

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	March 16, 2020	
Name of Agenda Item:	PRD Amendment 19-01 – RB Development (Parkview Apts)	
Section of Agenda:	Unfinished 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 Package and Minutes of October 10, 2019, Staff memo re Conditions of Approval, City Council Remand Order, PC Package of February 27, 2020 (Hearing on Remand), Draft Minutes and Items added to the Record at the February 27 th Hearing of the Remand, Draft Resolution and Findings of the February 27, 2020 PC Hearing,		
Summary Statement:		
<p>December 2, 2019 City Council approved an Order of Remand which sent the proposed Planned Residential Development (PRD) Amendment 19-01, a revision to the RB Development PRD, back to the Planning Commission for review of an alternate proposal. The amendment seeks to utilize residential units originally planned for the PRD by modifying the perimeter setback associated with Parkview Apts, setting an increased height limitation, and removing outdoor storage requirements for the proposed units. If the amendment is permitted, the applicant proposes the construction of senior apartments which would complement the surrounding property uses.</p> <p>A revised application returned to a public hearing before the Planning Commission on February 27, 2020. The proposal reduced the building height from 45' to 41', reduced the proposed units from 50 to 41, proposed crosswalk improvements on Aaron Dr, and increased the setback from the street from 15' to 20'. At the hearing, concerns were raised as to the ability of the applicant to transfer this number of unused units of the PRD to this site. In 1994, when the PRD was created, it was possible to transfer unused density within the PRD. However, in 2006 the code on PRD's was revised to prohibit the transfer of units from one area to another.</p> <p>As a result, the Commission voted 4 to 2 to recommend approval of the PRD amendment but the recommendation was fundamentally conditioned on the ability of the applicant to transfer density within the PRD. Legal interpretation was requested from the office of Carmichael Clark. On March 12 the attached conclusive memo was received. It indicates that as the transfer of density was expressly permitted under the old code as well as the original contract, the developer maintains the right to transfer densities from one area of the PRD to another.</p> <p>If passed by Council, the approval will be considered preliminary until the applicant finalizes the associated development contract and CC&R's. Both documents must return to the Planning Commission and Council within 12 months. Staff will also return to Council with findings of fact and conclusion of law.</p>		
Recommended Action:		
Motion to preliminarily approve the amendment to the RB Development PRD, Application 19-01 as presented.		