

CITY OF BELLEVUE
EAST BELLEVUE COMMUNITY COUNCIL
FINAL PUBLIC HEARING NOTICE

Rules of Procedure are available at the City Clerk's Office

The East Bellevue Community Council will hold a final public hearing during its Regular Meeting on **Tuesday, May 7, at 6:30 p.m.**, in the Lake Hills Boys & Girls Club, 15228 Lake Hills Boulevard, to consider Ordinance No. 6108 to allow Retail Auto Sales in a portion of the OLB District located in Eastgate.

Land Use Code Amendment:

The Bellevue City Council adopted Ordinance No. 6108 on April 15, 2013. This ordinance identifies one additional geographic area within the OLB District where Retail Auto Sales are permitted. Prior to this amendment, Retail Auto Sales was an allowed use in two areas within the OLB District: One in Wilburton and one in Factoria.

Ordinance No. 6108 adds a third such area, located in Eastgate in the northwest quadrant of 148th Avenue SE and SE Eastgate Way. No parcels within the EBCC jurisdiction are directly affected by this amendment.

Written comments may be addressed to the East Bellevue Community Council in care of Michelle Murphy, Deputy City Clerk, P.O. Box 90012, Bellevue, WA 98009.

Posting/Publication Date: _____, 2013



MEMORANDUM

DATE: April 30, 2013

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

FROM: Mike Bergstrom, Senior Planner, Planning & Community Development,
425-452-6866

SUBJECT: Ordinance 6108 – Retail Auto Sales in the OLB Land Use District - Eastgate

Introduction:

On May 7, the East Bellevue Community Council (EBCC) will hold a public hearing on Ordinance No. 6108 (Attachment A), which identifies an area in Eastgate within the Office/Limited Business (OLB) District where Retail Auto Sales is allowed. Prior to the adoption of this ordinance, the Land Use Code allowed Retail Auto Sales in two geographic areas in the OLB District: One in Wilburton (“auto row”) and the other in Factoria (location of Honda of Bellevue). Ordinance No. 6108 adds a third such area, in the northwest quadrant of SE Eastgate Way and 148th Avenue SE in Eastgate (Attachment B). Although this area is not physically located within jurisdictional area of the East Bellevue Community Council, the Land Use Code applies city-wide and therefore this matter is brought to the EBCC for your approval or disapproval.

Background:

On January 22, 2013 Council initiated a Land Use Code Amendment (LUCA) pertaining to Retail Auto Sales in the OLB District. It was the subject of a courtesy hearing with the EBCC on February 5, a Planning Commission study session on February 13, and a Planning Commission public hearing on February 27. The Planning Commission voted 6-1 to recommend approval of the LUCA to the City Council. Council held a study session on the LUCA on March 18 and adopted the LUCA by Ordinance No. 6108 on April 15 on a 5-1 vote.

The Land Use Code indicates that Retail Auto Sales is a permitted use in the OLB District. However, this land use listing is clarified by a “note 6” that states that within the OLB District, retail auto sales are only permitted in specific geographic areas. Prior to the adoption of Ordinance No. 6108, only two such areas were identified – one in Wilburton and one in Factoria. Ordinance No. 6108 added a third area, this one in Eastgate in the northwest quadrant of SE Eastgate Way and 148th Avenue NE where the now-vacant Bally’s/LA Fitness building and garage, as well as some neighboring parcels, are located. The effect of the amendment allows redevelopment or re-use of these properties for auto dealership purposes, and affects a total of approximately 4 acres.

As a result of concerns raised during the amendment process, the amendment language was twice revised. First, a phrase was added regarding spillover lighting. Second, language was

added to require landscape buffers along interior property lines that will abut future mixed-use development that is expected to occur to the west over the long term. The resulting language is shown below, and in Attachment A.

Amendment Process:

- January 22, 2013: LUCA initiated by Council
- February 5, 2013: East Bellevue Community Council Courtesy Hearing
- February 13, 2013: Planning Commission Study Session
- February 27, 2013: Planning Commission Public Hearing and Recommendation – *language added regarding spillover lighting*
- March 18, 2013: City Council Study Session/Transmittal of Planning Commission Recommendation – *language added regarding interior landscape buffers*
- April 15, 2013: City Council Adoption of Ordinance No. 6108

Need for LUC Amendment:

The Land Use Code identifies Retail Auto Sales as a permitted use in the OLB District (LUC 20.20.440 – Wholesale and Retail Use Chart). However, note (6) states that the permitted nature of this use only applies in two geographic areas – “auto row” in Wilburton, and the location of Honda of Bellevue in Factoria. To allow this use in other areas within the OLB District, a Land Use Code Amendment is necessary to describe the other area(s).

Amendment Language:

Ordinance No. 6108 amended LUC 20.20.440 – Wholesale and Retail Use Chart, note (6) (pertaining to the OLB District), of the Bellevue Land Use Code by adding a new subsection (c), as shown below:

(6) Retail auto sales are permitted only in the following locations:

.....

- (c) West of 148th Avenue SE between SE Eastgate Way and Bellevue College, on properties fronting wholly or partially on 148th Avenue SE. Retail auto sales located in this area shall be subject to Design Review per Part 20.30F LUC, which shall in particular address and control spillover lighting, and associated vehicle inventory storage shall predominantly occur within a building or buildings. Transition Area landscape buffers consistent with LUC 20.25B.040.C shall be provided along interior property lines that abut properties located within OLB and LI land use districts.

Action Requested of the East Bellevue Community Council:

Following review of Ordinance No. 6108, vote to approve the ordinance so it will become effective within the jurisdiction of the EBCC. Staff will be present at the May 7, 2013 hearing to answer any questions you may have.

Attachments:

- A. Ordinance No. 6108
- B. Map showing geographic area identified in the LUCA

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6108

AN ORDINANCE amending the City of Bellevue Land Use Code relating to Retail Auto Sales in the Office/Limited Business (OLB) District in Eastgate; specifically amending Section 20.10.440 (Land Use Charts) Wholesale and Retail, footnote (6) of the Land Use Code; providing for severability; and establishing an effective date.

WHEREAS, the Bellevue Land Use Code (Title 20 BMC) (LUC) identifies Retail Auto Sales as a permitted use in the OLB District; and

WHEREAS, LUC 20.10.440, Wholesale and Retail Land Use Charts, is clarified by note (6) to limit Retail Auto Sales in the OLB District to two geographic areas, one located in Wilburton and the other in Factoria; and

WHEREAS, a site suitable and desirable for Retail Auto Sales has been identified in the Eastgate area, which area lies in the OLB District; and

WHEREAS, this Land Use Code amendment will allow the repurpose of existing vacant buildings in a manner that promotes economic development; and

WHEREAS, to ensure compatibility with existing and future surrounding uses, Retail Auto Sales in the area affected by this amendment shall be subject to Design Review and shall predominantly locate associated vehicle inventory storage within a building or buildings; and

WHEREAS, the Planning Commission held a public hearing on February 27, 2013 to consider the proposed Land Use Code amendment; and

WHEREAS, the Planning Commission recommends that the City Council approve such proposed amendment; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) and the Environmental Procedures Code (Chapter 22.02 BMC); now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.10.440 – Wholesale and Retail Use Chart, note (6) of the Bellevue Land Use Code is hereby amended to read:

- (6) Retail auto sales are permitted only in the following locations:
- a. The west side of 116th Avenue NE between NE 8th Street and the SE 8th Street off-ramp from northbound I-405;
 - b. Along SE 36th Street west of the ravine located at the approximate alignment of 133rd Avenue SE and east of 132nd Avenue SE; and
 - c. West of 148th Avenue SE between SE Eastgate Way and Bellevue College, on properties fronting wholly or partially on 148th Avenue SE. Retail auto sales located in this area shall be subject to Design Review per Part 20.30F LUC, which shall in particular address and control spillover lighting, and associated vehicle inventory storage shall predominantly occur within a building or buildings. Transition Area landscape buffers consistent with LUC 20.25B.040.C shall be provided along interior property lines that abut properties located within OLB and LI land use districts.

Section 2. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

1327-ORD
03/26/13

Passed by the City Council this 15th day of April, 2013
and signed in authentication of its passage this 15th day of April,
2013.

(SEAL)

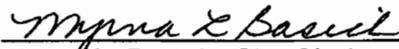

Conrad Lee, Mayor

Approved as to form:

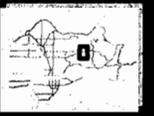
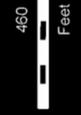
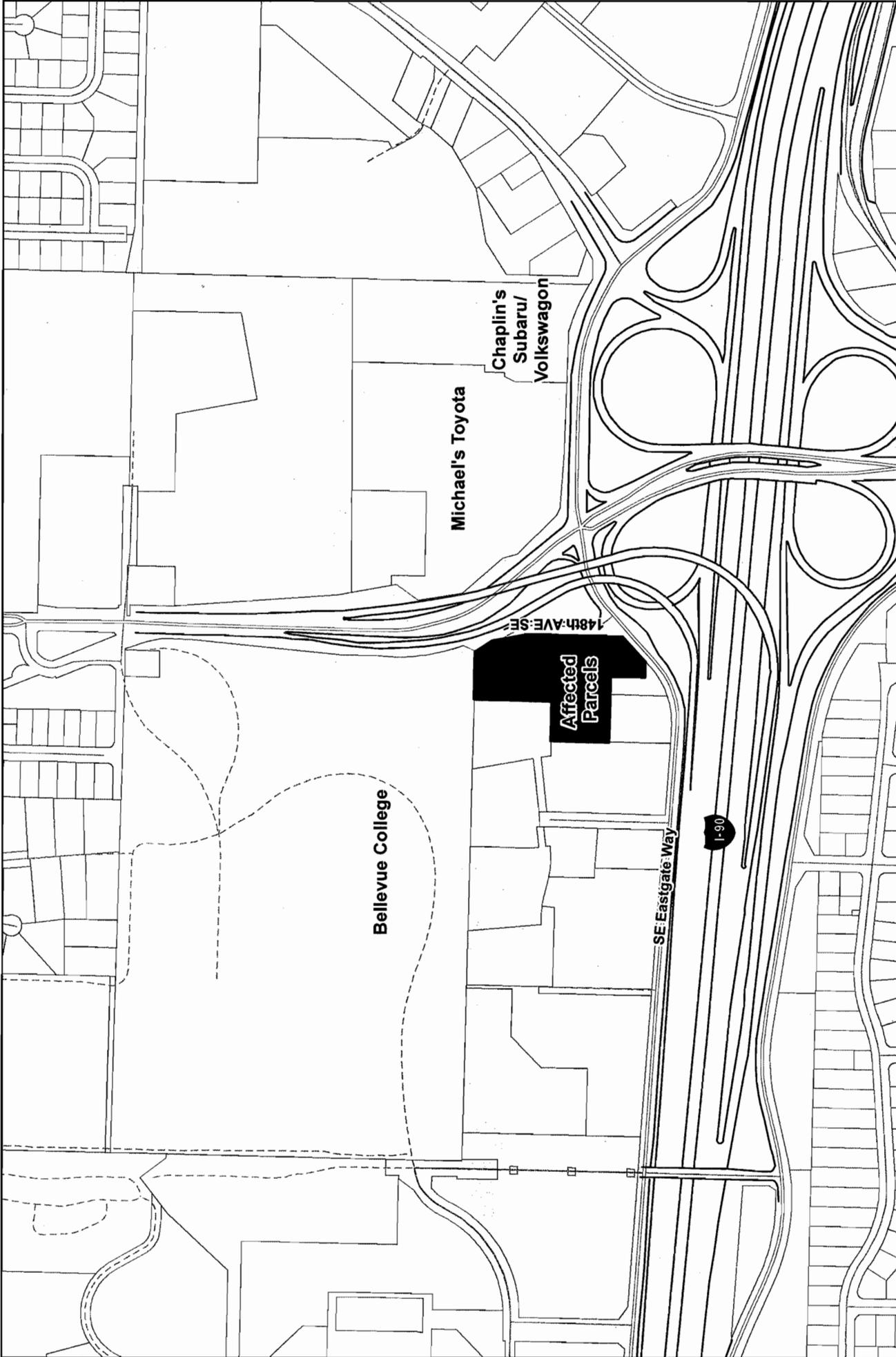
Lori M. Riordan, City Attorney


Lacey Hatch, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

Published _____



Sources:
City of Bellevue

The City of Bellevue does not guarantee that the information on this map is accurate or complete. This data is provided on an "as is" basis and disclaims all warranties.

Coordinate System: State Plane, Washington North Zone
NAD83 (NSRS2007 - Bellevue)

Retail Auto Sales in OLB - Eastgate



File Name:

Date: never

PCD Department

East Bellevue Community Council
Summary Minutes February 5, 2013

3. **COMMUNICATIONS - WRITTEN AND ORAL:**

Mike McCormick-Huentelman introduced himself, stating his position as Bellevue's new Neighborhood Outreach Manager. He stated he was excited to be working for the City of Bellevue and was looking forward to finding ways to build and strengthen the City's communities and neighborhoods. He invited the Community Council to attend the Neighborhood Leadership Gathering on February 26th at City Hall, 5:30 PM to 7:00 PM, to share their priorities with other community leaders for this coming year. Concluding, Mr. McCormick-Huentelman announced the newest member of his team, Carol Ross, was due to start February 19th.

In response to Mr. Hughes, he reviewed his credentials and employment history. He stated his experience with project management and building networks amongst organizations and faith communities to serve the community at large. He stated his interest in community collaboration, grassroots engagement and leveraging partnerships to accomplish goals to improve neighborhoods and protect quality of life.

Mr. Ronald Murk stated concern that Bellevue does not have anything in place to control, license, or review adult group homes/assisted living. He explained that the house next door to his will likely be converted to such a use. He next stated his concern related to the tree cutting. He opined that Bellevue's tree removal brochure is disconnected, as the portion regarding tree retention requirements is not found in the tree cutting ordinance. He stated his concerns related to this loophole and the potential impact to his quality of life.

Mr. Seal, in response to Mr. Murk's concerns regarding adult homes, stated group homes are regulated by federal law and outside the City's purview.

Mr. Campbell clarified that it is a matter of state law implementing federal law and policy. State law preempts cities and local jurisdictions from the regulation of adult family homes and group homes. The City's involvement is limited to the Building and Fire Codes.

4. **APPROVAL OF AGENDA**

Mr. Seal requested the addition of Past Councilmember Jim Keefe's birthday recognition under New Business.

Chair Kasner requested the addition of Future Community Council Meetings also under New Business.

Councilmember Seal moved approval of the agenda as amended. Mr. Capron seconded the motion which carried unanimously.

5. **COURTESY PUBLIC HEARING:**

- (a) Land Use Code Amendment – Retail Auto Sales in Office/Limited Business Districts

Chair Kasner introduced staff and opened the courtesy hearing.

Mike Bergstrom provided the staff overview. He explained that although the geographic area identified by the proposed amendment does not fall within the jurisdiction of the East Bellevue Community Council, the amendment would amend the Land Use Code which applies city-wide.

In response to Mr. Kasner, Mr. Bergstrom stated that currently there is no OLB zoning in the Community Council area.

Mr. Bergstrom reported contact with a business representative who wants to locate an automobile dealership in the Eastgate area. Specifically, they wish to occupy the now-vacant Bally's/L.A. Fitness building at 3235 148th Avenue SE, the associated parking garage immediately to the north, and an additional parcel to the south, for a total site area of just over 3 acres. These parcels are in the OLB District, which allows for retail auto sales only in specific locations – currently, one in Wilburton and one in Factoria.

The proposed Land Use Code amendment (LUCA) would identify an additional area in the OLB district where retail auto sales would be permitted, specifically in Eastgate in the northwest quadrant of 148th Avenue SE and SE Eastgate Way. As initiated by City Council the proposed amendment would expand the area under consideration to include two parcels north of the Bally's garage, resulting in an affected area of roughly 4 acres.

In response to Mr. Hughes, Mr. Bergstrom confirmed that vehicle storage would occur within the parking garage.

Responding to Mr. Capron, Mr. Bergstrom stated the garage is multi-storied but he did not know the actual number of parking stalls. Continuing, he noted that dealerships prefer to co-locate these types of uses.

In response to Mr. Kasner's question about the status of the current auto row along 116th, Mr. Bergstrom stated planned road projects and the aggregation of some of those properties' plans for changed use are placing a squeeze on the remaining dealerships.

Mr. Kasner suggested a future for auto sales via internet and stated his vision for the Gateway to East Bellevue did not include a sea of parking to the east of 148th and more car dealerships to the west.

Mr. Seal noted the Michael's Toyota Dealership and its vertical parking storage.

Mr. Bergstrom stated this proposal will go to the Planning Commission on February 13th and public hearing on February 27th. He stated that staff recognizes the economic value of this proposal but noted that the citizen advisory committee's work related to Eastgate had not anticipated this use. He also noted that this four acre parcel out of the 30 plus acre node was not seen as undermining the ultimate vision for the area.

Chair Kasner stated that as the Bellevue College continues to grow, putting this use at its southern border may or may not fit with its plans. He asked if the college had been consulted.

In response, Mr. Bergstrom assured that they will be consulted. He noted the seventy foot elevation difference between the college and proposed new use.

There was continued Council discussion with staff.

Chair Kasner stated his concern that between dog parks and auto row, everything ends up in East Bellevue. Although he has no concerns regarding any singular issue, he is concerned with the overall impact to East Bellevue's quality of life. Mr. Kasner noted that Bellevue is a big city and wondered why the dart keeps finding the East Bellevue area.

Mr. Kasner stated that this particular parcel is not within the Community Council area but noted that a land use decision by parcel is never a good idea. A philosophy of what we want to do with auto dealerships throughout the entire City feels like a better solution. He asked the process moving forward.

Mr. Bergstrom reviewed the process, stating following this courtesy hearing any Community Council feedback or comments will be forwarded to the Planning Commission to be included for their consideration. It is anticipated the City Council will hold a study session mid-March, followed by final action in early April. If Council adopts the proposed ordinance, staff will return to the EBCC in May for a final hearing.

Mr. Capron stated he would like to see something happen with the proposed parcels, noting the current state between the sidewalk and the property line is rundown. Mr. Bergstrom stated the area to which Mr. Capron refers is state land. There was discussion related to the maintenance of that buffer area.

Mr. Hughes stated this is a strange location for this use as access appears to be limited. He asked if there is any interest in this parcel for other purposes. Mr. Bergstrom responded that there has been no other interest, but, that he felt once people know it is there, it will not be difficult to get to.

Mr. Kasner asked for any further input. Seeing none, Chair Kasner closed the courtesy public hearing.

6. **RESOLUTIONS:**

- (a) Resolution 526 Electing 2013 Community Council Officers

Mr. Capron moved approval of Resolution 526 electing the following nominees:
Chair Kasner; Vice Chair Hughes and Alternate Vice Chair Capron.

Mr. Seal seconded the motion which carried unanimously.

- (b) Resolution 527 Praying for Continuation of the Existence of East Bellevue Municipal Corporation