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CITY OF BREMERTON

PLANNING COMMISSION MINUTES OF VIRTUAL MEETING February 22, 2021

CALL TO ORDER:

Chair Wofford called the regular meeting of the Bremerton Planning Commission to order at 5:30 p.m.

ROLL CALL

Commissioners Present

Chair Wofford
Vice Chair Tift
Commissioner Flemister
Commissioner Coughlin
Commissioner Mosiman
Commissioner Pedersen
Commissioner Rich

Staff Present

Andrea Spencer, Director, Department of Community Development
Allison Satter, Planning Manager, Department of Community Development
Sarah Lynam, Project Assistant, Department of Community Development

Commissioners Excused

None

Quorum Certified

CHAIR CALL FOR MODIFICATIONS TO AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

VICE CHAIR TIFT MOVED TO APPROVE THE MINUTES OF NOVEMBER 16, 2020, AS SUBMITTED. COMMISSIONER COUGHLIN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY, WITH COMMISSIONER PEDERSEN ABSTAINING.

PUBLIC MEETING

Call to the Public (public comments on any item not on the agenda)

Chair Wofford invited comments from citizens, there were none, and he closed this portion of the meeting

Workshop: Zoning Code Amendment for Lot Size Averaging

Ms. Satter advised that this proposed code amendment would add flexibility when subdividing in the R-10 and R-18 zones using a tool called "lot size averaging." She explained that, when subdividing, lot size averaging would allow a few lots to be

below the minimum lot size if the overall density required by the underlying zoning can be met. She emphasized that it would not allow an increase in density in the R-10 and R-18 zones. As originally proposed, the amendment would limit the maximum lot size reduction allowed to 10%, and no more than 20% of the lots within a subdivision could use the reduction.

Ms. Satter explained that, currently, the R-10 zoning regulations require that no lot can be less than 4,300 square feet. She shared an example to illustrate how the current code would be applied to a 0.5-acre lot in the R-10 zone, with two existing dwelling units. Although the density allows up to 5 lots, only four lots could be created because each lot must be a minimum of 4,300 square feet. The end result would be a maximum of 8 dwelling units per acre, which is less than the target density of the R-10 zone. If the proposed amendment is adopted, allowing a reduced lot size for one lot, the applicant could subdivide the property into five lots.

Again, **Ms. Satter** emphasized that the proposed amendment is not a way to undermine the underlying density, as the underlying density must not ever be exceeded. The overall goal is to address small infill issues with existing properties without increasing the density. The amendment would allow unique and undeveloped properties to have more flexibility when subdividing and more opportunity for reaching the maximum level of development allowed in the zone.

Ms. Satter advised that the original draft amendment would only allow 20% of the lots in a subdivision to utilize the lot size reduction, which means the provision would only be applicable to subdivisions of 5 or more lots. Staff believes the provision could also be an effective infill tool for smaller lots in Bremerton. She recommended the Commission consider an additional provision for subdivisions of less than 5 lots, allowing no more than 1 lot to be reduced by more than 10% of the minimum lot size.

Ms. Satter shared an example of a 2-lot short plat on Marine Drive that was approved by the City in 2007. She noted the panhandle that was created as part of Lot A in order to meet the minimum lot size requirement. Staff discussed with the property owner how the illogical boundary would make it hard for the property owner to provide maintenance, fencing, etc. on this 10-foot-wide strip of land. Due to setback requirements, nothing can be built within the panhandle. The proposed code amendment would allow the subdivision without the panhandle. Lot A would be 3,900 square feet, which is the minimum allowed per code. She summarized that the proposed amendment would allow more lots to be created and for property owners to better utilize their existing properties. It would also help avoid the creation of illogical boundaries to meet the minimum lot size requirement.

Ms. Satter advised that, prior to the meeting, Commissioner Coughlin provided clarifying language for Item e.2.ii that was incorporated into the draft amendment.

No one from the public indicated a desire to comment regarding the proposed amendment.

Chair Wofford called for comments from the public, there were none.

Commissioner Mosiman asked if the proposed amendment would apply in cases where someone wants to do a boundary line adjustment. **Ms. Satter** said boundary line adjustments are addressed in a separate section of the code, which staff is also working to update. She expects that a draft amendment will be presented to the Planning Commission in March or April that will address similar situations.

Commissioner Flemister asked if the proposed amendment would apply to all subdivisions or just those that are already developed with existing homes. **Director Spencer** answered that the amendment would apply to all future subdivision applications, regardless of whether the property is undeveloped or has an existing home.

Commissioner Pedersen asked why staff is proposing that the reduction be limited to no more than 10% of the minimum lot size. Were greater reductions considered? **Ms. Satter** answered no, but staff could consider greater reductions at the direction of the Commission. If the provision is successful, she could imagine staff approaching the Commission again in a few years with some tweaks to make it work better. **Director Spencer** explained that the amendment represents staff's best proposal based on reviewing codes from other jurisdictions. However, she invited the Commissioners to identify the bookends for staff to analyze further and report. **Commissioner Pedersen** questioned the need for a cap as long as setbacks can be met and the average density is maintained. He felt it would be worth exploring other options. **Chair Wofford** suggested that the maximum

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reduction allowed could be based on the minimum size required for each residential unit, as well as the setbacks that must be provided.

Workshop: Zoning Code Amendment for Drive Through Facilities

Ms. Satter reviewed that the City's 2005 zoning code prohibited drive-through facilities throughout a majority of the City. The code was updated in 2013 to allow drive-through facilities in commercial zones, but only if the property had direct access to Kitsap or Wheaton Way. Site design criteria was also added at that time, with a focus of accommodating vehicular traffic while protecting pedestrians. The 2013 update was a great first step, but the current trend is a greater desire for curbside pickup and more drive-through facilities. Staff doesn't believe the trend will go away once the pandemic is over. She reviewed the primary goals of the 2013 update as follows:

- Drive-through facilities must be well designed and should not be the primary focus of the business.
- Stacking lanes are appropriate to handle the need, and the requirement should be different based on the type of business.
- Design criteria was added to address safe pedestrian access and enhanced landscaping and screening. In addition, drive-through lanes and parking lots cannot be combined or be in conflict with each other.

Ms. Satter advised that the goals of the 2021 update include:

- Revise the 2013 code to implement the lessons that have been learned over the past seven years.
- Maintain many important principles but amend some elements, as not all of the code is being met as intended.
- Support drive-through facilities and curbside pickup, as the demand has increased.
- Revise the code to address the changing trends. The current code is currently silent on curbside pickup.
- Expand the code to allow drive-through facilities in more commercial districts.

Ms. Satter said the current intent is to amend the code to allow drive-through facilities and curbside pickup in all commercial zones, with the following enhanced criteria:

- Drive-through components should not be the primary focus of the business.
- Businesses should cater towards walk-up patrons and the street front should be activated with good building and site design.
- Pedestrian safety must be addressed, not just with signage, but also site design to keep cars and pedestrians separated.
- Screening and/or minimum buffers will be required when adjacent to incompatible uses, such as single-family homes.

Ms. Satter said it is important to note that, while the proposal is to allow drive throughs and curbside pickups in all commercial zones, the two types of uses come in many different styles and not all sites will be able to accommodate the requirements. Again, drive-through facilities are currently only allowed on Kitsap and Wheaton Way as accessory to the primary use, and the proposed change would allow drive-through facilities in all commercial zones, including curbside pickup locations for businesses that want to install pickup windows. She shared several examples of drive-through facilities to illustrate both desirable and undesirable design:

- Example 1 – Restaurant with Drive Through. The drive-through and stacking lanes surround the building, and there is no safe access for pedestrians to enter the restaurant. Cars are required to back into the stacking lanes, which is an unsafe situation. Staff believes this is an undesirable design because the vehicular and pedestrian access is not coordinated.
- Example 2 – Restaurant with Drive Through. The setback requirements in this example are the same as those in Bremerton. The maximum setback is intended to activate the street and sidewalk by having the buildings close to the property line. Also consistent with Bremerton's code, all effort was made to not locate the drive-through lanes between the building and the roadway. However, the end result was that pedestrians have to cross a drive-through lane to enter the building from the parking lot. Although the design meets the City's current code, staff does not believe it is a desirable option.

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- Example 3 – Restaurant with Drive Through. The design meets the 10-foot maximum setback requirement. The drive-through lanes are not located between the building and the roadway, and the drive-through is not the primary focus of the building. In addition, access to the building is provided from all parking areas without requiring pedestrians to cross drive-through lanes. This is a desirable design that would be consistent with the proposed code amendment.
- Example 4 – Pharmacy with Drive Through. The design meets the 10-foot setback requirement and the drive-through code. The drive-through lanes are not located between the building and the roadway, and the drive-through is not the primary focus of the building. Pedestrian access is provided without having to cross the drive-through lanes. This is a desirable design, as well.
- Example 5 – Coffee Shop with Drive Through. Again, effort was made to not locate the drive-through lanes between the building and roadway, and the drive-through is not the primary focus of the building. Access is provided to the coffee shop from all parking areas without crossing drive-through lanes, which is a desirable design.

Ms. Satter summarized that the intent of the amendments will be to allow drive-through facilities in more commercial areas, but they should not be the primary focus of the business. Pedestrian safety should be addressed, and screening and/or minimum buffers should be required when adjacent to incompatible uses. Curbside pickup should be addressed, as well.

Christopher Lux, Bremerton, said he is a small business owner in the City. He previously owned the flower shop, Sprout and Thistle, on Burwell and Naval, and is in the process of converting it into a mixed-use food court called Street Eats Bremerton, which he believes is a good use for a community space that was previously an abandoned RV lot on the corner. From the food trucks they have hosted on the site already, he has seen a strong demand for curbside and/or contactless pickup service. While food trucks will be the main focus of the Street Eats Bremerton portion, they are looking to partner with a drive-through coffee vendor, as well. He referred to the requirement that the drive-through must not be the primary focus of the building. In the instance of a mixed-use site, he questioned how the primary focus would be defined and to what degree it would be required. He said the property adjacent to his is developed with a small business with a drive-through. While it was grandfathered, it is not in compliance with the new code, and this hampers the property owner's ability to make improvements or redevelop the site. In addition to providing drive-through service to customers, he suggested it will also be important to provide safe pedestrian walkup service when designing drive-through facilities. He said he has collaborated with a number of small businesses that are planning to expand or improve, and having the flexibility for curbside pickup and drive-through service will be critical. His hope is that they can continue to grow new businesses in that region of the City by finding ordinances that work well.

Chair Wofford pointed out that, although the current code limits drive-through facilities to properties that have access to Wheaton and Kitsap Way, there are drive-through facilities at banks on several other streets. **Ms. Satter** responded that these facilities are grandfathered.

Commissioner Mosiman questioned the impact that an increasing number of cars that sit idling would have on carbon emissions and climate change. He reminded the Commissioners that, as per the Comprehensive Plan, they must consider climate change issues. **Ms. Satter** said this issue would be addressed as part of the required environmental review.

Vice Chair Tift said he is not convinced that the primary use requirement is necessary. He noted that Dutch Brothers Coffee on Wheaton Way may have an internal seating area, but the majority of its business is drive-through. Another example is the Sonic Drive-In in Poulsbo, which has only a very small internal seating area. He expressed his belief that a new, efficient drive-through would be a welcome site compared to some of the older ones that are unsafe and/or do not function well. They should also allow businesses flexibility to create curbside pickup locations. He noted that, due to the pandemic, people have grown accustomed to picking up food via a drive-through or curbside pickup. He also noted that many of the existing drive-through facilities are unsafe, and he supports codes that allow predominantly drive-through businesses that are efficient and safe.

Commissioner Flemister asked if the code would allow an existing business to add a drive-through. **Ms. Satter** said the existing code is written for new businesses, but staff is suggesting that the amendment should also address flexibility for existing businesses to add drive-up or curbside services. **Director Spencer** said Peninsula Health is a good example of a site that might want to allow pick-up service, such as a pharmacy window. While the site could likely be designed to accommodate the use, it isn't currently allowed because the property isn't located on either Kitsap or Wheaton Way. The same would be true for a

number of other sites. She summarized that there is an increased demand for drive-up and drive-through service. Staff believes the use could successfully be allowed in all commercial zones with the right site design. She anticipates a lot of capital improvements of this type in the future, and it will be important to have the right codes in place to make sure they are safe and effective.

Commissioner Flemister asked how the City regulates food trucks, which primarily serve pedestrians. **Director Spencer** answered that food trucks are regulated separately from businesses with drive-throughs and curbside pickup. A business license is required, but they are allowed to park and do business in any paved parking area in the commercial zones.

Commissioner Pedersen said he isn't comfortable with completely removing the restriction that limits new drive-through facilities to Kitsap and Wheaton Way only. He said he is concerned about allowing them in commercial areas that are adjacent to residentially-zoned properties. He asked if it would be possible to limit the use to streets of a certain size. **Director Spencer** voiced concern that limiting the use based on street size could result in unintended consequences and limit areas that can provide good access. She emphasized that the current code doesn't allow cars to queue on the street, and the required queue length is based on the type of use. Fast-food restaurants would typically require a greater queueing length than a bank or pharmacy. She said the intent is that there would be a number of provisions in the code aimed at safety and limiting the impacts to residential neighborhoods.

Commissioner Pedersen asked if they could limit the use to properties that are associated with larger arterials. Again, he said he wants to keep drive-through facilities away from the neighborhoods. **Ms. Satter** suggested it would be helpful for staff to provide maps at the next meeting to illustrate the locations of the commercial zones, which are primarily zoned around major arterials. She reminded them that new drive-through and curbside facilities are reviewed by the Public Works Department, and permits can be denied if proposals are deemed to be unsafe for the neighborhood.

Commissioner Rich expressed her belief that drive-through and curbside pickup facilities should be allowed in other commercial zones. She also felt they should consider limitations to ensure that they are safe and function efficiently.

Commissioner Coughlin said he generally supports allowing the use in other commercial zones, with a primary focus on safety and traffic efficiency. He asked if the existing code addresses site distance requirements for cars leaving the drive-throughs and entering the roadway. **Ms. Satter** said there are no specific provisions in the existing code to address the issue, but she agreed it is something that should be added.

Chair Wofford asked if food trucks would be allowed to locate in neighborhood business areas, and **Ms. Satter** responded that they would be allowed to locate in paved parking areas.

Christopher Lux, Bremerton, said he has gained a lot of experience with food trucks. While the vast majority of the traffic to his location are pedestrians from the shipyard and nearby neighborhoods, a surprising number of people come by car, too. He suggested that careful design is necessary to allow for drive-up service, but with a focus on pedestrian safety.

BUSINESS MEETING

Chair Report

Chair Wofford did not have any items to report.

Director Report

Director Spencer reported that there has been a very high volume of permit activity, and 2020 numbers broke the 2019 record by a long shot. The 2019 construction activity was \$128 million, and they ended 2020 with construction activity of \$143 million. In January alone, the City took in building permits for 155 new homes, and the construction activity in the permit review queue is \$103 million. At the same time last year, the review queue was under \$40 million. Staff remains very busy working on permits.

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Director Spencer reported that staff has also been busy working on code changes. In December, the City Council adopted the Planning Commission’s recommendations for Accessory Dwelling Units (ADUs) except the second ADU. Staff participated in two more study sessions with the City Council, and a public hearing was held last week to take testimony on the second ADU. There will be another study session this week, to talk about how the ordinance might be further shaped, and another public hearing is scheduled for March 3rd. She reviewed that the Commission’s recommendation was to allow a second ADU, but require one parking space. One option the City Council is considering is allowing a second ADU, but it must be within 500 feet of a center. There is concern that a second ADU might make the house look like a duplex or triplex, so this option was modeled after the fact that the zoning code allows duplexes and triplexes within 500 feet of a center. Another option the City Council is considering is allowing second ADUs everywhere, as long as they are owner-occupied. They are also considering eliminating the parking requirement for the second ADU if located within a certain distance of transit, as well as adding a provision that second ADUs cannot be used for short-term rental. **Ms. Satter** added that they also considered adding an affordability component for the second ADU, but after further research, they learned that having an affordable program that uses the zoning code or Growth Management Act items as an incentive requires property owners to commit to 50 years of affordability. Staff doesn’t believe this is a feasible option for the City to implement.

Old Business: Approval of Amendments to Bylaws

Ms. Lynam provided a brief overview of the bylaw amendments as follows:

- Section 2(c) – Officers and Duties. The current bylaws allow the opportunity for the Chair or Vice Chairperson to present the Planning Commission’s recommendation to the City Council, but not other members. The proposed amendment would allow the Chairperson the ability to select any member to speak on behalf of the Planning Commission at City Council meetings, if necessary.
- Section D – Suggested Criteria for Selection of Officers. The current title does not match the roles listed below, which are for the Executive Secretary. The amendment would change the title of this section to “Executive Secretary Roles to the Commission.”

COMMISSIONER COUGHLIN MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE PROPOSED AMENDMENTS TO THE BYLAWS. COMMISSIONER FLEMISTER SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.


New Business: Charleston Areawide Planning Report Review

Ms. Satter advised that the City’s Comprehensive Plan Docket for 2021 includes incorporating the Charleston Areawide Planning Report into the City’s Comprehensive Plan and associated Zoning Code changes. She asked that the Commission become familiar with the report in preparation for a workshop discussion that is scheduled for the Commission’s March 15th meeting. She noted that Chapter 7, at the end of the report, summarizes all of the amendments that will be considered as part of the Comprehensive Plan update.

ADJOURNMENT

The meeting was adjourned at 6:52 p.m.

Respectively Submitted by:



Andrea L. Spencer, AICP
Executive Secretary



Nick Wofford, Chair
Planning Commission

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