



MINUTES OF THE  
PLANNING COMMISSION

FEBRUARY 23, 2016

Council Chambers, City Hall  
833 S. Spruce Street, Burlington, WA

MEMBERS: Marianne Manville-Ailles-Chair, Ken Frye, Jana Vater, Brian Hanson, Rock White, Sally Straathof and Jeff Anderson.

STAFF: Brad Johnson, Kim O'Hara

Bryan Harrison, City Administrator introduced Brad Johnson, Senior Planner.

Motion by *White/Vater* to approve the minutes of January 20, 2016 Planning Commission as written. Motion carried.

**TEMPORARY USE PERMIT  
702 N. BURLINGTON BOULEVARD  
JUAN CARILLO DBA TACO TECALITLAN , APPLICANT**

Annual review to renew a one-year Temporary Use Permit for a mobile food vendor at 702 N. Burlington Boulevard. The site is owned by the applicant and located in the C-1 General Commercial zone. No complaints have been received. They meet the criteria 5.30 Mobile Vendors code. Motion by *Straathof/Frye* to approve a one year temporary use permit. Motion carried.

**PLAN REVIEW  
899 NEVITT ROAD  
GARY & DIANE STEEN, APPLICANT  
BARGHAUSEN CONSULTING ENGINEERING, REPRESENTATIVE**

*Johnson* stated the plan review proposal is to construct 12,510 square feet of retail space at the Holiday Sports complex. The site is zoned C-1 General Commercial. This is an extension of the Binding Site Plan previously approved in 2009. A detailed staff report and Findings of Fact and Conclusions of Law have been prepared for consideration. Our evaluation of the project revealed it complies with all applicable code criteria in the Burlington Municipal Code with the exception of one deficiency regarding landscaping along the south property line which could be resolved through a condition of approval and a minor modification to landscaping proposal.

*Ernest McGehee, Fisher & Sons, 625 Fisher Lane, Burlington* – stated that landscaping on south property line abuts the Interstate-5 on/off ramp. There is at least 30 feet of grass area plus a 1-to-2 slope going up the off ramp. The State installed 14 trees on their property abutting this site, but trying to add trees and irrigation to the south property line would be problematic. McGehee noted that the green space on the State's property will always be there and is asking for consideration to not add any additional trees on south property line.

*Manville-Ailles* stated on landscape plan sheet L-1 you are suggesting that we remove 12 trees along the south property line, but keep the other trees on Nevitt Road. McGehee, yes, also there are six trees in the right of way as well as shrubs.

**Manville-Ailles** asked what type of landscaping would be installed instead of trees. **McGehee** – low shrubbery. **White** stated that it is difficult to picture without physically looking at it. **Straathof** agrees that trees would not be a good thing to put in such a small space. **Manville-Ailles** asked what their landscape alternative is. **Johnson** stated we were not aware there was a request to amend the landscaping code. The concern we identified were the trees and vicinity of the trash enclosure. There is a provision in the code that allows minor modifications to landscaping requirements (BMC 17.50.100) which authorizes the Planning Commission to grant deviations of landscaping requirements under certain conditions. **Manville-Ailles** stated without seeing a specific proposal before us it would be difficult to make a decision and suggested that if the site plan is approved we will the leave between the Planning staff and applicant to come up with an acceptable solution.

Motion by **White/Anderson** to approve the plan review subject to the ten conditions listed in the Staff Report with an additional condition that the applicant submits a revised landscaping plan to be reviewed and approved by the Planning Department. Motion carried.

## **PUBLIC HEARING**

### **CONTRACT REZONE #1-16**

**TO ALLOW DOG RUNS AND KENNEL SERVICES IN THE**

**C-1 GENERAL COMMERCIAL ZONING DISTRICT**

**910 N. BURLINGTON BOULEVARD**

**CHUCKANUT VALLEY VETERINARY CLINIC/WAGLY, APPLICANT**

A public hearing on a Contract Rezone to allow outdoor dog runs and kennel services on a parcel zoned C-1 General Commercial. The C-1 zone does not allow outdoor dog runs or kennels. **Johnson** noted two public comment letters were received from Robert Egerer of Starlight Group and Joan Crane of Doggy Come Play. A similar doggy daycare facility was at this location previously (2004-2009) and moved north down the street. Our code does not allow dog boarding for kennels in the C-1 General Commercial zone. The Staff Report recommends conditions of approval of the same conditions that applied to the previous doggy day care should apply to this project as well; it was granted to the applicant rather than the site.

Public hearing opened. There were no public comments. Public hearing closed.

**Vater** asked if Planning Commission read page 2 of Joan Crane's comment letter regarding written guidelines for animal daycare facilities. **Manville-Ailles** stated they are good ideas for more of a long term solution that would require a different process, but a contract rezone is before us tonight. **White** stated Joan's letter was well thought out and it would be important to have standards for doggy daycare to be consistent with all animal daycare uses. **Manville-Ailles** explained that a contract rezone applies to the person, not the property. Since we have more than one doggy daycare it would be good for us to consider long term changes to the code, but we should not hold up the contract rezone. **Anderson** stated that Chuckanut Valley Veterinary Clinic knows how to treat animals and we should trust them with a doggy daycare.

**White** stated the other comment letter received from Starlight Group lists concerns of barking dogs and affecting their property values. **White** asked if there was any documentation on barking complaints when Doggy Come Play was at this location. **O'Hara** explained that the complaint records are in the Code Enforcement files at the Police Department, but staff will inquire and find out.

**Vanessa Johnson, 896 N. Burlington Boulevard, applicant's representative** – stated they do not hear the barking dogs from Doggy Come Play down the street and indicated their business will not be large groups of dogs. The maximum number of dogs boarded will be 48. The dogs will be let out in groups, not all at once. Chuckanut Valley Veterinary Clinic has a strong foundation for taking care of pets and this use will provide more job opportunities. **White** asked if the Planning Commission were to postpone their decision until the March 16 meeting would it have a negative impact on your boarding facilities. **Ms. Johnson** explained they are planning a

grand opening event on March 17. **Vater** asked if the dogs will be able to go in and out on their own. **Ms. Johnson** stated all that all pets inside and outside will be supervised at all times, they will not be left unattended. If a group of dogs are going outside, it is 15 dogs/person. Hours of operation are 7:00 a.m. – 7:00 p.m., with no dogs let out during the night and staff will be on premises after hours. **Ms. Johnson** asked if the current location of Doggy Come Play has had any current noise complaints. **O'Hara** will check with the Code Compliance Inspector.

Motion by **Anderson/Frye** to recommend that the City Council *approve* Contract Zoning Amendment 1-16 and authorize outdoor dog runs and kennels on the property identified by Skagit County Assessor's parcel number P109091 *subject to* the following conditions, and subject to Staff relaying any findings to the City Council on noise complaints during the time Critter Sitters/Doggy Come Play was at the same location in 2004-2009 and/or at their current location at 590 N. Burlington Boulevard. At which time the Council can choose to add additional conditions based on the outcome of any noise complaints.\*\*

1. The use and development of the site shall conform to the approved site plan (see exhibit "A"). Future expansions or modifications may require additional permits or approvals.
2. With the exception of the zoning amendment authorized by this decision, the use and development of the site shall be consistent with all applicable Burlington Municipal Code requirements, including landscaping and screening.
3. The conditions of approval associated with Burlington Conditional Use Permit CUP 1-04 shall continue to apply except as explicitly modified by this decision.
4. In accordance with BMC 17.68.120.A, this permit shall expire two (2) years from the date of approval. The date of approval shall be the date this decision is approved by the City Council.

Motion carried.

**\*\*NOTE:** On March 2, 2016 Staff checked with the Police Department and the Code Compliance Inspector to check their records for any noise complaints received for Critter Sitters/Doggy Come Plat at 910 and 590 N. Burlington Boulevard between 2004-current. Both the Police Department and Code Compliance Inspector confirmed that no noise complaints have been received for either location.

## **DISCUSSION**

### **COMPREHENSIVE PLAN & ZONING CODE UPDATE**

**Johnson** stated he is familiarizing himself with our codes and what needs to be done to update the Comprehensive Plan; looking for input from the Planning Commission. **Manville-Ailles** stated the Planning Commission reviewed the draft Environmental Impact Statement and made comments on things we liked and did not like. Changes were going to be made to the document and then that process would complete. **Harrison** stated it would be helpful if Manville-Ailles, Brad and himself had a short meeting to clarify and identify the issues and bring something more refined back to the Planning Commission for discussion.

Motion by **Anderson/White** to adjourn the meeting. Motion carried.