



# Bellevue Planning Commission

September 12, 2018

## PLANNING COMMISSION STUDY SESSION ITEM

### **SUBJECT**

Final Review Study Session on 2018 Annual Comprehensive Plan Amendments (CPA)

### **STAFF CONTACT(S)**

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*Planning and Community Development*

### **POLICY ISSUES**

The annual plan amendment process includes two evaluation and review steps referred to, respectively, as Threshold Review and Final Review. Threshold Review evaluates whether applications should become proposed amendments. Final Review then reviews the merits of each proposal. Each uses Land Use Code decision criteria and involves a Planning Commission public hearing and recommendation. The City Council takes action for both steps.

There are three privately-initiated, site-specific amendments in the 2018 Final Review work program: City Dacha LLC, Bellevue Nursery, and Red Town. The East Main and Grand Connection proposed amendments are initiated by the City Council. See Attachment 1.

### **DIRECTION NEEDED FROM PLANNING COMMISSION**

#### **ACTION**



#### **DIRECTION**



#### **INFORMATION ONLY**



Conducted between staff and the Planning Commission, tonight's Final Review study session also provides opportunities for Commissioners to make information requests prior to the October 24 Final Review public hearings. On October 24 the Commission will be asked to review the staff recommendations, hold the public hearings, and make a recommendation to the City Council on each proposed amendment, using the decision criteria set forth in [LUC 20.30I.150](#).

### **BACKGROUND/ANALYSIS**

#### **City Dacha LLC 17-131046 AC**

This proposed plan amendment would amend 0.43 acres of the Wilburton Subarea map from Public/Single Family-Low (P/SF-L) to Multifamily-Medium (MF-M) at 160 118<sup>th</sup> Ave SE. The site is currently developed with a vacant single-family home. See Attachment 2.

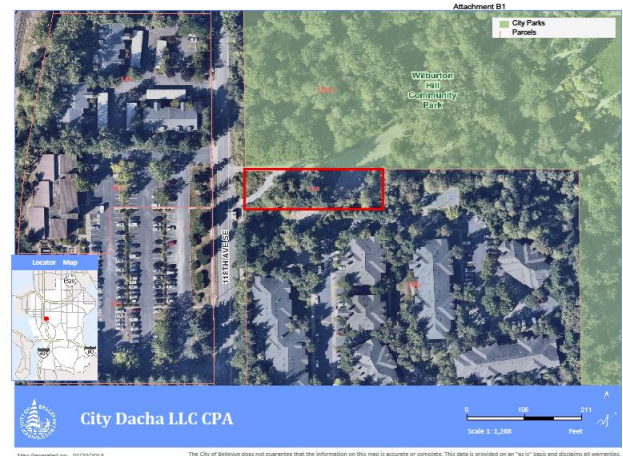
#### **Work Program**

The City Council on July 23, 2018 accepted the Planning Commission's recommendation to advance the City Dacha LLC application to Final Review.

The Planning Commission found that the proposed amendment addressed significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended (LUC 20.30I.140.E). The site's Public/Single Family-Low designation treats the site as a future part of the Wilburton Hill Community Park. Since the site will not be acquired for park purposes, the designation was an unintended consequence to considering the appropriate density on this site.

#### Site Analysis – Enforcement Action

The site was owned for many years by an individual who resided on the property and was recently sold to the applicant. At some point before and after the sale of the property, unpermitted clearing and grading, with documented damage to wetland and other critical areas, occurred on the site and within the adjacent Wilburton Community Park.



The city filed an enforcement action. The city has been working with the new owner in an attempt to resolve the enforcement action. The owner is required to mitigate the environmental damage caused by the clearing and grading and restore the site in compliance with city regulations within a defined time frame, but the owner has failed to undertake these required actions at the time of this writing.

The enforcement and plan amendment processes are separate, parallel paths. Each set of actions in each process is being managed independently, but the city can't act on the plan amendment without a satisfactory resolution of the enforcement action. If the enforcement action is not resolved by the time of a published Final Review recommendation, staff will be unable to find that the "site-specific proposed amendment is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classification" (LUC 20.30I.150.B.4); and/or that the proposed amendment demonstrates "a public benefit and enhances the public health, safety and welfare of the city" (LUC 20.30I.150.B.5).

#### Site Analysis – Development capacity

Applicable Wilburton Subarea Plan policy focuses on protecting residential areas from impacts of developing or redeveloping commercial areas, the role of Wilburton Park, and of the impacts of different residential densities to each other.

In broad terms, developing this site at an appropriate residential density should not create problems for adjacent or nearby land uses. The Lochwood Commons Plan amendment (Ordinance No. 5695, Office to Multifamily-Medium 117 118<sup>th</sup> Ave SE) is a previous example of appropriate density balancing in the area.

For the City Dacha LLC site, the appropriate density and designation is informed by whether land use regulations assure compatibility with the adjacent park and multifamily uses. A review of Land Use Code requirements for a potential R-20 zone suggest that this can be achieved, with the understanding there are various combinations of compliance that would meet them.

This site has an R-20 capacity of 9 dwelling units on its roughly half-acre size. The additional trips estimated from the net increase of 8 dwelling units would be mitigated with Traffic Standards Code compliance. Building height could go to 40 feet with underbuilding parking. Maximum coverage rules apply. The site's

residential capacity is affected by Wilburton Park critical area setbacks and by the park's Single-Family Low designation which would generate Transition Area constraints on the City Dacha LLC site.

#### Suggested policy discussion questions and strategies

1. What is the level of concern regarding how the separate compliance action affects this site-specific CPA?
2. What information is needed for the Commission to conclude a recommendation for this CPA?

#### **Bellevue Nursery 18-103877 AC**

This privately-initiated application would amend 0.53 acres of the Southwest Bellevue Subarea map from Single Family-High (SF-H) to Neighborhood Business (NB) at 842 104<sup>th</sup> Avenue SE. The site is developed with a retail plant nursery, garden supplies, and buildings. See Attachment 3.

The City Council on July 23, 2018 accepted the Planning Commission's recommendation to advance the Bellevue Nursery application to Final Review.

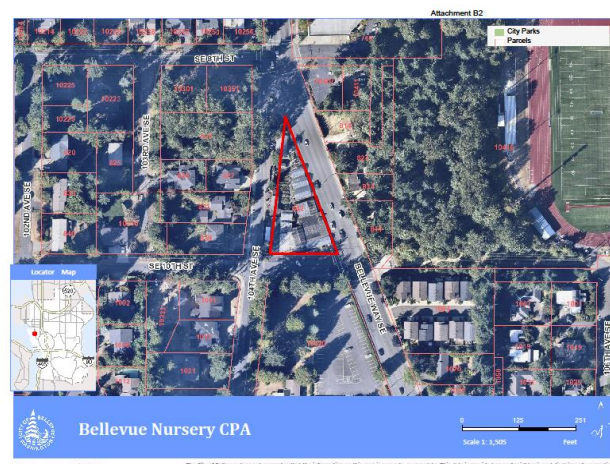
The Planning Commission found that the proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended (LUC 20.30I.140.E). We know anecdotally that commercial nursery uses were allowed in residential zones at one time in Bellevue. This created a nonconforming use here since such combination is no longer allowed in residential zones. The existing Single-Family-High land use designation contemplates residential redevelopment. This in turn created an unanticipated consequence by setting up a conflict with the reality of the site and its' extremely long-tenured commercial use. This conflict prevents the site from sustaining its community role (through redevelopment), a role specifically identified in the Southwest Bellevue Subarea Plan.

The city's land use strategies are to ensure redevelopment fits into neighborhoods with a goal of maintaining and enhancing shared qualities of stability, maintenance, and healthy levels of re-investment. The nursery is a business that is an anchor of the local community. It's role as a "third place" conflicts with the residential Plan designation for the site.

#### Site Analysis – ROW Code Enforcement Action

The intensive use of the site has resulted in structures encroaching into the ROW. City trees have been damaged and removed, merchandise and material is being stored in the ROW, and additional structures have been constructed in the ROW without a permit. Concerns and issues identified through public comment to date concern this intensity of use.

The city has issued a Request for Voluntary Compliance (RVC) enforcement action. The owner making this plan amendment application is required to remove all merchandise, material, and dumpsters from the ROW; apply for a ROW Use Permit to remove structures in the ROW and create and provide a landscape restoration plan; then complete the entire scope of work and required inspections. While the owner is underway with compliance actions, and there are deadlines, it has not yet been finalized at the time of this writing.



The enforcement action documents this and seeks to return the ROW to public use. Effectively resolving the enforcement action would rebalance the nursery's use of the site with impacts typically experienced by neighbors of such uses.

The enforcement and plan amendment processes are separate, parallel paths. Each set of actions in each process is being managed independently, but the city can't act on the plan amendment without a satisfactory resolution of the RVC. If the agreement is not finalized by the time of a published Final Review recommendation, staff will be unable to find that the "site-specific proposed amendment is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classification" (LUC 20.30I.150.B.4); and/or that the proposed amendment demonstrates "a public benefit and enhances the public health, safety and welfare of the city" (LUC 20.30I.150.B.5).

#### Site Analysis – Development Capacity

There is little doubt that the site's various and unique characteristics make redevelopment of any permitted land use—residential, commercial, or some combination—difficult. But it is possible to develop the site under any of the permitted uses in the R-4 or NB zone. The site's size limits development, and this also means that trip generation deltas can be accommodated with traffic standards code regulation.

Redevelopment constraints are financial, not regulatory. Redevelopment would balance access, parking, building height and footprint maximums, and landscaping to fit development on the site.

The various potential development scenarios include existing nursery redevelopment, mixed commercial-residential, or all commercial redevelopment under the NB designation. Two single family units would be allowed under the existing SF-H designation. The additional trips estimated from the net increase of 8 dwelling units would be mitigated with Traffic Standards Code compliance. In general, redevelopment would address size limits on commercial and office square footage, 10-foot landscaping setbacks on all three sides, a maximum building height of 30 feet, and provision of required parking on the site.

A development capacity has a point where building and its required parking (measured in square feet) could occur on the same site. Because NB uses are frequently limited to 5,000 s.f. (to preserve the neighborhood-serving focus of the zone) this sweet spot appears to be around 5,000 square feet of retail and 5,000 square feet of office, with associated parking. Alternatively, five to seven residential units could replace the office component.

#### Permitted Uses: R-4 versus NB

Land use category	R-4	NB
Manufacturing – food and beverage	No	Yes
Recreation	Library, museum, other rec activities conditionally permitted	All R-4 permitted uses and recreation centers and health clubs
Residential	Single family yes; attached units (density limit) through PUD	Attached DU only if second floor above non-residential ground floor
Agricultural	No	Production of food and fiber crops
Services	Family child care in home, gov't, education, religious activities	All services except admin (<5K), office, no business services except travel; auto repair, rental and leasing (requires two frontages); All R-4 permitted uses
Trans / Utilities	All uses variously allowed in zones	Uses allowed across zones except vehicle trans, auto parking
Wholesale / Retail	Recycling centers only	Limited to <5K size, gas stations, eating and drinking. Garden supply must not have large product (e.g. gravel or dirt bins). No vehicle sales, adult uses, or marijuana sales

### Suggested policy discussion questions and strategies

1. What is the level of concern regarding how the separate compliance action affects this site-specific CPA?
2. What information is needed for the Commission to conclude a recommendation for this CPA?

### **Red Town 18-103926 AC**

This proposed plan amendment would amend 1.56 acres of the Newcastle Subarea map from Single Family-Medium (SF-M) to Single Family-Urban Residential (SF-UR) at 16425 SE Cougar Mountain Way. The site is currently developed with a single-family home. See Attachment 4.

### Work Program

The City Council on July 23, 2018 accepted the Planning Commission's recommendation to advance the Red Town application to Final Review.

The Planning Commission found that the proposed amendment addressed significantly changed conditions on the subject property or its surrounding area (LUC 20.30I.140.E) where such change has implications that need to be addressed for the Plan to function as an integrated whole. Lakemont-area neighborhoods have been built out at densities that have effectively supported the parks, critical areas preservation, streets and transit infrastructure intended for these urban development levels. Policy implementation—and appropriate density—focuses on the density and infrastructure relationship. When it is implemented on surrounding sites it is a significantly changed condition for the Red Town site, where the question of appropriate density has never been asked.

The Eastgate Office Park amendment (Ordinance No. 6393, Office to Office Limited Business 15325 SE 30<sup>th</sup>, et al) is a previous example of appropriate density balancing in the area after a site has been previously overlooked; in this case it was the Eastgate Land Use and Transportation Study. Asking the question of appropriate density of all similar property is an exercise that must remain consistently implemented.

### Site Analysis – Development capacity

If redevelopment of the Red Town site were able to realize the SF-UR land use pattern like that in the area, given the site's boundary configuration, access, and potential critical areas, then an appropriate and consistent designation would be established.

The difference in Red Town development capacity is 5-6 housing units at R-3.5 density versus 10-11 housing units at R-7.5 density. The additional trips estimated from the net increase of dwelling units would be mitigated with Traffic Standards Code compliance.

### Suggested policy discussion questions and strategies

1. What information is needed for the Commission to conclude a recommendation for this CPA?

### **ATTACHMENT(S)**

1. 2018 CPA work program as adopted by City Council on July 23
2. City Dacha site map
3. Bellevue Nursery site map
4. Red Town site map

