

Memorandum

To: City Council

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Via: Scott Hugill, City Manager

Date: February 20, 2018

Subject: Public Hearing and Adoption of Transitional Area Zoning Text and Map Amendments Ordinance

The City Council will hold a public hearing on February 20, 2018 to consider and make a decision on the proposed ordinance to update zoning regulations and design standards for townhomes and parking lots in a transitional uses area. The ordinance includes a zoning map amendment to create a Transitional Zone District.

The proposed zoning text amendments and design standards are intended to more clearly provide for development of townhomes and parking lots in a transitional zone between Town Center development and single-family homes. The City Council will hear a presentation by staff, take public testimony, and consider the Planning Commission's recommendation on adoption of the ordinance.

BACKGROUND

In 2015, amendments to Chapter 19.30 (RS - Single-household Residential Districts) and Chapter 19.23 (Development Standards - Uses), of the Mountlake Terrace Municipal Code (MTMC), were adopted to allow townhomes and commercial parking lots in a "transitional uses area" at the edge of the Town Center. (*See attached map.*) Townhomes were perceived as a way to create more transition between the Town Center and standard single-family residential areas—and to generate new housing alternatives close to downtown. The City Council then adopted Ordinance No. 2667 (2015) to implement the intent.

However, property owners who wanted to build townhomes in the transitional area found they could not do so because of conflicting language in the City's code, confusion about which development standards applied and challenges from the change in the number of stories and building height allowed. In addition, development was not happening in the zoned RS 4800 district nor was development in the Town Center occurring at the pace anticipated. The City Council heard numerous concerns about obstacles to development, especially code-based obstacles, and efforts to resolve them.

Given the magnitude of the code problems and the time it would take to address some of the more complex issues in a comprehensive way, the Council concurred that the code update and any plan update could be tackled in phases. The first phase would be amending the code that affected townhome development in the transitional area. The Council saw this as a priority to be addressed immediately. The intent is to follow this effort with other code amendment proposals.

To at least address the immediate need for clarity on townhome development in the current code, the Planning Commission and City Council have been considering potential code amendments. In addition to Planning Commission and City Council work sessions, two community forums have been held. Memos and other information have been posted to a webpage created for this topic: www.cityofmlt.com/1930. Some key efforts include:

- On December 14, 2017, a community forum was held to provide information and get input on townhome development within the transitional uses area. At least 50 people showed up (largely drawn by a postcard mailer to residents and owners in the vicinity of the study area).
- A survey to obtain input on design preferences for townhomes was distributed at the community forum and also posted online. The survey was available to take online until the end of January. (Note: This survey is not a statistically valid indicator of community preferences. Rather, it is a tool to increase public input and for the City to hear from people who might not typically participate in formal events.)
- The Planning Commission continued to review and discuss code amendments and design standards for townhomes and parking lots in the transitional zone at their January meetings.
- A second community forum/open house was held February 1, 2018. This open house was also well attended. Additional display boards were presented to demonstrate lot coverage in 3-D. The open house was followed by a City Council work session to review the transitional zone text and design standard proposals to date.

Some concerns have been expressed that any townhome development that would occur in the transitional area now, or in the very near future, may preclude expansion of the Town Center later. However, factors to consider include:

- The existing Town Center district still has plenty of room to grow;
- Townhome development in the transitional area now will help the Town Center attract more development and activities; and
- While a few townhome projects could begin in the next year or so, redevelopment of the entire transitional uses area will take years. That means that the community has time to make choices sooner about the next phase of plan and code updates.

ANALYSIS - DRAFT CODE

Draft code amendments for regulating townhomes and parking lot uses in the Transitional Zone have been prepared. The amendments require updates to Zoning Code Chapter 19.23 MTMC and Chapter 19.30 MTMC (*attached*).

Design standards are proposed to guide building and site development (see discussion under “Design Standards” section, below, and draft design standards, *attached*).

The transitional area affects properties located in both the RS 4800 and RS 7200 districts. The proposal is to create a stand-alone transitional zoning district, rather than place special regulations over the two underlying districts (RS 4800 and RS 7200), which can be confusing. The code amendment proposal includes the designation of a new residential zoning district for the transitional area on the zoning map. This requires an amendment to the Official Zoning Map (see discussion under “Zoning Map Amendment” section, below, and the zoning maps, *attached*).

Key Features of the Proposed Transitional Use District

1. The transitional uses area becomes its own mapped zoning district, not just an area described in the text of the zoning code. This will provide clarity on which properties are affected and what regulations would apply to them.
2. The current regulations for transitional uses, per MTMC 19.30.065 (in Chapter 19.30), will be updated (see draft Ordinance, *attached*). The code’s conflicting language, which unintentionally prevented the very townhomes that were supposed to be allowed by the 2015 code amendments, is revised.
3. The height limit for townhomes is to be the same as is allowed in the RS 7200 zone for years: 3 stories, not to exceed 35 feet. (Note that the more recently adopted two-story, 30-foot building height limit in the RS 4800 zone will not be amended by this proposal, but can be considered in the future.)
4. Development standards specific to the transitional zone for townhomes are added. These include, but are not limited to:
 - a. A lot coverage requirement that is more than in the RS 4800 and RS 7200 districts but less than what is permitted in the Town Center district.

Currently, all single-family residential zoning districts, RS 8400, RS 7200, and RS 4800, allow 40 percent lot coverage by structures; a maximum 45 percent coverage by impervious areas; and, up to 55 percent for all hard surfaces. The latter two lot coverage provisions are proposed to be deleted, and allow stormwater requirements to apply.

In the Town Center (BC/D) district, townhomes (Building Types 7 and 8), are permitted a lot coverage of 75 percent for structures and parking, combined. The Town Center district does not call out lot coverage by buildings only. Since the metrics used are different, it is difficult to make a direct comparison of development impacts under these lot coverages percentages, unless parking is defined.

The draft code proposes 60 percent lot coverage by structures (using the same definition as for other single-family residential zones). This means that lot coverage is based on the footprint of structures and does not include surface parking in the

calculation. In the Town Center, the parking portion of “lot coverage by structures and parking” has applied only to on-site surface parking spaces. Other vehicle use areas, such as driveway/drive aisles and turnaround areas, have not been counted as “parking” for purpose of calculating lot coverage.

Poster boards with conceptual 3-D illustrations of various lot coverages (45 percent, 50 percent, 55 percent, and 60 percent) were on display at the February 1 open house (see *attached*). At its February 1 work session, the City Council indicated that 60 percent lot coverage seemed consistent with their vision of what a townhome transition area would be like between the Town Center and the existing single-family residential homes.

At the February 1 work session, the Council requested information on lot coverage standards for townhomes in other jurisdictions and photos of actual townhome sites. At the time this memo was prepared, the compilation of all the requested information had not been completed. However, a Lot Coverage Comparison Table of townhome development within the City of Mountlake Terrace had been completed (see *attached*). A discussion on this topic will be had at the February 12, 2018 Planning Commission meeting and the February 15 City Council meeting.

- b. Design standards for townhome building and site design, and commercial parking lots. Design standards have been adapted from the Multifamily Design Standards. Standards are given for both townhomes development and the permitted parking lots. A more detailed discussion is provided in the “Transitional Zone Design Standards” section, below.

The most current version of the Transitional Area Design Standards (TADS) document will be provided at the meeting, as the document continues to be refined. A draft of the design standards presented at the City Council’s work session, on February 1, can be viewed at: www.cityofmlt.com/129, under item #3.

- c. At least 10 percent of the “parent lot” is to be in common open space.
- d. Each townhome is to have at least 75 square feet of private outdoor space (size examples include 5’ x 15’, 6’ x 12’ or 8’ x 9’). Such space could be on rooftops or other areas that provide for individual unit use.
- e. Requirement for two, on-site vehicle parking spaces for each unit, except that a unit of 1,200 square feet or less could have one parking space.
- f. Requirement for bicycle storage (dimensions of storage area to be specified).
- g. A demonstration that storage space is provided for each townhome’s solid-waste and recycling collection containers, and what space provisions will be made for their placement at the curb on collection day. An on-site consolidated and screened

solid-waste and recycling collection area is encouraged in lieu of each townhome placing multiple individual containers at the curb each week.

- h. Street trees planted as part of the development in a landscape strip between the street curb and sidewalk, approximately every 30 feet.
 - i. Transparent glazing and a pedestrian door on the front façade facing the street.
 - j. Pedestrian walkway from public right-of-way to the front door of each townhome.
5. Standards for parking lots that serve an overflow commercial parking lot (an allowed use in the transition zone) are updated to include:
- a. Landscaping, screening and pedestrian-scale lighting standards, largely borrowed from the Multifamily Design Standards for parking areas (see draft Transitional Zone Design Standards, *attached*).
 - b. A limit on the continuous street frontage of parking lots on any street (no more than 120 linear feet in any direction) and a 40 percent limit on the total frontage of block so that the permitted stand-alone parking lots are not the dominant use in the district.
6. Driveway placement in the residential districts is clarified (still encourages shared driveways for smaller lots but recognizes where they might not be practical).
7. The low impact development (LID) section, MTMC 19.30.110, is eliminated—partly because the code it references was never adopted and partly because the stormwater LID issues are (or will be) addressed in the Stormwater Code.
8. Chapter 19.23 (the “Development Standards - Uses” chapter, *attached*) is updated to specifically add the transitional zone in the residential district columns. The new district allows the same uses as other RS districts, except that it also allows townhomes and certain types of commercial parking lots.

Transitional Zone Design Standards

Design standards provided guidance for improvements in the public right-of-way, sidewalk width and connectivity, landscape areas, open space areas, driveways, building design elements and even sign design. They help establish minimum requirements for development of the land and construction of buildings and paved areas that are of visual and functional importance and otherwise have design impact on the community. They also help support the city’s vision for a walkable, friendly community.

The City already has developed design standards for most districts in the City. The more intense townhome and parking lot uses planned in the transitional zone, as compared to abutting single-family uses, warrant the development of site and building design standards. Outside of the current

“transitional use” area bordering the Town Center, all townhomes and a wide variety of multifamily development are subject to the Multifamily Design Standards.

The draft proposal (*attached*) is based on the current Multi-household Design Standards. However, it removes those standards that are not, or do not seem to be, as applicable to townhomes (attached single-household structures under individual ownership) versus multi-family (stacked residential units). The proposed standards are shown in strike-out/underline format.

Selecting a New Zoning District Name

Zoning district regulations and zoning map designation are – in general – named in a way that suggests the content or purpose of the text or mapped area. The current naming convention uses the minimum lot size as part of the district’s name. This is not always practical, especially one land use type, such as single-family residential (RS) districts, has multiple subsets.

The minimum lot size in the new district is 4,800 square feet. Since the lot size is the same as the RS 4800 district, lot area could not be used to easily distinguish between districts.

The Planning Commission and City Council discussed naming options at their January 22 and February 1 meetings, respectively. The Planning Commission indicated a preference for a name that included “transitional” and the City Council had no particular preference.

The name currently assigned is the “Transitional Area (TA) District.” A final decision needs to be made prior to adoption of the ordinance by City Council.

Zoning Map Amendment

The proposal is to create a new zoning map designation, “Transitional Area (TA) District.” This will establish a clear distinction between properties subject to the transitional zone regulations from those in either the RS 4800 or RS 7200 zone currently underlying the transitional uses area. To show the transition area as a separate zoning district requires an amendment to the zoning map.

The Official Zoning Map can be amended at any time, provided the amendment is consistent with the Comprehensive Plan Land Use Map.

The Comprehensive Plan Map has only one land use designation for all areas identified for single-household use, Urban Low Residential (ULR). The Zoning Map currently has three single-household residential districts, RS 8400, RS 7200, and RS 4800, which are consistent with the Comprehensive Plan Map ULR designation.

The proposed transitional uses zone district is also a single-household residential district. The proposed new residential district would be consistent with the ULR designation on the Comprehensive Plan Map.

The draft ordinance includes an amendment to the Official Zoning Map.

ENVIRONMENTAL REVIEW

The SEPA Responsible Official reviewed the proposed ordinance for potential effects on the environment and has determined it would result in no significant impacts. A Determination of Nonsignificance (DNS) (PSE-18-0010) was issued on January 22, 2018. The DNS comment period ended on February 5, 2018, at which time the DNS became final. The appeal period expired February 15, 2018. No appeals were filed.

CRITERIA FOR ZONING TEXT AMENDMENT - CONSISTENCY REVIEW

Proposed text amendments which relate to MTMC Title 19, Zoning Code, are to be considered by the Planning Commission and City Council under the provisions and criteria of MTMC Section 19.110.240(C). The following criteria shall be considered in making a decision:

1. The proposal is in conformance with the goals and objectives of the Comprehensive Plan;
2. The proposal promotes the health, welfare, and safety of the general public; and
3. The proposal will not create excessive additional requirements at public cost for public facilities and services.

Criterion 1: The proposal is in conformance with the goals and objectives of the Comprehensive Plan.

Findings: This proposal is consistent with numerous goals and objectives of the Comprehensive Plan, see *attached*. The following policies are especially relevant to this proposal:

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| Policy HO-2.1 | Encourage a variety of housing styles, such as single-family detached, single-family attached, multi-family, accessory units, and manufactured housing. |
| Policy HO-4.1 | Encourage new development to enhance and/or be compatible with its surrounding neighborhood. |
| Policy EV-3.1 | Promote high-quality design for all types of development. |
| Policy EV-3.4 | Ensure that the City is visually attractive to residents, visitors, and businesses. |
| Policy LU-5.3 | Use design guidelines and standards to ensure that development is at an appropriate scale for the neighborhood, has landscaping, and that the façade shows variations in materials and in architectural features. |
| Policy TR-4.7 | Encourage compact development and mixed uses that reduce the need for additional vehicle trips. |
| Policy TR-7.7 | Incorporate pedestrian-oriented design into street improvements, street standards, and development projects. |

Conclusion: The proposed ordinance is consistent with Comprehensive Plan policies related to compact housing options, and design standards. This criterion is met.

Criterion 2: The proposal promotes the health, welfare, and safety of the general public.

Findings: Consistency with goals and policies of the Comprehensive Plan is already a strong indicator that the proposal would promote health, welfare, and safety of the community, long-term. The proposal adopts clear development standards to regulate townhome and parking lot development in the transition area. The proposal also includes design standards for townhome buildings, site elements, parking lot standards, even signage and fencing.

Conclusion: The proposed zoning code regulations and design standards promote the health, welfare, and safety of the general public by establishing the development standards that will apply to townhomes and parking lots in the proposed district. This criterion is met.

Criterion 3: The proposal will not create excessive additional requirements at public cost for public facilities and services.

Findings: Any development that occurs as a result of these code amendments would be required to build any needed public facilities (roads, sidewalks, and street lighting).

Conclusion: The proposal will not create additional needs at public cost. This criterion is met.

CRITERIA FOR ZONING MAP AMENDMENT - CONSISTENCY REVIEW

The Planning Commission shall consider the following criteria in making their recommendation to the City Council. The Council may approve the rezone request only if the proposal conforms to all of the following criteria. The Council shall adopt findings and conclusions for the record which support their decision.

1. The proposal is in accordance with the Comprehensive Plan;

Finding: The Growth Management Act requires zoning maps to be consistent with the comprehensive plan. Zoning maps are typically more specific and detailed than the plan. For example, the City's Comprehensive Plan shows general land uses while the adopted zoning map may have multiple sub-classifications that further specify the allowable level of activity.

The Comprehensive Plan has a land use designation "Urban Low Residential (ULR)," for single-household residential development. The City's zoning map already has three residential classifications, RS 8400, RS 7200 and RS 4800, that are consistent with the Comprehensive Plan ULR designation. The proposed Transitional Area district, for townhomes, is another single-household residential zoning district designation, consistent with ULR.

Conclusion: The proposed zoning map amendment, to add a "Transitional Area" zoning district classification, is consistent with ULR designation on the Comprehensive Plan Map.

This criterion is met.

2. Any parcel of land contained in this request, whether under single or unified ownership is not receiving special or privileged treatment;

Finding: The action affects an entire group of properties, all previously identified as being in the “transitional uses area.” MTMC 19.30.065. All parcels are being treated the same.

Conclusion: No individual parcel is receiving special treatment. This criterion is met.

3. The proposal will not be materially detrimental to properties in the vicinity or the community based on the entire range of uses allowed in the proposed zone;

Finding: The proposal does not change the range of uses currently permitted in the affected area; MTMC 19.30.065 already includes townhomes as a permitted use in this area. There would be no additional impact to properties than what could already have occurred.

Conclusion: There is no change in uses from the proposed map amendment. This criterion is met.

4. Adequate public services will be available to serve the full range of proposed uses;

Finding: There is no change in the need for public services than what was already anticipated and planned for. The City has adequate capacity in public services such as sewer and water. The cost of any upgrades needed to support a development proposal (to provide adequate water, sewer, storm, and public street improvements as well as private utility services) are the responsibility of the development.

Conclusion: Adequate public services are available or will be provide by a development proposal. This criterion is met.

5. The reclassification is warranted because of a change in circumstances, or because of a need for additional property in the proposed zoning district classification, or because the proposed zoning classification is appropriate for reasonable development of the subject property; and

Finding: The new zoning map designation is warranted as it makes it clear where townhomes and parking lot development is actually permitted, versus being described as a sub-area use within the RS 4800 and RS 7200 zoning districts.

Conclusion: This criterion is met.

6. The proposed rezone would promote the general health, welfare, and safety of the community.

Finding: The findings made for the criteria above indicate that the proposed zoning designation would promote the general health, welfare, and safety of the community.

Consistency with goals and policies of the Comprehensive Plan is already a strong indicator that the proposal would accomplish that, as the underlying objective of the Comprehensive Plan is the long term health, welfare and safety of the community.

Conclusion: This criterion is met.

SUMMARY OF FINDINGS AND CONCLUSIONS

The proposed zoning text and zoning map amendments are consistent with the criteria set forth in MTMC 19.110.240 and MTMC 19.110.230 as described in the analysis above.

The proposed ordinance includes a summary of these findings and conclusions in the Whereas' portion of the ordinance.

PUBLIC INPUT

Numerous opportunities have been provided to notify the public and development community about the proposed updates. Outreach has included the creation of a "Transitional Uses Code Update" webpage on the City' website, www.cityofmlt.com/1930, postcard mailing, two community forums, survey and comments forms, articles in the City Manager News, and news releases.

Additional public input is available at upcoming meetings and public hearings by the Planning Commission and City Council. Public hearing notices are published in the Everett Herald and posted in the four official places.

PLANNING COMMISSION

The Planning Commission held a public hearing on February 12 and recommended approval of the proposed transitional area (townhomes and parking lots) zoning text and map amendments, including adoption of design standards, with any technical corrections.

RECOMMENDATION

Staff recommends the City Council hold the February 20 public hearing and adopt the ordinance, as recommended by the Planning Commission. This can be accomplished with the following motion:

- Move to adopt an ordinance to adopt proposed amendments to the Zoning Code, Chapters 19.23 and 19.30 MTMC, to update development regulations and design standards pertaining to townhomes and commercial parking lots in a Transitional Area (TA) district, and to amend the Official Zoning Map, MTMC 19.10.020, to add a Transitional Area (TA) District designation, consistent with the Comprehensive Plan and zoning text and map amendment criteria, with any technical corrections.

ATTACHMENTS

- Transitional Use Area Map
- Transitional Zone Design Standards
- Zoning Map (Existing)
- Zoning Map (Proposed Amendment with Transitional Zone)
- Lot Coverage Illustrations (45 Percent, 50 Percent, 55 Percent, 60 Percent)
- Lot Coverage Comparison Table
- Comprehensive Plan Goals and Policies (Excerpt)
- Ordinance (Draft) Part 1 of 2 – Chapter 19.23
- Ordinance (Draft) Part 2 of 2 – Chapter 19.30