.

Sheryl Ward, Covington resident – She believed this property was zoned as residential in 2014. She participated in, and understood the process. She is very disappointed and feels that they should be able to rely on the city to carry out the community’s vision.

Mike Porter, Covington resident – He feels that setting the hotel back 100’ from the property line is a joke. He feels the second hotel would be better served downtown.

Darcy Jayne, Covington resident – She feels that the developer is counting trees already on her property. She is not trusting what the developer is saying.

Elizabeth Porter, Covington resident – She understands the developer and city staff recommendations. She feels they want to give their feedback on zoning and concessions built into the DA. She has received a handful of notices over the last few years. Her recollection was that the property adjacent to them was zoned R12. She asks that all points of view are taken into account when the Planning Commission provides their final recommendation.

Chair Judd closed the Public Hearing at 7:58 p.m.

Commissioner White asked about the shape of the lake. He understood it had been pre-determined by the reclamation plan. The lake will be allowed to rise to its natural water level. Colin Lund added that there will be some contouring and some reinforcement due to the placement of the roadway.

Commissioner White asked about the comment letter from King County Parks. Megan Nelson responded by passing out a copy of King County Exhibit T showing the trail in the same location as on Oakpointe’s study. The developer will try to work with the county on the final location of the trail.
Commissioner Dimmitt asked about the depth of the current greenbelt. Senior Planner, Ann Mueller responded it is about 100’ on the developer’s property but narrows near Highway 18. It may appear wider in some areas because of trees on neighboring residential properties. Commissioner Dimmitt asked the width of the Council Chambers. Staff responded that it is approximately 50’.

Commissioner Gilbert-Smith asked whether zoning changes were made from residential to commercial. Ms. Muller responded that there were several conceptual land use maps created based on some of the feedback from the public forum 3 years ago but the zoning has not yet been changed. The existing zoning is Mineral (M). Principal Planner, Salina Lyons added that multiple land use maps were created based on the public feedback during the public forum. The conceptual map morphed into the proposed Hawk Property zoning which later morphed into the Sub Area Plan. As the process continues, the proposed zones have become more defined.

Commissioner Ingram asked if future projections for crime in the development are available. Mr. Hart responded that such information is not something that is available or evaluated. Ms. Mueller added that staff evaluated the number of police officers that would be needed based on the types of uses and number of residents.

Commissioner Ingram also asked about the expected tax revenue. Staff indicated there are revenue figures in the fiscal analysis of the Development Agreement.

Commissioner White asked whether the different connections, grades, slopes and traffic circulation were evaluated. Staff responded yes.

Commissioner Langhough asked about the potential for re-zoning given the level of concern from the neighbors. Colin Lund responded that this is a unique site, and he cannot guarantee that a hotel will be the specific use. They have made a good gesture with regard to increasing the buffer to 70’. If, in fact, a hotel is applied for, it will be a minimum of 100’ from the property lines. There are criteria in Covington Municipal Code which proposed lighting must meet in order to not intrude onto neighboring properties.

Commissioner Gilbert-Smith asked about the tree retention of 25.9%, and wanted to confirm that the developer is exceeding the standard. Ms. Mueller added that the percentage of trees does not include trees in the critical area and the critical area buffer and they are exceeding the standards.

Chair Judd asked hypothetically, if townhomes were placed along the southwest portion of the development, would they be required to meet the current 7.5’
setback from the property line. Staff responded and said based on existing zoning regulations, that is correct.

- Commissioner Dimmett moved that the Planning Commission recommend the City Council approve the Development Agreement and Boundary Line Adjustment and amend the Zoning Map Amendment to retain a buffer of 100’ and add 100’ of residential zoning up to R-12 separating proposed commercial zoning and existing residential neighborhoods.

The motion died for lack of a second.

Commissioner Gilbert-Smith asked whether the 100’ buffer makes development less feasible. Colin Lund responded that a 100’ buffer would severely limit access and circulation. He said a 50’ buffer was challenging, a 70’ buffer is more difficult.

- Commissioner Dimmett moved that the Planning Commission recommend the City Council approve the Development Agreement, Boundary Line Adjustment and modify the Zoning Map Amendment to retain the planned tree buffer of 70’ and add a minimum of 150’ residential zoning up to R-12 between the proposed commercial zone and the existing residential zone.

The motion died for lack of a second.

- **Commissioner White moved that the Planning Commission recommend the City Council approve the Boundary Line Adjustment, Zoning Map Amendment and Development Agreement as proposed. Commissioner Gilbert-Smith seconded the motion.**

Commissioner Ingram has safety concerns about the proximity of the proposed hotel to the residential neighborhoods.

Commissioner Dimmett owns a home in Covington that is located in an R-6 zone, and she has the expectation the Planning Commission and City Council will protect her rights as a homeowner. She is challenged by the fact that the developer is proposing going from a residentially zoned neighborhood directly to commercial zoning.

Commissioner Ingram agrees and would like to see a more graduated approach.

Commissioner White is within 500’ radius of the Lakepointe development and has gotten all of the notices since the inception of the process. The DA is a good deal and if we do away with the zoning as proposed, we could have a worse situation.
The hotel is not a guarantee. He remembers the opposition to Valley Medical having an Emergency Room in the Town Center zone. It is now open with an Urgent Care as well. He believes the developer has worked to mitigate the impacts.

Chair Judd said that it is difficult to look at fellow residents and give them news they may not be happy about. He was in a similar situation and appreciates the weight of it. He also understands his rights as a property owner. In terms of traffic, the city is burdened with pass through traffic that is out of our control. He does not feel that crime will grow disproportionately. He understands the impacts on the residents. It has been heavily vetted, and the developer has shown their willingness to work with the community and the proposal is the best long term for the community.

Commissioner Dimmett agreed that the developer should be allowed to develop their property. However, the city is essentially changing the law by changing the zoning.

- **The motion carries 4 – 2 with commissioner Dimmett and Commissioner Ingram dissenting.**

**NEW BUSINESS - None**

**ATTENDANCE VOTE**

- **Commissioner Ingram moved and Commissioner Gilbert Smith seconded to approve the absence of Commissioner Max. The motion carried 6-0.**

**PUBLIC COMMENTS**

Elaine Kellner asked about the process to request dead end signs. Chair Judd suggested she speak with staff following the meeting.

**COMMENTS AND COMMUNICATIONS FROM STAFF**

Community Development Director, Richard Hart introduced Kathy Hardy our new City Attorney, Development Review Engineer Nelson Ogren and city consultant Lisa Grueter of BERK and Associates, who has assisted the city on the Subarea Plan, EIS and SEPA documents.

**ADJOURN**
The March 16, 2017, Planning Commission Meeting adjourned at 9:08 p.m.

Respectfully submitted,

[Signature]

Kelly Thompson, Planning Commission Secretary