



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

210 Lottie Street, Bellingham, WA 98225

Telephone: (360) 778-8300 Fax: (360) 778-8302

MEMORANDUM

To: Planning Commission

From: Jeff Thomas, Interim Director

Date: February 24, 2011

Re: *Sunnyland Association Neighborhood Plan Amendment Proposal*

Background

On December 1, 2010, the Sunnyland Neighborhood Association (SNA) submitted a request to docket a site specific comprehensive plan amendment and rezone for the former DOT site on Sunset Drive for 2011 (see attached letter from Patrick McKee on behalf of the SNA). The request included a proposed rezone, a density increase and special regulations that would govern future development of the 4.9-acre site. After review, staff determined that the proposal could not be considered for docketing as it did not comply with the submittal requirements in BMC 21.10.150(1)(c), which requires the property owner's signature for site specific comprehensive plan amendments (see attached December 17, 2010 letter to the SNA).

The applicant was given an additional two week courtesy extension of the deadline for submittal of docketing requests for 2011 to obtain the property owner's signature on the docketing request form. No signature was received by the City.

BMC 21.10.150(1)(a) allows the Planning Director, Planning Commission and City Council to initiate review of a comprehensive plan amendment. On December 29, 2010 the SNA submitted a request to the Planning Director to initiate the same proposal for docketing (see attached letter). On January 18, 2011 the Planning Director declined to initiate the docketing process (see attached letter) citing two primary reasons:

1. The proposal is not supported by the property owner; and
2. As recently as 2008, the City led and spent in excess of \$50,000 of staff time and consultant resources developing an urban design concept and update zoning that was rejected by both the SNA and the property owner.

The request to initiate this proposal for docketing was then scheduled for Planning Commission Review. The Planning Commission needs to consider initiating this proposal for docketing in 2012 as the docketing process for 2011 is complete and this year's planning work program has been set by the Mayor and City Council. This work

program includes review of several other neighborhood association proposals that have been waiting for years for staff resources to be available.

Staff Recommendation

For the two reasons cited from the January 18, 2011 letter above, staff does not recommend initiating this proposal for docketing in 2012.

Alternatively, the SNA is encouraged to work with the property owner to develop an acceptable proposal and have the property owner submit that proposal for docketing in 2012.

SUNNYLAND NEIGHBORHOOD ASSOCIATION

Contact: Patrick McKee, 2801 Grant St, B'ham 98225, tel 360-715-0616

RECEIVED

Date: December 1, 2010

DEC 01 2010

To: Jeff Thomas, Planning Dept. City of Bellingham
Gene Knudson, President, Bellingham City Council

City of Bellingham
Planning

Re: Letter of intent requesting rezone of Area 8 of the Sunnyland
Neighborhood Plan.

Dear Mr. Thomas:

On behalf of the Sunnyland Neighborhood Association, we request that you docket for consideration the rezone of Area 8 of the Sunnyland Neighborhood Plan. The current "default zoning", put in place for Area 8 in 2007, was intended to be a temporary zoning, as the area transitioned from public use to private use. This "temporary" zoning has been in place too long, and it is now time to rezone the area to comply with the surrounding zoning.

We propose that Area 8 be rezoned as follows:

LAND USE DESIGNATION – residential, single, medium density

ZONING – residential-single

USE QUALIFIER – detached, single-family attached special area

DENSITY – 6250 sq ft per dwelling unit

PREREQUISITE CONSIDERATIONS – construct public roads to serve Area 8, enact a design overlay district incorporating design themes described in the Neighborhood Plan.

SPECIAL REGULATIONS – access from Sunset Dr and Illinois St.

Through traffic between Sunset Dr and Illinois St is prohibited. (except for pedestrian and bicycle traffic) All homes will be sited on a defined lot, with a front and rear yard. All homes will front on a public street.

Lot coverage requirements, and yard setbacks may not be reduced.

Attached single-family row homes (two units max) should be permitted only in an area 150ft south of the Sunset Dr right of way boundary line.

(2)

We understand that our proposal may change through the public process to follow, but our proposal expresses many of the values, and visions of our neighborhood. We encourage docketing for 2011, and pledge to engage with the city, the landowners, and the public in crafting a rezone for this area that meets as many stakeholders' needs as possible.

Sincerely, on behalf of the below named Sunnyland Neighborhood Association Board of Directors,

A handwritten signature in black ink, appearing to read 'Patrick McKee', written in a cursive style.

Patrick McKee, SNA Board Member

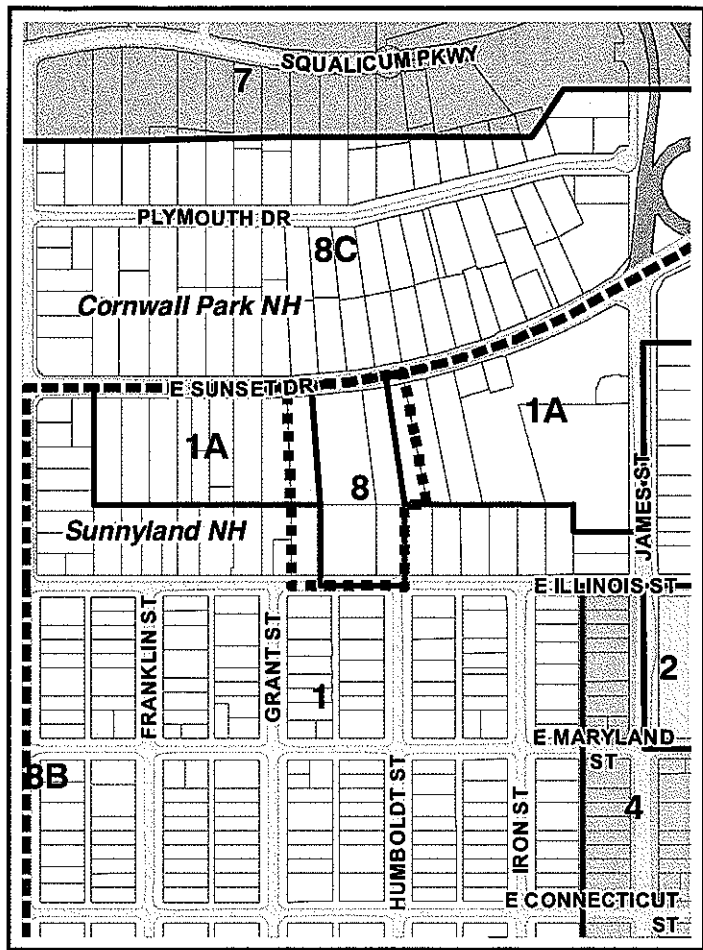
SNA Board Members

Mike Rostron

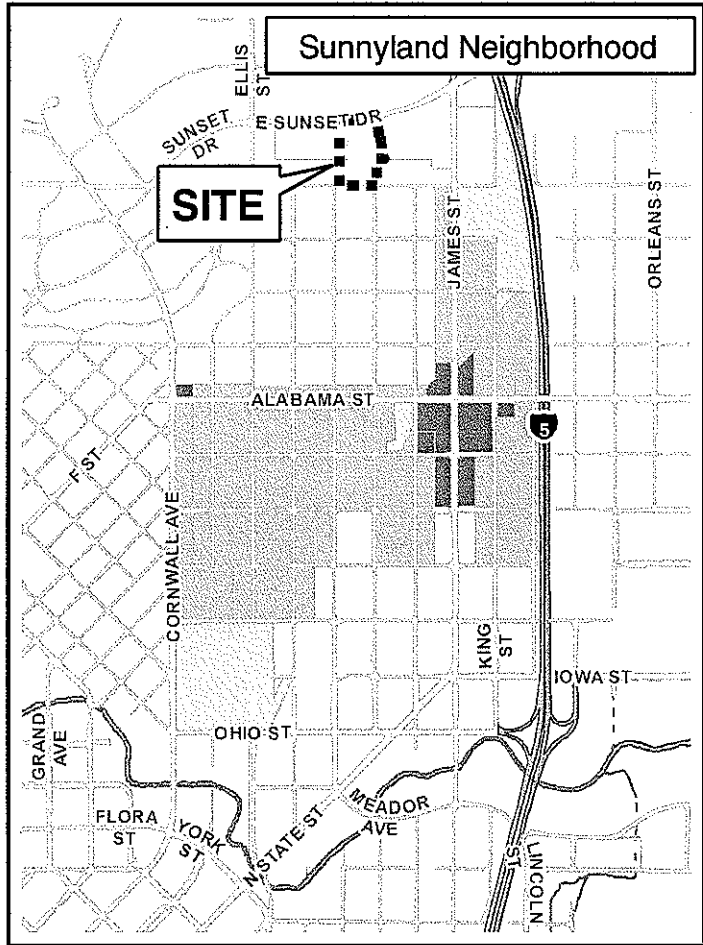
Mickey McDiarmid

Mary Anne Stuckart

Polly Gilbert



2010 Air Photo



NPA/Rezoning Request

General Use Type

	Residential Single		Industrial
	Residential Multi		Indust./Res. Multi
	Res. Single/Res. Multi		Indust./Waterfront Mixed-Use
	Commercial		Institutional
	Commercial/Industrial		Institutional/Res. Multi
	Comm./Indust./Res Multi		Public
			Public/Institutional
			Public/Waterfront Mixed-Use

Sunnyland Neighborhood Area 8

Change from Residential Single 20,000 sf/unit to Residential Single 6,250 sf/unit

2011 Neighborhood Plan Amendment/Rezoning Process



City of Bellingham
Planning & Community Development
2011



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

210 Lottie Street, Bellingham, WA 98225
Telephone: (360) 778-8300 Fax: (360) 778-8302

December 17, 2010

Sunnyland Neighborhood Association
Attn: Patrick McKee
2801 Grant Street
Bellingham, WA 98225

Re: Comprehensive Plan Amendment, Sunnyland Area 8

Dear Mr. McKee,

The City of Bellingham has reviewed Sunnyland Neighborhood Association's (SNA) letter requesting docketing of a comprehensive plan amendment and rezone of property in Area 8 of the Sunnyland Neighborhood. Unfortunately the City cannot process your request at this time.

In 2009, the docketing process for consideration of comprehensive plan amendment proposals was revised. Pursuant to BMC 21.10.150 C., the property owner's signature is required for site specific comprehensive plan amendments such as the one you propose. Also, there is a docket application form and fee associated with site specific docketing proposals. The BMC code deadline for submittal was December 1. Since the process has changed fairly recently, the City has decided to grant you a two-week grace period in order to obtain the property's owner signature, submit a new proposal on the required forms (attached) and pay the associated fees.

Alternatively, SNA could follow the process in BMC 21.10.150 C., and submit a request to have the Planning Director, Planning Commission or City Council initiate review of your docketing proposal. The Planning Director would first review any such proposal and decide whether or not to recommend docketing the proposal. If the Director's decision was not to initiate review of the proposal, you would have the opportunity to request that the Planning Commission initiate review. If the Commission declined, at SNA's request, the City Council would also consider whether to initiate and docket the proposal for review in 2011.

Please let the City know how SNA would like to proceed, either by submitting a new docketing application with the property owner's signature by December 31, or by submitting a letter requesting to have the Director, Commission, or City Council initiate review.

Sincerely,

Jeff Thomas for JT
Jeff Thomas, Interim Director

RECEIVED

DEC 28 2010

Sunnyland Neighborhood Association
Contact: Patrick McKee tel 715-0616
2801 Grant St, Bellingham, WA

December 29, 2010

DEC 28 2010

RECEIVED

To: Jeff Thomas, Interim Planning Director, City of Bellingham

Re: Letter of intent requesting Comp Plan Amendment, and Rezone of Area 8, Sunnyland Neighborhood Plan

Dear Mr Thomas,

The SNA Board would like to have our proposed comprehensive plan amendment and rezone of Area 8 considered in 2011 On behalf of the SNA Board, I am requesting that the Planning Director, Planning Commission, or the City Council initiate review of our docketing proposal, which was submitted to you on December 1, 2010.

**Sincerely,
Patrick McKee
2801 Grant St
Bellingham, WA, 98225**



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

210 Lottie Street, Bellingham, WA 98225
Telephone: (360) 778-8300 Fax: (360) 778-8302

January 18, 2011

Sunnyland Neighborhood Association
Attn: Patrick McKee
2801 Grant Street
Bellingham, WA 98225

Re: Comprehensive Plan Amendment/Rezone, Sunnyland Area 8

Dear Mr. McKee,

Planning and Community Development (PCD) has received and reviewed the December 29, 2010 request from the Sunnyland Neighborhood Association (SNA) to have the PCD Director initiate a comprehensive plan amendment and rezone proposal for private property in Area 8 of the Sunnyland Neighborhood for docketing pursuant to Bellingham Municipal Code (BMC) 21.10.150C.

In addition to considering this request, other information considered in reaching a decision included the City led and funded urban design concept and updated zoning process for the subject property in 2008, the SNA submittal in December 2010 when it initially sought docketing of the proposal in 2011, as well as our telephone conversation from January 13, 2011.

After careful consideration of all the information cited above, I unfortunately cannot support this request from the SNA to initiate the proposal for docketing due to two primary reasons:

1. This proposal is not supported by the owners of the subject property; and
2. As recently as 2008, the City led and spent in excess of \$50,000 of staff time and consultant resources developing an urban design concept and updated zoning for the subject property that was rejected by both the SNA and the property owners.

PCD has scheduled review of this request by the Planning Commission at their March 10, 2011 meeting. At that meeting, the SNA will have the opportunity to present its request to the Planning Commission. If the Planning Commission declines to initiate the proposal for docketing in 2012, PCD will schedule a meeting for SNA with the City Council.

Sincerely,


Jeff Thomas
Interim PCD Director

Copy: Alan Marriner, Senior Assistant City Attorney
Greg Aucutt, Senior Planner
Tom Barrett, Planning Commission Chair
Heather Aven, Planning Commission Clerk

Submitted by applicant
for Commissioner
review.

Sunnyland Neighborhood Association
C/O 2801 Grant St, Bellingham, 98225

February 23, 2011

To: Tom Barrett, Planning Commission, Chair
cc: Bellingham Planing Commission Members
cc: Greg Aucutt, Senior Planner

Re: March 10 Planning Commission Meeting, Sunnyland Neighborhood Plan Amendment, and Rezone Sub Area 8

Dear Mr Barrett,

We request that the Planning Commission initiate for review a Sunnland Neighborhood Plan Amendment and Rezone of Sub Area 8. Attached is the proposed language of the Plan Amendment, and the proposed Zoning Table for Sub Area 8.

Background

When the Sunnyland Neighborhood Plan was drawn up in 1980, the State of Washington owned a group of contiguous lots located between Sunset Dr and Illinois St, in the middle of a residential single area. The Neighborhood Plan grouped these lots together to form Sub Area 8, zoned for Public Use. In 2007, the State sold the entire four acre Sub Area to Sunset Commons LLC. Upon completion of the sale, the City of Bellingham imposed temporary, default zoning, (residential-single, detached, minimum lot size 20,000sf). Default zoning is intended to be the first step in a Public Process to determine the appropriate new zoning for public land transferred to private ownership.

In 2008, then Planning Director Tim Stewart continued the Public Process to lift Sub Area 8 default zoning. Stewart "docketed" for consideration a rezone proposal from the Sunnyland Neighborhood Association (SNA), and a rezone proposal from Sunset Commons. The two proposals were to be considered concurrently. The Planning Dept also hired a Seattle consultant to conduct a "Design Charrette" focused on Sub Area 8. While the consultant's final recommendation was not accepted by SNA or Sunset Commons, the consultant's work contained some good ideas, which will be useful in future rezone considerations.

Both Sub Area 8 rezone proposals were carried over, and placed on the 2009 docket. SNA eagerly awaited the next step in the Public Process, which was a Planning Commission Hearing. Late in 2009, the Planning Director ended the Public Process. The Director removed the SNA plan and the property owner's plan from the city's docket. SNA had spent many volunteer hours meeting all the requirements laid out by the Director to have our proposal docketed for consideration. The Director never explained why he dropped the SNA proposal from the docket.

The City imposed useless default zoning in 2007, and it is the City's responsibility to carry out the public process necessary to change the default zoning. Sunnyland residents are entitled to some certainty as to what kind of development can take place in Area 8. It has been four years since the city imposed default zoning. Appropriate, compatible, long term zoning for Area 8 is long overdue.

SNA asks the Planning Commission to restart the Public Process, which the City of Bellingham is obligated to complete. SNA has submitted a Neighborhood Plan Amendment, and Rezone Proposal, which permits flexible, efficient lot design, a mix of single family dwelling units, varying sizes and prices, including attached single family dwelling units. The SNA Plan upzones Area 8, and allows for 28 new homes. We believe this proposal is appropriate 2011 zoning, which is compatible with surrounding zoning. We believe that this proposal should be the starting point in a public process. We look forward to engaging with the property owner, the planning dept, and the Planning Commission as the public process continues to shape our proposal.

SNA asks that the Planning Commission recommend docketing of our proposal by the City Council for consideration in 2011.

Sincerely on behalf of the SNA Board of Directors,

Patrick McKee, SNA Board

SNA Board of Directors:

Mickey McDiarmid
Polly Gilbert
Mary Anne Stuckart
Mike Rostron
Patrick McKee

SUNNYLAND NEIGHBORHOOD PLAN AMMENDMENT

The below paragraphs are submitted as the new narrative description for Sub Area 8 contained in the Sunnyland Neighborhood Plan

SUB AREA 8

The area includes Squalicum Park Block 4, lots 9,10,11,12, 53.34ft of lot 13, and lots 36,37,38,39. The area is approximately four acres in size, and is currently vacant land. Area 8 is surrounded by lots zoned "residential single, detached, low and medium density". A large church owned property lies on the west side, and is a permitted conditional use.

This entire area was owned by the Washington Dept of Transportation for many years, and most of the area was zoned for "Public Use". In 2007, the entire area was sold to Sunset Commons LLC. As a result of the change from public ownership to private ownership, default zoning, required by municipal code, was immediately put in place. About ninety percent of the area is now zoned "residential single, low density", and about ten percent is zoned "residential single, medium density".

All of Area 8 should be rezoned "residential single - medium density". The description of density should be given in terms of "dwelling units per square foot", prior to any dedication of land for public purposes. This is intended to provide flexibility, and efficiency in lot design, and will result in lots of varying sizes. The per square foot density of Area 8 should be set in the higher end of the medium density range. A density of 6250 sq ft per dwelling unit average overall density is recommended. After Area 8 is improved with roads and sidewalks, defined lot sizes should range between 3600sf and 5000sf. "Attached" residential-single housing should be permitted in Area 8. This would require the addition of a new "Use Qualifier" to the "residential-single" zoning table. Area 8 could then be developed with a mix of "attached" and "detached" single-family homes. Attached "row homes" should be limited to two dwelling units. Attached single-family dwelling units should be permitted only in an area 150ft south of the Sunset Dr right of way boundary line. Detached single-family homes should be permitted throughout Area 8.

In accordance with the character of the established, surrounding neighborhood, each new dwelling unit built in Area 8 should be sited on its own defined lot, with a front and rear yard. Each lot should be served by a public street with sidewalks. Large homes built on small lots are not desired in this area. Lot coverage requirements, and yard setbacks should not be reduced.

A design overlay district for Area 8 should be enacted to ensure architectural style, height and mass blends with the character of the established neighborhood. Specific elements should include at least half of the housing to include front porches. All buildings should have pitched roofs, although a variety of pitched roof styles could reflect the diversity of styles in the existing neighborhood. No garages should be allowed on the front of the property, but rather on the rear. Providing both small one story homes, and larger two story homes, will retain some affordability within the neighborhood as well as make it representative of the established pattern. With pleasing and attractive homes sharing similar historic characteristics, we can ensure the vitality and character of the established residential neighborhood.

Traffic generated by development in Area 8 should be directed to both Sunset Dr, and to Illinois St. The site design must prohibit north-south cut through auto traffic between Sunset and Illinois, but allow for pedestrian, bicycle and emergency vehicle access.

AREA 8 LAND USE DESIGNATION – RESIDENTIAL SINGLE, MEDIUM DENSTIY

**Proposed Zoning Table for Sunnyland Neighborhood Sub Area 8.
This Zoning will permit 28 new dwelling units .**

ZONING TABLE

ZONING: residential-single

USE QUALIFIER; detached/attached with new single-family use qualifier (as described in the Neighborhood Plan)

DENSITY : 6250 sq ft per dwelling unit

PREREQUISITE CONDITIONS: construct public roads to serve Area 8, enact a design overlay district incorporating design themes described in the Neighborhood Plan.

SPECIAL REGULATIONS: access from Sunset Dr and Illinois St. Through traffic between Sunset and Illinois prohibited. (Except for pedestrian and bicycle traffic). All homes will be sited on a defined lot, with a front and rear yard. All homes will front on a public street. Street standards may be reduced. Lot coverage requirements, and yard setbacks may not be reduced. Attached two unit single-family dwelling units should be permitted only in an area 150ft south of the Sunset Dr right of way boundary line.



Permit Center
210 Lottie Street
Bellingham, WA 98225
phone: 360-778-8300
fax: 360-778-8301
www.cob.org

TO BE COMPLETED BY STAFF
Date Received
Case Number

COMPREHENSIVE PLAN AMENDMENT
DOCKET APPLICATION FORM

Use this form to request docketing of a proposed comprehensive plan amendment. Applications may be submitted at any time but must be received by December 1 of each year for review during the following year. Please complete the following and attach additional pages as needed. Incomplete applications will not be accepted.

1. An application must include the following materials:

- Docket Application Form.
Fee payment calculated at 10% of the total comprehensive plan amendment fee.* The fee is not refunded if the proposal is not docketed. The fee is calculated as follows:

(a) General comprehensive plan amendments: \$1,849 x 0.1 = \$185 due at docket application.

OR

(b) Site specific comprehensive plan amendments: \$1,849 base fee + \$213 per acre over first acre (\$12,750 max.) x 0.1 = fee due at docket application. Final fees will be calculated at the time the application is submitted.

*Recognized Neighborhood Associations are exempt from this fee.

2. Applicant: SUNNYLAND NEIGHBORHOOD ASSN Phone: 360-715-0616
Address: c/o 2801 GRANT ST
City/State/Zip: BELLINGHAM WA 98225
Email: Fax:
Name of contact if applicant is a group: PATRICK MCKEE

I have read the application materials and acknowledge that if the proposed amendment is approved by the City Council for inclusion in the annual docket, a complete Comprehensive Plan Application must be submitted within 30 days of the Council's docket decision in order to continue to final review. Failure to submit a complete application prior to the deadline will result in removal from the docket.

Applicant signature: [Signature]

3. If the proposal includes general Comprehensive Plan or Neighborhood Plan amendments that are not site-specific, please describe your amendment proposal as specifically as possible and attach it to this form. If specific wording changes are proposed, show the changes in strikethrough and underline format. Reference the location in the Plan where the change is proposed.

4. Explain why the amendment is needed.

SEE ATTACHED LIST OF ANSWERS

5. Describe why the amendment will result in long-term benefits to the community as a whole and is in the best interest of the community.

6. Describe how the proposed amendment to the plan is supported by or consistent with the existing goals and policies of the comprehensive plan and the State Growth Management Act.

7. Have circumstances changed sufficiently since the adoption of the comprehensive plan and/or neighborhood plan to justify the proposed change? If so, please explain.

8. Have the underlying assumptions found in the comprehensive plan and/or neighborhood plan upon which the land use designation, density or other provisions are based changed, or is new information available which was not considered at the time the plan was adopted? If so, please explain.

9. Does the proposed amendment promote a more desirable land use pattern for the community as stated in the goals and policies in the comprehensive plan? Are there environmental constraints (such as wetlands, steep slopes, significant stands of trees, etc.) present on the site to such a degree that development of the site is economically or physically unfeasible under the existing land use designation? Please explain.

10. What impacts would the proposed amendment to the plan have on the current use of other properties in the vicinity? What measures could be taken to ensure compatibility with the uses of other property in the area?

3. The complete text of the Sunnyland Neighborhood Plan Amendment is attached.
4. Public Use land has been sold to a private owner. Temporary default zoning needs to be replaced by appropriate long term zoning.
5. Now vacant land will be rezoned to allow 28 new homes.
6. Among other Comp Plan elements, the following are supported by our proposal. VB1: The proposal supports "distinctive neighborhoods", with special conditions that reflect Sunnyland Neighborhood character. VB2: The proposal accommodates growth and infill. VB15 The proposal promotes pedestrian and bicycle connectivity through new development. VB25: The proposal encourages mixing housing types. LU27: The proposal focuses increasing density in an undeveloped area, keeping existing character intact, and promotes development "in a manner consistent with the neighborhood's existing character, building style and height, density and development pattern." LU29: While keeping with LU27, the proposed zoning increases infill by increasing density from the surrounding single family low density, to single family medium density. HG1: The proposal encourages "a healthy mix of housing sizes, types, and prices."
7. Yes. Property ownership went from public to private.
8. The original assumption was that this area would be State owned and used by the Department of Transportation. The land was sold by the State.
9. The proposal will upzone default zoning to permit 28 new homes. These homes will be built in an area where people can walk to work, walk to shop, and children can walk to school. There are no known environmental restraints.
10. The proposed new single family zoning is similar to and compatible with the surrounding single family residential zoning.