



PLANNING COMMISSION MEETING MINUTES

7:30 PM October 10, 2019
City Hall Annex

1. CALL TO ORDER

2. ROLL CALL

Present: Diane Veltkamp, Gerald Veltkamp, Blair Scott, Lynn Templeton, Brett Kok and Bryan Korthuis

Absent with notice: Tim Faber

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

3. APPROVAL OF MINUTES

A. September 12, 2019

Scott motioned to approve the September 12, 2019, Planning Commission Minutes as submitted. Seconded by Korthuis and the motion passed 5-0.

4. PUBLIC HEARING

A. PRD Amendment #19-01, RB Development, 801 Aaron Drive, Lynden

Chairperson Veltkamp opened the public hearing.

Gudde addressed her memo dated October 4, 2019 and stated that the RB Development Planned Residential Development (PRD) was originally approved in 1994. It encompassed 28.7 acres of property located between Badger Road and Aaron Drive and stretched from Bender Road to Vinup Road. The request is specific to the Parkview West Apartments, however, will affect the PRD in whole.

The development was planned to accommodate apartments, an assisted care facility (Lynden Manor), town home units, and 4-plex condominiums for a total of up to 437 units. Since its original approval in 1994 the PRD was amended a number of times. Amendments addressed a variety of issues including the inclusion of the Christian Healthcare Center rather than apartments, street construction, setback revisions, and height limit revisions.

The pending amendment to the RB Development PRD seeks to establish a new perimeter (front) setback for the Parkview Apartments parcel, revise an existing storage requirement, and reestablish a previously approved height limitation of 45 feet.

These amendments are needed to facilitate the applicant's proposal of a 5-story building geared specifically to senior living. The apartments are planned to be studio and one-bedroom units. The proposed building has a central elevator and shared amenities. The existing apartments on the site will be maintained as well as the shared green space at the center of the project. The applicant proposes that the project could provide support housing for residents of the next-door Christian Health Care Center. On a larger scale, the applicant asserts that senior housing of this scale is needed in the Lynden area.

Staff has concluded that the intent of the proposed amendment of the RB Development PRD may be consistent with the original RB Development PRD in that:

- It does not exceed the original approved number of units.
- It provides housing which compliments the adjacent skilled health care facility.
- Amenities are available nearby in that the proposed housing can benefit from the commercial services of Bender Plaza, recreational space at Bender Park, and the WTA bus line along Aaron Drive.

Staff has concerns related to the impacts of the project. Mitigating factors related to these impacts should be considered:

- The number of new units proposed at this location is likely to have off-street impacts to parking on Aaron Drive, parking lots intended for Bender Park users, and the parking lots of adjacent properties.
- The proposed building's physical relation to the streetscape. Specifically, having a 45-foot-tall structure within 15 feet of the property line.
- The proposed building's impacts to the existing site. This includes temporary and permanent impacts to the existing residents and the site. Including, but not limited to parking availability, garbage service, traffic interior to the site, and the literal shadow cast on the site and its recreational area.

Scott Goodall, PSE Engineering, 909 Squalicum Way, #111, Bellingham

Goodall is representing the property owners. Goodall stated that the PRD Amendment was originally approved in 1994 and has been amended several times since then. The PRD has predominately been built out, however, there is some opportunity for infill.

Goodall stated that the original PRD contemplated 437 units total, however, to-date only 258 have been constructed. The beds within the Christian Health Care Center were excluded from the total unit count.

The applicants are proposing a 50-unit 5 story senior housing facility which will include studio and 1-bedroom units, centralized hot water, common laundry and efficient kitchens and bathrooms. The building will also have an elevator and a modern fire sprinkler system. The elevator is a need for a retirement facility. Goodall stated that 50-units is really the breakeven number to off-set the cost of the elevator.

Parkview West Apartments consistently has a waiting list for seniors requiring a no-step rise to their units. In addition, many seniors who are on a fixed income are drawn to downsizing and seek efficient spaces. Goodall stated that there is a housing shortage for this type of development and vacancy is very low. Multi-family units are needed and this project will help with the shortage.

The location is great as it sits next to Bender Plaza which offers many amenities within walking distance as well as its proximity to Bender Fields.

Goodall stated that there are a lot of architectural features associated with the proposed building. This addition will update the area and will be a benefit to the community. Most of the existing commercial buildings near by are above average aesthetically, but that is not the case of the existing Parkview Apartments. The existing façade is lacking in appeal and the proposed remodel will vastly improve the buildings appearance.

The request for the setback reduction is necessary to infill in the area. Only half of the building will be within 15-feet as the building elevation steps forward and back. The setback for the other half of the building will vary from 20–30 feet. The units are as small as they can be. As for tenants, there are no plans to displace any existing tenants.

In addition, the amendment is asking to go back to the original height of 45-feet. The height is needed to house the 50-units. The requested open space reduction is to accommodate the additional parking necessary. The applicants are also asking to remove the requirement to have storage units in the parking area as the LMC does not require it.

As mentioned above, this is a great location for infill. The proposed expansion / infill will result in a reduction of environmental impacts compared to development on a vacant piece of land. The project as proposed disturbs no critical areas, has no shoreline impacts and does not displace farmland. It is a responsible project.

No parking variance is necessary as the plan meets the City of Lynden Parking Code.

The project is also proposing to include a designated loading and drop-off zone along Aaron Drive.

D. Veltkamp asked Goodall to clarify the unit count within the PRD, specifically why the Christian Health Care Facility was not included? D. Veltkamp stated, if you included the HC Center you would be at 406 units plus what you are requesting which would actually be over the allowable count. Goodall replied that skilled nursing facilities are not typically treated as the same. D. Veltkamp stated that she is not comfortable with the units not being counted. The residents at that location do live there fulltime and it is their home.

Templeton asked about the underlying zone. Staff replied, the underlying zone is RM-3.

Templeton asked for clarification regarding the storage requirement. Goodall stated that each unit within the Parkview Apartments was required to have a 32 square foot storage unit. Staff stated that the proponents are asking to not continue that requirement for the new units as code does not place specific outside storage requirements on developments.

Templeton also asked about the request to re-establish the height at 45-feet. Gudde replied, one of the amendments that occurred reduced the interior setbacks at the Parkview Apartments as long as the setback was limited, and height was to remain at 2 stories.

Templeton asked about 11 (e) of the Staff Report and asked what are “reasonably related public improvements?” Guide replied, reasonably related public improvements are bus stops, drop off area, replacement of any street trees etc.

Mark Hollander, 359 E Wiser Lake Road, Lynden

Hollander is the owner and developer of the proposed project and stated that the number of units within the entire 30-acre PRD is extremely low density. 30 years ago that was an appropriate density, however, today infill is acceptable. No one can deny that the City needs more multi-family development. Infill of land and providing multi-family development is a mandate for the City. This is an amazing opportunity to create very special housing in a great location. This is a tight spot and getting an elevator in a building with 50-units is a challenge, however, it can be done. The building has been designed to minimize the impact. We have looked at several options and there is not much more that can be done to manipulate the building.

Hollander stated that this is not over densifying the area, it is a very appropriate use. Would like to see even more density across the street, near Sonlight Church.

Hollander mentioned that the building will be restricted to 55 plus. There will be a secured area at the entrance as well as a common area on the top floor for the residents to share. There will also be a common laundry facility.

Hollander stated that the existing units within the complex include 1, 2 and 3 bedroom units. The unit sizes are larger than most in the area with an average size of 1000 square feet. There are many families in this building and this is an ideal location for seniors.

There was brief conversation about impacts to the existing units. As an owner and developer, Hollander stated that he has to weigh the pros and cons of a few units losing a couple of windows vs. the creation of 50 new units for the community.

Regarding the front setback, it is easy enough to say just move the building back, however, moving the building back will require me to take out units and it becomes very expensive and this type of use is best with an elevator.

Adding the extra units is not dense for this area. It is comfortable living for everyone. In addition, reducing the green space by only 5% from (30%-25%) is remarkable. The proposed request is very efficient in every way.

Scott asked about parking. Hollander stated that we are meeting the parking code.

Speaking in favor

Len VanderVelden, 1225 Front Street, Lynden

VanderVelden appreciates the time that the Commission gives to the community.

VanderVelden stated that he has no interest in the project other than the fact that he thinks it is a good fit for Lynden. The location is great. The building would no doubt be a great place for seniors. VanderVelden is in favor of good planning and hopes that the City looks favorably upon the request.

Speaking in opposition

Robin Walker, 801 Aaron Drive, Lynden

Walker handed out information to the Commissioners. Walker stated that it is very clear that this proposed plan is not in line with the existing PRD. Over the years, the City of Lynden has been diligent to the development and growth of the City. City Planning efforts have been great and the neighborhood surrounding Bender Fields is a great example. To allow this proposal would bring a halt to the careful planning of the PRD.

This proposed development will bring more negatives than positives to the quality of life of the neighborhood. The greatest impact of this project will be felt by the residents. The project will result in the loss of privacy and access to Aaron Drive and Bender Field. The blocking of the south end will create a canyon like courtyard decreasing privacy and sunlight. The residents on the south end will also lose a window and will have an increase in noise from the outer stairwell.

The multi-story project will overshadow and obstruct views while creating a hotel like environment. On-site parking will increase with the loss of shrubbery and landscaping. There will be additional concern for on-site traffic creating a safety concern for children, there will be an increase to the already busy traffic flow on Aaron Drive, there will be an increase in street parking which is a safety concern and the new building will be a detriment to views etc.

If approved as proposed, it will set a very deliberate precedent and change the direction of planning management for the future of Lynden.

Karen Jimison 817 Aaron Drive, Lynden

Question regarding access to the Fire Hydrants. Gudde replied that the new development will meet all fire requirements.

Patrick O'Neill, 12823 South Fairway Ridge Lane, Spokane

O'Neill is the CEO of the Christian Healthcare Center. O'Neill stated that he is neither in favor or opposed to the project.

O'Neill would like to confirm that there are 142 licensed beds in the center. Thank you for clarifying that we have residents not patients.

For clarification, O'Neill asked if the max unit count was 50 or 51. Goodall replied, 50 is the max. Gudde stated that the original application did note 51 units, however, that was in error.

O'Neill stated that he likes the concept and there are a lot of positives to this type of use. O'Neill expressed concerns regarding the evacuation procedure of elderly people located within a 5-story building, parking for guests of the additional 50 apartments as well as concerns for parking lot safety.

The center and the apartments do have a difficult time getting in and out of their parking lots when there are activities at Bender Field. If the project is approved, there will be a need for some sort of relief to help with the safety.

Ron Hendricks, 923 Aaron Drive Unit 110, Lynden

Hendricks lives less than 100 yards from the proposal. A 5-story building does not fit into the neighborhood. A 2-story building would be a better fit. There is a definite need for senior housing, however, this is not the best location for something of its size.

Lynn Hicks, 801 Aaron Drive, Lynden

Hicks has lived in this location for 10 years and her unit is one that will be impacted by the new addition. The area is already so busy, safety is a concern for the children.

Hicks asked how long it will take to build the proposed building. There is not enough parking now, how will it be if the request is approved?

Hicks loves living at the apartments, there is a neighborhood feel and she does not want to see it change.

Pat Young, 801 Aaron Drive, Lynden

Young has lived there for 17 years and has been waiting for a one bedroom to become available. It is home now and if this is approved it won't be anymore.

Hollander addressed the Commission and stated that the south side units will be impacted by losing one of the two windows located in the bedroom.

Hollander is in favor of better security and safety and is willing to do what he can to make it better.

Hollander agreed that there is a lot of activity across the street and yes there can be congestion in the area, however, maybe a pedestrian crossing would help the situation. Parking is a solvable concern and we are willing to do what it takes. As for a safety plan for the residents, it is a must and we will provide that.

Hollander addressed the construction timeline and stated that he would like to begin roughly during the Spring of 2020 and will take about one year to construct.

Hollander addressed the noise and traffic concerns and stated that it could be argued that the proposed building will create a buffer for the people in the courtyard. With regards to privacy, the windows proposed at the back of the building is a hallway and the views and eyes are to the south. There will not be too many privacy issues. Hollander will do his best to address everyone's concerns and will try to solve problems and opposition as best as he can.

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

D. Veltkamp gave some history as she was on the Planning Commission in 1994. The PRD was designed for multiple buildings to house a number of different uses. The applicants originally wanted 3 story buildings at 45-feet in height with a 45-foot setback. The preference was to have a decent setback and a lower building height all in proportion with the neighborhood. Through all of the amendments, the setbacks and heights were held tight and consistent. If the units were going to ever go back to 45-feet in height, then the setback would need to remain at 45-feet. The reason storage units were required was because there are no garages and the Commission wanted to allow for a place to store any additional equipment to keep the complex neat.

The Commission reviewed the minimum standards outlined in LMC 19.29.060(J) and has found that the request *does not* satisfy the criteria listed below:

1. The modification of minimum standards protects or improves the character of the surrounding neighborhood in terms of architectural scale, view corridors, the aesthetic character or provision of services. The Commission replied, no.
2. The modification of minimum development standards protects critical areas and the environmental quality of the parcel(s) to be developed. The Commission has not been given any information that says the proponents are not.
3. The modification of minimum standards is necessary to permit reasonable development as a result of unique characteristics of the property or the proposed uses. Templeton stated, other than wanting to add 50-units, there are no unique characteristics of the

property? G Veltkamp stated that there is not a unique characteristic here, that would be a creek or critical area, something that you do not have control over.

4. The modification of building height (subject to 19.29.060(2)) or building setbacks where reasonably necessary due to arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development; provided that any such modification shall be consistent with subsection (A) herein. The Commission replied, no.
5. The modification of minimum standards is adequately mitigated by reasonably related public improvements proposed in connection with the planned development. The Commission replied, no.

In addition, the Commission reviewed LMC 19.29.110, and found that the request does not meet the design criteria.

G. Veltkamp understands the concept, however, feels that the proposed building is too high and too close to the street. G. Veltkamp hesitates to give much more than a 25-foot setback and feels that 32-feet in height is enough.

Scott appreciates the need however, it feels forced and does not feel like it is adding to the neighborhood, feels more like it is cramming something in.

Kok stated that it is impressive that they can build and additional 50-units with only losing 5% open space. Does agree that the request would serve a huge need. For Kok, the height is not a concern, however, is a bit concerned with how close it is to the street. Requiring storage units is not an issue as that requirement is not a city code. It was unique to the PRD and it seems strange to require it now.

Templeton stated that the application does not meet the requirements of the PRD.

Korthuis stated that this is tough as there is an overwhelming need for something like this in our community. Agrees that the location is a plus. Does not like that it blocks the existing apartment complex and it is very different than what is existing. The flow of the uses make sense, however, may not meet the requirements of a PRD.

If the City needs to infill somewhere, is this the best place? It poses an excellent opportunity in the proposed location, the transition of housing all makes sense, its just difficult.

D. Veltkamp hopes that there is a way to do this without the magnitude. Could it be on a smaller scale, located behind the existing building? Too bad that there is an empty building behind this parcel. D. Veltkamp is concerned with setting a precedent.

Templeton motioned to recommend denial of the RB Development PRD Amendment #19-01, as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated September 17, 2019. Seconded by Scott, and the motion passed 5-0.

The Commission agreed that intent is good. Scott indicated that it needs a better flow with the surrounding area. The building looks nice it is just too large.

Kok stated that the height is reasonable, his only concern is how close it is to the front setback.

5. COMMISSIONERS CORNER

Next meeting will be on October 24th and will be looking at a Conditional Use Permit and Development Agreement.

The November 7th or November 21st agenda will include the Flood Hazard Overlay and the Pepin Creek Sub-Area Plan. Staff to confirm November date with the Commission.

6. ADJOURNMENT

Motion to adjourn by Kok / Second by G. Veltkamp. Meeting adjourned at 9:35 pm.