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CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 5320

A RESOLUTION regarding the appeal of the Northtowne Community Club from a decision by the Hearing Examiner approving the application of Chevron U.S.A., Inc., for a Conditional Use Permit, File No. HE/CUDN 88-865; entering Findings of Fact and Conclusions, and granting the appeal and denying the application.

WHEREAS, Chevron U.S.A., Inc., has applied for a Conditional Use Permit to modify the existing Chevron gasoline service station located at 2626 Bellevue Way N.E., to include a convenience foodmart; and

WHEREAS, the matter was heard before the Hearing Examiner on July 27, 1989, and on August 31, 1989; and

WHEREAS, on September 21, 1989, the Hearing Examiner entered her "Findings of Fact, Conclusions and Recommendation, File No. HE/CUDN 88-865," in which she recommended to the City Council that the application be approved with conditions; and

WHEREAS, on November 13, 1989, after consideration of the recommendation of the Hearing Examiner at a public meeting, the City Council remanded the matter to the Hearing Examiner to take further testimony on the Conditional Use criteria of Land Use Code 20.30B.140, including crime, traffic and impacts on the surrounding neighborhood and adjacent commercial uses; and

WHEREAS, on March 22, 1990, and June 7, 1990, the Hearing Examiner held hearings on remand; and

WHEREAS, on July 2, 1990, the Hearing Examiner issued her "Revised Findings of Fact, Conclusions and Recommendation, File No. HE/CUDN 88-855," in which she again recommended that the application be conditionally improved; and

WHEREAS, on July 17, 1990, the Northtowne Community Club filed an appeal to the City Council from the recommendation of the Hearing Examiner; and

WHEREAS, on September 10, 1990, the City Council conducted a limited public hearing on the appeal, and determined that the appeal should be granted and the application denied; and

WHEREAS, the City Council now desires to enter formal findings and conclusions and a decision in this matter; and

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WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Ordinance; now, therefore,

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

Section 1. The City Council adopts the Findings of Fact made and entered by the Hearing Examiner in support of her decision in this matter, as set forth in the "Revised Findings of Fact, Conclusions and Recommendation, File No. HE/CUDN 88-865." The Council does not adopt the conclusions or the recommendation of the Hearing Examiner.

Section 2. The City Council hereby adopts the following additional Findings of Fact:

A. Although the existing Chevron service station is located in an area zoned for commercial uses, that area is a small pocket of commercial zoning surrounded on all sides by property zoned for residential use and actually developed as a suburban residential district of low- to moderate-density. The area has long been established as a predominantly single-family community.

B. The addition of a convenience store at this site will result in a 20 percent increase of vehicle trips to and from the site over existing levels. PM peak-hour trips will increase from the existing 130 to approximately 163, and total daily vehicle trips will increase from approximately 1,300 to approximately 1,630, for an increase of 330 trips per day. Approximately 22 percent, or 359 trips, will occur between 9 p.m. and 6 a.m.

C. The increased number of vehicle trips will result in a concomitant increase in vehicle-generated noise.

D. The existing service station operates from 6 a.m. to 12 midnight daily for the sale of gasoline (repair services operate 6 a.m. to 9 p.m., Monday through Saturday and 9:30 a.m. to 8 p.m. Sunday). The nearby Thriftway store operates 8 a.m. to 10 p.m., Monday through Saturday and 8 a.m. to 9 p.m. on Sunday. The remodeled site proposed under this application is intended by the applicant to operate on a 24-hour basis, and therefore will result in additional traffic going to and from the site from 12 midnight to 6 a.m. daily.

E. Although the Police Department classifies this area as a generally low-risk area for crime, the proposed convenience store use can nonetheless be expected to result in an increase in the following types of crime:

- (1) gas drive-offs (theft),
- (2) fraudulent credit card and check use,
- (3) shoplifting, and
- (4) attempted purchase of alcohol by minors.

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A convenience store such as proposed by the applicant will also be subjected to more serious crimes, such as armed robberies which place employees, customers and, potentially passersby and adjacent residents to risk of harm and/or loss of or injury to property.

A survey of four 24-hour, service station/convenience store operations by the Police Department indicated that these operations averaged 7 crimes per year.

F. The applicant has stated that it cannot and will not accept limitations in hours of operation to mitigate adverse impacts of the proposal.

Section 2. The City Council makes the following conclusions:

A. Section 21.V.040 of the Comprehensive Plan requires that the physical environment, the social environment and "compatibility with and the impact on the adjacent land uses and surrounding neighborhoods," be considered in making land use decisions.

B. Because the proposed facility is located in a small, well-defined commercial district which is surrounded entirely by well-established, single-family residential districts, it has a heightened ability to directly impact local community members in their residential environment. Traffic and associated noise on Bellevue Way directly affect surrounding residential areas.

C. The additional traffic resulting from the proposal on Bellevue Way will impact surrounding neighborhoods by increasing congestion and increasing noise levels. There is currently no business activity on the shopping center site from midnight to 6 a.m. Because the proposal is a 24-hour operation, it will introduce traffic and noise to the neighborhood during this sensitive time period where none had existed before as a result of operations at the shopping center site.

D. The proposal will result in increased crime at the site. Although there is no indication that increased crime in the residential areas surrounding the proposal will result, crime at the site nonetheless impinges on the general peace and quiet of the neighborhood and the perceived quality of life in the neighborhood and places residents, passersby, customers and employees at risk. These are community values that must be considered in evaluating a proposed land use.

E. Because of the impacts resulting from traffic, and related noise, from the introduction of 24-hour commercial operations on the site, and from increased crime, the proposed use will have a materially detrimental impact on residential uses of property in the area.

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F. Section 21.V.10.010 of the North Bellevue Subarea Plan Element of the Comprehensive Plan sets forth as a goal:

"To protect the predominantly single-family character of North Bellevue from encroachment by other uses."

The proposed use, because of its traffic, noise and crime-related impacts, will unreasonably encroach on the single-family lifestyle and character predominant in this area, contrary to this goal.

G. Section 21.V.10.300 of the North Bellevue Subarea Plan Element of the Comprehensive Plan provides as a goal:

"To minimize the intrusion of non-residential traffic in the residential areas."

The proposed use is located within an isolated commercial enclave with a residential area. Traffic entering and exiting the site must travel through such residential areas, and thereby contributes to increased congestion and noise, contrary to this goal.

H. Section 21.G.000.A.3 provides that it is a goal of the City to:

"Preserve, protect, strengthen the vitality and stability of existing neighborhoods."

Section 21.G.000.C further provides that:

"Bellevue's health and vitality are dependent upon its residential neighborhoods. These quality neighborhood areas draw people to the City and cause them to choose Bellevue as their home.

The quality of these neighborhoods is, therefore, critical to the well-being of the City. Stability in residential areas promotes pride and a concern about the area. This, in turn, fosters the maintenance and enhancement of the housing stock."

Section 21.G.100.A.1 of the Bellevue Comprehensive Plan provides that is a goal to the City:

"To achieve healthy residential neighborhoods which continue to reflect the high degree of pride and ownership of residency" and,

The increase in traffic and noise from the proposal would adversely effect the living environment in the surrounding neighborhood, and thereby contribute to a decrease in stability, contrary to these goals and policies.

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I. Section 21.G.100.B of the Comprehensive Plan provides as an objective to:

"Eliminate the appearance and noise problems of residential areas."

The proposal will increase noise levels in the neighborhood, contrary to this objective.

J. Based on conclusions F-I, the proposal is not in accord with the Comprehensive Plan.

K. For each of the foregoing reasons, the proposed use does not have merit and value for the community as a whole.

Section 3. The City Council hereby determines that the appellant has carried the burden of proof and produced evidence sufficient to support the conclusion that the appeal should be granted, and that the recommendation of the Hearing Examiner is not supported by the preponderance of the evidence.

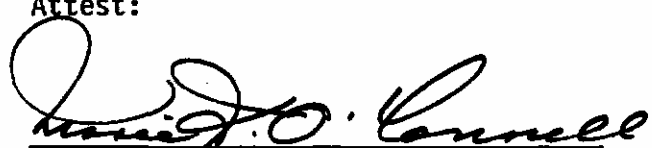
Section 4. The City Council hereby grants the appeal of Northtowne Community Club and denies the application.

PASSED by the City Council this 8th day of October, 1990, and signed in authentication of its passage this 8th day of October, 1990.

(SEAL)


Terry Lukers, Mayor

Attest:


Marie K. O'Connell, City Clerk