



## PLANNING COMMISSION MEETING MINUTES

7:30 PM October 24, 2019  
City Hall Annex

### 1. CALL TO ORDER

### 2. ROLL CALL

Present: Tim Faber, Diane Veltkamp, Gerald Veltkamp, Blair Scott, Lynn Templeton and Brett Kok.

Absent with notice: Bryan Korthuis

Staff Present: Gudde, Planning Director and Samec, City Planner.

### 3. APPROVAL OF MINUTES

#### A. October 10, 2019

**Scott motioned to approve the October 10, 2019, Planning Commission Minutes as submitted. Seconded by Kok and the motion passed 5-0.**

### 4. DECLARATION OF CONFLICT

**None of the Commissioners reported any ex-parte contact or conflict of interest.**

### 5. PUBLIC HEARING

#### A. Conditional Use Permit #19-01, Front Street Station Business Park

Chairperson Veltkamp opened the public hearing.

In 2018 the City of Lynden modified the uses permitted within commercial zoning categories. Most of the revisions focused on the Commercial Services – Regional (CSR). As part of this code amendment the uses of wholesaling and warehousing were added as Conditional Uses which require a Conditional Use Permit (CUP) prior to operation.

The pending CUP application is brought forward by Don and Sally Korthuis for a business park development called Front Street Station. It is located on approximately 7 acres of vacant property on the south side of W. Front Street. The application requests the addition of wholesaling and warehousing as permitted uses within the proposed business park. The business park is not intended to be exclusively wholesaling and

warehousing but a wide variety of uses including retail, showroom, office, and light manufacturing as permitted by code.

No written comment was received concerning this application.

Through separate applications, the property owner is in the process of completing a development agreement, a SEPA environmental review, and acquiring approval from the City's Design Review Board. Additionally, the City of Lynden Public Works Department has been designing improvements to West Front Street and pursuing funding for the improvements through Whatcom County's Economic Development Investment (EDI) program.

Don Korthuis, 2151 Stickney Island Road, Everson

Korthuis addressed the Commission and stated that the CUP request is a very critical component that this business park needs. To allow wholesaling and warehousing is very important and will be good for Lynden, good for the economy and good for jobs as well.

Speaking in favor

Clark Vellema, PO Box 453, Snohomish, 98291

Here to support family owned property. The application should be approved. When the city sets forth a matrix it should allow property owners the opportunity to define the use as requested.

Vellema would also like to note that this property is defined as lot 2 of a partition by court order. Vellema owns the other parcel and will likely develop in the future.

Dave Meyers Axton Road, Lynden

Meyers shares a property line with the Korthuis property and would like to speak in favor of the request. It is a good move for the City as far as direction. There is a need for this type of development.

Korthuis referenced his application. Currently the City of Lynden has two specific zoning use classifications relating to the Wholesaling and/or Warehousing of products. Front Street Station desires to have both uses allowable in all the buildings proposed (A-E) in the new commercial business park for the following reasons:

In reference to buildings A, B, C, D, and E.

- At Front Street Station, with its attractive design, more than adequate parking and traffic flow, we will accommodate many such Retailers-Open to the Public in an environmentally pleasing location and safe due to high efficiency exterior lighting to include sufficient parking lot illumination.
- Additionally, the ingress and egress for the both the shopper and businesses will be

not only enhanced but also most accommodating because of the three (3) curb cuts. Since there will also be a multi-tenant business type park in the rear, these 3 curb cuts on Front Street will allow for a more efficient traffic flow, thus mitigating vehicles waiting ON Front Street for safe access into the property.

- While Front Street Station is one block from the Guide Meridian with its retail showrooms and shopping centers, it is still fully compatible with the surrounding area since the businesses that would locate there will still attract all the usual customers.

In reference to buildings A + E.

- While so called Brick & Mortar (B&M) stores are seeing increasing competition from the On- line stores, B&M will always have a very significant place in the overall shopping experience.
- We see many examples not only in Whatcom County, but nationwide as well, where very successful B&M warehouse type stores, and for that matter wholesale stores are seeing an increased presence because of a changing demographic. That change being that it was once thought that the millennial shopper was more prone to use On-Line stores in place of B&M. However, research by shopping center and retail companies show that as those millennia ls have gotten older, they now are shopping with their children IN the B&M stores to provide the "hands on" experience, and to actually demonstrate the product(s) they are considering.
- We see evidence of this in such type stores as Costco, Best Buy, WinCo, etc. for the Big Box stores. However, Front Street Station will not be attracting these stores. We envision stores that warehouse/wholesale such items carpet/floor coverings, for example, Great Floors, Fishtrap Creek Interiors, or Village Lighting, Home products such as doors, windows, (Lynden Door is an example), Furniture stores, etc. These stores are specifically set up to have a retail presence in the front (30% of floor area) while warehousing and/or manufacturing a product in the rear. They also act as wholesalers to the general construction industry as evidenced by what Architects are designing and suggestion for their clients.
- The shoppers experience will be one that they will want to experience again.

In reference to buildings B,C,D.

- In buildings such as these, where the front areas are either office or small retail showrooms, it is not only common but ubiquitous around the country that manufacturing and or wholesaling business are located here.
- Such diverse type businesses would include for example Fastenal (over 1500 "stores" wholesale Open to the Public)) where the front portion is retail and balance is warehouse; small tech companies manufacturing a proprietary product with both offices and warehouse; cabinet/furniture businesses having a small office/showroom while building the product in the warehouse; lighting company catering to the architect/contractor where product is warehoused. The list of all such type users, both

warehouse and wholesale could possibly be endless. It would be difficult to list all such specific users. It is the intent of Front Street Station in buildings B,C, and D to accommodate those businesses not needing any retail presence or even a location that the public can find. It is common that such users only have a very small sign on the glass front door for deliveries and those that have appointments.

Korthuis also provided the following responses to how he believes his application for a Conditional Use Permit meets the following criteria listed under 19.49.020:

1. The proposed use in the proposed location will not be detrimental to surrounding uses legally existing or permitted outright within the zoning district; *Our goal to blend in with the surrounding businesses. The immediate businesses near this development are industrial and agriculture. Warehousing and Wholesaling are specifically in the definition as a CUP. Our goal is to have high end Warehousing and wholesaling as a part of this development.*

*Lynden's code 9.23.010 has a definition of CSR Commercial Services – Regional (underlying is added to emphasize) which supports our request: "The purpose of the CSR zone is to support the development of large format retail and regional commercial development. In addition, this zone may support commercial establishments which require a retail contact with the public together with professional offices, storage and warehousing, or light manufacturing. This zone is located where larger parcels and arterial streets are available to support the traffic and land needs for these types of uses. This zone provides the primary location for businesses serving both the local and regional trade area."*

*Commission has no concerns.*

2. The proposed use, together with proposed mitigation, will not be detrimental to public health or safety and will be compatible with the surrounding area and land uses with respect to the following:
  - i. traffic and pedestrian circulation,
  - ii. noise, smoke, fumes, glare or odors generated by the proposed use,
  - iii. building and site design,
  - iv. the physical characteristics of the subject property

*We believe that the above criteria will be enhanced by FSS. We will not be renting to "dirty" businesses, such as car repair, fiberglass boat repair, etc. It is our goal to promote clean businesses in Lynden providing living wage jobs. Also, to provide incubator location for new business. Lynden is in urgent need for wholesaling and warehousing. See Business development agreement for the building and site plans.*

*The Commission agreed that that the proposed use will enhance the area. Faber stated that this answer needs to be reflected in the Development Agreement as well.*

3. The proposed use is supported by adequate public facilities and services unless conditions can be established to mitigate adverse impacts to those facilities or services. At this time, adequate utilities are on or near the property for full development. We were very careful that traffic flow throughout FSS was adequate for both car and delivery truck traffic that a Warehouse or Wholesale use would require

*The Commission agreed. Templeton asked if they will be required to install a fire hydrant? Gudde stated that they will have to meet all fire requirements.*

4. The traffic generated by the proposed use will not cause the traffic circulation system in the vicinity to deteriorate below the adopted level of service. Wholesaling and Warehousing will see no significant change of traffic versus the allowed business park uses

*Gudde replied that West Front Street is considered a regional road and the city is responsible for it. A traffic study was completed, however, it is not required for the CUP, The city is applying for EDI funds.*

5. The proposed use complies with the performance standards, parking requirements, height, setback and lot coverage requirements, landscaping standards and other provisions of the Lynden Municipal Code. See site plan. Meets or exceeds all city codes for landscaping, parking, traffic flow.

*The Commission agrees.*

6. There are adequate buffering devices, as specified in the landscape standards, or other topographic characteristics, to protect the adjacent properties from adverse impacts of the proposed use. See site plan. Meets or exceeds all city codes for landscaping, parking, traffic flow.

*D Veltkamp asked if there was a way to mitigate traffic between cars vs. trucks. As retail vehicles come to visit, how do will they circulate? Gudde replied that this topic will be looked at through the Development Agreement.*

*Faber stated that there is plenty of room as there are 3 access. There are plenty of ways to work around that concern. Templeton asked if the truckers will use Tromp Road. Gudde replied, yes, the City prefers that trucks use Tromp. The new design of West Front calls for an all-weather road.*

7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance. N/A. There are none on site.

No concern.

8. The proposed use is generally consistent with the purposes and objectives of the City Comprehensive Plan and applicable Sub-Area Plan.

Yes! We are excited to cooperate with the city goals of this area. Lynden is the only major community in Whatcom County without this sort of facility. It is our goal to make this facility enhance the City.

The Commission had no concern.

D. Veltkamp asked if Korthuis was looking for a CUP for all buildings and phases? Korthuis replied, yes.

**Scott motioned to close the public hearing. Seconded by Kok, and the motion passed 5-0.**

The Commission reviewed the minimum standards outlined in LMC 19.49.040 regarding the Special Conditions for approval of a CUP within the West Lynden Sub-Area and has found that the request meet the criteria

In addition, the Commission reviewed LMC 19.49.020 regarding standards and criteria for granting a Conditional Use Permit and found that the request meets the criteria.

**Faber motioned to recommend approval of the Conditional Use Permit #19-01, for the Front Street Station Business Park as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated September 17, 2019 subject to the following condition:**

- 1. That the Conditional Use Permit must meet the conditions outlined in LMC 19.49.040.**

**Seconded by Scott, and the motion passed 5-0.**

## **6. NEW BUSINESS**

### **A. Development Agreement, Front Street Station Business Park**

The approval of a Development Agreement does not require a public hearing therefore we will not be accepting comment from the public.

Gudde addressed her memo dated October 21, 2019 and stated that the Lynden Municipal Code Section 19.23.020 notes that Business Parks are permitted in Commercial Services – Regional (CSR) zoning categories where at least 20% of the total gross floor area of the park is related to onsite retail, showroom, or office use. LMC 19.23.020(9) goes on to specify that property owners developing a business park are required to formalize a development

agreement with the City Council after receiving a recommendation from the Planning Commission which:

- a. Specifies a list of permitted, conditional, and prohibited uses within the business park.
- b. Outlines a parking and loading standards which anticipates the uses permitted.
- c. Creates standards for and screening of outdoor storage and refuse areas.
- d. Addresses unique signage requirements.
- e. Indicates how the building siting and architecture addresses the street frontages at a pedestrian scale.

The development agreement attached has been brought forward by Don and Sally Korthuis for a business park development called Front Street Station. The 7-acre project is located on West Front Street. This agreement is moving forward to the Planning Commission with a corresponding Conditional Use request to add wholesaling and warehousing as permitted uses within the business park. If permitted, the uses would be part of a wide variety allowed within the 124,000 square foot park.

Don Korthuis, 2152 Stickney Island Road, Everson

Korthuis addressed the Commission and stated that this has been a good collaborative effort. There have been 6 versions of this Development Agreement and it is now ready to move forward.

Korthuis is excited about the project. The design is going to be classy with a lot of extra little details. We have every intention of making this very nice.

The Commission reviewed the Development Agreement.

D. Veltkamp addressed Article 1 Land Use Setback and Requirements specifically 1.2 (h) *Outdoor storage areas will be allowed for the occupants of Buildings B, C and D. This will be kept clean and can be revoked with a tenant if it is deemed undesirable by FSS regarding outdoor storage.*

Veltkamp asked, what kind of storage will this consist of? Korthuis replied, temporary storage. Gudde referred to item 2.3 as it addresses outdoor storage and refuse areas. *Building A and E will have a designated outdoor area, with screening, for refuse containers. Buildings B, C, D will have refuse stored either inside the building, or near the rear service doors, for example the west side of building B. Outdoor storage will be discouraged and will be less than 30% paved area.*

D. Veltkamp asked, if language should be added to reference temporary storage?

Gudde replied, maybe simply state, inventory of product cannot be stored outside for more than 48-hours without appropriate screening such as a fence or wall.

Moore stated that the lease agreement already has that stated. It is very specific to outdoor storage.

The Commission would like to see the following language added to 2.3. **No product / inventory or refuse may be stored in outdoor parking areas for more than 48 hours. Refuse areas may be permanently added if screened with an appropriate fence or wall.**

Korthuis indicated that they will update section 2.3 to include said language.

D. Veltkamp addressed 1.7 which states that there has to be a minimum of 20% retail at all times. How will you manage this? Korthuis stated that we will be watching that very closely. That is our requirement and we will make sure that it is properly managed.

The Commission reviewed 1.7 (permitted uses table).

D. Veltkamp asked about Farm Implement and Machinery Sales and Service. D Veltkamp would like to add **no outside display of equipment**. Korthuis is okay with that.

**No outside display of equipment** should also be added to retail feed and seed stores.

Faber addressed drive through coffee stands and stated that they **should not be allowed in buildings B, C and D**. Korthuis stated that we can revise to not allow.

In addition, the Commission agreed to add **no overnight boarding except for medical purposes under the** Veterinary Clinics and Laboratories category.

Faber also stated that 2.7 should note **Resolution 709** instead of the "Mayor's letter."

There was brief conversation about signage. Korthuis replied, that there will be a monument sign up front between the two driveways on the east end. We are waiting to see who occupies the building. Park name and addresses will be on the monument sign.

Korthuis stated that they will likely install directional signs that will help direct traffic. Deliveries will happen along the back and the customer traffic will be through the middle.

The Commission asked, while Buildings A & B are under construction what are the plans for maintenance of the vacant property? Korthuis replied, I plan to mow 1-2 times per year. Korthuis will keep it tidy.

Faber noted that the turning radius on building D runs into a few parking stalls. Will there be some reconfiguration? Korthuis yes, absolutely.

The Commission stated that they are looking forward to a quality project.



G. Veltkamp asked how long this project will take to construct? In our SEPA Checklist we indicated 10 years, however, we are hopeful that will be much shorter. There are currently two national tenants looking at Building E.

Gudde, noted that there are aspects of the Development Agreement will need to be reviewed by the City's legal counsel.

The Commission asked if staff was satisfied with the responses to all questions in the staff report. Gudde replied, yes.

**Faber motioned to recommend approval of the Front Street Station Business Park Development Agreement as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated September 30, 2019 and further subject to the following conditions:**

- 1. That the following language be added to Item 2.3: No product / inventory or refuse may be stored in outdoor parking areas for more than 48 hours. Refuse areas may be permanently added if screened with an appropriate fence or wall.**
- 2. That no outside display of equipment be added to Farm Implement and Machinery Sales and Service.**
- 3. That no outside display of equipment be added to retail feed and seed stores.**
- 4. That drive through coffee stands should not be allowed in buildings B, C and D.**
- 5. That no overnight boarding except for medical purposes be added under the Veterinary Clinics and Laboratories category.**
- 6. That Section 2.7 be revised to state Resolution 709 instead of the "Mayor's letter".**

**Seconded by Kok, and the motion passed 5-0.**

## **7. COMMISSIONERS CORNER**

Next meeting will be on November 21st and the agenda will include the Flood Hazard Overlay and the Pepin Creek Sub-Area Plan.

## **8. ADJOURNMENT**

**Motion to adjourn by Kok / Second by Scott. Meeting adjourned at 9:00 pm.**