

## CITY COUNCIL REGULAR SESSION

Ordinance amending the Bellevue Land Use Code, Title 20 of the Bellevue City Code, Chart 20.10.440 Uses in land use districts Wholesale and Retail – Residential Districts to identify the residential Land Use Districts where Garden Supply Retail and Nursery Uses may be allowed when they have been operating continuously since before 1955; providing for severability; and establishing an effective date.

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*Development Services*

## EXECUTIVE SUMMARY

As directed by the City Council on January 28, this Ordinance is a Land Use Code Amendment (LUCA) to allow Garden Supply Retail and Nursery Uses in residential districts when they have been operating continuously since before 1955.

## RECOMMENDATION

Move to adopt Ordinance No. 6457.

If approved, effective date: 03/28/2019

## BACKGROUND/ANALYSIS

### History

The Bellevue Nursery Comprehensive Plan Amendment (CPA) was a part of the 2018 CPA work plan. The current Garden Supply Retail and Nursery Uses on the Bellevue Nursery site are nonconforming. Therefore, the owners of Bellevue Nursery applied for the CPA as part of a land use process that could potentially allow the establishment of an expanded number of uses on the site.

On November 26, 2018, the City Council considered the Bellevue Nursery CPA at a final study session. As an alternative to adopting the Bellevue Nursery CPA, Council directed staff to return with a LUCA that would, if adopted, legitimize established and long-term Garden Supply Retail and Nursery Uses similar to Bellevue Nursery in certain residential Land Use Districts. On December 10, 2018, staff returned with an example of such a LUCA. Council decided to proceed with the LUCA rather than the CPA and directed staff to return with a schedule to process the LUCA. Thereafter, staff returned to the City Council on January 28 and Council scheduled the public hearing for March 18. For more background information, see the staff report in Attachment A.

### Analysis

The proposed LUCA provided to Council on January 28 would allow Garden Supply Retail and Nursery Uses in R-4, R-10, R-15, R-20, and R-30 Districts Citywide. These residential districts are analogous to the R-8.5 District created in 1955 because the minimum lot size in all of these districts is 8,500 square feet. With the adoption of the LUCA, Bellevue Nursery and businesses that are similarly situated would no longer be nonconforming uses in R-4, R-10, R-15, R-20, and R-30 Districts. This would allow the owners to establish subordinate uses, such as a coffee cart or landscaping services on site, or to clear

the site and rebuild the nursery to today's standards. For additional information, please see the staff report analysis in Attachment A.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

This LUCA, if adopted, will legitimize the Garden Supply Retail and Nursery Uses that have been in operation continually since before 1955 in the R-4, R-10, R-15, R-20, and R-30 Districts. Once these Garden Supply Retail and Nursery Uses are discontinued, the underlying residential zoning will control the uses that are permitted on each parcel.

### **Fiscal Impact**

No fiscal impact is expected as a result of the adoption of this Ordinance. Administration of the LUCA will be met with current Development Services staffing levels through the permitting functions of the City.

## **OPTIONS**

1. Adopt the Ordinance amending the Bellevue Land Use Code, Title 20 of the Bellevue City Code, Chart 20.10.440 Uses in land use districts Wholesale and Retail – Residential Districts to identify the residential Land Use Districts where Garden Supply Retail and Nursery Uses may be allowed when they have been operating continuously since before 1955; providing for severability; and establishing an effective date.
2. Direct staff to return with an updated Ordinance for final adoption.
3. Do not adopt the Ordinance and provide alternative direction to staff.

## **ATTACHMENTS & AVAILABLE DOCUMENTS**

A. Staff Report  
Proposed Ordinance No. 6457

## **AVAILABLE IN COUNCIL LIBRARY**

N/A