

ORDINANCE NO. 1998-12-094

**AN ORDINANCE RELATING TO LAND USE REGULATIONS AND ZONING
AMENDING ORDINANCE 9024, IN ACCORDANCE WITH THE NEIGHBORHOOD
PLAN AMENDMENT ORDINANCE NO. 1998-02-002.**

Whereas, in February, 1998, the Bellingham City Council approved Ordinance 1998-02-002 adopting new procedures for the processing of neighborhood plan amendment applications (rezones) in accordance with the Growth Management Act Chapter 36.70A.130 RCW; and

Whereas, these procedures replaced BMC Chapter 20.20 and established a public participation process and other procedures to be followed by applicants and the City in the annual review of rezones outside the ongoing neighborhood plan update process; and

Whereas, in accordance with Ordinance 1998-02-002, the Director of Planning and Community Development compiled a list of all rezone requests from property owners dating back as early as 1990, and

Whereas, twenty-eight (28) rezone requests comprised the original list of Plan Amendments for 1998; and

Whereas, the Director of Planning and Community Development recommended to the City Council which rezones would have relatively minor or localized impacts on the neighborhoods and were, therefore, appropriate to forward to the Planning Commission for the annual Neighborhood Plan Amendment Process; and

Whereas, the Bellingham City Council conducted a work session on June 10, 1998 and reviewed ten (10) rezone requests and determined three requests were appropriate to be considered in the 1998 Annual Neighborhood Plan Amendment Process; and

Whereas, four rezone requests were automatically forwarded to the Planning Commission from neighborhoods with updated neighborhood plans; and

Whereas, two applicants withdrew their rezone application leaving five rezone requests to process during the Annual 1998, Neighborhood Plan Amendment Process, and

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Whereas, the Bellingham Planning and Development Commission held public hearings between July 30 and October 22, 1998 and recommended approval of said rezone applications subject to conditions specific to each rezone; and

Whereas, a determination of non-significance (DNS) was determined for each rezone request consistent with the Washington State Law (RCW 43.21C); and

Whereas, the Bellingham City Council held a series of public hearings on the rezone requests between October 26 and November 23; and

Whereas, the Bellingham City Council has the authority to confirm, alter, modify or deny any of the Planning Commission recommendations or decisions; and

Whereas, the Bellingham City Council in reviewing the Neighborhood Plan Amendment applications considered the six factors listed in the Plan Amendment Ordinance 1998-02-002, and the findings, conclusions and record of the Planning Commission and approved the rezone requests subject to conditions specific to each rezone;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN

Section 1.

That the Sunnyland Neighborhood Plan shall be amended to include the property described as Lots 1, 2, 3, and fractional lots 4-10, Block 255, Town of New Whatcom in Area 7 and that this property shall be rezoned to Public as shown on Exhibit A, attached hereto.

Section 2.

That the York Neighborhood Plan shall be amended to include the property described in Exhibit B1 in a new area – Area 5A – as shown on Exhibit B2, and that the property shall be rezoned to Residential Multi, Offices Allowed, as described below:

YORK NEIGHBORHOOD

AREA 5A

In 1972, this area became a parking lot to serve the adjacent commercial use on the same property. The western portion of the property is zoned Central Commercial and located in Area 2 of the York Neighborhood. The eastern portion of the property is

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currently a parking lot and is zoned for residential uses with offices allowed. Commercial development is located immediately north and west of Area 5A. Residentially zoned areas to the south and east are primarily single family with a mix of small multiple unit structures, containing six or fewer units. However, because these lots are so small, the streets are narrow and open space scarce, multiple unit densities should not create a more intensive use than presently exists. The density is 3,000 square feet per unit, with no more than six units in a structure. Multiple unit development at those densities is in keeping with the single-family character of the neighborhood, and is intended to encourage development of rental units suitable for families with children.

Area 5A provides an opportunity for office development. Currently, this area is a parking lot associated with the adjacent medical facility. The development regulations of the Residential Multi zone shall apply together with the following additional restrictions: There shall be no vehicle access from this area to Franklin Street. No portion of a parking facility shall be located within 7 feet of a property line adjacent to the Area 5 Residential Multi zone (the east and south boundaries of Area 5A), and this area shall contain materials sufficient to screen the adjoining residential areas. Buildings shall not be located within 25 feet of the above referenced property lines. Areas between the building and property lines that are not used for parking facilities shall be landscaped and may contain pedestrian walkways. Signs shall not exceed 16 square feet, nor shall they be internally lighted unless they are oriented only to York and Ellis Streets. To promote a street-front landscaping concept to impart a strong residential character to the street, street trees shall be required along York and Franklin Streets.

General Use Type :	Residential Multi
Use Qualifier :	Multiple (mixed) offices allowed
Density	3,000 square feet per unit for multiple; 6 unit maximum per structure
Special Conditions	Historic, buffers adjacent to residential areas, access, setback, signage, landscaping, flood, shoreline
Prerequisite Considerations	none

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Section 3.

That the Puget Neighborhood Plan Area 6 text shall be amended to increase the number of occupants allowed to reside at Lydia Place, a shelter for homeless women and children from 18 to 32 as follows:

PUGET NEIGHBORHOOD

AREA 6

This area, approximately 62,384 sq. ft. is located adjacent to Gladstone Street is largely undeveloped. Three unimproved rights-of-way surround the property and include Arbor Street on the north, Racine Street on the west and St. Paul Street on the east. Two undeveloped alleys divide the property into three parcels. The topography is generally flat with gentle rolling hills. Several small creeks traverse the site and drain to the south in an open space tract across Gladstone Street. Approximately 50 percent of the property are forested wetlands. Public open-space and forested wetlands abut the property to the north and west.

Lydia Place, a non-profit organization, has owned all of Area 6 since 1990. The organization provides citizens who require social services, those who may be homeless or have been abused, or who have a range of disabilities with temporary shelter. One residence is located adjacent to Gladstone Street and provides transitional living and educational programs for up to 18 homeless women and children.

In 1996, as part of the Puget Neighborhood Plan update, Lydia Place increased the density to allow two additional persons to reside at the existing shelter. The number of persons allowed increased from 16 to 18 persons per 33,000 sq. ft. of land. The existing house on the site has been expanded to better serve as a transitional housing for homeless women and children in Bellingham and Whatcom County. A covenant to bind all the parcels owned by Lydia Place is required prior to any development on the property. The covenant runs with the land and shall not be revoked without prior written consent of the City of Bellingham.

General Use Type : Residential Single

Use Qualifier Detached, cluster attached, mixed*.

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Density Detached, 8,000 square feet minimum detached lot size. Cluster 6,000 square feet average overall cluster density.

Special Conditions : Covenant to Bind Property.

Prerequisite Considerations : None.

- Shelter for the homeless operated by a nonprofit organization shall be permitted in Area 6 with no more than 32 total occupants on not less than 62,000 square feet of land.

Section 4.

That the Meridian Neighborhood Plan shall be amended to include the property legally described in Exhibit C1 in Area 10, thereby rezoning the property to Commercial Planned, Mixed as shown on Exhibit C2. The description for Area 10 shall be revised to read as follows:

MERIDIAN NEIGHBORHOOD

AREA 10

This area of approximately eight acres is located adjacent to Telegraph and Deemer Roads between the Meridian Village, Home Base shopping Center and Deemer Road. The terrain is generally flat with a gentle slope to the south. Much of the area has been cleared for development. In 1998, Home Depot constructed a major retail building adjacent to Telegraph and Deemer Roads with primary access on Telegraph Road. A second access from Deemer Road provides access to the rear portion of the lot and to the commercial area to the north. Improvement of Deemer and Telegraph Roads is required as development occurs.

Special consideration should be given to access (especially as it relates to the intersection of Deemer and Telegraph Roads), improvement of the Telegraph/Deemer intersection, internal circulation, drainage, open space, protection of Baker Creek tributary, buffers and incorporation of physical features adjacent to Baker Creek in site design. Allowed uses include all those listed in Whatcom County's General Commercial zoning District as of August 1996, and Bellingham Planned Commercial designation.

General Use Type : Commercial

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Use Qualifier

Planned, Mixed, residential/ commercial buildings are allowed

All uses allowed and subject to the conditions specified in the Whatcom County General Commercial zoning District as of August 1996 are allowed. Uses identified in the City's Planned Commercial designation are allowed. (Hotels, motels with convention facilities, permanent facilities for live and performing arts, and most types of government offices are prohibited as specified in more detail in the Meridian Commercial District Development Guidelines section.

Density

None for commercial; 3600 sq. ft, Increasing to 2400 sq. ft. per unit for residential development subject to meeting design criteria.

Special Conditions

Internal circulation; curb cuts on Telegraph and Deemer Roads; Preservation of mature trees and vegetation whenever possible; Vegetative buffer between commercial and residential development.

Prerequisite Considerations

Improvement of Deemer Road and Telegraph Road adjacent to property; driveway access limited and shall be a minimum of 300' from intersection of Deemer and Telegraph Roads; preservation of existing natural drainage ways and wetlands, mitigation of storm water impacts; improvement of water facilities along Telegraph to meet minimum fire flow requirements and system looping.

Section 5.

That the Sunnyland Neighborhood Plan shall be revised to rezone the property described in Exhibit D1 to Neighborhood Commercial, Planned, as shown on Exhibit D2 and that the neighborhood plan text shall be revised to create a new area – Area 5B as follows:

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Sunnyland Neighborhood

AREA 5B

Property at the northwest corner of Alabama and James Street has been part of a nine acre Neighborhood Commercial node for a number of years. A restaurant occupied this corner in the 1980's moving directly across Alabama Street in 1987. Georgia Pacific Employees Federal Credit Union (GaPac) purchased the corner property in 1987, operating out of an existing building. Its current structure was built in 1989. The credit union purchased property to the north in 1987 to improve access to the site from James Street and to provide parking on site for its customers. A requested rezone from Residential Multi-Duplex to Neighborhood Commercial was approved at that time with the condition that the added area could be used for access and parking only.

Since 1987, growth in the surrounding area and traffic improvements as far north as Sunset Drive have resulted in increased traffic volumes on James and Alabama Streets. In 1998, additional area owned by the credit union to the north and west was the subject of an additional rezone request. While valid concerns were raised about any further expansion of Neighborhood Commercial zoning, the credit union was seen as a generally compatible use adjacent to abutting residential areas due to its hours of operation (Monday through Friday, 8:00 a.m. to 6:00 p.m.) and its attention to adequate buffering and overall development standards. In order to offset the potential effects of Neighborhood Commercial area expansion and remain consistent with the Plan's language discouraging further expansion of this Neighborhood Commercial node, use qualifiers and conditions were added to a new Area 5B.

The relatively low-level impact of the existing financial institution on adjacent residential areas was a significant factor in approving the expanded area. Some uses were therefore, eliminated from the list of permitted and conditional uses generally provided for in the Neighborhood Commercial Zone. Any change in use shall be further evaluated for its consistency with the intent of protecting neighborhood character and the quality of adjacent residential areas. and requested uses may be eliminated or conditioned as a result through the Planned process. The Planned Use Qualifier will allow for additional site plan review, including opportunities for input from surrounding residents.

To ensure that development and reuse of the site is compatible with the surrounding residential development to the north and west, uses are limited to those which are neighborhood in scale (10,000 sq. ft. maximum building size), and any change in use

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shall go through the Planned Process with opportunity for neighborhood input. Lighting for building and parking areas shall be designed to avoid impacts on the adjacent residential areas to the north and west. Hours of operation shall be 6:00 a.m. to 9:00 p.m. Signs shall be subject to Neighborhood Commercial standards and internally lighted signs are prohibited except those oriented to James and Alabama Streets. Buffering shall be provided to screen Neighborhood Commercial uses from adjacent residential areas. A reduction in the required setbacks may be administratively approved with additional vegetation and screening as defined in the Land Use Development Ordinance between the different use zones.

A Planned Development Contract shall be required for any change in use, building expansion, expansion or redesign of parking areas, as well as for expansion in hours of operation. Neighborhood input and notice will be provided through that process. Neighborhood Commercial development standards shall apply as minimum requirements but may be modified through the planned process, which also provides for further limiting or conditioning uses. The conditional use process shall be used for conditional uses.

General Use Type : Commercial

Use Qualifier : Neighborhood, Planned process for all alternations – limited uses* (See text and list of uses below)

Density : 10,000 square feet per building

Special Conditions : Special conditions as listed above; (A lot line adjustment is required to conform to legal description of lot. All lots must be bound)

Prerequisite Considerations : None

* The following uses shall be excluded from the list of Neighborhood Commercial permitted and conditional uses:

- Service stations and gasoline and fuel sales
- Frozen food lockers
- Animal hospitals
- Recycling collection center
- Restaurants with drive through facilities

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PASSED by the Council the 14th day of December 1998

Bob Ryan
Council President

APPROVED by me this 4th day of January 1999

Mark Howard
Mayor

ATTEST: Dyann Carpenter
Finance Director

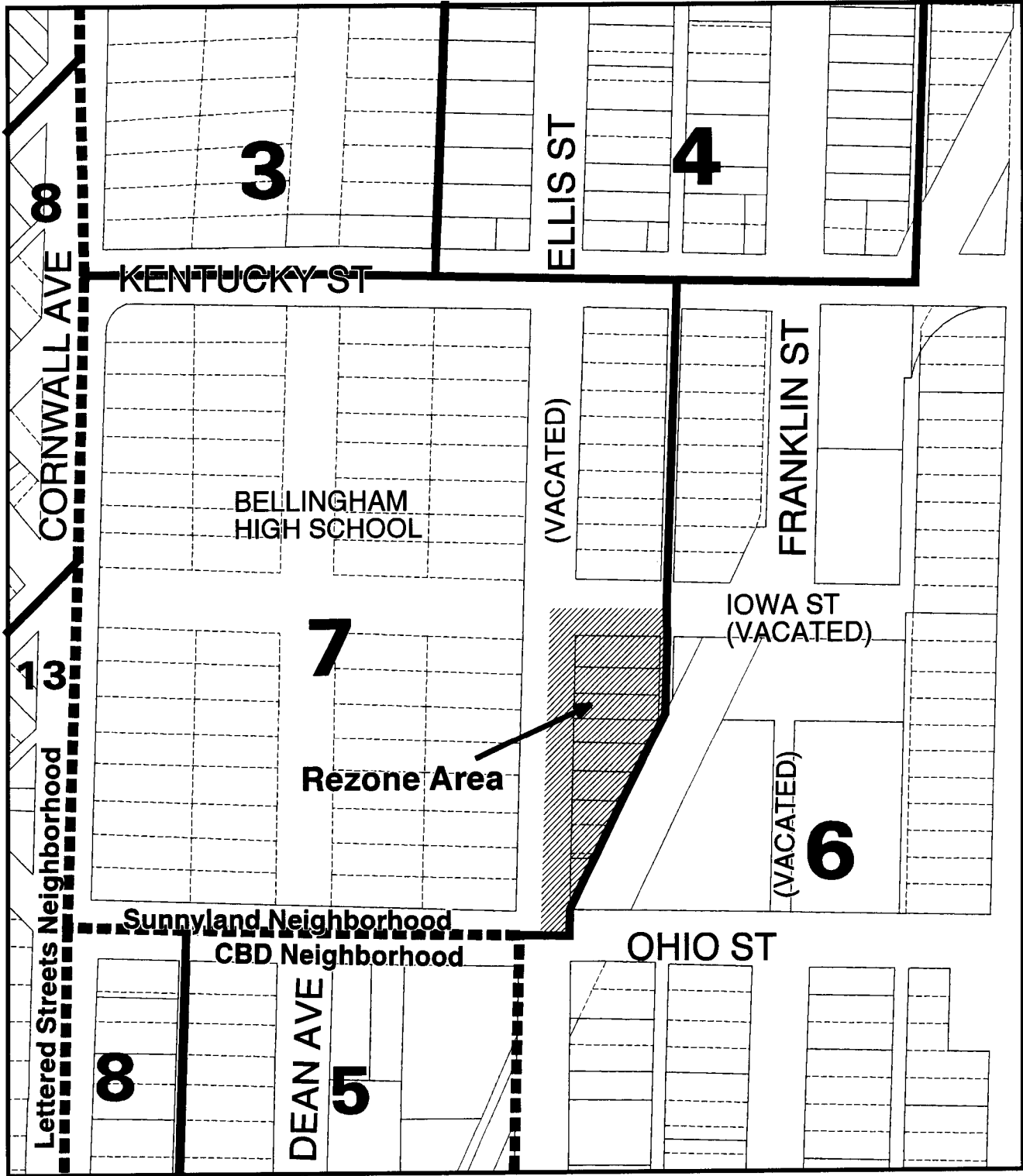
APPROVED AS TO FORM:

[Signature]
Office of the City Attorney

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EXHIBIT A



AREA 7, SUNNYLAND NEIGHBORHOOD

1998 NEIGHBORHOOD PLAN AMENDMENT



City of Bellingham
Planning and
Community Development



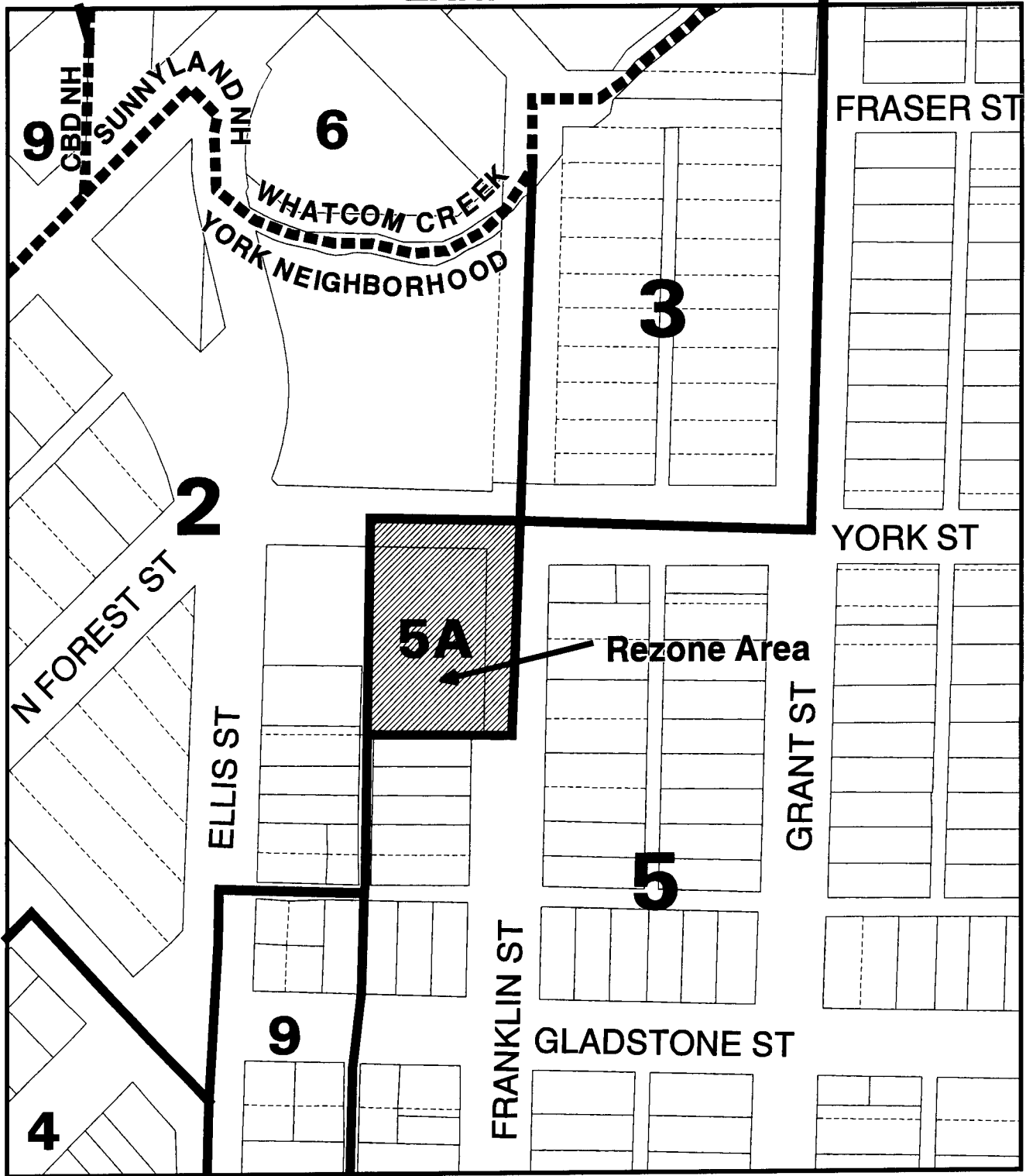
EXHIBIT B1

LEGAL DESCRIPTION

Lot A of ABC Short Plat, thereof, recorded in Volume 1 of Short Plats, Page 34, under Auditor's File No. 1179863, records of Whatcom County, Washington.

The eastern ½ of the North 220 feet of the South 221 feet of Tract A, Supplemental Map of the York Addition to New Whatcom, except the west 80 feet thereof.

EXHIBIT B2



AREA 5A, YORK NEIGHBORHOOD

1998 NEIGHBORHOOD PLAN AMENDMENT



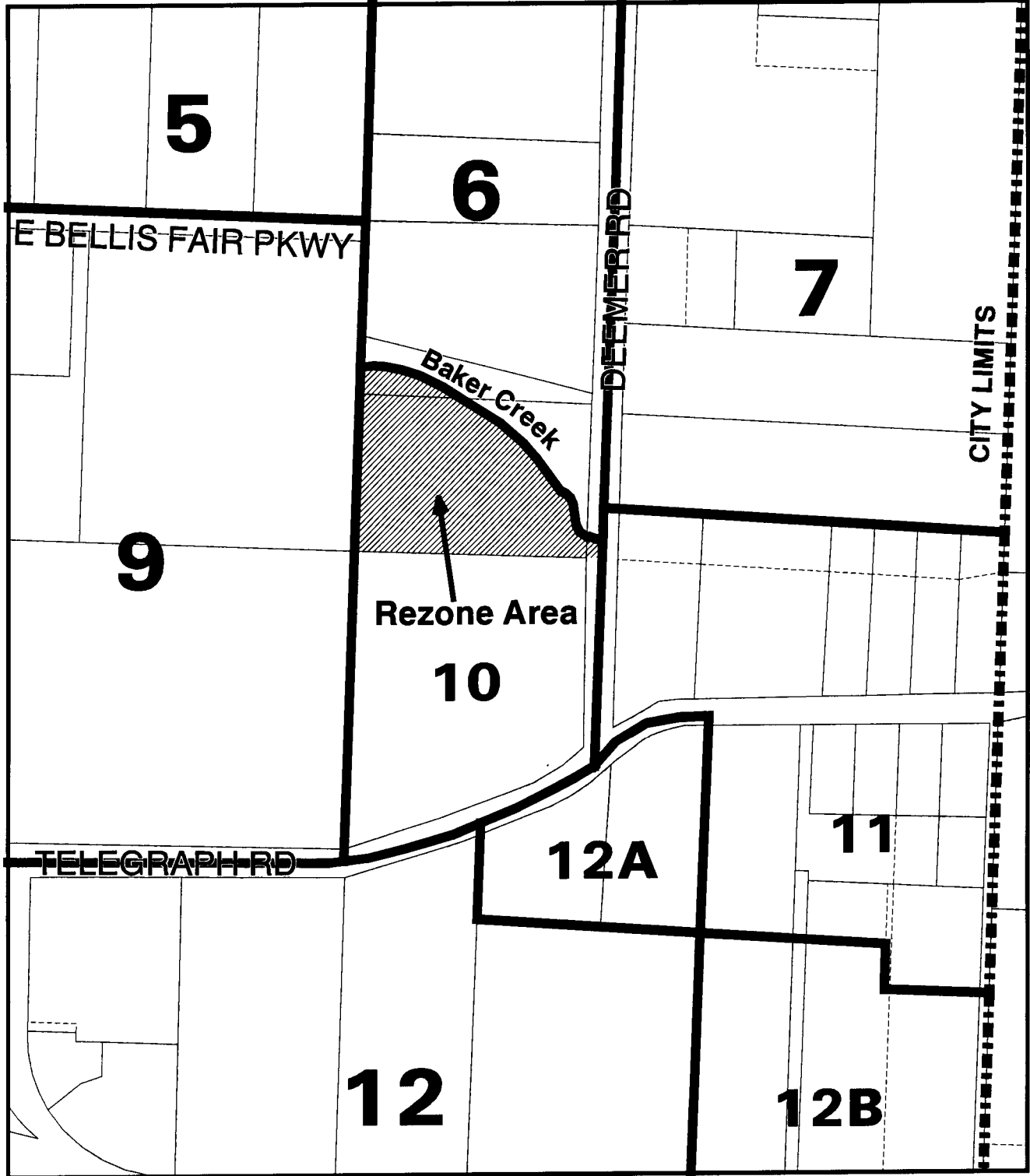
City of Bellingham
Planning and
Community Development



EXHIBIT C1

THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING SOUTHERLY OF THE CENTER LINE OF BAKER CREEK TRIBUTARY, THE SOUTH 300 FEET OF THE FOLLOWING DESCRIBED PROPERTY: A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., WHATCOM COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 18; THENCE NORTH 89 DEGREES 53'35" WEST ALONG THE NORTH LINE OF SAID SECTION 18, 812.40 FEET; THENCE SOUTH 0 DEGREES 22'54" EAST, 653.04 FEET ALONG A LINE PARALLEL WITH THE NORTH SOUTH CENTER LINE OF SAID SECTION 18 TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0 DEGREES 22'54" EAST, 662.62 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 89 DEGREES 56'07" WEST , 500.35 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF THE SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 0 DEGREES 22'37" WEST, 664.12 FEET ALONG THE WESTERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 89 DEGREES 53'35" EAST, 500.30 FEET TO THE TRUE POINT OF BEGINNING. EXCEPT THE EAST 30 FEET THEREOF DEEDED FOR ROAD PURPOSES BY DEED RECORDED NOVEMBER 11, 1909, UNDER AUDITOR'S FILE NO. 136617, FILED IN VOLUME 105 OF DEEDS, PAGE 416.

EXHIBIT C2



AREA 10, MERIDIAN NEIGHBORHOOD

1998 NEIGHBORHOOD PLAN AMENDMENT



**City of Bellingham
Planning and
Community Development**



EXHIBIT D1

LEGAL DESCRIPTION FOR REZONE

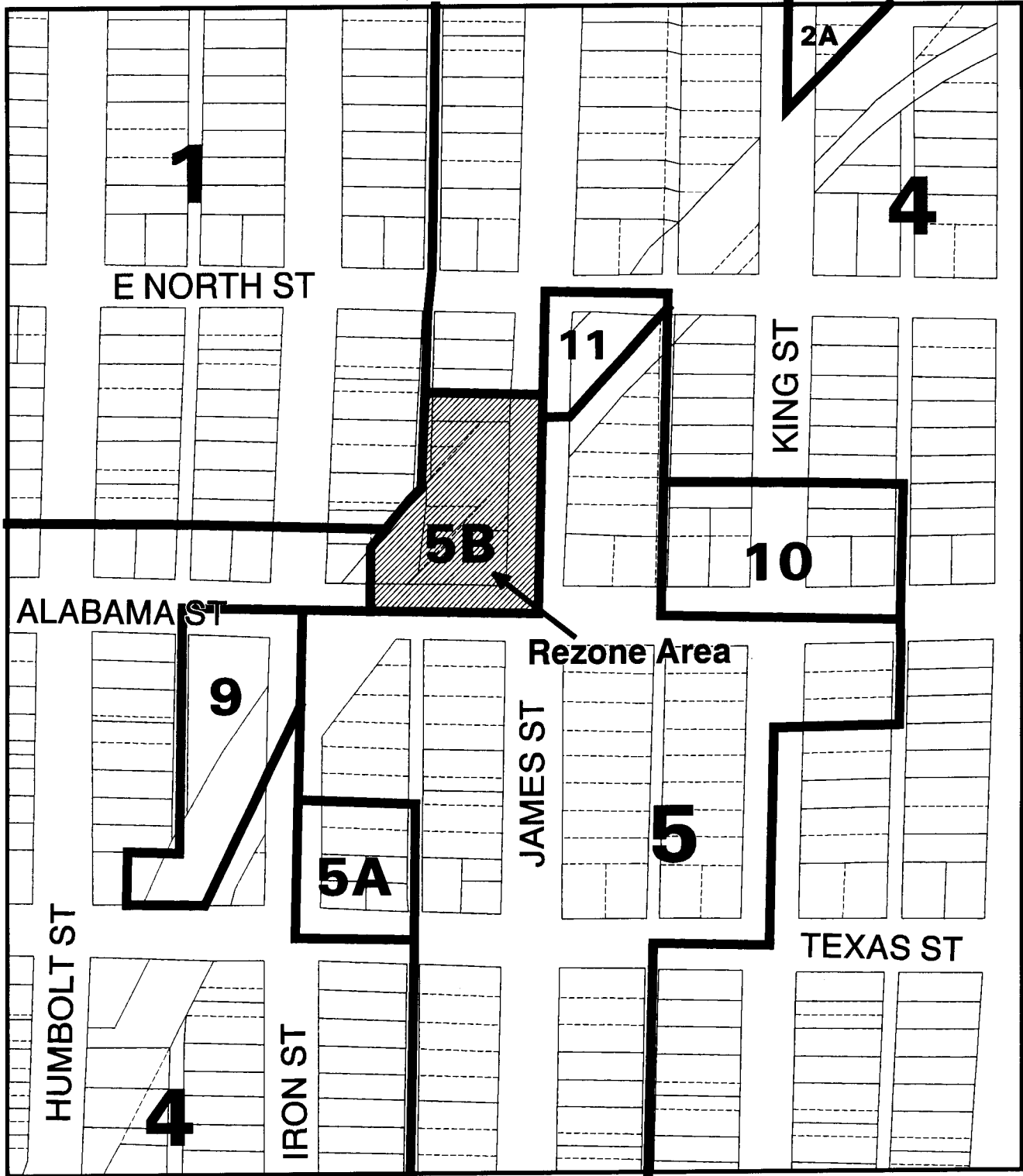
The Chicago, Milwaukee, St. Paul and Pacific Railroad Company's 80 foot wide right-of-way across the West Half of Block 323, First Addition to the Town of New Whatcom, according to the plat thereof, recorded in Volume 2 of Plats, Page 15 in the Auditor's Office of Whatcom County, Washington, together with said Railroad Company's interest in the West Half of alley in said block;

Except that portion thereof lying West of a line drawn parallel to and 50 feet East of the West line of said Block 323;

And the Burlington-Northern Railroad Company's 30 foot wide right-of-way across the West Half of Block 323, First Addition to the Town of New Whatcom, according to the plat thereof, recorded in Volume 2 of Plats, Page 16 in the Auditor's Office of Whatcom County, Washington, together with said Railroad Company's interest in the West Half of alley in said block.

Also Lot 17, Block 323, First Addition to New Whatcom.

EXHIBIT D2



AREA 5B, SUNNYLAND NEIGHBORHOOD

1998 NEIGHBORHOOD PLAN AMENDMENT



City of Bellingham
Planning and
Community Development



CITY OF BELLINGHAM WASHINGTON

ORDINANCE NUMBER: 1998.12.09

COUNCIL BILL NUMBER: 12441

AGENDA BILL NUMBER: 13822

1ST/2ND READING/INTRODUCTION: 12.7.98

3RD/FINAL READING: 12.14.98

PUBLISHED: 01-09-99

CC: LEGISLATIVE COORDINATOR
LEGAL SECRETARY
ITSD (TO SCAN)
OTHER: PCD

