Planning

Permit Center
210 Lottie Street
Bellingham, WA 98225
phone: 360-778-8300
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www.cob.org

COMPREHENSIVE / NEIGHBORHOOD PLAN AMENDMENT DOCKET APPLICATION FORM

TO BE COMPLETED BY STAFF

Date Received 4-25-14

Case Number ZON/2014-00005

Use this form to request docketing of a proposed Comprehensive Plan and or Neighborhood Plan amendment(s). Applications may be submitted at any time but must be received by **April 1** of each year for review during the following year. Please complete the following and attach additional pages as needed. Incomplete applications will not be accepted.

1. An application must include the following materials:

- ■ Docket Application Form.
- ■ Fee payment calculated at 10% of the total comprehensive plan amendment fee.* The fee is not refunded if the proposal is not docketed. The fee is calculated as follows:

(a) Non-site specific Comprehensive / Neighborhood Plan amendments:

$1,594 base fee + $255 notice fee x 0.1 = $185 due at docket application.

OR

(b) Site specific Comprehensive / Neighborhood Plan amendments:

$1,594 base fee + $255 notice fee + $213 per acre over first acre ($12,750 max.) x 0.1 = fee due at docket application. Final fees will be calculated at the time the application is submitted.

*Recognized Neighborhood Associations are exempt from this fee.

2. Applicant: Ashley Street Properties, LLC Phone: 360-815-6543

Address: 842 E. Wiser Lake Road

City/State/Zip: _____

Email: tawneep@comcast.net Fax: _____

Name of contact if applicant is a group: Dan Parcher

I have read the application materials and acknowledge that if the proposed amendment is approved by the City Council for inclusion in the annual docket, a complete Comprehensive / Neighborhood Plan Application must be submitted within **30 days of the Council's docket decision or a date approved by the Planning and Community Development Director** in order to continue to final review. Failure to submit a complete application prior to the deadline may result in removal from the docket.

Applicant signature: _____ Date: 04/25/14

3. Provide an explanation of how the proposed Comprehensive or Neighborhood Plan amendment meets one or more of the docking criteria listed in **Bellingham Municipal Code 20.20.030 A. (2)**. (Docketing criteria - page 4 attached)

4. If the proposal includes general Comprehensive Plan or Neighborhood Plan amendments that are not site-specific, please describe your amendment proposal as specifically as possible and attach it to this form. If specific wording changes are proposed, show the changes in ~~strikethrough~~ and underline format. Reference the location in the Plan where the change is proposed.

Complete the following sections if the proposal includes a site-specific amendment to a comprehensive plan land use designation.

Property Owner

Name: 2010-RADC/CADC Property II, LLC Phone: _____

Address: 4601 College Blvd. #300

City/State/Zip: Leawood, KS, 66211-1652

Email: _____ Fax: _____

Owner's Authorized Agent/Contact

Name: AVT Consulting, LLC Phone: 360-527-9445

Address: 1708 F Street

City/State/Zip: Bellingham, WA, 98225

Email: ali@avtplanning.com Fax: _____

Property Information

1. Assessor Parcel Numbers: 380332 008077, 380332 009081, 380332 008094, 380332 008110, 380332 007122

2. Attach a map (8.5" x 11") identifying the property included in the proposed amendment and showing parcels and streets located within and adjacent to the site.

3. Neighborhood Name: Samish Area Number: 1

   Current Comprehensive Plan Land Use Designation: Commercial

4. Proposed Comprehensive Plan Land Use Designation: Commercial

5. Current Zoning: Commercial, Auto

6. Proposed Zoning: Commercial, Planned

Property Owner(s)

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project including, but not limited to, expiration notifications. If I, at any point during the review or process, am no longer the Applicant for this project, it is my responsibility to update this information with the City in writing in a timely manner.

Signature by Owner/Applicant/Agent: _____ Date: 04/25/14

City and State where this application is signed: Bellingham, WA

BELLINGHAM MUNICIPAL CODE

20.20.030 ANNUAL DOCKETING CRITERIA

A. The City shall use the following criteria in selecting proposals for inclusion in the annual docket of comprehensive plan/neighborhood plan amendments. In order to be included on the annual docket, a proposal must meet the following criteria:

(1) The City has the resources, including staff and budget, necessary to adequately and comprehensively review the proposal within the timeframe of the annual review process; and

(2) The proposal meets one or more of the following criteria:

a. The proposed amendment represents an issue appropriately addressed in the comprehensive plan or in a neighborhood plan;

b. The proposal demonstrates strong potential to serve the public interest by implementing specifically identified goals and policies of the comprehensive plan;

c. The public interest would be best served by considering the proposal in the next amendment cycle, rather than delaying consideration to a future plan update process;

d. The amendment addresses changing circumstances, changing community values, or corrects or updates information in the comprehensive plan or a neighborhood plan; or

e. State law requires, or a decision of a court or administrative agency has directed a change to the comprehensive plan or a neighborhood plan.

ASHLEY STREET PROPERTIES
COMPREHENSIVE PLAN AMENDMENT
NARRATIVE

I. Subject Site / Properties Information

Address: 126 – 140 Ashley Street, Bellingham, WA 98226
Tax Parcel Number(s):
380332 008077, 380332 009081, 380332 008094, 380332 008110 & 380332 007122
Owner: Ashley Street Properties, LLC (under contract to purchase)
Applicant: Same as Owner
Agent(s): Ali Taysi, AVT Consulting LLC, 1708 F Street, Bellingham, WA 98225

II. Subject Site / Property Description

The subject property is located at 126 - 140 Ashley Street, located east of Lincoln Street and north of Byron Avenue, in Bellingham, WA (the "Property"). The Property consists of five tax parcels and totals approximately 1.62 Acres +/- in size and is Lots 1 thru 24 of the Plat of Jameson's 2nd Bay View Addition subdivision. It is located within Section 32, Township 38 North, Range 03 East, W.M.

The property is zoned Commercial Auto, Area 1 of the Samish Neighborhood and is currently undeveloped. Neighboring properties are multi-family to the north, a mix of single and multi-family residences to the east, commercial to the south and the property to the west is used as a Park and Ride by WTA. The subject property fronts both Byron and Ashley Streets, with all utilities, water, sewer and storm existing in. These streets do not include curb, gutter or sidewalk.

III. Proposed Amendment

The proposed amendment includes a comprehensive plan amendment to the zoning for Area 1 of the Samish Neighborhood and also a text amendment to the Area 1 description within the neighborhood plan. The Area 1 zoning table identifies the zoning as Commercial, Auto. There are no special regulations within the zoning table. The Commercial, Auto allowed uses are more limited than the allowed uses provided for in the Commercial, Planned designation, which is proposed. This change is intended to facilitate a future residential project with a commercial component, which is a use permitted outright in the Commercial, Planned designation. Additional information is intended to be provided to supplement review of this application prior to docketing. Site specific conceptual plans will be prepared and provided with the completed application if the proposal is docketed.

III. Docketing Criteria

20.20.030 ANNUAL DOCKETING CRITERIA

A. The City shall use the following criteria in selecting proposals for inclusion in the annual docket of comprehensive plan/neighborhood plan amendments. In order to be included on the annual docket, a proposal must meet the following criteria:

(1) The City has the resources, including staff and budget, necessary to adequately and comprehensively review the proposal within the timeframe of the annual review process; and

This proposal is site specific and very straightforward including only a minor change in the zoning table and text of the neighborhood plan. It does not involve a change in the comprehensive plan designation for Area 9, which will remain Commercial. The applicants are committed to engaging with staff and providing a high level of detail regarding the project specific proposal in the event that the proposal is docketed. This proposal should not absorb a high volume of staff time or budget.

(2) The proposal meets one or more of the following criteria:

a. The proposed amendment represents an issue appropriately addressed in the comprehensive plan or in a neighborhood plan;

The existing Commercial, Auto zoning designation prohibits the development of a non auto-oriented development and/or a residential project. The only avenue available to create zoning that would permit a non auto-oriented development and/or residential project on this site is through amendment to the zoning table and neighborhood plan text.

b. The proposal demonstrates strong potential to serve the public interest by implementing specifically identified goals and policies of the comprehensive plan;

The comprehensive plan identifies a variety of specific goals and policies that speak to, among other things, residential in-fill, concentrating commercial development in appropriate areas, reducing barriers to development, flexibility in accommodating housing demands and flexibility in meeting changing needs within the community. This area of the Samish Neighborhood has changed over the past 20 years and it is no longer appropriate to develop auto oriented commercial uses on this property. At the same time accommodating residential development where appropriate has become a focus of the communities' long range planning efforts. The public interest would be served by supporting this proposal as it would allow the property to be developed with a mixed use or residential project that would be more appropriate for this location and/or would further our residential in-fill goals.

c. The public interest would be best served by considering the proposal in the next amendment cycle, rather than delaying consideration to a future plan update process;

The property is currently undeveloped and has been for decades. The primary impediment to development of this property is the existing zoning. There is a current partnership that is interested in development of the property; but only in the event that the use restriction can be removed. The sooner that this issue can be addressed the sooner the partnership can proceed with a site specific development proposal. There is

no identifiable reason to delay consideration of the proposal to a future plan update process.

d. The amendment addresses changing circumstances, changing community values, or corrects or updates information in the comprehensive plan or a neighborhood plan; or

Since this use restriction was placed on the property there have been changing circumstances as well as changing community values. Area 1 was previously thought to be an appropriate location for auto oriented commercial development.. Over the past decade the focus of commercial development in this area has shifted to the west side of I-5; the Sehome Village shopping center has been redeveloped and the Samish Way Urban Village plan has been approved and implemented. In addition, the drive in theatre adjacent to this property has closed. These actions have firmly centered auto commercial development in this area away from Area 1. At the same time our community has clearly focused on maximizing opportunities for residential in-fill development on vacant properties. These circumstances make the existing auto commercial designation outdated and counter intuitive to our current planning goals and community values.

e. State law requires, or a decision of a court or administrative agency has directed a change to the comprehensive plan or a neighborhood plan.

N/A

IV. <u>Summary</u>

The proposed change in Use Qualifier is being requested because the existing "Auto" Use Qualifier permits only a limited number of commercial uses, most of which are auto-related uses. These uses are for the most part not appropriate for the subject property. The proposed "Planned" Use Qualifier permits a much broader range of uses, including mixed residential and commercial uses, which are not permitted with the existing "Auto" designation. The applicants do not have a specific project proposal at this time but have evaluated the Commercial, Planned designation and believe that it is the most appropriate zone designation for the subject property, provides the most flexibility for a variety of uses, and also provides the City and neighborhood with the opportunity to have input on a specific project proposal that may come forward, through the Planned Permit process.

SAMISH NEIGHBORHOOD ZONING

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1A	Commercial	~~Auto~~ PLANNED	N/A	Traffic and noise, parking, buffer, limit curb cuts.	Improvements to the Interstate 5 interchange and the recommended improvements to Samish Way should occur before the area is developed.	None

CURRENT AREA 1 DESCRIPTION

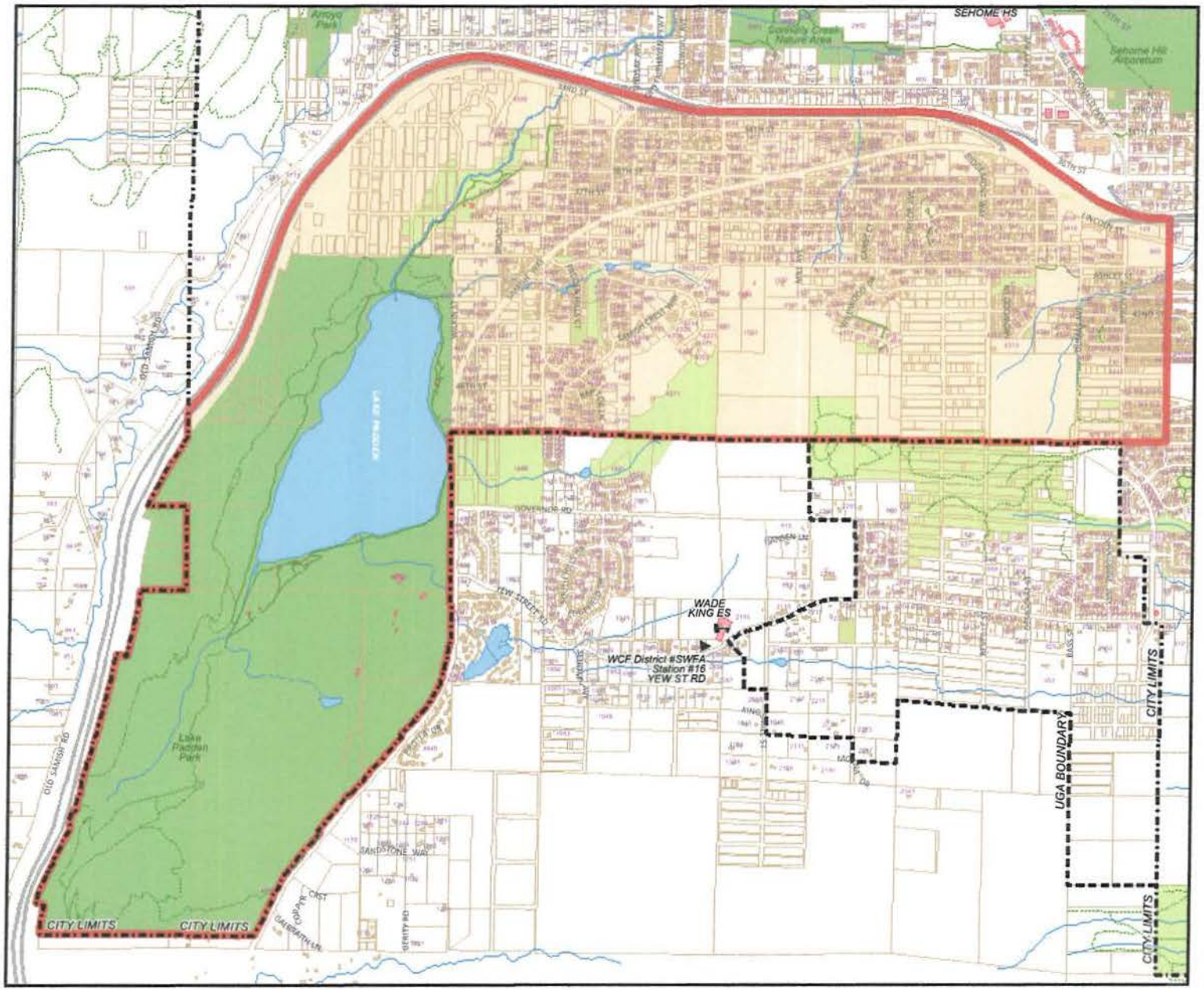
AREA 1

This area near the Samish Way freeway interchange is designated for Auto Commercial uses. This classification is compatible with an area directly to the north in the Puget Neighborhood. The extension of 40th Street via Ashley Street is the eastern boundary of this area; the southern boundary being the Byron/Consolidation arterial.
[19]

Samish Neighborhood – January 1, 2008
Topography rises to the southeast of the property and provides somewhat of a separation from the residential uses to the east. A buffer should be maintained and enhanced where these uses abut. In addition, curb cuts on Lincoln Street and Byron Avenue should be limited for traffic safety.

Improvements to this freeway interchange are proposed to correct the many traffic problems in this general vicinity. The prerequisite consideration for Area 1 relates to these improvements.

Area 1 Land Use Designation: Commercial



SAMISH NEIGHBORHOOD BASEMAP

Legend:

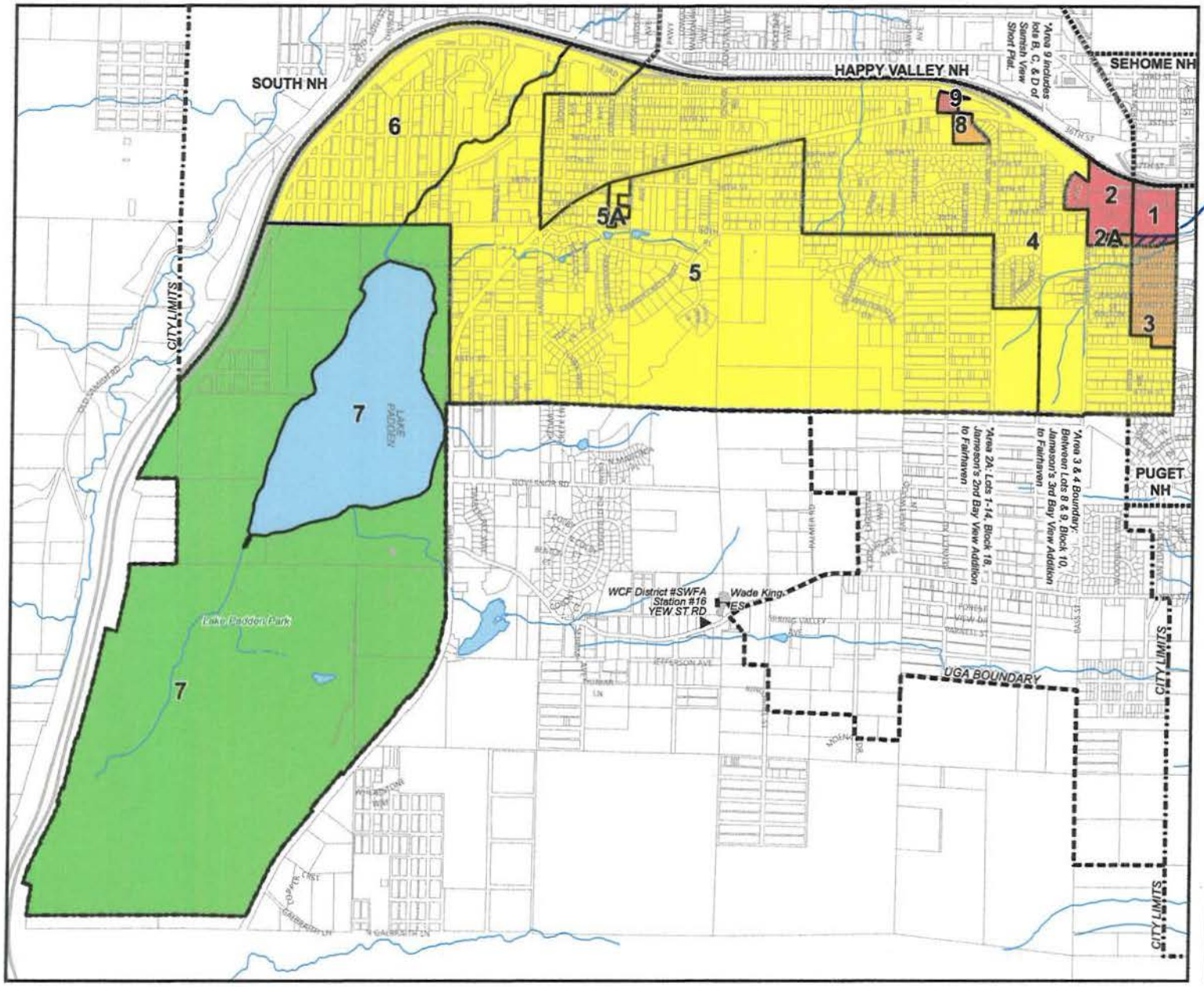
- City Limits
- Urban Growth Bndy.
- Neighborhood Bndy.
- Tax Parcels
- Public Buildings
- Streams
- Primary Trail
- Secondary Trail
- Minor Trail
- Community Park
- Open Space/Trail Corridor
- Private Open Space

N

0 850 1,700 2,550 3,400 Feet

The City of Bellingham has compiled this information for its own use and is not responsible for any use of this information by others. The information found herein is provided simply as a courtesy to the public and is not intended for any third party use in any official, professional or other authoritative capacity. Persons using this information do so at their own risk and by such use agree to defend, indemnify and hold harmless the City of Bellingham as to any claims, damages, liability, losses or suits arising out of such use.

5/15/2012, kn



SAMISH NEIGHBORHOOD ZONING

PROPOSED AREA 1A

AREA	ZONING DESIGNATION*
1	Commercial, Auto
2	Commercial, Planned
2A	Residential Multi, Planned
3	Residential Multi, Planned
4	Residential Single
5	Residential Single
5A	Residential Single
6	Residential Single
7	Public, Open Space/ Park/Recreation
8	Residential Multi, Planned
9	Commercial, Planned

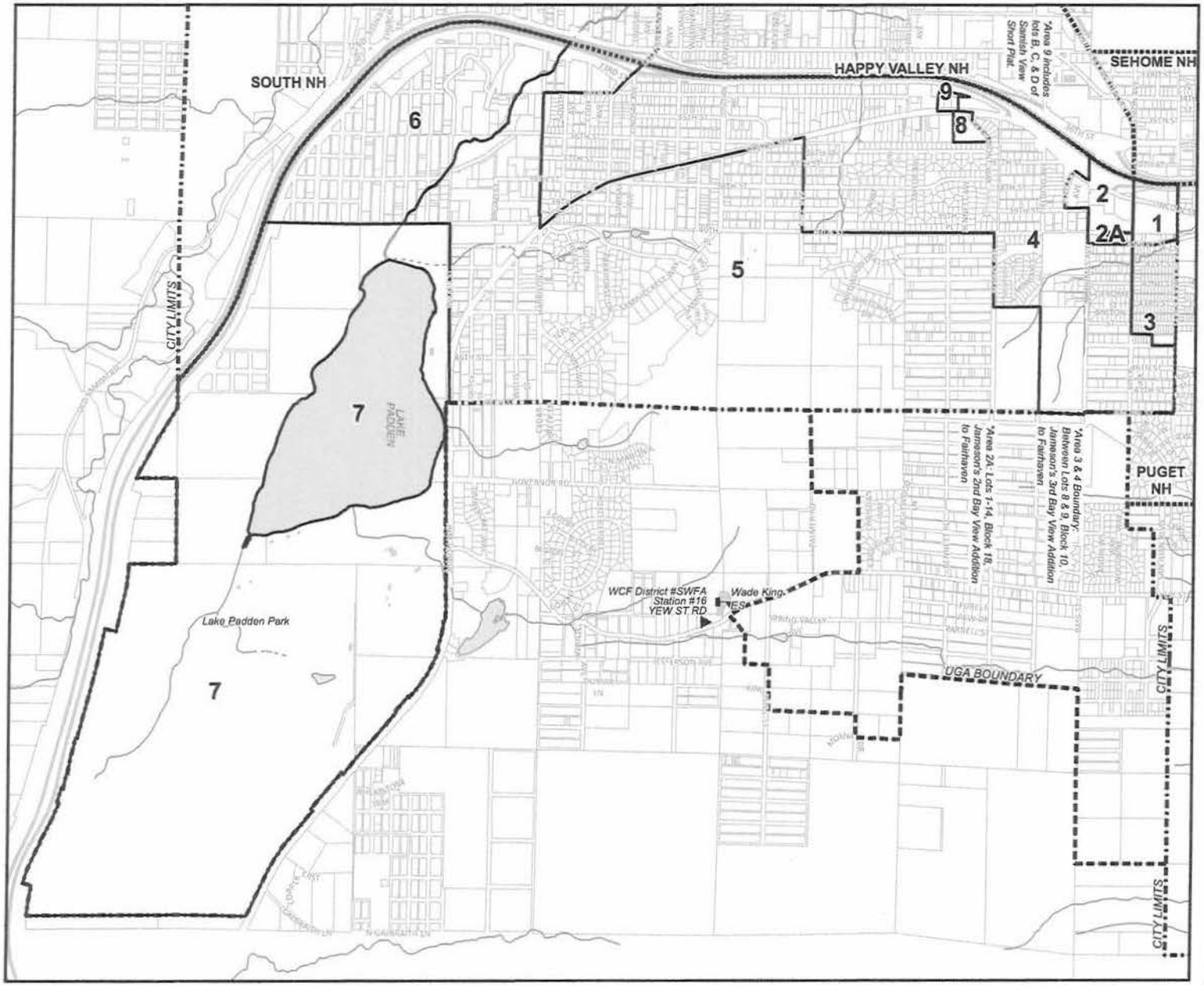
*SEE BELLINGHAM MUNICIPAL CODE TITLE 20 TABLE OF ZONING REGULATIONS FOR MODIFICATIONS IN THE LIST OF PERMITTED USES AND OTHER SPECIAL PROVISIONS FOR EACH NUMBERED AREA

N

0 1000 2000 3000 4000
Feet

City of Bellingham
Planning Department
2011

4/15/2011 KN



SAMISH NEIGHBORHOOD LAND USE

AREA	COMPREHENSIVE PLAN LAND USE DESIGNATION
1	Commercial
2	Commercial
2A	Multi-Family Res, Med to High Density
3	Multi-Family Res, Med Density
4	Single Family Res, Low Density
5	Single Family Res, Low Density
5A	N/A
6	Single Family Res, Low Density
7	Public
8	Multi-Family Res, Low Density
9	Commercial

N

0 1000 2000 3000 4000
Feet

City of Bellingham
Planning Department
2011

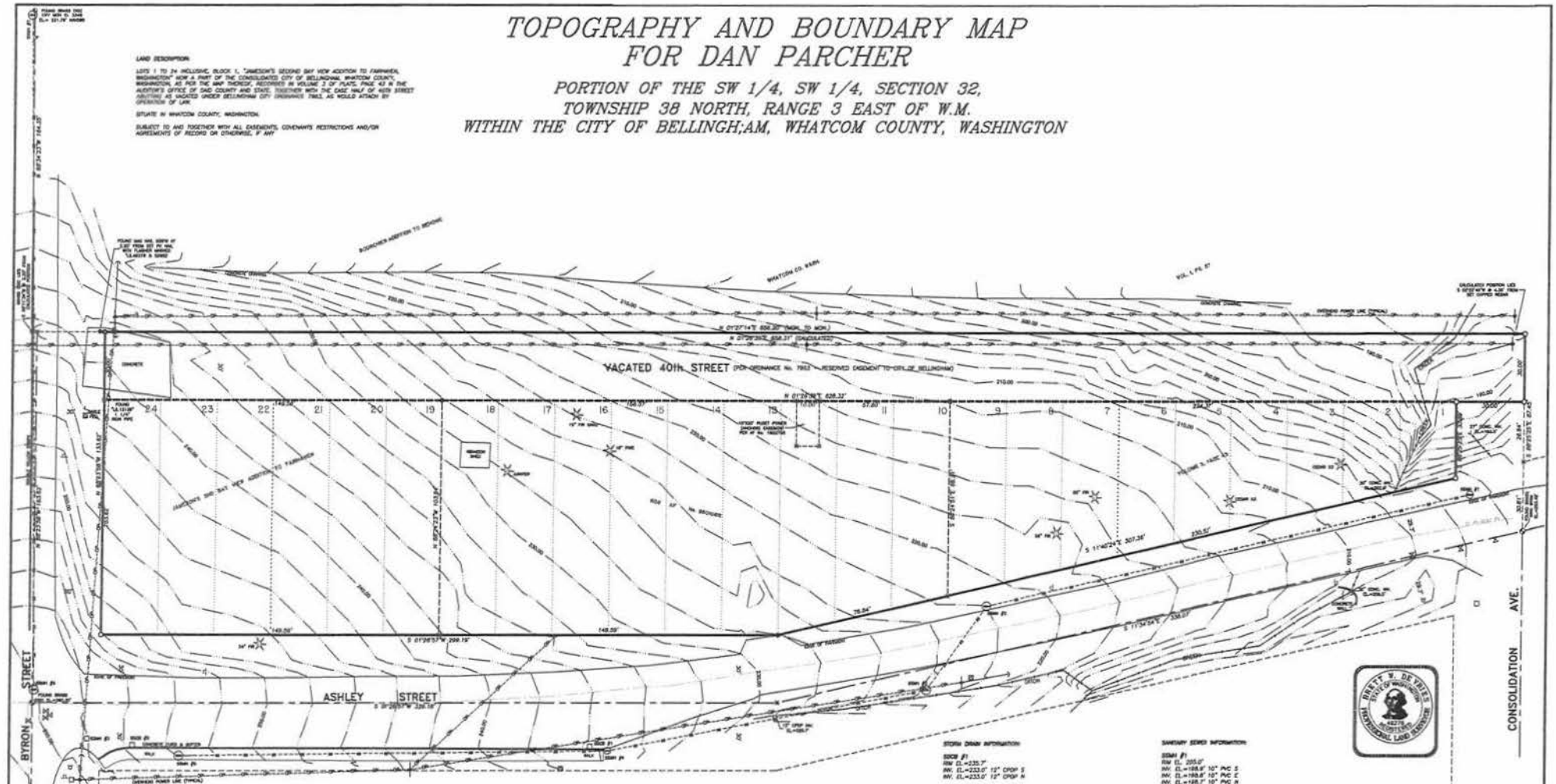
4/15/2011 KN

TOPOGRAPHY AND BOUNDARY MAP
FOR DAN PARCHER

PORTION OF THE SW 1/4, SW 1/4, SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M. WITHIN THE CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON

LAND DESCRIPTION:

LOTS 1 TO 24 INCLUSIVE, BLOCK 1, "JAMESON'S SECOND BAY VIEW ADDITION TO FAIRHAVEN, WASHINGTON" NOW A PART OF THE CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME 3 OF PLATS, PAGE 43 IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE, TOGETHER WITH THE EAST HALF OF 40TH STREET (ABUTTING) AS VACATED UNDER BELLINGHAM CITY ORDINANCE 7853, AS WOULD ATTACH BY OPERATION OF LAW.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO AND TOGETHER WITH ALL EASEMENTS, COVENANTS RESTRICTIONS AND/OR AGREEMENTS OF RECORD OR OTHERWISE, IF ANY.