

2018 Annual Threshold Review Comprehensive Plan Amendment
Recommendation and Consideration of Geographic Scoping
Site-Specific Amendment

Bellevue Nursery

Staff recommendation: *Include* the Bellevue Nursery Comprehensive Plan Amendment in the 2018 annual work program. If included, *do not expand* the geographic scope of the proposal.

Application Number: 18-103877 AC

Subarea: Southwest Bellevue

Original Addresses: 842 104th Ave SE

Applicants: Rich Fielding Holding, LLC

PROPOSAL

Threshold Review is the first step in Bellevue’s two-part plan amendment review process. Its purpose is to determine the amendments that should be included in the annual Comprehensive Plan Amendment work program. If included, the next step for the application would be to move forward for Final Review evaluation and decision with another staff review, Planning Commission public hearing, and City Council action.

Bellevue Nursery

This privately-initiated application would amend 0.53 acres of the Southwest Bellevue Subarea map from Single Family-High (SF-H) to Neighborhood Business (NB) at 842 104th Avenue SE. The site is developed with a plant nursery and buildings.

The application states that aligning this long-time neighborhood use with zoning that would encourage its continued contributions to the neighborhood addresses Plan topics for neighborhood core needs both for local commercial businesses and as a community “third place.” The nursery is also established as contributing to a neighborhood character—acknowledged in the Southwest Bellevue Subarea Plan—“providing a sense of place and continuity for residents in a fast-changing community [that for] many years contributed to the quality of life for Bellevue residents” (SW Bellevue, p. 273).

The application notes that the Plan did not anticipate that as a result of the residential designation now on the site, rather than encouraging single family development—an unlikely outcome—the designation has prevented redevelopment of this locally-contributing community business.

OVERVIEW OF STAFF RECOMMENDATION

Staff recommends *including* this proposed amendment in the 2018 work program because the application meets Land Use Code decision criteria for Threshold Review of a privately initiated



Neighborhood: Southwest Bellevue

Comprehensive Plan Amendment (LUC 20.30I.140). In particular, that the following decision criterion is met:

The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. (LUC 20.30I.140.E)

The context of the issue for this proposal: change the designation on an existing property that has only ever been used for commercial purposes but which is nonconforming to the residential designation that has long been applied to the site.

The proposed amendment demonstrates evidence of significant change due to the unanticipated consequences of an adopted policy—the historical establishment of a residential land use designation directing redevelopment—setting up a conflict with the reality of the site and its’ extremely long-tenured use for commercial purposes. Thus, the nonconforming designation prevents the site from sustaining its community role.

The city’s land use strategies are to ensure redevelopment fits into neighborhoods with a goal of maintaining and enhancing shared qualities of stability, maintenance, and healthy levels of re-investment.

The nursery is a business that is an anchor of the local community. It’s role as a “third place” is in conflict with the Plan designation for the site as residential.

BACKGROUND

The site was part of the original city incorporation (annexation). The history of the R-4 zoning appears lost to the mists of time, but we can speculate—based on the plat record—that the unique location and triangle configuration of this site stems from 104th Avenue SE and Bellevue Way SE being “cut in” to the original and very rectangular plat grid established with the C.R. Myers First Addition to Moorland. The underlying residential zoning was likely established with the original plat action, carried forward as subsequent ROW and jurisdiction actions occurred.



The business’s web site states that

“Bellevue Nursery has been part of the community for more than half a century, so our story is also the story of Bellevue, one of the fastest growing cities on the Eastside. Many of our customers still think of us fondly as the “Triangle Nursery”, since we sit on the triangular lot bounded by Bellevue Way SE, SE 10th St. and 104th Ave SE...”

“Bellevue Nursery first opened as a Christmas tree lot because the building was not completed, but by the spring of 1955 it had become a full-scale nursery. The Mizokawa’s operated the nursery for 30 years, selling it in 1984 to Walt and Myrna Smith. Their son Ken and his wife Lori bought the business in 1989, and along with a dedicated team, worked hard to build on the quality of Bellevue Nursery’s service and products.

“When Ken retired in the summer of 2014, the Tian family (Edwin, Jessica and three young daughters) pledged their commitment to this neighborhood gathering place, continuing to provide you with quality products, superior service, advice and inspiration!”

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. A proposal must meet all of the criteria to be included in the annual work program. Department of Planning and Community Development staff has concluded that the proposal *should be included* in the annual work program.

Threshold Review Decision Criteria	Meets/ <i>Does Not Meet</i>
A – Appropriately addressed through Plan	Meets
B – Compliance with three-year limit	Meets
C – Does not raise policy issues outside CPA	Meets
D – Reasonably reviewed with resources	Meets
E – Addresses significantly changed conditions	Meets
F – Expand Geographic Scope	Meets
G – Consistent with current general Plan policies	Meets

This conclusion is based on the following analysis:

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

The proposed amendment presents such a matter. The question of appropriate density on such site is appropriately addressed through Comprehensive Plan land use strategies that ensure that redevelopment fits into neighborhoods with a goal of maintaining and enhancing shared qualities of stability, maintenance, and healthy levels of re-investment.

- 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 proposed amendment is in compliance. The Bellevue Nursery has not previously applied for a plan amendment.

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

The proposal does not raise such issues. The city’s active and ongoing economic development work seeks to sustain an environment that supports local businesses and their established relationships with their communities, but it does not directly address appropriate land use designations.

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

The proposal could be reasonably reviewed within the resources and timeframe of the annual work program. The proposal is a site-specific plan amendment at the Bellevue Nursery property.

The existing SF-L and R-4 zoning of the roughly half-acre lot could permit up to two single family dwelling units. NB designation and zoning could permit an FAR “bucket” of .5 which is roughly 10,000 square feet of development capacity. The reasonable effect of this limited amount of capacity, dimensional zoning constraints, and the triangular configuration of the site together would not require resources and time outside of the annual work program to review.

- E. *The proposal addresses significantly changed conditions on the subject property or its surrounding area where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole.*

Significantly changed conditions. *Demonstrating evidence of change such as 1) unanticipated consequences of an adopted policy, or 2) changed conditions on the subject property or its surrounding area, or 3) 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); and*

The context of the issue for this proposed amendment is changing the designation on an existing property that has only ever been used for commercial purposes, but which is nonconforming to the residential designation that has long been applied to the site.

The proposed amendment demonstrates evidence of significant change due to the unanticipated consequences of an adopted policy—the historical establishment of a residential land use designation directing redevelopment—setting up a conflict with the reality of the site and its’ extremely long-tenured use for commercial purposes. Thus, the nonconforming designation prevents the site from sustaining its community role.

The city’s land use strategies are to ensure redevelopment fits into neighborhoods with a goal of maintaining and enhancing shared qualities of stability, maintenance, and healthy levels of re-investment.

The circumstance the nursery business finds itself in is very similar to that of other aging neighborhood commercial centers that not only provide goods and services to residents but serve as important focal points and gathering spaces for surrounding communities. “They are places where people run into their neighbors, where groups gather for meetings, and where celebrations happen. Bellevue recognizes the importance of maintaining the health of these neighborhood centers.” (Neighborhood Commercial Centers, Land Use Element p. 43)

The Bellevue Nursery site is too small to take advantage of commercial center redevelopment. Redevelopment, rather than seen as something to take advantage of a newly-acquired commercial zoning, is instead a way to meaningfully sustain the site’s role in the community.

- 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*

Because the site is bounded on all three of its sides by right-of-way (ROW) the street ROW creates a strong divide for the site to its surrounding uses and there as such are no similarly situated or shared characteristics. Staff has recommended no expansion of the geographic scope.

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

The proposed amendment is consistent with current general policies and with CPP policy implementation. The conflict posed by the proposed amendment's solution aligns with issues identified in the Land Use Element for neighborhood commercial centers, and is consistent with current general policies in the Comp Plan for site-specific amendment proposals:

- ***“Neighborhood Commercial Centers - Bellevue has several smaller, neighborhood-oriented retail centers...These centers not only provide goods and services to local residents, they serve as important focal points and gathering spaces for the surrounding communities. Neighborhood centers help establish neighborhood identity through the unique mix of local stores, design, and even public art. They are places where people run into their neighbors, where groups gather for meetings, and where celebrations happen. Bellevue recognizes the importance of maintaining the health of these neighborhood centers.***

Local neighborhood centers are not expected to grow significantly, but changes in neighborhood needs and retail demands may change land use over time...The Land Use Element supports continued engagement and investment to maintain the health of these important neighborhood centers.

Bellevue residents desire places to gather and connect with neighbors. These places are neither home nor work but an additional type of gathering place referred to as “third places.” The Economic Development Element provides further discussion about the value of revitalizing third places. In some cases, it may also be appropriate to create new neighborhood gathering places.” (Land Use Element p. 43.)

- ***Adaptability (Neighborhoods Element): Bellevue is a growing, international, world-class city. Bellevue's neighborhoods reflect its past, present and future. Bellevue's neighborhoods are not static. They are dynamic communities that will continue to adapt and change while seeking to preserve what residents' value most. They will grow with new schools, businesses, parks and amenities. They will reflect the market forces that respond to the changing needs and external pressures that impact their community.***

and:

- G. *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 NOTICE AND COMMENT

The 2018 annual proposed amendments were introduced to the Planning Commission with a January 24 “Comprehensive Plan Amendment Overview” study session; a March 14 “Introductory and statutory

process review” study session; and an April 25 study session examining the potential expansion of geographic scope for each of the privately-initiated applications.

The Bellevue Nursery application was introduced to the Commission during an April 25, 2018, study session. Notice of the Application was published in the Weekly Permit Bulletin on February 22, 2018, and mailed and posted as required by LUC 20.35.420. Notice of the June 13, 2018, Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on May 24, 2018, and included notice sent to parties of interest. Owners and residents within the 500-foot noticing perimeter of the site receive official notice, as did people signed up to receive such notices.

Four public comments have been submitted on this application to date (May 23). Three comments were for information; the fourth expressed specific objections to the proposed amendment regarding 1) the “significantly changed conditions” criterion and 2) the “not materially detrimental...” *rezone* decision criteria. Examining rezone criteria is a premature exercise here during Threshold Review.

Effective community engagement, outreach, and public comments at Threshold Review

Applicants, residents, and communities are engaging across a variety of media in proactive public participation during the 2018 annual review process. The city’s early and continuous community engagement includes:

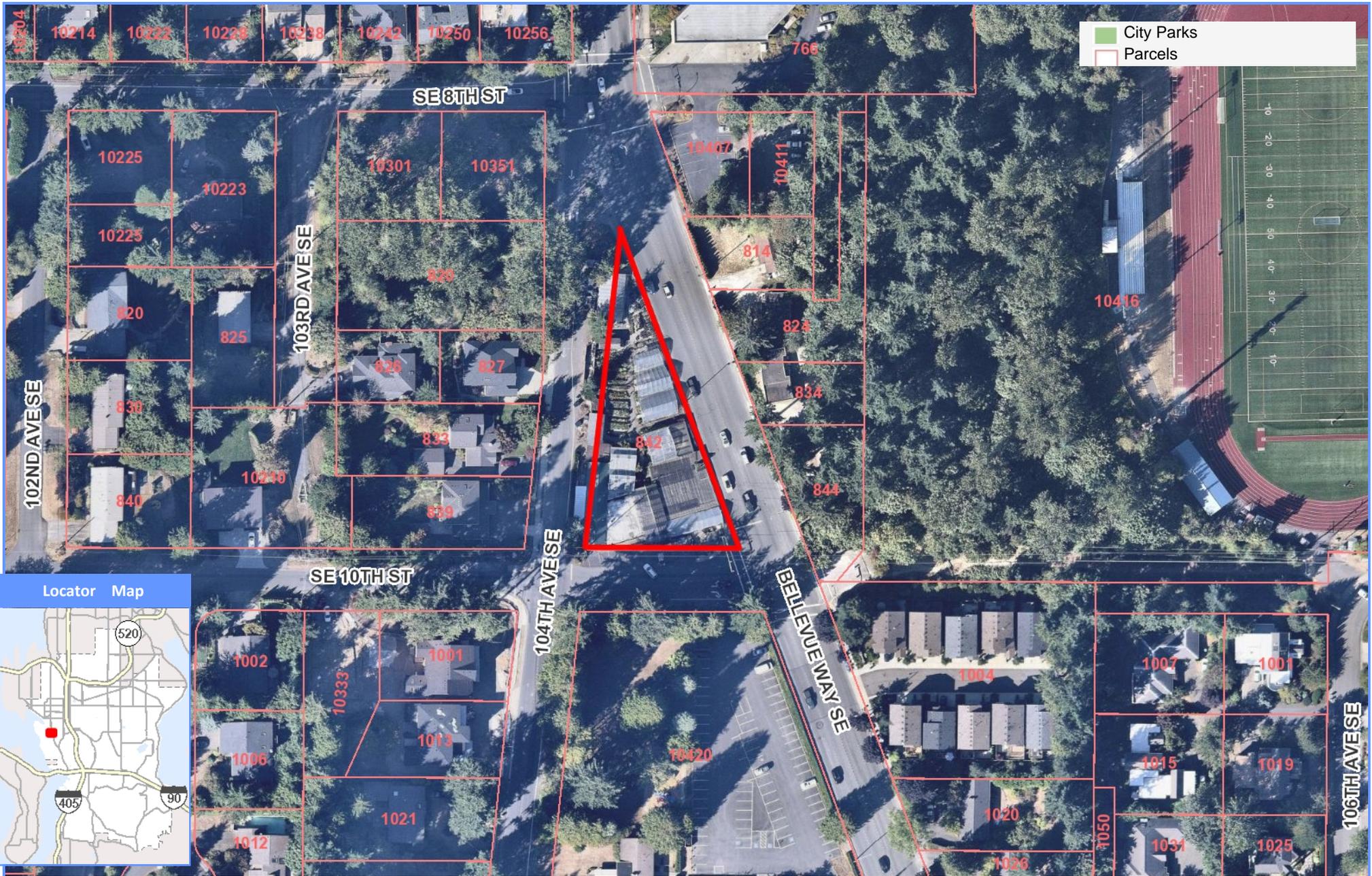
- Responsive early outreach to requests for information and to become parties of interest
- Responding in writing to each written public comment submitted and returning phone calls
- Expanded web page material at Comprehensive Plan Amendments with the review schedule, the applications list, and a “What’s Next” timeline
- A January 24 “Comprehensive Plan Amendment Overview” Planning Commission study session
- A March 14 “Introductory and statutory process review” Planning Commission study session
- Official Weekly Permit Bulletin notice as required

Public comments come in throughout the process. All written comments are included in the public record, for reference and for use by decision-makers. At the various steps, the comments are included in their original form to the Planning Commission as attachments to staff report recommendations. They are posted on the web site.

The next steps in this continuous public engagement process include the City Council’s agenda item establishing the annual work program. Then, the city will take the proposed amendments out into the various neighborhoods for discussion during Final Review evaluation.

ATTACHMENTS

1. Site map
2. Application materials
3. Public Comments



■ City Parks
▭ Parcels





Bellevue Nursery CPA



Scale 1: 1,505 Feet



DOCUMENT ROUTING FORM

Routed On: 01/30/2018

Prepared by: JARIAS

Folder: 18 103877 AC

Target Date: 05/30/2018

Folder Name: Bellevue Nursery

Site Address: 842 104th Ave SE

Folder Type: Comprehensive Plan Amendment

Sub Type: Private

Work Proposed: Site Specific

Description:

Quick Review?:

Project Contact: MZA Architects Brad Smith

Phone: (425) 559-7586

Subject: Application Intake Process

Materials Routed:

Routed On: 01/30/2018

XXX	Land Use
XXX	Utilities
XXX	Transportation
XXX	Policy Planning



Application for
COMPREHENSIVE PLAN AMENDMENT

CPA YEAR 20 <u>18</u> APPLICATION DATE: <u>1-30-18</u>	TECH INITIALS <u>JA</u>	AMANDA PROJECT FILE: <u>18-103877 AC</u>
-----------------------------------------------------------	----------------------------	---------------------------------------------

1. Project name BELLEVUE NURSERY
2. Applicant name Edwin Tian
3. Agent name Brad Smith of MZA Architects
4. Applicant address 600 108TH AVE, NE SUITE 108, BELLEVUE, WA 98004
5. Applicant telephone (425) 559-7888 fax () e-mail ushti@yahoo.com
6. Agent telephone (426) 559-7586 fax () e-mail brad.smith@mza-us.com

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

BLOCK 1
 Property address and/or 10-digit King County parcel number 5739601450.
 Proposed amendment to change the map designation from existing R-4 to proposed NB. Site area (in acres or square feet) 21890 SF.
 Subarea name WEST BELLEVUE. Last date the Comprehensive Plan designation was considered 1 / 25 / 2018.
 Current land use district (zoning) RETAIL/WHOLESALE.
 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.
 Reference Element of the Comprehensive Plan (e.g., Land Use, Transportation, Housing, Capital Facilities):
 Last date the Comprehensive Plan policy or text was considered / / .
 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 Comprehensive Plan Vision (Web link). Include any data, research, or reasoning that supports the proposed amendment. Attach additional pages as needed.



The Bellevue Comprehensive plan outlines several criteria that we feel applies to the request to change the Bellevue Nursery site from an R-4 zone to a Neighborhood Business "NB" zone. The comprehensive plans outline the following general characteristics we feel apply to this site and request in particular.

1) Neighborhood Core Needs. This goal talks about environments that serve community needs or become "third places" for neighbors to meet. Bellevue Nursery provided for these connections and third places. The Nursery has been a fixture along Bellevue Way and its long-term viability as a retail designation demonstrates it's serving local needs.

2) Neighborhood character. Bellevue Nursery has long been a fixture in the West Bellevue Community. So much so, the Nursery is even listed in the West Bellevue neighborhood description where both Chace's and **Bellevue Nursery** are specifically called out as neighborhood assets.

(From page 273 Southwest Bellevue sub-area plan) "Long-established neighborhood businesses along Bellevue Way provide a sense of place and continuity for residents in a fast-changing community. Chace's Pancake Corral and the Bellevue Nursery are among the businesses that have for many years contributed to the quality of life of Bellevue residents."

The request for Comprehensive plan and Rezone of this property is the Nursery site is currently zoned R-4. As currently stated in the land use code, the Bellevue Nursery would not be allowed in this zone. Over the years, the property has needed updates, or newer fencing and greenhouses, however, since the use is not allowed on the site, the Nursery has not been able to make many changes. The need for the NB (Neighborhood business) designation would be to legitimize the long-standing use on this site, but also allow for improvements and up-keep to the site consistent with the Neighborhood business zone". In addition, we do not feel R-4 is the best use of this site. Along Bellevue Way, there are other NB zones (such as Chace's location) but also Multi-family zones. We are not advocating for higher residential use, it just demonstrates that R-4 (which would result in Two (2) single family houses on this busy street location), is not a viable long-term use for this site as well.

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.

The proposed amendment represents a matter addressed through the Comprehensive Plan. As it mentioned in the Vol.2 Subarea plans, "long-established neighborhood along Bellevue Way provide a sense of place and continuity for residents...the Bellevue Nursery are among the businesses that have for many years contributed to the quality of life of Bellevue residents" (Page 273) appropriate and reasonable for a long-term development of the property. It aims to continually "support neighborhood business areas to provide conventional local shopping opportunities" (Policy S-SW-4), and "encourages the design of new multifamily and commercial development along Bellevue Way to be compatible with the residential setting". (Policy S-SW-36)



From the land use vision, this amendment from R-4 to NB follows these strategies listed:

- LU-1.3.(Continue to provide for commercial uses and development that serve community needs)
 - o Bellevue Nursery has been a fixture in this neighborhood for many years and would like to continue in this location. It's long-standing viability and unique offering of seasonal retail offerings serves the community needs. Since this retail had been sustained for all these years, it has demonstrated value to the community.
- LU-9 (Work with regional partners to achieve a mix of jobs and housing that makes it possible for people to live closer to where they work)
 - o Although Bellevue Nursery is a small business, it does offer opportunities for a local business to employ staff from the neighborhood. Bellevue nursery currently has many full and part-time and seasonal positions filled from the neighborhood community.
- LU-12 (Promote maintenance and establishment of small-scale activity areas within neighborhoods and promote areas where residents can meet)
 - o Bellevue Nursery is exactly this kind of small scale area with active outdoor retail that has been established in this neighborhood. Neighbors can meet and share experiences at this Nursery that promote community.
- LU-17 (Serving residents' needs, acting as community gathering places and helping to establish neighborhood identity)
 - o Bellevue Nursery provides for all of these characteristics. Gardening needs, seasonal decorations, advice for enhancing landscaping in residential areas all serve needs of the community and contribute to outdoor areas with tangible improvement. Bellevue nursery offers classes and advice for the surrounding area and community at large. Bellevue Nursery has long been established in the neighborhood of West Bellevue and its visibility on Bellevue way is a landmark for the area that differs from the surrounding residential.
- LU-18 (Encourage new neighborhood retail and personal services in locations that are compatible with the surrounding neighborhood)
 - o Bellevue Nursery has been just that. Landscape material and natural products are compatible with residential uses, and enhance the environment around the area. Visually, the nursery's character is low impact and one sees beautiful with the plantings, without and within the site.
- LU-19 (Support mixed residential/commercial development in all Neighborhood Business and Community Business land use districts)
 - o Bellevue Nursery is asking for the "Neighborhood Business" land district. As noted above, this is the goal is to allow this vital service and business to maintain its location. Currently, this establishment is not allowed in this zone.

From the West Bellevue plan:

- S-SW-36 - Encourage the design of new multi-family and commercial development along Bellevue compatible with Residential setting.
 - o Although not "new" in the sense that the Nursery has existed for years, this request for rezone allows a continuing use of a business that serves the needs of community, is along Bellevue way and acts as a buffer between the busy street and surrounding neighborhoods.



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) The rezone is consistent with the Comprehensive Plan: As noted in prior Blocks, the Bellevue Nursery has long been established in the Neighborhood and has been identified in the neighborhood plans developed by the City with public input as a neighborhood asset. The use and rezone to allow this business to continue to exist we feel is compatible and consistent with the Comprehensive plans.
- C) The rezone is warranted in order to achieve consistency with the Comprehensive Plan because.... the proposed zoning classification is appropriate for reasonable development: Since the current zone for the Nursery is R-4, this has already prevented the site from providing upgraded greenhouses or other development since the R-4 zone does not allow this retail / nursery use outright. By changing the zone to NB, this legitimizes the use of the site and allow for continues development of the site compatible with the business zone.
- D) The rezone will not be detrimental to the uses or property in the immediate vicinity: Bellevue Nursery has long been established in the neighborhood and has not been a detrimental use. We feel it provides vital services to the neighborhood that enhance the environment, as well as being a buffer along Bellevue Way for the adjacent neighborhoods. The use allows for trees, natural plantings and landscaping along the arterial.
- E) The rezone has merit and value for Community as a whole: Bellevue Nursery's viability and long-standing establishment as a retail center shows it is providing value to the community. It is a unique retail offering that have materials and goods that enhance the natural environment.

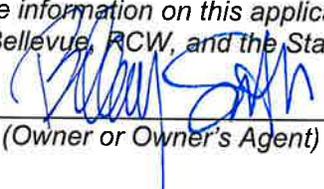
I have read the Comprehensive Plan and Procedures Guide

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

Signature of applicant _____ Date _____

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  MZA Architects Date 30 Jan 18
(Owner or Owner's Agent)

From the land use vision, this amendment from R-4 to NB follows these strategies listed:

- LU-1.3. (Continue to provide for commercial uses and development that serve community needs)
 - Bellevue Nursery has been a fixture in this neighborhood for many years and would like to continue in this location. It's long-standing viability and unique offering of seasonal retail offerings serves the community needs. Since this retail had been sustained for all these years, it has demonstrated value to the community.
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Bellevue Nursery – Concurrent Rezone Narrative Description: 30 Jan 18

Block 3

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*(From page 273 Southwest Bellevue sub-area plan) “Long-established neighborhood businesses along Bellevue Way provide a sense of place and continuity for residents in a fast-changing community. Chace’s Pancake Corral and the **Bellevue Nursery** are among the businesses that have for many years contributed to the quality of life of Bellevue residents.”*

The request for Comprehensive plan and Rezone of this property is the Nursery site is currently zoned R-4. As currently stated in the land use code, the Bellevue Nursery would not be allowed in this zone. Over the years, the property has needed updates, or newer fencing and greenhouses, however, since the use is not allowed on the site, the Nursery has not been able to make many changes. The need for the NB (Neighborhood business designation would be to legitimize the long-standing use on this site, but also allow for improvements and up-keep to the site consistent with the Neighborhood business zone”. In addition, we do not feel R-4 is the best use of this site. Along Bellevue Way, there are other NB zones (such as Chace’s location) but also Multi-family zones. We are not advocating for higher residential use, it just demonstrates that R-4 (which would result in Two (2) single family houses on this busy street location), is not a viable long-term use for this site as well.

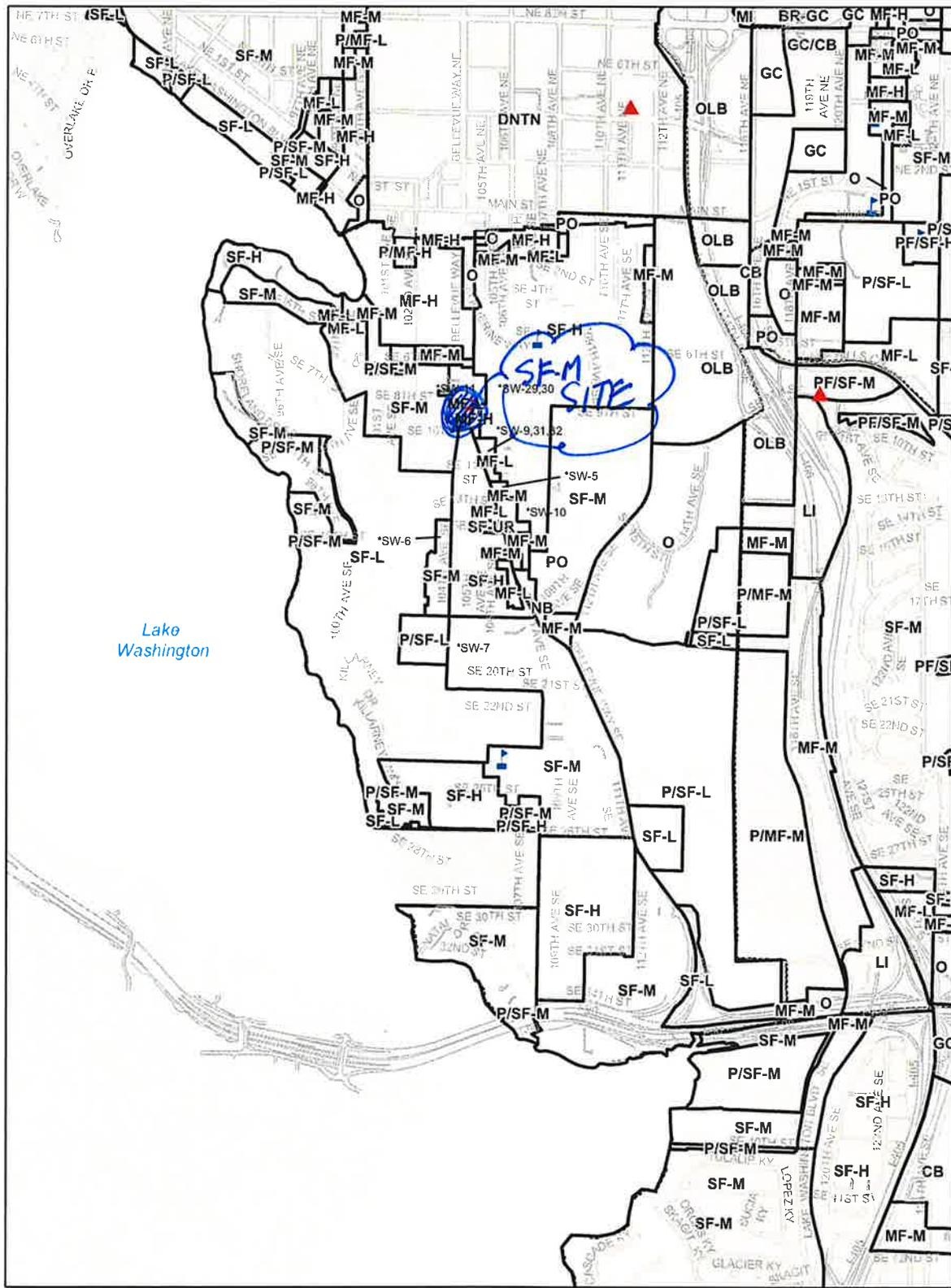
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BLOCK 4b

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.

- A) The rezone is consistent with the Comprehensive Plan: As noted in prior Blocks, the Bellevue Nursery has long been established in the Neighborhood and has been identified in the neighborhood plans developed by the City with public input as a neighborhood asset. The use and rezone to allow this business to continue to exist we feel is compatible and consistent with the Comprehensive plans.
- C) The rezone is warranted in order to achieve consistency with the Comprehensive Plan because....the proposed zoning classification is appropriate for reasonable development: Since the current zone for the Nursery is R-4, this has already prevented the site from providing upgraded greenhouses or other development since the R-4 zone does not allow this retail / nursery use outright. By changing the zone to NB, this legitimizes the use of the site and allow for continues development of the site compatible with the business zone.
- D) The rezone will not be detrimental to the uses or property in the immediate vicinity: Bellevue Nursery has long been established in the neighborhood and has not been a detrimental use. We feel it provides vital services to the neighborhood that enhance the environment, as well as being a buffer along Bellevue Way for the adjacent neighborhoods. The use allows for trees, natural plantings and landscaping along the arterial.
- E) The rezone has merit and value for Community as a whole: Bellevue Nursery's viability and long-standing establishment as a retail center shows it is providing value to the community. It is a unique retail offering that have materials and goods that enhance the natural environment.



* See Ord 5487

Southwest Bellevue Land Use Plan

SF	Single Family	PO	Professional Office	GC	General Commercial		Fire Stations
MF	Multi Family	O	Office	LI	Light Industrial		Public Schools
-L	Low Density	OLB	Office, Limited Business	PF	Public Facility		Planning Districts
-M	Medium Density	OLB-OS	Office, Open Space	P	Park		Bellevue City Limits (2015)
-H	High Density	NB	Neighborhood Business	NMU	Neighborhood Mixed Use		Lakes
-UR	Urban Residential	CB	Community Business	EG-TOD	Eastgate-Transit Oriented Development		
				OLB/EG-TOD	OLB and Eastgate-Transit Oriented Development		

Bellevue Nursery CPA 18-103877 AC

Public Comment April 23 – February 23

Matz, Nicholas

From: XINTIAN YANG <yangxintian@gmail.com>
Sent: Monday, April 23, 2018 14:52
To: PlanningCommission; Council; Matz, Nicholas
Subject: Objection to Bellevue Nursery CPA

Follow Up Flag: Follow up
Flag Status: Completed

Dear Planning Commission and City Council of Bellevue,

We write to voice our strong objections to Bellevue Nursery's Comprehensive Plan Amendments (CPA) application to rezone their site from Single Family-High (SF-H) to Neighborhood Business (NB). We live at 827 104th Ave SE, Bellevue 98004, which is right across the street of 104th Ave to Bellevue Nursery.

First, according to [City of Bellevue submittal requirements for CPA applications and Procedure Guide \(page 2\)](#), the Threshold Review decision criteria (LUC 20.30I.140.E) requires ***"The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended."*** But Bellevue Nursery's application does not provide any evidence to address such significantly changed conditions in the application. In addition, the surrounding environment and the business did not change significantly over the years. Therefore, their application should not be approved by the Threshold Review process nor be included in the annual CPA Final Review work program.

Second, the Rezone Decision Criteria (LUC 20.30A.140.D) from the [CPA procedure guide \(page 6\)](#) requires that ***"The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property."*** The following are examples of Bellevue Nursery's business operations that already caused material damage to the use and properties in their immediate vicinity:

- Limited parking capacity. The parking spaces for their customers occupies the sidewalk on both sides of SE 10th St. This caused difficulties for pedestrians to safely pass through, and access the public transportations on Bellevue Way.
- Traffic overflow. Part of 104th Ave SE is a one-way road, we've noticed many cases of people driving into the one-way in opposite direction and having to use the neighbor residences' driveway to turn around. Such incidents are significant risks to the public safety on the one-way road, also are evidences of material detriments to the neighboring properties.
- Oversized delivery trucks for their business routinely use 104th Ave as a loading zone. The trucks blocks the public traffic on the road, as well as the sights of drivers who want to back out from the neighboring properties. This is a significant risk to the public safety and evidence of material detriments to the neighboring properties. The trucks also make big noise when unloading, which wakes people up from sleeping, and is a big health risk for persons who have sleeping problems and live in the neighboring properties.

Therefore, Bellevue Nursery's business operation has already caused material harms to traffic capacity, public safety and health. Approving the rezone application will only make these issues even worse.

Last but not least, approval of the amendment will have future negative impacts to the neighborhood. In their application, they claimed the plan to build more green houses and fences, which can block the views and sun lights of neighboring properties. After the rezoning to NB, the site could be sold to other businesses, such as restaurants, grocery stores, gas stations and etc. Such varieties of possibilities will lead to even bigger risks in traffic capacity overflow, overcrowded neighborhood, draining capacity, fire/life safety and etc. In all such scenarios, Bellevue Nursery's application does not provide any evidence to prove the rezoning will not be materially detrimental to uses or property in the immediate vicinity.

In conclusion, we are strongly against the proposal of rezoning Bellevue Nursery's site from SF-H to NB, because the application does not meet:

1. "significantly changed conditions" decision criterion in the Threshold Review of CPA LUC 20.30I.140.E;
2. "not materially detrimental to uses or property in the immediate vicinity" rezone decision criterion in LUC 20.30A.140.D.

We appreciate your time in advance to carefully consider Bellevue Nursery's CPA and Rezoning applications! And we hope the proposal will not be approved! We welcome the chance to speak with you or your staff on this issue. Please feel free to contact me at this email or at 614-560-5242.

Thank you!

Sincerely,

Xintian Yang and Shuyang Liu
827 104th Ave SE,
Bellevue WA 98004

Bellevue Nursery CPA 18-103877 AC

Public Comment March 14 – March 8

Matz, Nicholas

From: Shuyang Liu <shuyang.liu@gmail.com>
Sent: Wednesday, March 14, 2018 13:40
To: Matz, Nicholas
Subject: Bellevue Nursery Land use - adding to CPA interest party

Hi Nicholas

Thank you so much for speaking with me on the phone. I really appreciate your time, and information sharing. Would you please add me as a party of interest to the Bellevue Nursery CPA?

Thanks!

-Shuyang

Matz, Nicholas

From: XINTIAN YANG <yangxintian@gmail.com>
Sent: Thursday, March 08, 2018 14:16
To: Matz, Nicholas
Subject: Bellevue nursery land use proposal follow-up

Hi Nicholas,

Nice to talk to you on the phone just a moment ago! This email is to follow up on our discussion.

Could you share with me more information about the Neighborhood Business (NB) zoning code?
And also please add me to the interested party group so that I can get notified when there is any new updates about this project.

Thank you very much!

Xintian