



Request for City Council Action

MEETING DATE: October 8, 2007, 7:00 p.m.
SUBJECT: East Maple Ridge PUD and Preliminary Plat
PROPONENT: Doug Connelly
AGENT: Doug Campbell, P.E.

SUBMITTING DEPARTMENT: Community Development
PREPARED BY: Tom Black, AICP, Development Manager
☐ Comments/Communications ☐ Consent ☐ Committee Reports ☐ Unfinished Business
☐ New Business ☐ Public Hearing ☒ Council Action Item

ATTACHMENTS: Attachment 1: Planning Commission Recommendations to City Council

NOTE: The materials that constitute the official record are on file with CDS

I. ANALYSIS / SUMMARY OF PROJECT PROPOSAL

The Applicant is seeking approval and necessary permits for a Planned Unit Development (PUD) and Preliminary Plat that would allow development of a neighborhood commercial center and 225 single family lots, with the remainder in duplex, townhouse, and fourplex buildings totaling 353 residential units on 88.45 acres in the Planned Residential zone.

The Planned Residential zone allows development at densities greater than one unit per 5 acres only through the approval of a PUD.

Issues to be considered include the proposed project's consistency with the purpose and intent of the Planned Residential zone (BMC 17.42) and the PUD provisions of the Municipal Code (BMC 17.48); the project's consistency with the Comprehensive Plan; the project's environmental and fiscal impacts; and in this case, the adequacy of the information provided by the applicant in response to the Planning Commission's request for such information.

II. RECOMMENDATION

Following a public hearing on July 26, 2007, which was continued from the public hearing of March 22, 2007, and based on the record developed during the public process, the Planning Commission concluded that there was insufficient information submitted by the applicant to adequately assess the project's consistency with the goals and objectives of the Planned Residential Zone and the Planned Unit Development provisions of the Municipal Code. As a result, the Planning Commission voted unanimously to recommend to the City Council that the Proposed PUD and Preliminary Plat applications be **DENIED**.

The Commission's recommendation is based on the Findings of Fact contained in the attached *Planning Commission Recommendation to the City Council*.

III. FISCAL ANALYSIS:

The short and long-term fiscal impact of the proposed project on the City has not been assessed. The lack of supporting information submitted by the applicant in this regard has precluded a determination of impact, and is one reason for the Planning Commission's recommendation of denial.

REVIEWED BY:

City Manager _____ Finance Director _____ City Clerk _____
(Digital Signature) (Digital Signature) (Digital Signature)

COUNCIL ACTION: Approved ☐, Denied ☐, Tabled / Deferred ☐,



Community Development Services

344 H Street, Blaine, WA 98230 Phone: (360) 332-8311 Fax: (360) 543-9978

Planning Commission Recommendation to City Council

**East Maple Ridge PUD and Preliminary Plat (Major Development Review)
(PUD-1-05; LOP-1-05; MDR-1-05)**

- I. OVERVIEW OF PROPOSAL
- II. PROCESS AND PROCEDURE
- III. RECOMMENDATION

I. OVERVIEW OF PROPOSAL

The Applicant is seeking approval and necessary permits for a Planned Unit Development (PUD) and Preliminary Plat that would allow development of a neighborhood commercial center and 225 single family lots, with the remainder in duplex, townhouse, and fourplex buildings totaling 353 residential units on 88.45 acres in the Planned Residential zone.

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Issues to be considered include the proposed project's consistency with the purpose and intent of the Planned Residential zone (BMC 17.42) and the PUD provisions of the Municipal Code (BMC 17.48); the project's consistency with the Comprehensive Plan; the project's environmental and fiscal impacts; and in this case, the adequacy of the information provided by the applicant in response to the Planning Commission's request for such information.

II. PROCESS AND PROCEDURE

The applicant submitted applications for a PUD (PUD-1-05), Preliminary Plat (LOP-1-05), Major Development Review (MDR-1-05), and a SEPA Checklist (SEP-4-05) on February 15, 2005. The application was determined to be incomplete on March 9, 2005, and additional information was required by the City. The applicant submitted enough of the requested information so that a Determination of Complete Application was issued on July 28, 2005, with the stipulation that specific additional detail and information was necessary to complete compliance review. Various items of information were submitted by the applicant over the next 16 months, including a required traffic analysis which was submitted in November of 2006. On December 13, 2006, the applicant submitted a revised application packet to the City. A SEPA Mitigated Determination of Non-Significance (MDNS) was issued on March 6, 2007, and on March 16, 2007 another revised application packet was submitted by the applicant.

The Planning Commission held a duly noticed Public Hearing on March 22, 2007. Based on staff recommendation, the Planning Commission decided to continue the public hearing and meet as a committee of the whole in order to identify deficiencies in the application materials, and communicate those deficiencies to the applicant. The Planning Commission held a worksession on March 26, 2007, and following the workshop, a letter was prepared by the Community Development Director on behalf of the Commission, and mailed to the applicant on April 4, 2007.

On June 15, 2007 the applicant submitted a package of materials in response to the April 4, 2007 letter. The Planning Commission held a worksession on June 28, 2007 to review the submitted material, after which the Commission scheduled the continued public hearing for July 26, 2007.

After providing additional notice, the Planning Commission held the continued public hearing on July 26, 2007. Following the public hearing, the Commission scheduled a worksession to discuss the applications. The Commission held a worksession on August 1, 2007, and concluded that the submitted information was insufficient to complete compliance review. At the regular Planning Commission meeting of August 9, 2007, the Commission voted to recommend denial of the East Maple Ridge PUD and Preliminary Plat.

III. RECOMMENDATION

Following the public hearing and Planning Commission discussion of the applications, it was moved and seconded to recommend to the City Council that the proposed Major Development (MDR-1-05), consisting of a PUD application (PUD-1-05) and a Preliminary Plat application (LOP-1-07), be **DENIED** based on the Findings of Fact and conclusions included below.

Findings of Fact

1. The applicant submitted applications for a PUD (PUD-1-05), Preliminary Plat (LOP-1-05), Major Development Review (MDR-1-05), and a SEPA Checklist (SEP-4-05) on February 15, 2005. The proposed project consisted of 353 single-family and multi-family dwelling units located in the Planned Residential zone.
2. In a March 9, 2005 letter sent to the applicant, the City indicated that the application was determined to be incomplete and specified the additional information or detail necessary to achieve completeness determination.
3. On June 20, 2005 the applicant resubmitted the application.
4. After two follow up meetings and amendments to the resubmitted application, the applicant was notified on July 28, 2005 that the application met the minimum requirements for the City to make a determination of complete application with the stipulation that specific additional detail and information was necessary to complete compliance review..

5. A Notice of Application was issued, and a SEPA Checklist was distributed to appropriate agencies for comment on July 28, 2005.
6. On August 9, 2005 the City mailed an additional notice of application to all property owners within 300 feet of the subject property.
7. On November 18, 2006 the City received the requested traffic study from the applicant.
8. On December 13 2006 the applicant submitted a revised application packet to the City.
9. On March 16, 2007 the applicant submitted another revised application packet for distribution to the Planning Commission.
10. A combined SEPA Mitigated Determination of Non-Significance (MDNS) and Notice of Public Hearing was issued on March 6, 2007.
11. The Planning Commission held a properly noticed public hearing on March 22, 2007 to consider the East Maple Ridge PUD and Preliminary Plat applications, and at the public hearing received written and oral testimony from the applicant and the public.
12. The Staff Report prepared for the March 22, 2007 public hearing found that pursuant to the requirements of BMC 17.42.080, 17.48.060, and 17.56.030, *“the application packet does not provide adequate information and detail to allow the staff to conduct compliance review and make an informed recommendation to the Planning Commission.”*
13. Based on the finding contained in the March 22, 2007 Staff Report, staff recommended that the Planning Commission 1) continue the public hearing and comment period, 2) meet as a committee of the whole to work with staff to identify deficiencies in the application materials, and 3) require the applicant to submit additional material as determined necessary by the Planning Commission, pursuant to BMC17.48.060(B)(11).
14. The Planning Commission agreed with the conclusions and recommendations contained in the Staff Report, which was that the application materials were deficient and as such compliance review could not be completed. The Commission decided to continue the public hearing of March 22, 2007, in order to allow time for the Commission to meet in worksession, determine what additional information was required in order to complete compliance review, communicate those requirements to the applicant, and receive the applicant’s response for consideration by the Commission.
15. The Planning Commission held a worksession on March 26, 2007 to review the submittal requirements contained in BMC 17.42.080, 17.48.060, and 17.56.030 to determine what additional information was required to complete compliance review. Following the worksession, and pursuant to BMC 17.48.060(B)(11), the Commission directed the Community Development Director to send a letter to the applicant specifying the additional material to be submitted that would allow compliance review to be completed.

16. At the Commission's direction, the Community Development Director prepared and sent to the applicant on April 4, 2007 a letter describing the content and format of the required additional information under BMC 17.42.080, 17.48.060, and 17.56.030 that were identified by the Commission as necessary to complete compliance review.
17. On June 15, 2007 the applicant submitted a package of materials in response to the April 4, 2007 letter from the Community Development Director, and the material was forwarded to the Planning Commission members on June 20, 2007.
18. On June 28, 2007, the Planning Commission held a worksession to review the submitted material and schedule a date for the continuation of the public hearing. At that meeting, the Planning Commission decided to continue the March 22, 2007 public hearing to July 26, 2007. Notice of the continued public hearing was published and distributed to all parties of record.
19. The Planning Commission held a continued public hearing on July 26, 2007 to accept comments from the applicant and from citizens regarding the proposed project application. Following public testimony, the public hearing was closed, and the Commission scheduled a worksession for August 1, 2007 to discuss the application in light of the additional submitted materials, and the most recent public testimony.
20. The Planning Commission held a worksession on August 1, 2007 to discuss the development application. Following an item-by-item discussion of the latest material received from the applicant, the Planning Commission concluded that the material submitted by the applicant on June 15, 2007 was not responsive to the April 4, 2007 letter from the Community Development Director, and as such there was insufficient information to complete compliance review. In reaching that conclusion the Commission noted that most of the additional material submitted either did not contain the required information, did not include the level of specificity required by the April 4, 2007 letter from the Community Development Director, or did not present the information in the "guidebook" format required. Examples of lack of response to the requirements of the April 4, 2007 letter to the applicant (*Finding 11*) include but may not be limited to:
 - A. The applicant failed to revise and reorganize the application materials, specifically those materials related to the required PUD master plan, in such a manner that it can be used as a "guidebook" for the proposed development over the length of its phased development process. (4/4/07 letter, Item 2).
 - B. The applicant did not explain how the development will achieve the long term goals and objectives for the city in this area, and little if any evidence to demonstrate that the project achieves the purposes of BMC 17.42, 17.48, and 17.56. The applicant simply noted the long term goals and objectives of the city and declined further comment. In addition, the applicant did not present clear statements of the intent and goals for the project, or the rationale behind the assumptions and choices made by him. (4/4/07 letter, Item 2.1)(BMC 17.48.060(E)).
 - C. The applicant failed to explain how the proposed project will achieve compatibility with existing and future development in the east Blaine area. Little other information was provided in terms of existing and projected densities,

circulation systems, public facilities, and unique natural features of the surrounding landscape. (4/4/07 letter, Item 2.2) (BMC 17.48.060(B)(9)).

- D. The applicant did not explain what benefits are derived (from using the PUD process) that would not otherwise be achieved without using the PUD process. (4/4/07 letter, Item 2.3)
 - E. The applicant did not provide any additional information relative to the project design and development standards, or how they might vary from phase to phase. Instead, the applicant merely states that all such information will be developed at a future time. (4/4/07 letter, Item 2.6)(BMC 17.48.060(B)(3)).
 - F. The applicant failed to submit project specific information pertaining to public costs and fiscal impacts to the city resulting from the proposed development. Instead, the applicant submitted generic reports prepared for other projects or other communities. (4/4/07 letter, Item 2.7)(BMC 17.42.080(A)(3) and 17.48.060(G)(7)).
 - G. The applicant failed to provide an integrated, comprehensive history of the subject parcel illustrated in the manner, and containing the elements required. (4/4/07 letter, Item 2.9)(17.42.080(A)(1))
 - H. The applicant failed to provide the level of detail specified with regard to required building details including multi-family development housing numbers, building footprints for individual lots not depicted on the site plan, and estimated livable area calculations. Instead, the applicant merely states that all such information will be developed at a future time. (4/4/07 letter, Item 2.10)(BMC 17.48.060(B)(3))
 - I. The applicant failed to provide the level of detail specified with regard to required landscape details. (4/4/07 letter, Item 2.15)(BMC 17.48.060(B)(8)).
 - J. The applicant's phasing plan is rudimentary, and does not adequately address the phasing of public improvements, nor adequately address the type of security devices that should be used to insure that projects within each phase are completed. The requirements of the Developer's Agreement (A.F.# 2050901889, 2.d.1) also requires that the applicant develop this phasing information and plan for utility infrastructure in a way that it is sized to accommodate future development in the East Blaine annexation area. (4/4/07 letter, Item 2.16)(BMC 17.42.080(A)(2))
 - K. The applicant failed to adequately address the city's concurrency concerns. The applicant did not provide a clear and adequately detailed plan that addresses both the existing and future facilities necessary to serve the proposed development as phased development occurs and at full development buildout. (4/4/07 letter, Item 2.17)
21. Having found the application materials submitted by the applicant to be deficient, the Planning Commission lacks sufficient information to complete compliance review and to make an informed and reasoned recommendation to City Council. As such, the Commission is unable to verify that this application complies with the goals and policies of the Comprehensive Plan, or with the purpose and other applicable provisions of Chapters 17.42, 17.48, and 17.56 of the Blaine Municipal Code.

Conclusion

As evidenced in the preceding findings, the applicant has failed on more than one occasion to provide adequate information pertaining to his applications, despite several requests from staff and the Planning Commission. As such, the Commission believes that further attempts to provide the applicant opportunities to provide acceptable information would be fruitless, and that the Commission should proceed to tender a recommendation to the City Council based on all information and material that has been submitted to date.

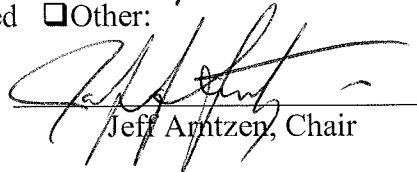
In light of the foregoing, the Planning Commission is compelled to recommend denial of the proposed applications.

PLANNING COMMISSION ACTION:

Approved ☐ Denied ☒ Tabled/Deferred

Assigned ☐ Other:

Signed:


Jeff Arntzen, Chair

08-27-07
Date