



**COMMUNITY DEVELOPMENT COMMITTEE
and
SPECIAL PLANNING COMMISSION MEETING**

MINUTES

4:00 PM May 18, 2022

City Hall Annex Building – Council Chambers

1. ROLL CALL

City Council: Kyle Strengholt, Gary Bode, Brent Lensen, Mayor Scott Korthuis

Planning Commission: Tim Faber, Blair Scott, Hollie Lyons, Darren Johnson

Staff: Dave Timmer, Heidi Gudde

Community: Gary Vis, Mike Kooy, Ian VanRy, Tyler Bajema, Blake Starkenburg

2. APPROVAL OF MINUTES

- a. Community Development Committee Meeting Minutes of 4/20/22 approved as presented.

3. DISCUSSION ITEMS

- a. Mixed-Use Zoning Code Amendment – Draft Code Language

Lensen gave a brief overview as to why the Community Development Committee (CDC) had asked staff to review the mixed-use provisions of the code and noted the moratorium on residential development that Council put in place at the start of the year. Since that time staff had been drafting new sections of code and giving regular updates to the CDC.

Gudde introduced the concepts of the drafted mixed-use code. This included the following points:

- Residential uses permitted on commercially zoned properties when located in close proximity to Qualified Commercial Centers and are at least one acre in size. Close proximity considered to be ¼ of a mile or less – walking distance.
- Qualified Commercial Centers have at least 20,000 square feet of retail space and 6 different entities that are open to the general public. The Historic Business District is also considered a QCC. Using this criterion the City has six Qualifying Commercial Centers:
 1. Bender Plaza
 2. Historic Business District

3. Fairway Center
 4. Fair Square
 5. Food Pavilion Plaza
 6. Safeway Plaza
- Residential developments that meet the criteria of the Mixed-Use Centers Overlay may utilize the associated development standards. Generally, this includes:
 - No maximum density. (Density becomes limited by building height and parking requirements.)
 - Buildings that are 48 feet in height
 - Flex space requirement
 - Open space requirement
 - Opportunities to share parking with nearby commercial uses
 - Small Scale Mixed-Use. Properties that have a CSL zoning but are not at least one acre in size, as drafted, can establish residential uses on upper floors and commercial on the first floor. However, residential units can be established on the first floor if they are constructed as ADA adaptable.

Related to small scale mixed use, the group discussed allowing additional units in the downtown area CSL zone – basically Main to Grover and 1st to 6th. Existing uses are mixed with commercial, churches, old single family uses, small scale multifamily, and houses that have converted to commercial. There is an opportunity for increased residential in some of these but what should it look like? Ideas were discussed regarding allowing existing single family to add units, decreased onsite parking requirements, setbacks, height restrictions...? Staff will analyze and come up with some ideas.

- Flex Space. Properties developing under Mixed-Use provisions must reserve and improve 20% of the site for semi-public plaza space. This space can be used for temporary commercial uses such as food trucks or seasonal sales or be converted into permanent commercial uses.
- Open Space. 10% of the site must be reserved for open space. This can be exclusive to the residents that live there. Some of this area might be inaccessible critical areas but still count toward the open space requirement. Language here has yet to be finalized. Discussion with the Planning Commission contemplated the use of indoor recreational spaces as counting toward this open space requirement. This might include community rooms or exercise facilities.
- Parking. The code related to parking has been updated and reviewed by both the Planning Commission and the CDC. The most significant

changes have to do with an increase in the required number of parking stalls for multi-family development.

Following this introduction the group reviewed proposed edits to LMC 19.11 through 19.51 with special attention to the following issues:

New standards that would require multi-family developments to provide shared open space on multi-family sites. This is outside of mixed-use provisions. Sites with 8 or more units would be required to provide 60 sf of open space per unit.

Addition of permitted uses list that is specific to mixed-use centers. This list is designed to include commercial uses that are compatible with residential uses and pedestrian-oriented design. It excludes uses like large scale storage, fueling stations, and vehicle-oriented designs like multi-laned bank drive-thrus.

Kooy expressed concern and asked the group to consider that some franchises prioritize locations that can have multiple lanes in their drive-thrus. Also, he noted, it can be preferable to have vehicle stacking concentrated within a two-lane split rather than wrapping around the building in a single lane.

Faber asked if open space standards drafted in the multi-family residential section would be the same requirement. Gudde noted that open space requirements would be different for the MU overlay developments. The code is drafted to require that 10% of the lot area be reserved for open space.

The group spent some time discussing how much open space should be provided for multi-family developments and what could “count” toward this requirement. Indoor open space and roof top open space was discussed. Generally, the group consensus was that open space should be outdoors. Care should be taken to provide secure space especially if children / families were to be served. Gudde noted that open space could be fenced and accessed through the residential building so that it was exclusive to tenants.

The group briefly discussed open spaces that may not be accessible such as critical areas. The conclusions seemed to indicate that accessible space is important although critical areas, as open space, do benefit residents. Currently the code is drafted to allow some overlap of requirements between critical areas and open space although work needs to be done on rewording for clarity. Blair Scott suggested that the requirement be noted as “recreational space” to indicate that it should be accessible and active.

The open space requirement is separate from the Flex space requirement. In the absence of a commercial component, flex space, at 20% of the site, must be designed improved as semi-public open space such as a plaza.

Flex space provides open area for residents and the general public but also serves as a visual amenity to the community.

While flex space is open to the public, the required open space, Gudde noted, could be gated or enclosed so that it is exclusively for the use of residents. Open space must be maintained as such in perpetuity.

The code is drafted so that flex space could be converted, 100% into a permanent commercial use. The concept is that an increased number of residents in the area will generally increase the viability of a commercial entity on the site. The flex space could be converted only to permitted commercial uses listed in the Mixed-Use Center overlay column of 19.23.020.

The group discussed the pros and cons of having this flex space convert completely into a commercial use. Gudde noted that this is a business-friendly model given that the underlying property is zoned commercial. If flex space is a permanent feature, then it may be more appropriate that subject properties simply be rezoned to a high-density residential category like RM-4.

Design characteristics of the flex space must include seating opportunities, and a couple of other features such as outdoor lighting, public art or sculptural play structures. These requirements are listed in 19.24.110(H) of the proposed mixed-use code.

Lyons asked if, since the public could use the flex space, would additional parking be required to accommodate visitors. Generally, the consensus of the group was that the flex space would likely not draw the public as a destination but may serve as a pedestrian amenity to those walking in the area or those visiting nearby businesses or the residents who live on-site. It would not be a destination in itself.

Gudde notes that the flex space is a more attractive alternative to having a gravel "build-to-suit" commercial pad sitting idle for an unknown amount of time. It can also be used for temporary or seasonal commercial uses such as food trucks or berry stands.

The goal of the flex space is to leave the opportunity for future commercial use but in a way that is attractive in the meantime. It will include up-front construction costs but not to the extent of building commercial structures that remain un-leasable.

Faber questioned the viability of flex space on smaller sites. Flex space requirements on a one-acre site (the minimum lot size for a MU project) is about 8,700. Large enough for a coffee stand but not enough for a restaurant (for example).

Staff to review potential sites throughout the city to get a better grasp on scale of required open space and flex space.

Gudde called attention to LMC 19.23.090 which includes special development conditions for retail stores greater than 50,000 sf. It prioritizes pedestrian oriented design and requires additional architectural features. This existing section can be utilized for the mixed-use center design standards.

Gudde asked that the group review the proposed revision to the Sub-area boundaries which was included as a map in the CDC / PC packet. This proposal was developed because the CDC had previously discussed the potential conflict between industrial properties and residential uses which would be introduced to commercial areas with the mixed-use code. The proposal would create a West Lynden Commerce Sub-area that would be excluded from using mixed use provisions. The intent is to reduce potential conflict between incompatible uses and to designate an area of the City exclusively for large scale commercial and industrial users.

The proposal also included a “West Lynden Gateway” Sub-area. Gudde noted this would be an interesting sub-area with many retail opportunities as well as community features like the Fairgrounds and the Cemeteries.

Lenssen expressed support of the Commerce Sub-area but suggested that the Gateway sub-area be divided into 2 so that the northern area which is primarily single family and townhomes be in their own sub-area. Gudde agreed that this was logical and had been discussed by staff. Lenssen suggested a sub-area boundary of Fishtrap Creek and the northern edge of the Farmer’s Equipment property. Staff to review and revise.

Before the conclusion of the meeting the group was asked to weigh in on the use of storage as a commercial use within a mixed-use setting. The consensus seemed to be that household storage (smaller scale) was a very useful amenity for multi-family resident and may play an important role in project development, but that flex space should not permitted to be converted into commercial storage uses and that storage uses should not be the “face” of the project or create vacant-looking spaces of use along major street frontages.

Final questions and discussions touched briefly on the commercially zoned properties that will be considered for a shift in land use and zoning. These properties do not meet the criteria for mixed-use provisions and have proven to be difficult to develop as 100% commercial. Kooy, with his partners, VanRy and Bajema, expressed interest in shifting their commercial property along the Badger Road to a multi-family zoning category with the hopes of creating affordable rentals.

Staff will be putting together the proposal for the Comp Plan amendment including the parcels which may shift land use through the month of June with plans to go to public hearing with the Planning Commission in August.

Conclusions: Staff will review and revise per feedback. Assembly of the Comp Plan amendment will begin and be brought to CDC in June or July. Some code changes related to housekeeping / code updates that the CDC has seen but the Planning Commission has not, will go to the Planning Commission on a similar schedule as the mixed-use code amendments.

- b. Reschedule June Community Development Committee. This issue was not discussed.

Next Meeting Date: June 22, 2022