Planning Commission Regular Meeting
Monday, August 8, 2016 at 6:00 PM

City of DuPont
1700 Civic Dr.
DuPont, WA 98327

Aaron VanAlstine (Chair, Position 5)
Beth Elliott (Position 1)  Jenifer Brown (Position 2)
Renee Buck (Position 3)  Chris Barnes (Position 4)

AGENDA

1. Call to Order

2. Approval of Agenda

3. Citizen Comments for non-agenda items
   (Citizens are requested to testify on agenda items as they are discussed during the Planning Commission Meeting.)

4. Approval of Minutes
   - Not available at this time.

5. Old Business
   - Workshop on proposed alternatives regarding potential amendments to DMC 25.35 - Mixed Use District to consider provisions for indoor storage.

6. New Business
   -

7. Administrative Report
   - Update on draft schedule regarding update to DMC 25.105 - Sensitive Areas Regulations (Critical Areas Ordinance)
   - Working with Chair on a draft of an extended agenda for the Planning Commission which can reviewed at each meeting

8. Upcoming Schedule
   - Next Meeting: Monday, September 12, 2016; 6:00 PM

9. Citizen Comments

10. Member Comments

11. Adjournment
The City of DuPont received an application for a text amendment to allow for Indoor Storage in the MXD Zoning District. At the Planning Commission Meeting on July 11, 2016 we discussed the various process options for the application and the commission directed staff to provide additional information. The following represents an explanation of the options, the process and the considerations they require.

**Universal Requirements**

The process for approval to allow Indoor Storage could take a couple of different paths; however, there are universal requirements that would apply, such as new definitions, requirement for a Development Agreement and approval process type.

**Definitions**

All options will require the addition of a new definition in the Zoning Code that clearly defines Indoor Storage as a distinctly different use type than Mini-storage. The definition currently proposed reads as follows:

DMC 25.10.090 I definitions (add new term)

“Indoor Storage” means a structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time for dead storage only and located entirely within a building. The definition excludes hazardous material storage, outdoor storage, warehousing and distribution, and vehicle or recreational vehicle storage.

More detail could be added to the definition to further define specific limitations, such as adding “with a single point of access to the interior storage units”. Additionally, Staff recommends that the definition be listed under the “S” definitions as “Storage - Indoor”, and that the existing Mini-storage definition, which is listed under the “M” definitions, be moved to the “S” definitions and listed as “Storage - Mini” for better organization and clarity.

**Development Agreement**

Under either option the applicant has indicated that flexibility is needed to reduce the requirements for retail on the ground floor (DMC 25.70.020(3(b)) from the current 80% requirement to something less, for example no less than 25%. A Development Agreement (DA) would be the best method as it would allow the City to require conditions to mitigate the impacts of each proposal on the basis of the specific project uses, location and orientation. The DA would stipulate the percentage of retail-type uses, provisions to make the retail functional, and other design parameters that would ensure useful retail space.
A DA is a voluntary contract between a local jurisdiction and a person who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property. DA’s are approved by City Council following a public hearing. The Agreement would be recorded on the property and run with the land.

DMC 25.70.020(3)(b) states that “a minimum of 80 percent of the ground floor space of each building fronting Wilmington Drive, Ross Street, Ross Loop, the south side of McNeil Street between Center Drive and Palisade Boulevard, and the west side of Palisade Boulevard within DuPont Station shall consist of pedestrian-oriented retail uses or a compatible building use drawing people”.

Amendment Approval Process
Each option for processing the amendment would be processed as a Reclassification and/or Text Amendment following the Type V process with slight differences as described below. The Type V process requires that the Planning Commission hold a Public Hearing and make a Recommendation to City Council who provides final. A Notice of Intent to Adopt process with the Washington State Department of Commerce is also required.

Option A - Text Amendment
This option would entail amending the text of the existing MXD Zoning District (DMC 25.35) to add indoor storage to the list of permitted uses. DMC 25.165 describes the Text Amendment Process. It is a mechanism by which the city “may bring its land use and development regulations into conformance with the comprehensive plan or respond to changing conditions or needs of the city.”

While the applicant proposed the use be a Conditional Use, if a DA is going to be a requirement for flexibility in the amount of retail on the ground floor, and the DA requires a public hearing and Council approval, staff believe the use could be permitted rather than conditional (Conditional Uses require approval from the hearing examiner following a public hearing, which would be a redundant and time-consuming process).

Amendment Process Schedule
The overall amendment process would likely require a total of two planning commission meetings and one planning commission public hearing.

Pros/Cons
- This process requires a low level of complexity and the least time to process.
- This approach would apply to all City MDX-zoned property, which may result in unintended consequences.

Option B - Reclassification and Text Amendment
This option would entail creating a new section of the Zoning Code, potentially the MXD-2 Zoning District, as well as modifying the City Zoning Map to reflect a specific area where the MXD-2 District would apply. DMC 25.165 allows for both type of amendments to occur concurrently following the Type V process.

The new MXD-2 District code section would describe the Purpose, Permitted and Conditional Uses, and Building setback restrictions for the District. Staff envisions that the description of the District would be very similar to the existing MXD District regulations, other than allowing for indoor storage as a permitted use and requiring a DA when flexibility is needed for reduction in ground floor retail. The specific area where it would apply would likely be all property that fronts on McNeil Street between Center Drive and McDonald Ave.
**Amendment Process Schedule**

The overall amendment process would likely require a total of three planning commission meetings and one planning commission public hearing.

**Pros/Cons**

- This approach would require additional time to develop than Option A.
- The approach would reduce potential unintended consequences by limiting indoor storage to a specific zone and localized area.

**Discussion Items**

- Should Indoor Storage be a permitted use or a conditional use? Should a DA automatically be required for Indoor Storage?
- Is a Development Agreement a good mechanism/process when less than 80% of ground floor pedestrian-oriented retail uses are proposed?
Current Zoning

- Subject Parcels (Currently MXD)
- CP (Community Park)
- OS (Open Space/Sensitive Areas)
- MXD (Mixed Use)
- COM (Commercial)

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community