Fw: public hearing
Kathy M Bell to: Heather M Aven 09/28/2009 08:50 AM

Please forward to the Planning Commission and keep on file for all future notices. Thanks.

Kathy Bell, Planner
City of Bellingham
Planning and Community
Development Department

My number is: (360) 778-8347
The main Planning and Community Development number is: (360) 778-8300
The fax number is: (360) 778-8302
----- Forwarded by Kathy M Bell/planning/cob on 09/28/2009 08:49 AM -----

From:	"Juergen Koessler" <jrkoessler@shaw.ca>
To:	<kbell@cob.org>
Date:	09/27/2009 12:07 PM
Subject:	public hearing

Kathy Bell, Planner II

Dear Madam,

Thanks for the recently received information on the proposed development in Cordata Park. My property, 151 Thomas Rd, buds against this ZON2009-00004 development property on my West side. Basically, I am not against this development to go ahead, but I would like to ask that a sturdy, high fence be erected along the whole length of my property and beyond to keep everyone from trespassing on to my property. I don't want garbage, garden refuse, vehicles, bicycles, pedestrians or gardeners of all kinds on my land.
I would appreciate if you take this request into consideration.
With kind regards,

Juergen Koessler
Golden Gate Investments Inc.

GUIDE MERIDIAN /CORDATA NEIGHBORHOOD ASSOCIATION

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OCT 05 2009

City of Bellingham
Planning

City of Bellingham
Planning and Development Commission
Planning and Development Department
210 Lottie Street
Bellingham, Washington 98225

October 5, 2009

Dear Commissioners:

The Guide Meridian/Cordata (GMC) Neighborhood has several concerns regarding the proposed rezone, Comprehensive Plan amendment and change to the Planned Unit Development (PUD) in Area 17 of the Neighborhood. The applicant is Tin Rock Development, Inc.

The original proposal included 51.91 acres (later specified as 49.7 acres in the site plan of Dec. 17, 2009) and our comments of February 17, 2009 are still pertinent. Since the proposal was subsequently docketed by the Director of Planning and Development, the portion of the area intended to remain zoned planned industrial was deleted leaving 45.7 acres under consideration at the time of the neighborhood meeting. The site concept plan of Feb. 3, 2009 and the public notice of June 16, 2009 also indicated 45.7 acres. The application submitted July 8, 2009 shows 35 acres. It is no longer clear how many acres are to be included in the rezone.

The Developer has been working with the Neighborhood Association to refine the proposed project. That process has resulted in an improved site plan that appears workable to the neighborhood but is vague on the specifics of the commercial portion or "pocket urban center". Also the environmental impacts have not been made clear. We remain concerned about the traffic patterns and impacts. Our specific and more serious concerns involve process and the effect of this proposal on neighborhood planning and PUD property owners.

THE PROPOSED REZONE AND COMPREHENSIVE PLAN AMENDMENT

The proposed rezone may be acceptable with the stipulation that the conditions of the PUD agreement apply and there is conformity to the PUD design guidelines regarding setbacks and general standards. The conditions of zoning for the Cordata are quite restrictive. (See COB-Municipal Code 20.00.08 IX Guide Meridian Neighborhood Exhibit C)

Our specific problem with a rezone and development as proposed is the limitation in Exhibit C for density. The above mentioned regulations were part of an agreement negotiated by the original developer and the City (or County). The density limitations were part of the later portion of the agreement specifically by the City and the most recent addition to the PUD. They state "B (32) The maximum number of dwelling units in the entire 627.7 acre Cordata Business Park site shall be limited to 2,651. No more than 1,779 of the total 2,651 residential units are planned for the 239 acre amendment site." Area 17D is not in the amendment (2) site but is in the portion south of the amendment 2 site roughly south of Horton Street. According to the limitations cited, there would be 872 residential units in the southern portion of the PUD. There are around 808 units now existing. Any rezone must take this into consideration.

In our February letter, we mentioned the, at that time, not completed industrial lands inventory. Since then, the City published an Employment Lands Report. This is apparently a first phase study but there is still no conclusion about the adequacy of the City's industrial lands supply. This proposal will result in a net loss of industrial lands and would be contrary to previous similar rezoning decisions.

As we previously indicated, Neighborhood zoning is a key topic for our much delayed Neighborhood Plan. We have difficulty understanding the delay in docketing our Neighborhood Plan proposal while a significant rezone with numerous issues gets a fast track. The City is already in negotiations with the developer of this proposed project to buy/trade land so that wetlands impacts on this property can be mitigated. We believe that more time should be taken to understand the overall impact on the Neighborhood and the PUD before a rezone is pushed through.

CHANGING THE PLANNED UNIT DEVELOPMENT

A change to the PUD by amendment or dissolution is more complicated A proposed PUD change would affect a much larger area including approximately 60 property owners. There are 474.89 acres of assessed particles (the buildable land) in the PUD. Removing 45.7 acres will eliminate about 9.6 percent of the revenue necessary to maintain Cordata Parkway and other amenities controlled by the Cordata Business Park Association(CBPA), the governing body of the PUD. This would mean that the assessments of the remaining owners would need to be increased 9,6 percent to maintain current commitments. This would be grossly unfair. The proposed development fronts on Cordata Parkway, the area most benefitting from CBPA maintenance. Not removing the area from the PUD but changing the conditions of the PUD and related agreements would also have undesirable consequences.

Amendment or termination of the Cordata Protective Covenants (Article 19,2) requires approval of not less tha 2/3 of the voting power of the membership (property owners). A purpose of the Covenants is "to protect the owner of each parcel against any improper development and use of surrounding parcels... to provide a harmonious development that will promote the general welfare of the owners ... and protect the present and future value of each real property." (Covenants 1.3) Increasing the allowable number of residential units in the PUD with the resultant traffic and other impacts does not appear to be in the best interests of current owners who rely on these covenants and subsequent agreements. We live with the restrictions as well as the benefits.

The Covenants state at 18.1 "An owner shall not be entitled to sever his parcel from membership in the Association." Since the CBPA encompasses the entire PUD, this would negate an owner's ability to make an agreement with the City to escape the requirements of the PUD. These covenants run with the land for the benefit of all parcels. (Covenants 2.1) By extension, the PUD agreements with the County and City also protect the land owners.

Exhibit C to the Guide Meridian zoning code places further limitations on changes to the PUD.
A.1(44) "All future developments, building uses or other changes to the site must conform to the conditions in this PUD permit". The City does not have an ordinance that outlines an amendment or dissolution process. The Planning Department therefore, has asked the proposed developer to provide an answer and legal method of how the request will interface with the existing PUD and identify a process that either amends or dissolves the PUD. We cannot solely rely on the requester to determine a legal basis for this proposed action. Where is the City Attorney? To date the CBPA has not been formally involved. They certainly have a role if an amendment or dissolution is proposed.

The City cannot unilaterally amend the agreement or PUD, Comprehensive Plan and City code without a public process including the PUD/CBPA membership.

Sincerely,

Adrienne Lederer
Co-President
Guide Meridian/Cordata Neighborhood Association

cc:City Council
Planning Director
Mayor