CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

March 28, 2007 | Bellevue City Hall
7:00 p.m. | City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Mathews, Vice-Chair Robertson, Commissioners Bonincontri, Ferris, Orrico, Sheffels

COMMISSIONERS ABSENT: Commissioner Bach

STAFF PRESENT: Paul Inghram, Nicholas Matz, Department of Planning and Community Development

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m. by Chair Matthews who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Bach who was excused.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram called attention to a memo from Neighborhood Outreach Manager Cheryl Kuhn included in the packet in which there is an update regarding the Neighborhood Livability Action Agenda.

Commissioner Orrico said she would like more information on the Neighborhood Investment initiative, particularly the criteria being used to prioritize the list.

With regard to updating the Utilities Element, Mr. Inghram said staff is looking into various noise and EMF impact issues and how to address them from a research standpoint. Staff has scheduled an open house for the community on April 18 from 4:30 p.m. to 6:30 p.m. A tour of substations is being planned for May 9 prior to the regular Commission meeting.

5. PUBLIC COMMENT – None

6. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None

7. STUDY SESSION

A. 2007 Comprehensive Plan Amendments

Senior Planner Nicholas Matz introduced to the Commissioners the five site-specific Comprehensive Plan amendment proposals. He noted that each application was submitted prior to the January 31 deadline and said the first step in the review is the threshold review stage during which the proposals are evaluated for inclusion in the annual CPA work program. He said the Commission will be asked to set a public hearing date for the threshold review work at which the staff reports and a recommendation regarding geographic scoping will be presented. The Commission's recommendations will be transmitted to the City Council which will then direct the adoption of a work program that may include some or all of the proposal along with non site-specific and Council-initiated CPAs.

Mr. Matz said the VanderHoek multifamily application involves a property just to the south of Downtown at 117 102nd Avenue SE. The request for the quarter-acre site is to change the designation from Multifamily-High to Downtown-Old Bellevue, which will have the effect of moving the site from the Southwest Bellevue subarea into the Downtown Subarea. The site is currently being used as a parking lot and if the request is approved the site could be rezoned to allow redevelopment or expansion consistent with the Downtown-Old Bellevue zoning district which allows for a full range of residential densities and limited commercial uses.

Mr. Matz identified the subject property on a map and indicated where the current Downtown boundary lies. He said the standard used in determining geographic scoping is whether or not nearby similarly situated properties share the characteristics of the proposed amendment site, adding that any expansion should be the minimum necessary. The VanderHoek site is bordered to the west by an older condominium development that has some ground floor retail uses. The site on which the condominium sits is split by the Comprehensive Plan designations, and the site is similarly situated with regard to the VanderHoek site in that both are bounded by 103rd Avenue NE and 14th Avenue NE, and both border Wildwood Park. Staff believes the geographic scope should be expanded to include the site to the west.

Commissioner Bonincontri asked why the boundary line was drawn to split the site on which the condominium development is located. Mr. Matz said it is likely though not certain that the line was drawn as it is to accomplish a series of sequential buffer areas.

Commissioner Bonincontri asked if there is a requirement to provide buffering to a park. Mr. Matz said he will check on that. Mr. Inghram added that the Downtown Perimeter Design Area does require a design buffer, which is similar to the Transition zone that applies in other parts of the city.

Commissioner Orrico asked if the VanderHoek site is part of the proposed pathway between Meydenbauer Bay and Downtown Park. Mr. Matz said it is not in the area covered by the development moratorium but is in a secondary study area. Whether or not the proposed change in designation will affect the use of the site is a question that will need to be studied.

Commissioner Robertson asked when the development just north of the Belfield development was brought online. Mr. Matz said the development occurred within the last five years and is consistent with the Downtown-Old Bellevue designation. If the proposed change in designation for the VanderHoek site is approved, the subsequent rezone will allow for buildout at approximately an R-30 density.

Mr. Matz explained that the SRO Factoria Comprehensive Plan amendment seeks a change in the map designation for nearly nine acres of OLB land to develop office at up to 1.0 FAR. The application includes a proposal to amend the glossary definition of Office to allow for an FAR of 1.0. He reminded the Commissioners that when the Factoria area was annexed, the action resulted in the creation of the F-1, F-2 and F-3 zones. One condition specific to the F-2 zone, in which the SRO property is located, was an FAR limit of 0.6. FARs outside of the Downtown area are not generally allowed at greater than 0.5. After the application was received, the applicant asked that the same consideration be given to the adjacent property that is zoned Office.

In terms of geographic scoping expansion, Mr. Matz said there are similar office uses in the area being considered for expansion. There is a clear intent on the part of SRO to remove the movie theaters and develop office uses. It would be consistent to include in the scoping all of the office uses within the immediate vicinity of the subject site.

Answering a question asked by Commissioner Orrico, Mr. Matz explained that the office buildings to the east of the SRO property in Factoria are developed with an FAR of up to 1.26. He also explained that the Comprehensive Plan designation for the F-3 zone was selected at the time of annexation to match as closely as possible to the existing development; the designation chosen was OLB.

Invited by Chair Mathews to add comment, David Schooler, president of Sterling Realty Organization, explained that at the time the Factoria area was annexed into Bellevue there was financial pressure on the City Council to get it done as quickly as possible. The city was facing a budget shortfall, and it stood to gain additional sales tax revenues by annexing the area. The annexation action occurred in December 1993, and much of the work to establish designations for the various areas occurred in the second half of that year. As a result, the designations were somewhat cobbled together. The City Council wanted to see the action occur prior to the end of the year to reap the financial windfall, and in order to bring about the annexation without a vote required reaching agreement with three property owners – Factoria Square, SRO and Vyzis – that they would be allowed to develop under the city the same as they would be able to develop under King County.

Mr. Matz said the Courter Enterprises amendment involves the site otherwise known as the Honda Auto Center on SE 36th Street in Factoria. The proposal is to amend the subarea policies to allow retail auto sales in the OLB district at the existing Honda Auto Center, and to include the low-rise office building directly to the west. Both sites are under the same ownership. If approved, a subsequent Land Use Code amendment would be needed to change the land use charts to permit auto sales, possibly allowing for the current use to expand onto the site now occupied by the low-rise office development. Expanding the geographic scope will not be recommended by staff because the surrounding properties do not share characteristics similar to those of the proposed amendment site.

Commissioner Ferris asked how Honda Auto Center was able to get its recent extensive renovation approved if it is operating a legal nonconforming use. Under the Administrative Conditional Use Permit process, a nonconforming use can be expanded based on existing value, and the expansion work did not exceed any limits. He said he will include in the staff report an outline of what would happen to the site without the proposed amendment.

Mr. Matz said the Ostrem amendment involves two lots that are separated by an unimproved right-of-way at SE 10th Street and 104th Avenue SE. The request is to change the three-quarter acre site in the Southwest Bellevue subarea from Single Family-Medium to Single Family-High. If adopted, the site could be rezoned to allow redevelopment at five units per acre. The two lots are separated by the unimproved right-of-way of 103rd Avenue SE. The applicant has initiated a legal action to quiet the title to the right-of-way, allowing it to be vacated for development use. Staff will not be recommending any expansion of the geographic scope.

Commissioner Sheffels asked if the city currently owns the right-of-way. Mr. Inghram said that is the issue being disputed. The applicant is trying to quiet the title under the claim that the city does not in fact own the right-of-way. Mr. Matz added that no properties will become landlocked as a result of vacating the right-of-way. The right-of-way as it currently exists is unimproved and does not function as a right-of-way.

Commissioner Orrico asked if action by the Commission will be moot if the proponent does not gain the right-of-way property either through straight vacation or by quieting title. Mr. Matz said it would be. The intent of the applicant is to gain additional acreage by using the right-of-way land. They would not be permitted an R-5 zoning on the two lots by themselves.

Commissioner Robertson asked if the city is defending against the quiet title action. Mr. Matz said he will put that question to the city attorney's office and include an answer in the staff report.

Mr. Matz said the Mariner Ridge proposal is the most complicated of this year's site specific CPA's. It involves 50 acres that lie to the northwest of Cougar Mountain Regional Wildlife Park and south of SE 60th Street at approximately 180th Avenue SE. The request is to amend the Newcastle subarea map to include the five individual sites within the Potential Annexation Area and establish a Single Family-Medium designation for the sites, which are under multiple ownerships and are vacant.

Mr. Matz explained that the five sites are on the urban side of the King County Urban Growth Boundary, and that they are currently within the Issaquah PAA boundary. With regard to geographic scoping, he said there are several pieces of information to consider in establishing shared circumstance. The sites are all low-density residential properties, and they are all undeveloped. The properties sit between generally developed, low-density residential properties within Bellevue's PAA to the west and generally developed, low-density residential properties to the north and east in the Issaquah PAA. Staff's initial thinking was that the boundary should be squared off through geographic scoping so as to include all of the area that lies between the Bellevue PAA to the west, the Issaquah city boundary to the north, the developed, low-density residential properties to the east, and the Cougar Mountain Regional Wildlife Park to the south. However, not all of the area that would be included warrants inclusion.

One of the dominant motivations for proposing the application is being able to get the urban services of water and sewer. From a technical point of view, the properties can receive those services from Bellevue through an arrangement in which Bellevue would wholesale water to Issaquah who in turn would provide the service to the properties through an interlocal agreement. Sewer services could be provided entirely by Bellevue. The problem is the topography of the area makes it impossible to draw the geographic scoping line in a way that will result in a simple way to provide sewer services.

The same topographic break means the sites gain transportation access from Bellevue via Cougar Mountain Regional Wildlife Park. Properties within an expanded geographic scope would logically gain access from Issaquah.

The King County zoning and contemplated Issaquah zoning for the area both have a "P" suffix designation, which means the sites were originally considered as part of the old King County Newcastle Subarea master plan village designation.

According to the applicants, the owners of certain properties to the east of the five subject properties have expressed an interest in being included in the geographic scoping. Mr. Matz said staff has concluded, however, that expanding the line to include them would be going too far. In the end, staff decided the geographic scope should be expanded to include certain nearby properties that share similar characteristics with the proposed amendment site.

Commissioner Sheffels asked how Issaquah feels about Bellevue taking over a part of its PAA. Mr. Matz said Bellevue staff has had extensive conversations with Issaquah planning staff, who in turn have had conversations with their mayor. Utility folks from both jurisdictions have been involved in the talks. He said there are existing plans in place for servicing the area through interlocal agreements, but the area has always clearly been Issaquah's PAA. Issaquah is raising the question of whether or not it should remove the area from its PAA at the same time Bellevue is raising the question of whether or not it should include the area in its PAA. There are a lot of steps in the process that will have to occur once a decision is made, but the two jurisdictions intend to continue working closely together.

Commissioner Ferris asked what the density is for the Lakemont area. Mr. Matz said the properties are zoned R-5 but there is a overall land use restriction for the entire village area of three units per acre.

Commissioner Ferris asked who will bear the burden of the costs for the road and infrastructure improvements if Bellevue annexes the area. Mr. Matz said Bellevue would foot the bill for the water and sewer capital costs, but then would recover those costs through development actions. Street improvements can be required through subdivision development.

Commissioner Robertson proposed squaring off the geographic scoping to include the area to the east. Commissioner Sheffels proposed a diagonal geographic scoping line running southeasterly from north to south because of the road that runs diagonally.

Mr. Matz suggested the road serves as a clear distinguishing boundary for how the various properties gain access. Commissioner Ferris pointed out that the road goes into Issaquah, so properties gaining access from it would have to come in and go out through Issaquah.

Commissioner Orrico asked if access to the sites from the Bellevue side would be permitted should the sites remain in and develop in Issaquah. Mr. Matz said that circumstance may very well explain why the sites have not annexed to date, but access of that sort would not prevent annexation into Issaquah from occurring.

There was consensus to expand the geographic scoping to square off the area to the east as proposed by Commissioner Robertson, and as proposed by staff.

There was also consensus to set a public hearing for May 23.

B. Comprehensive Plan and Land Use Code Amendment
– Wilburton/NE 8th Study

Mr. Inghram explained that the recommendation of the Commission was forwarded to the Council on March 19. The issues raised by KG Investments and their proposed modifications were highlighted for the Council. The Council expressed some concerns about the extension of NE 4th the phasing issues involved, and the potential financial liabilities the city could be taking on. The Council concluded that there should be additional review of some of the technical details. The Council will act on the balance of the 2006 package of Comprehensive Plan amendments on April 2, holding out the Wilburton/NE 8th portion. The Council directed that there should be some additional outreach with the public and a new public hearing. The Council will then decide if the matter should be adopted as an emergency or include it in the 2007 Comprehensive Plan amendment package.

Following the March 19 Council meeting, KG Investments has suggested some tweaks to its proposal. They will be coming back to the Commission with some additional information. Staff will hold off noticing the public hearing until it is decided if there will be additional modifications to their proposal. Mr. Inghram explained that the fully committed language that was discussed by the Commission is primarily focused on having the right-of-way for the street provided up front; that would mean the city would not be faced with a future condemnation proceeding in the event the roadway extension were to be phased. The city is taking a closer look at what the cross section of the roadway should be so it can be determined how much right-of-way will be needed.

Commissioner Robertson said Councilmember Davidson at the March 19 Council meeting offered comment on the proposed special opportunity area by pointing out that the area where city hall and Meydenbauer Center are located was once designated as an special opportunity area, as was Ashwood Park and the area where the library is situated.

Commissioner Ferris said he felt conflicted in the previous discussion regarding the retail area being complementary to the downtown and the policy language identifying community and neighborhood oriented uses, which by their very nature do not equate to large format uses. What it all comes down to is a need to establish a definition for retail village and the size of stores that fit with the concept. Height and housing density, along with housing affordability, are issues that clearly will need to be a part of that discussion. The maximum of R-30 currently allowed by the code does not create the density one might expect to see in a retail village.

With regard to the special opportunity area, Commissioner Ferris said because it cannot be said for sure what should be permitted within the area, it is very difficult to decide one way or another where the boundary should be.

Commissioner Sheffels said in her tenure on the Commission since 1993 she has not heard the term “special opportunity area” used at all. The term was not used in regard to where city hall or the library is located, and the site on which Meydenbauer Center sits was always designated for the convention center. Mr. Inghram said he will research how the term has been used in the past. He said if the designation is to be used, there will need to be additional discussion about how it can be used to visualize a future opportunity as opposed to being responsive to an individual development request, especially since at the Comprehensive Plan level the focus is not on evaluating a particular development. KG Investments has provided illustrations outlining their proposal, but what has been before the Commission for adoption has nothing to do with specific uses or building design; the site could sell the company before it is redeveloped, and what is

ultimately brought to the site could be in a completely different configuration.

Mr. Inghram said the notion of having uses exceeding a limit of 100,000 square feet was not contemplated by staff until the KG Investment drawings were brought out and the discussions ensued. Home Depot is 106,000 square feet and staff wanted to draw the line in such a way as to avoid the nonconforming issue. Staff agrees that the issue should come back to the table along with what is appropriate for a retail village.

Commissioner Bonincontri asked staff to share with the Commission examples of where large format retail uses are coexisting with pedestrian-oriented villages. Mr. Inghram said he will provide the examples extant, but allowed that there are not all that many.

Commissioner Sheffels suggested it would be helpful to compare the acreage of the Wilburton special opportunity area to the size of the city hall, Meydenbauer Center and Ashwood/library sites that apparently were previously designated special opportunity areas. She said there needs to be more definition of what a special opportunity area is.

Commissioner Ferris agreed that it would be better for the city to have the necessary right-of-way for the extension of NE 4th Street up front. If construction is phased, one of the key issues will be who has to build the tunnel under the railroad tracks, and it should be whoever goes first. Mr. Inghram added that transfer of the railroad right-of-way to King County could occur within about twelve months. Currently, permission to cross the right-of-way must be obtained from Burlington Northern-Santa Fe, and once the transfer is made, King County will have jurisdiction. Getting the necessary approvals and having the tunnel constructed may take longer than expected, and longer than KG Investments wants to take.

8. NEW BUSINESS

Commissioner Sheffels offered the Commission the opportunity to visit with a friend of hers who lives on the 37th floor of Lincoln Square. The Commissioners agreed to do so prior to the regular Commission meeting on June 13.

The Commissioners discussed the need to schedule the annual retreat. The list of possible discussion items highlighted included neighborhood shopping centers, the urban village concept, long-range capital needs and the supplemental CIP, strategies for providing pocket parks in more densely developed areas, and sustainable development standards.

Mr. Inghram reported that a news release announcing open seats on the city's boards and commissions has been published. Applications must be received on or before April 30.

9. OLD BUSINESS – None

10. PETITIONS AND COMMUNICATIONS – None

11. ADJOURNMENT

Chair Mathews adjourned the meeting at 8:55 p.m.

_____	_____
Staff to the Planning Commission	Date
_____	_____
Chair of the Planning Commission	Date