



City of Bellevue

# Garden Supply Retail and Nurseries LUCA

**City Council Public Hearing**

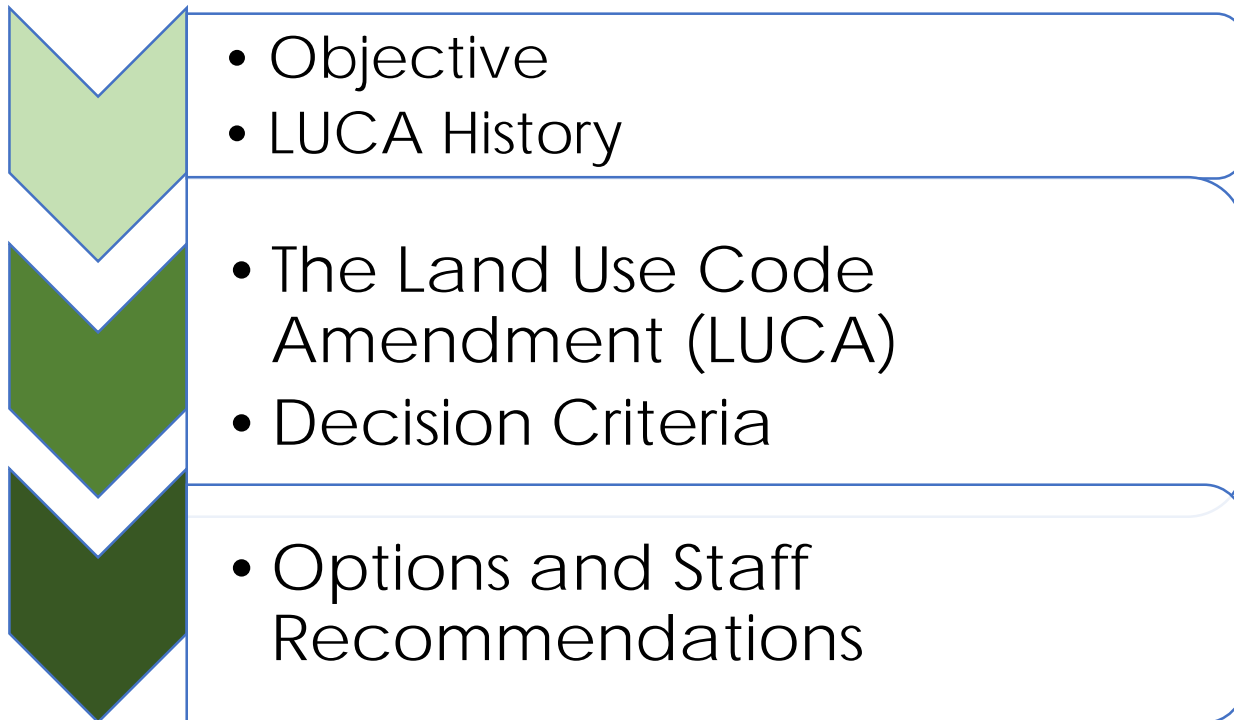
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Trish Byers | Code Development Manager

Development Services Department

March 18, 2019

# AGENDA



# WHAT IS THE OBJECTIVE?

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The proposed LUCA would allow garden supply retail and nurseries in R-4, R-10, R-15, R-20, R-30 Districts that have been in continuous operation since before 1955 to:

1. Provide more goods and services to the surrounding neighborhood, and
2. Improve structures or clear the site and build new building.

The current nonconforming status forecloses these.

# LUCA HISTORY

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- November 2018 – Council directed staff to determine whether the Bellevue Nursery CPA and comparable nonconforming uses could be addressed with a LUCA rather than a Comprehensive Plan Amendment (CPA).
- December 2018 – Staff returned with the proposed LUCA, Council directed staff to bring back a proposed schedule to process the LUCA.
- January 2019 – City Council Study Session. Staff proposed March 18 for a public hearing date.
- March 18, 2019 – Public Hearing.

# THE LUCA

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Legitimizes garden supply retail or nursery uses that were:

1. Established before 1955,
2. Continuously in operation since then, and
3. Located in an R-4, R-10, R-15, R-20 or an R-30 District.

## WHY THESE DISTRICTS?

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The R-8.5 District in 1955 Zoning Code made Bellevue Nursery use nonconforming had one descriptor, a minimum lot size of 8,500 sq. ft.

R-8.5 was renamed R-4 in 1978.

Comparable residential districts in current LUC are R-10, R-15, R-20 and R-30 because they have minimum lot sizes of 8,500 sq. ft.

# NONCONFORMING USES

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## Nonconforming Use

1. A legally established use of a structure or land
2. That no longer conforms to the district regulations in which the use exists due to changes in Code requirements or annexation.

## Benefits of Legitimizing Nonconforming Uses

1. Subordinate uses can be established up to 25% of floor area, if related to primary use, and on the same parcel as the primary use.
2. Site can be cleared and rebuilt to current standards

# DECISION CRITERIA FOR LUCA LUC 20.30J.135

- ✓ The amendment is consistent with the Comprehensive Plan;
  - Promote maintenance...of small-scale activity areas within neighborhoods that encourage pedestrian patronage and provide informal opportunities for residents to meet. LU-12
  - Promote local businesses... ED-2
- ✓ The amendment enhances the public health, safety or welfare;
  - Provides neighborhood goods, services and gathering places to neighborhoods in which they are located thereby enhancing the public welfare.



# DECISION CRITERIA FOR LUCA LUC 20.30J.135

- ✓ The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.
  - Allows garden supply retail and nurseries to add subordinate uses and clear the site and rebuild.
  - Keeps the number of commercial uses to a minimum, unlike CPA.
  - Maintains the neighborhood character.
- ❖ Decision criteria have been met for LUCA adoption.

# SUMMARY

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- LUCA legitimizes nonconforming garden supply retail and nurseries that have been operating continuously since 1955 in R-4, R-10, R-15, R-20, and R-30 Districts.
- Allows for subordinate uses and
- Allows for clearing site and rebuilding, as well as other improvements.

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# PUBLIC HEARING

# OPTIONS AND STAFF RECOMMENDATIONS

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## OPTIONS

1. Adopt LUCA as proposed.
2. Direct staff to return with an updated Ordinance for final adoption.
3. Do not adopt the Ordinance and provide staff alternative direction.



# RESIDENTIAL USES

Residential uses could be combined with a nursery use following adoption of this LUCA.

- Planned Unit Development (PUD) approval would be required.
- A PUD process would include:
  - A public notice and meeting;
  - A recommendation from the Director;
  - A pre-decision hearing before Hearing Examiner;
  - A decision by the Hearing Examiner; and
  - The ability to appeal the Hearing Examiner's decision to the City Council.