



DATE: May 7, 2019

TO: Chair Hummer and Members of the East Bellevue Community Council

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SUBJECT: Public Hearing on Land Use Code Amendment (LUCA) to allow garden supply and nursery uses in residential districts when they have been operating continuously since before 1955.

## I. INTRODUCTION

On March 18, the City Council adopted Ordinance No. 6457 allowing garden supply retail and nursery uses in certain residential districts when they have been operating continuously since before 1955.

On May 7, the East Bellevue Community Council (EBCC) will hold a public hearing to consider and take action on Ordinance No. 6457 (Attachment C). The residential districts in which these uses would be legitimized are Residential 5 (R-4)<sup>1</sup>, Residential 10 (R-10), Residential 15 (R-15), Residential 20 (R-20), and Residential 30 (R-30).

## II. DISCUSSION

### A. Background

The City Council first became aware of this topic when the Bellevue Nursery applied for a Comprehensive Plan Amendment (CPA) in 2018. The Bellevue Nursery was legally established in 1954 and has been in continuous operation to the present. The nursery use was nonconforming. A nonconforming use is one that was legally established in the district where it was located, but which no longer complies because of changes in code requirements. Because the use was nonconforming, the LUC limited the owners' ability to improve their business. They were interested in improving their nursery with additions like a coffee cart or landscaping services.

The owners requested a CPA to change the land use designation to legitimize the nursery use and allow more neighborhood commercial uses on their parcel. When the City Council reviewed the CPA during its 2018 work program, it decided to pursue a LUCA in lieu of the

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<sup>1</sup> Per the LUC, R-4 means Single Family Residential with 4 dwelling units per acre. The other districts mentioned are multifamily residential districts that allow the respective dwelling units per acre.

CPA. Unlike the CPA which was parcel specific, this LUCA applies Citywide. After its decision to process a LUCA instead of a CPA, the City Council directed staff to return with a schedule to process the LUCA.

On January 26, staff returned to the City Council to present a schedule for the garden supply retail and nursery use LUCA. At the study session, the City Council set the public hearing for March 18. After providing the appropriate public notice as required by the LUC, the City Council held the public hearing on March 18, considered written and oral public comment, and adopted the LUCA as Ordinance No. 6457.

## **B. Land Use Code Amendment**

Ordinance No. 6457 legitimizes nonconforming garden supply and nursery uses in the listed residential districts when they have been operating continuously since before 1955. With the adoption of Ordinance No. 6457, these uses are no longer nonconforming and subordinate uses are allowed. Also, the owners can clear the site and rebuild with the same garden supply or nursery use. Without the Ordinance, the uses would have remained nonconforming; the subordinate uses could not have been established, and the site could not be cleared and rebuilt with the same use. As discussed in the Staff Report (Attachment A), these garden supply and nursery establishments often provide valuable neighborhood goods and services. They also serve as casual meeting places and add to neighborhood character. Failure to approve the Ordinance would have had negative consequences for both the neighborhood and the business owner who wants to improve his or her business.

## **C. EBCC Jurisdiction**

Staff is unable to identify any businesses with garden supply retail or nursery uses exist within the EBCC boundaries and meet the requirements of Ordinance No. 6457. However, Attachment B provides a map of the listed residential districts within the EBCC boundaries. If there are garden supply retail or nursery uses that have been operating continuously since before 1955 and they are within the listed districts, Ordinance No. 6457 would apply.

## **III. Comprehensive Plan**

The Comprehensive Plan analysis is included in the February 28 Staff Report to the City Council (Attachment A).

## **IV. Action Requested of the EBCC**

The EBCC is requested to adopt Resolution No. 573 approving City Council Ordinance No. 6457. Notice of the Public Hearing was published on April 29.

Staff will be present at the May 7 public hearing to answer any questions you may have. Please contact me at 425-452-4241, or at [pbyers@bellevuewa.gov](mailto:pbyers@bellevuewa.gov), if you have any questions before the May meeting.

Attachments:

- A. Garden Supply and Nursery Uses LUCA Staff Report
- B. Specific Residential Districts within the EBCC Jurisdiction Map
- C. Ordinance No. 6457