

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	August 15, 2022	
Name of Agenda Item:	Revocation of Lynden Automotive Conditional Use Permit 21-04	
Section of Agenda:	New Business	
Department:	Planning Department	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Planning Commission Resolution 22, 2022 Revocation of CUP Staff Report, PC Resolution 21-10 (recommending approval), Council December 6, 2021 Findings of Fact (approving), 2021 CUP Staff Report		
Summary Statement:		
<p>The City Council considered a Conditional Use Permit (CUP) application on December 6, 2021 for Lynden Automotive Specialists, located at 8894 Bender Road. The application sought to allow a full-service auto repair shop in the CSL zone (Bender Plaza) when only auto lube facilities are permitted outright. The Council approved the CUP but with very specific conditions. Because the location had already begun operating as a full-service auto repair shop in violation of permitted commercial uses, the approval designated a specific timeframe for compliance. Among other things, the applicant had 30 days to install a landscape screen and 3 months to submit a stormwater report.</p> <p>Since approval more than 7 months ago, no action has been taken by the business owner to fulfill these conditions related to screening or stormwater improvements despite written and phone communication with the applicant.</p> <p>Staff is now recommending that the City Council revoke the Conditional Use Permit and require that mechanic services be ended at this property (although lube services could continue). The business owner has failed to demonstrate that the use can be accommodated in this location. It has become apparent that the building and stormwater system, constructed for lube services, cannot adequately accommodate the use without significant renovations. Reports of illicit stormwater discharge and failure to comply with Council requirements have exacerbated this situation.</p> <p>The Planning Commission held a public hearing on July 27 regarding the revocation. They recommended that the Council consider giving the applicant an additional 30 days to comply with a modified list of conditions. These are detailed in PC Resolution 22-02.</p>		
Recommended Action:		
Motion to (approve / disapprove) the Planning Commission’s recommendation and (extend and amend / revoke) Conditional Use Permit 21-04 and direct staff to draft a resolution detailing the Council’s conclusion to be reviewed at the September 6 th Council meeting.		