



DATE: May 16, 2007

TO: Bellevue Planning Commission

FROM: Paul Inghram AICP, Comprehensive Planning Manager 452-4070  
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SUBJECT: May 23, 2007 Public Hearing on 2007 Annual Comprehensive Plan Amendment  
Threshold Review and Site-specific Geographic Scoping

## **INTRODUCTION**

The 2007 List of Initiated Applications has been established to consider amendments to the Comprehensive Plan. See Attachment 1.

The List is the tool the city uses to consider proposals to amend the Comprehensive Plan. Such consideration is limited to an annual process under the state Growth Management Act.

Threshold Review action produces proposed amendments for the annual CPA work program. This 2007 annual CPA work program consists of four steps:

1. Planning Commission study sessions and public hearing to recommend whether initiated proposals should be considered for Comprehensive Plan amendment (March-May);
2. City Council action on Planning Commission recommendations to establish the annual work program (spring);
3. Planning Commission study sessions and public hearing to consider and recommend on proposed Comprehensive Plan Amendments (summer); and
4. City Council action on Planning Commission recommendations to adopt amendments (fall).

## **PLANNING COMMISSION ACTION**

On May 23, 2007 the Planning Commission will hold a public hearing to consider the List of Initiated Application and site-specific geographic scoping for the 2007 CPAs. The Planning Commission is asked to recommend by motion those suggestions that should be initiated for Comprehensive Plan amendment under LUC 20.30I.140. The Commission is also asked to recommend by motion on geographic scoping under LUC 20.30I.130.A.1.a.ii.

Sample motion language (for reference): I move *initiation/no further consideration* of the name CPA suggestion for the 2007 Annual Comprehensive Plan Amendment process, *expanded/not expanded* through geographic scoping as outlined in the staff report.

### THRESHOLD REVIEW DECISION CRITERIA

The Threshold Review Decision Criteria for a proposed Comprehensive Plan Amendment are set forth in the Land Use Code in Section 20.30I.140. Based on the criteria, Department of Planning and Community Development staff are recommending that four of the site-specific proposals should be included in the 2007 annual CPA work program. These recommendations are explained for each CPA, in Attachments 1-6.

#### Staff Recommendation Summary 2007 List of Initiated CPA Applications

Site-Specific CPA Application	Description of Initiated Applications <i>Subarea</i>	Attachment Staff recommendation for work program inclusion <i>Geographic Scoping</i>
VanderHoek Multifamily 07 104540 AC	Map change of .27 acres from MF-H (Multifamily-High) to DNTN-OB (Downtown-Old Bellevue) 117 102 <sup>nd</sup> Ave SE <i>Southwest Bellevue/Downtown</i>	Attachment 1 <b>Yes</b> <i>Expand geographic scope</i>
SRO Factoria 07 104704 AC	Amend Policy S-FA-57 to allow development on 8.95 acres of OLB (F-2 zoned) land to develop up to 1.0 FAR. Amend the Glossary definition of Office to allow such FAR. 3505-3545 128 <sup>th</sup> Ave SE <i>Factoria</i>	Attachment 2 <b>Yes</b> <i>Expand geographic scope</i>
Courter Enterprises 07 104709 AC	Amend subarea policy to allow retail auto sales in the OLB district at: 13231 and 13291 SE 36 <sup>th</sup> St. <i>Factoria</i>	Attachment 3 <b>Yes</b> <i>Do not expand geographic scope</i>
Ostrem 07 104724 AC	Map change of .73 acres from SF-M (Single-Family Medium) to SF-H (Single-Family High) 10210 SE 10 <sup>th</sup> St./839 104 <sup>th</sup> Ave SE <i>Southwest Bellevue</i>	Attachment 4 <b>No</b> <i>Do not expand geographic scope</i>
Mariner Ridge 07 104785 AC	Map change to add 50.01 acres southeast of Bellevue to the Potential Annexation Area (PAA) and establish a Single Family-Medium (SF-M) Comp. Plan designation. The area is northeast of Cougar Mountain Regional Wildland Park, s. of SE 60 <sup>th</sup> St. at approx. 180 <sup>th</sup> Ave SE. <i>Newcastle</i>	Attachment 5 <b>No</b> <i>Do not expand geographic scope</i>
St. Margaret's Church 07 117934 AC	Map change of 3.86 acres from SF-H (Single Family-High) to appropriate MF (Multifamily) or CB (Community Business) designation 4228 Factoria Boulevard SE <i>Richards Valley</i>	Attachment 6 <b>Yes</b> <i>Do not expand geographic scope</i>

## **PUBLIC NOTICE and COMMENT**

The List was introduced to the Planning Commission during a study session on March 28, 2007. Notice of the Applications was published in the Weekly Permit Bulletin on February 22, 2007 and mailed and posted as required by LUC 20.35.420. Notice of the Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on May 3, 2007.

The Department of Planning and Community Development contacted listed owners of property that would be affected by the expanded geographic scoping, and expanded the notice requirement to include newly-affected and adjacent property.

Public comments that have been received to date are included at the end of each Attachment.

## **ATTACHMENTS**

Each attachment contains a staff report recommendation, the applicant's application materials, a vicinity map (and geographic scoping map where applicable) and any written public comments that have been received to date.

1. VanderHoek Multifamily CPA materials
2. SRO Factoria CPA materials
3. Courter Enterprises CPA materials
4. Ostrem CPA materials
5. Mariner Ridge CPA materials
6. St. Margaret's Church CPA materials
7. Threshold Review Decision Criteria (LUC 20.30I.140) and Consideration of Geographic Scoping (LUC 20.30I.130.A.1.a.ii)

# ATTACHMENT 3

Courter Enterprises (Honda)

2007 Annual Threshold Review Recommendation and Consideration of Geographic Scoping  
Site-Specific Amendment  
*Courter Enterprises*

**Staff recommendation:** Recommend that the City Council include the Courter Enterprises CPA into the 2007 annual CPA work program. Recommend that the City Council not consider expansion of the geographic scope of the proposal.

Permit Number: 07-104709 AC  
Subarea: Factoria  
Address: 13231 and 13291 SE 36th Street  
Applicant: Courter Enterprises LLC

**PROPOSAL**

This privately-initiated application is to amend Factoria Subarea policy in the Comprehensive Plan to support retail auto sales in the OLB district at this location. If the CPA is adopted, a subsequent Land Use Code Amendment would also be needed. See Attachment A for the application materials and Attachment B for a vicinity map.

**THRESHOLD REVIEW DECISION CRITERIA**

The Threshold Review Decision Criteria for an initiated Comprehensive Plan Amendment proposal are set forth in the Land Use Code Section 20.30I.140. Based on the criteria, Department of Planning and Community Development staff has concluded that the proposal **should be included** in the annual CPA work program.

This conclusion is based on the following analysis:

- A. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and

*The request to allow retail auto sales at 13231 and 13291 SE 36th Street in the Factoria Subarea is a matter appropriately addressed through an amendment to the Comprehensive Plan.*

- B. The proposed amendment is in compliance with the three-year limitation rules set forth in LUC 20.30I.130.A.2.d; and

*The three-year limitation does not apply to this proposal to amend the site designation.*

- C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and

*This suggestion does not raise policy or land use issues that would be more appropriately addressed by an ongoing work program.*

- D. The proposed amendment can be reasonably reviewed within the resources and timeframe of the Annual Comprehensive Plan Amendment Work Program; and

*The suggestion can be reasonably reviewed within the resources and time frame of the current Annual Comprehensive Plan Amendment Work Program.*

- E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Significantly changed conditions are defined as:

**Significantly changed conditions.** Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046).

*The proposal demonstrates evidence of significantly changed conditions. Demand for land for retail auto sales in Bellevue has grown progressively over the years. Meanwhile, the Wilburton planning study has shown how rising land values are increasing the pressure for properties in Downtown and along Auto Row to convert from dealerships to more intense land uses. Also, state law and corporate restrictions limit the ability for auto dealerships to relocate. Additionally, most of Bellevue is built out with established residential and commercial uses, which combines to limit the places in the city in which auto dealerships can locate and restricts the ability for existing dealership to relocate. Meanwhile, the Honda Auto Center dealership has been successful at its location and has grown over time, maximizing its operations on it available property.*

- F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and

*Expansion of the geographic scope of this amendment proposal should not be considered. The subject properties are logically bound by the Factoria F3 office zoning to the west, a natural ravine to the east, I-90 to the north and a hotel and school to the south.*

- G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act (GMA), other state or federal law, and the Washington Administrative Code (WAC); or

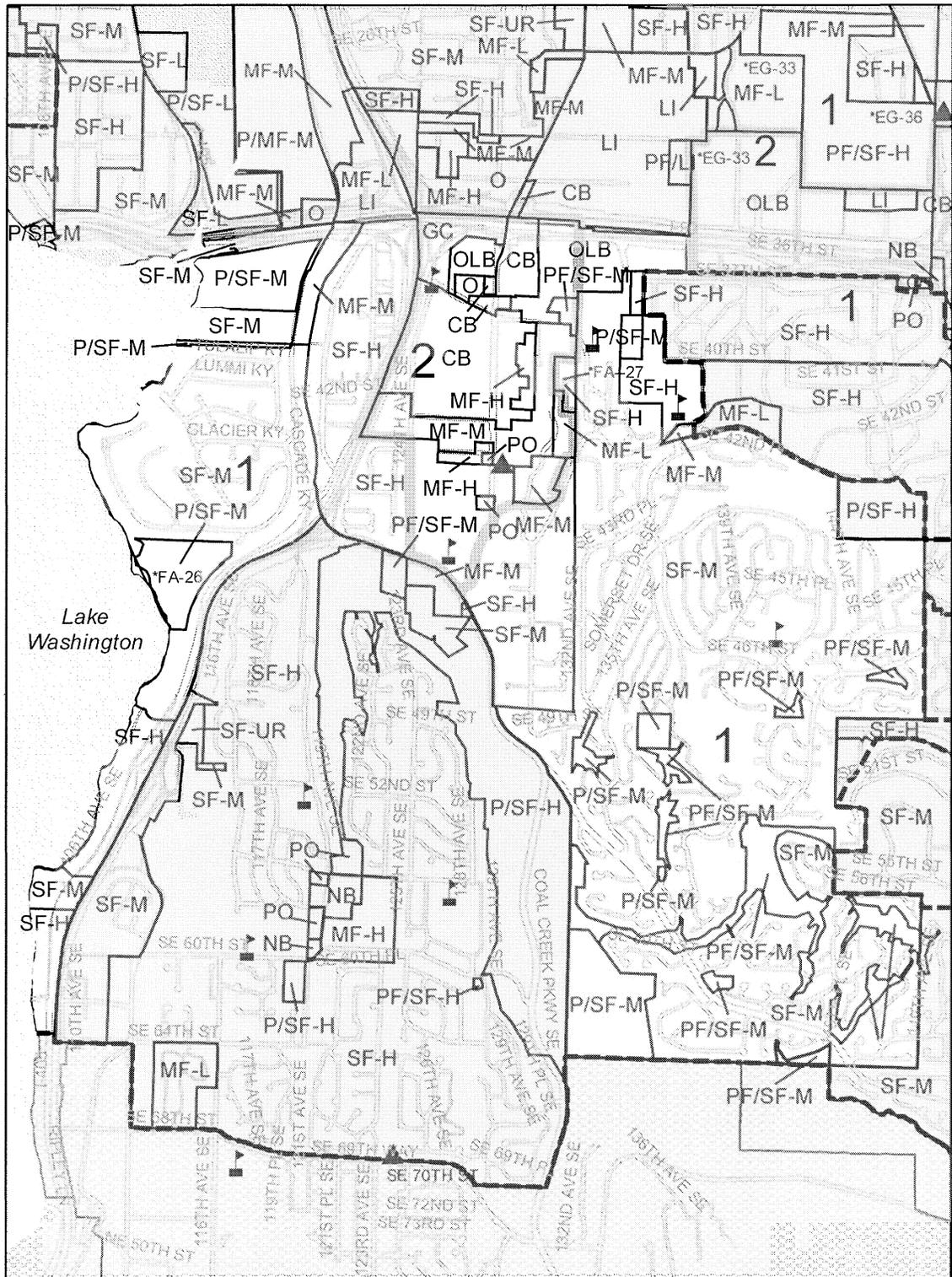
*Preliminary analysis suggests that this request is likely consistent with current general policies in the Comprehensive Plan. It is also likely consistent with policy implementation in the CPPs and GMA for urban growth areas development. If this proposed amendment is included in the annual work program additional analysis will be conducted prior to determining whether this request is fully consistent with all applicable and specific policies and regulations.*

- H. State law requires, or a decision of a court or administrative agency has directed such a change.

*State law, or a decision of a court or administrative agency has not directed the suggested change.*

**PUBLIC COMMENT**

A representative from the UW Physicians clinic called and inquired about the nature of the application. They also asked about Courter Enterprises plans for future use of the UW Physicians site. The geographic scope of the application and its proposal to allow retail auto sales was explained noting that the application does not disclose Courter Enterprises long term plans for the UW Physicians site.



**FIGURE S-FA.1  
Factory Land Use Plan**

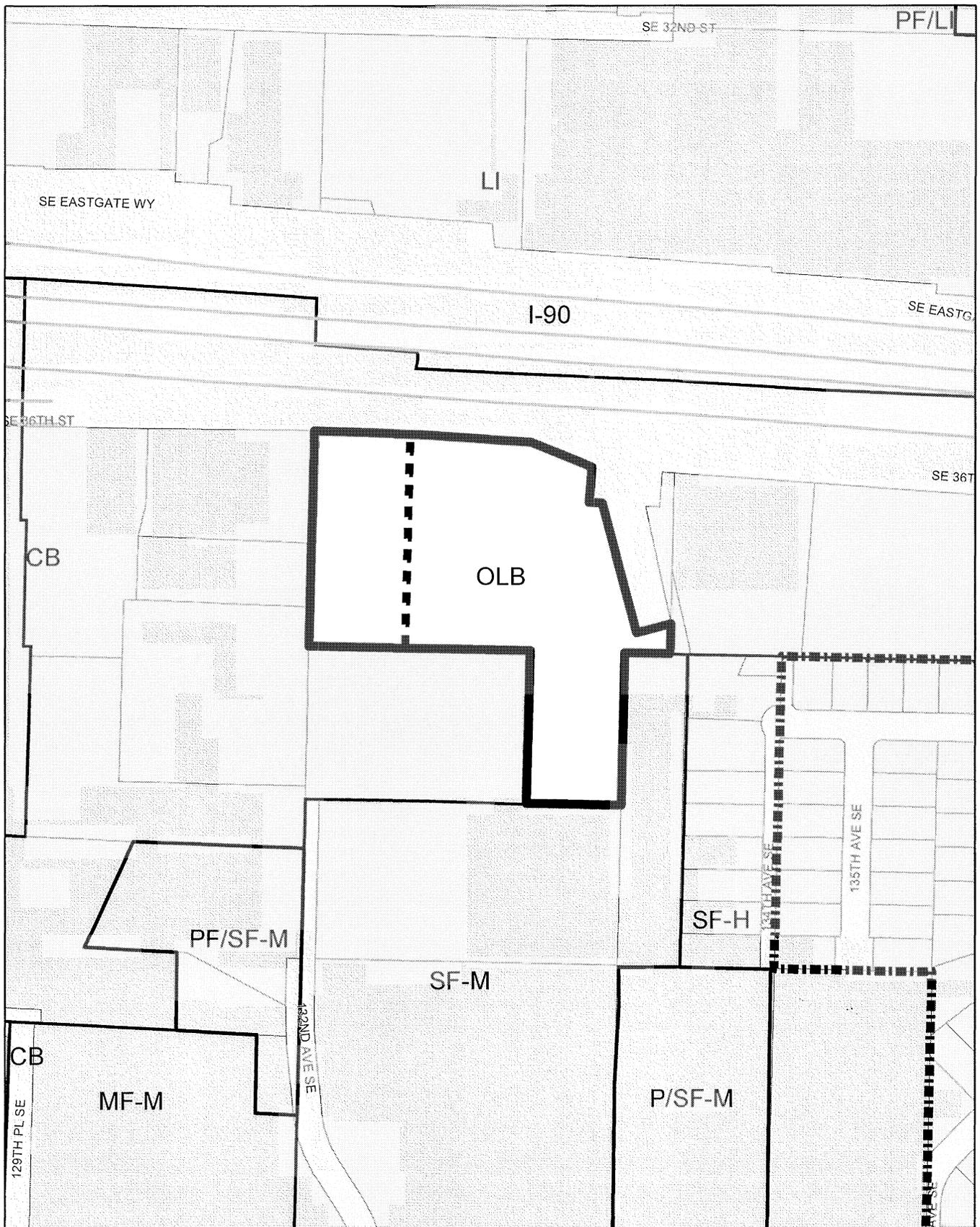


- SF Single Family
- MF Multi Family
- L Low Density
- M Medium Density
- H High Density
- UR Urban Residential

- PO Professional Office
- O Office
- OLB Office, Limited Business
- OLB-OS Office, Open Space
- NB Neighborhood Business
- CB Community Business

- GC General Commercial
- LI Light Industrial
- PF Public Facility
- P Park

- Fire Stations
- Public Schools
- Planning Districts
- Bellevue City Limits (6/2005)
- Lakes



March 2007



**Courter Enterprises**  
 Proposed Comprehensive Plan Designations  
 13231 and 13291 SE 36th St.



### COMPREHENSIVE PLAN AMENDMENT

APPLICATION DATE: FOR CPA YEAR: 20	TECH INITIALS <i>AL</i>	PROJECT FILE # <i>07.104709 K</i>
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- Project name Courter Enterprises Comprehensive Plan Amendment Request
- Applicant name Courter Enterprises LLC Agent name James S. Fitzgerald
- Applicant address 3625 132nd Ave. S.E. #109, Bellevue, WA 98006; Agent: See attached sheet
- Applicant telephone ( 425 ) 373-5562 fax ( 425 ) 373-5599 e-mail carrieb@courtergroup.com
- Agent telephone ( 425 ) 822-9281 fax ( 425 ) 828-0908 e-mail fitzgerald@lfa-law.com

This is a proposal to initiate a site-specific Comprehensive Plan Amendment  (Go to **Block 1**)  
 This is a proposal to initiate a non site-specific Comprehensive Plan Amendment  (Go to **Block 2**)

**BLOCK 1**  
 Property address and/or 10-digit King County parcel number \_\_\_\_\_  
 Proposed amendment to change the map designation from existing \_\_\_\_\_ to proposed \_\_\_\_\_  
 Site area (in acres or square feet) \_\_\_\_\_  
 Subarea name \_\_\_\_\_  
 Last date the Comprehensive Plan designation was considered \_\_\_/\_\_\_/\_\_\_  
 Current land use district (zoning) \_\_\_\_\_  
 Is this a concurrent rezone application?  Yes  No Proposed land use district designation \_\_\_\_\_  
 Go to **BLOCK 3** Community Council: N/A  East Bellevue

**BLOCK 2**  
 Proposed amendment language. This can be either conceptual or specific amendatory language; but please be as specific as possible so that your proposal can be adequately evaluated. If specific wording changes are proposed, this should be shown in ~~strike-out~~/underline format. Attach additional pages as needed.

Add as Policy S-EG-41 (or such other provision as may be appropriate): Retail auto sales and leasing are appropriate in OLB district south of I-90 and west of 148th Ave. S.E. (or at least west of 138th Ave. S.E., if extended).

Amend Policy S-EG-5 and/or 6 to provide that retail auto sales and leasing are appropriate in OLB district south of I-90 and west of 148th Ave. S.E. (or at least west of 138th Ave. S.E., if extended).

Reference Element of the Comprehensive Plan (e.g., Land Use, Transportation, Housing, Capital Facilities):  
 Commercial; Residential

Last date the Comprehensive Plan policy or text was considered \_\_\_/\_\_\_/\_\_\_, 1994 when GMA Comp Plan adopted.

Go to **BLOCK 3**



**BLOCK 3**

Support for the proposed amendment. Explain the need for the amendment—why is it being proposed? Describe how the amendment is consistent with the vision of the Comprehensive Plan. Include any data, research, or reasoning that supports the proposed amendment. Attach additional pages as needed.

Sub-area Plan Policy 16A permits retail auto sales and leasing in the OLB zone. There is an existing retail auto use in the subject sub-area which has proven to be responsible and a valuable contributor to the City. The proposed change would change that use from non-conforming and allow a few adjacent properties to have the potential for such use if deemed appropriate, which has a number of positives and no negative impacts in view of the current property use and configurations.

Go to **BLOCK 4**

**BLOCK 4a**

Evaluating the proposed amendment. Explain how the proposed amendment is consistent with the Threshold Review Decision Criteria in LUC Section 20.30I.140 (see Submittal Requirements Bulletin #53). Attach additional pages as needed.

Please see attached sheet.

**BLOCK 4b complete this section only for a site-specific concurrent rezone**

Evaluating the proposed concurrent rezone. Explain how the proposed rezone would be reviewed under Rezone Decision Criteria in Land Use Code Section 20.30A.140. Attach additional pages as needed.

A site-specific concurrent rezone is not being requested as it is not necessary. A change in zoning code consistent with the requested plan amendment is requested.

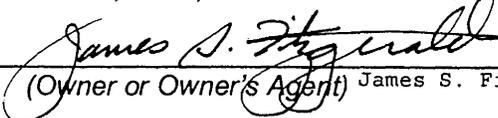
**I have read the Comprehensive Plan and Procedures Guide**

**NOTICE OF COMPLETENESS:** Your application is considered complete 29 days after submittal, unless otherwise notified.

Signature of applicant Courter Enterprises, LLC by agent below. Date January 29, 2007

*I certify that I am the owner or owner's authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owner's agent regarding the property at the above-referenced address for the purpose of filing applications for decisions, permits, or review under the Land Use Code and other applicable Bellevue City Codes and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.*

*I certify that the information on this application is true and correct and that the applicable requirements of the City of Bellevue, RCW, and the State Environmental Policy Act (SEPA) will be met.*

Signature  Date January 29, 2007  
(Owner or Owner's Agent) James S. Fitzgerald

## Supplemental Sheets to Courter Enterprises Comprehensive Plan Amendment Request

**Name and address of agent:** James S. Fitzgerald  
Livengood, Fitzgerald & Alskog, PLLC  
121 Third Avenue  
P.O. Box 908  
Kirkland, WA 98083-0908  
Telephone: (425) 822-9281 ext. 328  
Facsimile: (425) 828-0908  
E-mail: [fitzgerald@lfa-law.com](mailto:fitzgerald@lfa-law.com)

### **Block 4A:**

How is the proposed amendment consistent with the Threshold Review Decision Criteria in LUC Section 20.301.140?

- A. The proposed amendment represents a matter appropriately addressed through the Comprehensive Plan. While modest in scope, the requested change involves a policy decision for a particular subarea which has demonstrated historically that the proposed change is appropriate and viable, with no material detrimental impact on adjacent uses.
- B. The three-year limitation of LUC 20.3013130.A.2.d is not applicable as the specific property, policy topic and land use issue has not been the subject of a comprehensive plan amendment proposal of any variety in any of the last three annual amendment cycles.
- C. No known ongoing work program is addressing or has recently addressed the specific proposal made in this application and the policy and land use issues raised are appropriately addressed through the Comprehensive Plan Amendment process through this application.
- D. The proposed amendment can be reasonably reviewed within the resources and time frame of the Comprehensive Plan work program. The scope of change is minor and narrow and relatively few issues are raised by the requested change in view of existing uses.
- E. The proposed amendment does address significantly changed conditions since the last time the pertinent Comprehensive Plan map and/or text was amended. Demand in Bellevue for land on which retail auto sales can be conducted has increased tremendously, with relatively little expansion of available areas for such use. The Eastgate Sub-area has proven to be an appropriate location for retail auto sales and with the addition of Michaels Toyota, it is proving to be conducive and will meet public demand. Bellevue Honda has proven to be a successful and

capable automotive dealer that is respectful of its environs. It has expanded its operations on its available property, which is close to being maximized. The proposed change will allow modest expansion of retail auto sales, which will benefit the City and is appropriate to be considered through the Comprehensive Plan Amendment process, as it will allow the Comprehensive Plan to function as an integrated whole.

In addition, it makes the use of the current site of Bellevue Honda a conforming use, which is desirable and appropriate.

- F. The proposed amendment is narrowly tailored and will result in the minimum-necessary expansion of an existing use—that of retail auto sales and leasing—when and if such expansion is feasible. In view of existing uses, few parcels are likely to be converted to retail auto sales use in the proposed area.
- G. The proposed amendment is consistent with the current general policies in the Comprehensive Plan for site-specific amendment proposals, although this is not site specific. It is also consistent with Countywide Planning Policies, the Growth Management Act, state and federal law, and the Washington Administrative Code.
- H. No state law, court decision or administrative agency has directed the requested change.

1313 E. Columbia St  
Seattle, Wa 98122  
Phone: 206 345 3961  
Fax: 206 345 5754

**Qwest**

# Fax

<b>To:</b> City Of Bellevue	<b>From:</b> Cory Coate
<b>Fax:</b> 425-452-2842	<b>Date:</b> January 31, 2007
<b>Phone:</b> [Click here and type phone number]	<b>Pages:</b> [Click here and type number of pages]
<b>Re:</b> [Click here and type subject of fax]	<b>CC:</b> [Click here and type name]

**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

•**Comments:** **-RUSH-** These permit requests are for separate locations on the same Qwest Project number. Two permit requests 1. 14216 NE 21<sup>st</sup> St    2. 14506 NE 20<sup>th</sup> St



Transportation Department  
Permit Processing (425) 452-6800

LUSH

**RIGHT OF WAY USE PERMIT APPLICATION**

C/G Permit #	Permit #
Application Date:	Intake Tech:

NOTE: Permit must be picked up within 30 days of notification that it is ready to issue, or it will be subject to cancellation.

1. Property Address or Location 14506 NE 20th ST

Project Name (if applicable) 62W3826

Property Owner QWEST

2. Applicant QWEST Phone (206) 345-3961

Address 1313 E. COLUMBIA ST City SEATTLE St WA Zip 98122

3. Contact Person CORY COATE Phone (206) 345-3961

Cell Phone (206) 501-9814 Pager ( )

E-Mail Address CCOATE@QWEST.COM FAX # ( )

Address 1313 E. COLUMBIA ST Suite # 205 City SEATTLE St WA Zip 98122

4. Contractor \_\_\_\_\_ Phone ( )

State Contractor's License 1-800-647-0982 Bellevue Business Reg (425) 452-6851

5. Description of Proposed Use: QWEST TO DIRECTIONAL BORE 1-4" CONDUIT

APPROX. 206' FROM MHS11 TAPPED 14500 ON NE 20th ST IN RIGHT OF WAY.  
TRAFFIC PLAN INCLUDED

Start Project Date \_\_\_\_\_ End Project Date \_\_\_\_\_

Project Work Order #: 62W3826 Cut/Length: \_\_\_\_\_

Call ONE CALL for locates two working days before you dig, drill, blast. "It's the law" 1-800-424-5555 (RCW 19.122)

I certify that I am the owner or owners authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owners agent regarding the property at the above-referenced address for the purpose of filing applications for decisions, permits, or review under Land Use Code and other applicable Bellevue City Codes and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.

I hereby certify that the information on this application furnished by me is true and correct and that the applicable requirements of the City of Bellevue will be met.

Signature [Signature]  
(Owner or Owners Agent)

Date 1/31/07  
11/1/06

LAW OFFICES

LIVENGOOD, FITZGERALD & ALSKOG

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\*ALSO ADMITTED IN OREGON  
\*\*ALSO ADMITTED IN CALIFORNIA  
+OF COUNSEL

GORDON A. LIVENGOOD (1921 - 2001)

January 30, 2007

Hand delivered

Mr. Matthew Terry, Director  
Department of Planning and Community Development  
City of Bellevue  
P.O. Box 90012  
Bellevue, WA 98009-9012

**Re: Courter Enterprises, LLC (Bellevue Honda) Comp Plan Amendment Request**

Dear Mr. Terry:

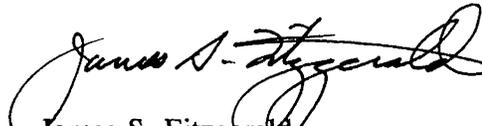
In furtherance of our meeting last month, we have prepared an application for a Comprehensive Plan Amendment for the Eastgate Subarea, proposing to allow retail auto sales in the area south of I-90 and west of 148<sup>th</sup> Avenue S.E. I have filed the application, requisite documents and paid the fee at your front desk. Enclosed for your information please find a courtesy copy of the application package.

We appreciated your input on the best way to accomplish this. If there is any further information required or which would be helpful, please do not hesitate to have your staff contact me.

In advance, thank you.

Very truly yours,

LIVENGOOD, FITZGERALD  
& ALSKOG, PLLC

  
James S. Fitzgerald

JSF:me

Enclosure

cc: Courter Enterprises, LLC (w/enclosure)

*nda Auto Crr*