East Bellevue Community Council
Summary Minutes of Regular Meeting

May 7, 2013
6:30 p.m.

Lake Hills Boys & Girls Club
Bellevue, Washington

PRESENT: Chair Kasner, Vice Chair Hughes[1], Alternative Vice Chair Capron, and Councilmembers Gooding and Seal

ABSENT: None.

STAFF: Catherine Drews, Development Services Department
Elizabeth Stead, Development Services Department

1. **CALL TO ORDER**

The meeting was called to order at 6:30 p.m. with Chair Kasner presiding.

2. **ROLL CALL**

The Clerk called the roll with all Councilmembers present. Chair Kasner led the flag salute.

3. **COMMUNICATIONS: WRITTEN AND ORAL**: None.

4. **APPROVAL OF AGENDA**

Chair Kasner requested the addition of agenda item 10(b), Upcoming Meetings.

Councilmember Capron moved to approve the agenda as amended. Councilmember Gooding seconded the motion, which carried by a vote of 5-0.

5. **PUBLIC HEARING**:

(a) Land Use Code Amendment to allow Retail Auto Sales in a portion of the Office Limited Business District located in Eastgate.

Chair Kasner opened the public hearing and invited staff to begin their presentation.

[1] Mr. Hughes participated remotely by telephone conference call.

Catherine Drews, Legal Planner, stated Ordinance 6108 was adopted by City Council on April 5, 2013 and is now before the Community Council for final consideration.

For review, 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 "footnote 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.

Since Community Council's previous review, an addition to footnote #6 is a ring of transitional landscaping along the interior property line.

Chair Kasner asked, procedurally, since these parcels are not within the East Bellevue area, if in the future a similar proposal should be located within the Council's area, does this amendment automatically allow this use?

Ms. Drews stated if an application for this use were to be filed within the Community Council area, it would be subject to Council approval.

Mr. Capron stated that he had visited the site and noted the need for revitalization. He supports this action.

Mr. Kasner stated concern that the Eastgate Citizen Advisory Committee did not anticipate this use in their Study. He stated he strongly believes that if the City charges advisory committee to undertake time consuming studies, their recommendations should be given full weight Mr. Kasner will support this amendment with reservations, noting it is not the vision he wants for a gateway area into East Bellevue.

Wes Clarke stated his concern and questioned the type of employment this use will provide. Statistically, long term, car dealership sales grow at maybe 2%, not a good clip into the future given our recent recession. He does agree however better something than nothing.

Don Boettinger also agreed that something needs to be done but is not excited with the prospect of another auto row.

Seeing no one else wishing to speak, Chair Kasner closed the public hearing.

(b) Extending Interim Zoning Control Regulating Medical Marijuana

Chair Kasner opened the public hearing.

Catherine Drews provided an overview of City Council Ordinance 6109 to extend for an additional six months the interim zoning control regulating medical marijuana collective gardens. The interim zoning control limits location of these collective gardens to four land use districts: (1) Light Industrial; (2) General Commercial; (3) Bel-Red General Commercial; and, (4) Medical Institution. None of which are currently zoned in the East Bellevue Community Council area.

She reported that this matter will go to the Planning Commission May 8, 2013. Staff will begin developing permanent regulations to regulate medical marijuana collective gardens in addition to looking at appropriate zones for the Initiative 502 recreational use businesses. The Washington Liquor Control Board is promulgating rules about licensing the cultivation, production and retail sale of recreational marijuana.

In response to Mr. Seal, Ms. Drews confirmed regulation of recreational versus medical uses will be handled in different ordinances. She reported the court case in California and its ruling allowing cities the right to disband these uses within their corporate limits. She provided further examples of how other local cities are handling this issue.

Responding to Mr. Kasner, Ms. Drews stated this topic is not quasi judicial.

Seeing no one wishing to comment, Chair Kasner closed the public hearing.

COURTESY HEARING

(c) Kelsey Creek Center Rezone

Chair Kasner opened the Courtesy Hearing.

Elizabeth Stead, Urban Design Planning Manager, provided the staff overview. This application proposes to amend the existing concomitant agreement that governs permitted uses within the Kelsey Creek Shopping Center. Kelsey Creek Shopping Center last underwent a rezone five years ago and we have seen the great successes that have come out of that action.

The requested rezone would amend the existing concomitant zoning agreement to allow additional service and recreation activities inadvertently omitted during the last rezone and, that are compatible with other existing uses in the Kelsey Creek Shopping Center. The applicant is requesting the addition of Personal Services to the allowed service uses: Personal Services include finance; insurance, and real estate services, all limited to 10,000 square feet. Personal Service uses provide services involving the care of a person for their daily needs, including laundry and dry cleaning, beauty shops, barber shops, shoe repair and tailors. Finance, insurance and real estate services complement the existing uses by contributing to the public welfare in accommodating for daily and long term personal and business needs.

Additionally, the applicant is requesting the addition of some recreational uses as well. Specifically, adding health clubs, athletic clubs and recreation instruction uses up to 10,000 square feet in area to the list of uses that are allowed outright.

Brian Franklin spoke in favor of the rezone.

In response to Mr. Kasner, Mr. Franklin provided visual context for the 10,000 square foot limitation.

Ms. Stead reviewed the rezone process.

Mr. Kasner stated his only concern is with further pressure on traffic congestion in that area.

Mr. Hughes stated the applicants request seems reasonable.

Mr. Boettinger stated his confusion with the process. He asked why these personal services were excluded previously. Mr. Kasner explained the omission of the proposed uses in the previous rezone, stating they were unintentionally overlooked. Ms. Stead continued the explanation.

Mr. Capron stated the proposal includes businesses that were once located in the Center. He provided a brief history of those past businesses. Mr. Capron stated a thriving, multiuse business center can have positive impact on traffic congestion as customers can meet multiple needs with one stop. He stated he has no objections to the rezone proposal.

Wes Clarke commented on user rates in relation to the caliper of clientele.

In response to Mr. Kasner, Mr. Franklin reported that Center restaurants are all doing well.

Mr. Kasner reported the letter to Key Bank related to the condition of their property at Kelsey Creek Center has been mailed. No response has been received to date.

Seeing no one further wishing to speak, Chair Kasner closed the courtesy hearing.

6. **RESOLUTIONS**:

(a) Resolution 531 approving City Council Ordinance 6108

Councilmember Seal moved adoption of Resolution 531. Councilmember Capron seconded the motion which carried unanimously.

(b) Resolution 532 approving City Council Ordinance 6109

Councilmember Capron moved adoption of Resolution 532. Councilmember Gooding seconded the motion which carried unanimously.

7. **REPORTS OF CITY COUNCIL, BOARDS, AND COMMISSIONS** None.

8. **DEPARTMENT REPORTS**: None.

9. **COMMITTEE REPORTS**:

Mr. Capron reported on his site visit of the Eastgate auto dealership property.

Mr. Seal reported on his attendance at the Eastside Transportation Association meeting at which the adaption of the old railroad corridor between Everett and Bellevue was discussed.

Mr. Kasner reported on the April 9 East Bellevue area tour with Neighborhood Outreach staff and the opportunity to work with staff as they redraw community boundaries.

He next reported on his and Mr. Hughes meeting with Brian Shields, Relationship Manager for Key Bank, who has expressed an interested in learning more about Eastgate/Lake Hills areas.

Mr. Kasner stated he had attended the April Neighborhood Forum, co-facilitated by Patti Skelton, Youth Eastside Services, and Chief Pillo, Bellevue Police Department, talking about public safety. He will be attending the next forum on Climate Change at City Hall.

He reported on his attendance at Citizenship Day in Moses Lake where local attorneys and concerned citizens took a thorough look at immigration law. He stated immigration reform very much affects East Bellevue as many illegals live and work in this community.

Mr. Seal noted the requirements for Mexican citizenship.

10. **UNFINISHED BUSINESS**

(a) Junior Taxing Districts, Municipal Corporations and Local Government Finance Committee Report

Chair Kasner reported the regular session at the state legislature has closed with no changes to the community council's governing statute.

(b) Upcoming Meetings

Mr. Kasner reviewed the proposed draft Community Council agenda for June.

11. **NEW BUSINESS**:

Chair Kasner noted the filing dates for the November General Election.

12. **CONTINUED COMMUNICATIONS**: None.

Ms. Vandana Slatter introduced herself and stated her intention to file for a Bellevue City Council seat in the November 2013 General Election.

Mr. Kasner noted a copy of the Key Bank letter has been printed in the packet.

13. **EXECUTIVE SESSION**: None.

14. **APPROVAL OF MINUTES**

Councilmember Seal moved to approve the minutes of the April 2, 2013 Regular Meeting. Mr. Capron seconded the motion.

Mr. Hughes noted a correction to the April 2nd summary minutes, paragraph 4 on page 47 in the packet. The first sentence in paragraph 4 is corrected by the following strikes and additions: "Mr. Hughes questioned ~~Sound Transit's~~ light rail's plan to traverse the bridge and stated ~~a similar endeavor~~ Sound Transit is building a simulation railroad in Colorado to simulate the bridge crossing."

Motion to approve the April 2, 2013 minutes as corrected carried unanimously.

Minutes of the April 9, 2013 Special Meeting were approved by unanimous consent.

Councilmember Seal moved to approve the minutes of the April 16, 2013 Special Meeting. Mr. Capron seconded the motion which carried 5-0.

15. **ADJOURNMENT**

At the conclusion of Council business, Chair Kasner declared the meeting adjourned at 7:44 pm.

Michelle Murphy, CMC
Deputy City Clerk