



<b><u>Meeting Date:</u></b>	November 18, 2021
<b><u>Name of Agenda Item:</u></b>	CUP #21-04 Lynden Automotive, Bender Road, Lynden
<b><u>Type of Hearing:</u></b>	Public Hearing: Conditional Use Permit
<b><u>Attachments:</u></b>	
Lynden Automotive CUP Application, Parcel Map and Landscape Buffer, Technical Review Committee (TRC) Staff Report and Recommendation (dated November 12, 2021), Memo to City Prosecutor regarding zoning violation, Lynden Automotive Violation Photos, Planning Commission Reso 21-10, City Council Findings of Fact, Correspondence re CUP compliance and revocation	
<b><u>Summary Statement:</u></b>	
<p>On November 18, 2021 the Planning Commission held a public hearing to consider a Conditional Use Permit (CUP) for Lynden Automotive Specialists, located at 8894 Bender Road. The application sought the permit to allow a full-service auto repair shop in the CSL zone (Bender Plaza) in Lynden.</p> <p>The Planning Commission recommended approval of the CUP but with very specific conditions. As the location had already begun operating as a full-service auto repair shop in violation of permitted commercial uses designated in LMC 19.23.010, the Commission designated a specific timeframe for compliance. The City Council subsequently considered the application on December 6, 2021 and concurred with the resolution of the Planning Commission.</p> <p>Subsequently, the applicant had 30 days to install a landscape screen and 3 months to submit a stormwater report. No action has been taken to fulfill these conditions others related to business operation despite written and phone communication with the applicant.</p> <p>The attached Nov 12, 2021 Technical Review Committee Staff Report and Recommendation has been updated for the Commissions consideration. The attached Resolution 21-10 and Council Findings of Fact detail the decision of the Planning Commission and the City Council respectively.</p> <p>As the conditions of the Conditional Use Permit have not been fulfilled the Planning Commission is being asked to consider a revocation of the permit. Staff is seeking a Commission recommendation and will then bring the item to the City Council for a final decision. Applicant and public testimony on the revocation can be provided at the Planning Commission hearing and will become part of the record for the Council to consider. A revocation of the conditional use permit would require that the applicant discontinue the use of mechanic services at this location (although lube services can remain).</p>	
<b><u>Recommended Action:</u></b>	
Motion to recommend to the City Council that Conditional Use Permit #21-04 for Lynden Automotive be revoked and that mechanic services at this location be immediately discontinued.	