

5-08-86
1649c

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3666

AN ORDINANCE reclassifying approximately 1.37 acres of property on the Cabot, Cabot and Forbes I-90/Bellevue Business Park site located at the northeast quadrant of I-90 and 156th Avenue S.E. in the City of Bellevue on application of CC&F investment company limited partnership ("CC&F"); sustaining the appeal of the appellant; and entering findings of fact and conclusions.

WHEREAS, the applicant, CC&F filed an application for a reclassification of approximately 1.37 acres of property from OLB to LI, which property is located in the Cabot, Cabot and Forbes I-90/Bellevue Business Park at the northeast quadrant of I-90 and 156th Avenue S.E.; and

WHEREAS, on December 5, 1985, a public hearing was held thereon before the hearing examiner upon proper notice to all interested persons; and

WHEREAS, on December 30, 1985, the hearing examiner recommended to the City Council denial of said application, and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on January 7, 1986, the applicant submitted a request for reconsideration of the hearing examiner's recommendation to deny the application; and

WHEREAS on January 17, 1986, the hearing examiner denied the applicant's request for reconsideration; and

WHEREAS on January 21, 1986, the City Clerk received a copy of an appeal from the applicant dated January 20, 1986, appealing the recommendation of the hearing examiner denying the applicant's request for reclassification of said property; and

WHEREAS, on April 14, 1986, a limited public hearing was held on said appeal by the City Council, on proper notice; and

WHEREAS, the City Council has determined that the appeal should be sustained and the reclassification granted, and desires to enter findings of fact and conclusions with regard thereto; and

5-08-86
1649c

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

THE CITY COUNCIL OF THE STATE OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby makes and enters the following findings of fact:

FINDINGS OF FACT

1. The site is located on the southeasterly side of 156th Avenue S.E. at 3230 and 3240 - 156th Avenue S.E. The existing zoning is OLB with conditions. This area is part of the CC&F Business Park and is currently occupied by two service stations, Shell Oil and Texaco, with associated parking areas. Landscaping has been established along 156th Avenue S.E. with moderate amounts of interior landscaping. 156th Avenue has been improved to a 5-lanes with curb, gutter, and sidewalk as part of the CC&F Business Park development. The site is level, having been graded and developed to the grade of 156th Avenue S.E. Sites are higher than the adjacent OLB-business park property to the east.
2. The area to the north of the site is the remainder of lot 1, comprised of approximately .8 acres which is now partially developed OLB. The area to the south and southeast is developed with a new office building in OLB zoning. To the west is a CB, Community Business, retail area developed with motel, 7-11 store, McDonald's restaurant, and service station. On February 19, 1980, the area was rezoned from CB to OLB pursuant to Ordinance No. 2818. The business park designation has been implemented through both OLB zoning and LI zoning with conditions. (CC&F Business Park, and the area west of 148th Avenue S.E. and north of S.E. Eastgate Way.) A concomitant agreement was signed establishing conditions for both the OLB and LI zoning. Development of the business park began in 1980 with the Boeing computer Center on the north portion. The business park is still in the development process. The service stations were built about 1965 (Shell Oil) and 1972 (Texaco). The area was platted as division 4, CC&F Business Park and is a portion of lot 1.
3. The Natural Determinants Element of the Comprehensive Plan in policies 21.D.100c 2 and 3 requires that good surface water quality be maintained as defined by federal and state standards and that degraded surface water be rehabilitated and that surface water

5-08-86
1649c

runoff rate, volume, and quality be restricted to predevelopment levels for all new development and redevelopment. Section 21.F.170 of the Comprehensive Plan provides that the provision of additional shopping facilities shall be preferred as an expansion of existing centers rather than at new locations, in order that existing shopping habits and traffic patterns are minimally disturbed.

4. This site is in the Eastgate Subarea Plan District E. The land use diagram indicates business park and/or motels/restaurants.

The Eastgate Subarea Plan provides the following considerations:

- a. 21.V.1.060 Encourage land uses which take advantage of the freeway access without impacting single-family neighborhoods.
 - b. 21.V.1.080 Concentrate convenience retail and service development at existing accessible locations near the I-90/Eastgate interchange.
 - c. 21.V.1.150 Within commercial and business park areas, provides sufficient landscaping to define internal circulation system, to soften paved areas, and to improve appearance, but not to prohibit visibility from the freeway and frontage roads.
 - d. 21.V.1.350(b) Permit business park use in the area of current airport operations and east of 161st Avenue S.E. The southern portion may be developed in a use (e.g., commercial, motel, restaurant), which would take advantage of good access and visibility from the freeway.
 - e. 21.V.1.355(b) Require an overall master development plan for that portion of District E between 156th Avenue S.E. and 161st Avenue S.E. Chart 20.10.440 provides for gasoline service stations as conditional uses in OLB. Gasoline service stations are permitted uses in LI. Chart 20.20.010, dimensional requirements provides a 2-acre minimum lot size in OLB and no minimum lot size in LI.
5. The notice of adoption of the existing EIS for the site was issued March 29, 1985.

Section 2. The City Council hereby enters the following conclusions:

1. OLB zoning would not allow the service stations to subdivide or expand separately from the adjacent business park.

5-08-86
1649c

2. Reclassification from OLB to LI, Light Industrial, with conditions, should be permitted as both OLB and LI with conditions have been applied to areas designated business park, in the Eastgate subarea. The plan does indicate a business park option.
3. Allowing the service stations the potential for subdivision will increase the likelihood of retaining existing shopping habits and traffic patterns.
4. Service stations at the present location take advantage of freeway access at the I-90, Eastgate interchange, without impacting single-family neighborhoods.
5. The continued use of limited retail uses should be permitted due to the orientation of the site to 156th Avenue S.E. and the retail services to the west.
6. Upgrading and landscaping will complement the OLB development adjacent to the area and meet current land use requirements. (Policy 21.V.1.150).
7. The balance of lot 1, zoned OLB, will need to be consolidated with adjacent OLB parcels to meet the OLB minimum lot size (2-acre) requirement.
8. The control of the quantity and quality of stormwater runoff should be upgraded to current standards. (Policy 21.D.100c.2 and 3). This should include soil testing to ensure the integrity of the underground fuel storage tanks. Design should follow Chap. 90.48 RCW and Bellevue City Code 9.12.020 and 23.76.030.
9. The conditions to which this reclassification shall be subject are generally consistent with a concomitant agreement conditioning the OLB zoning on the site.

Section 3. The City Council hereby finds that there has been substantial error in the recommendation of the hearing examiner, and that the recommendation was unsupported by material and substantial evidence in view of the entire record as submitted. The appeal of the applicant is therefore sustained.

Section 4. The following described property is hereby reclassified from OLB to LI with conditions.

ORIGINAL

5-08-86
1649c

That portion of Lot 1, Block 4, Plat of CC&F I-90 Bellevue Business Park Division #4, City of Bellevue, as recorded in Vol. 128 of Plats, page 86, Records of King County, Washington, described as follows:

BEGINNING at the most Northerly corner of said Lot 1, said corner being on the Southeasterly margin of 156th Ave. S.E.;

THENCE along said Southeasterly margin the following distances; S 37°24'18" W, a distance of 0.55 feet, S 40°38'00" W, a distance of 198.57 feet to a point of curvature;

THENCE southwesterly, along the arc of a 1525.50 foot radius curve to the right, through a central angle of 4°15'39", an arc distance of 113.44 feet to the TRUE POINT OF BEGINNING;

THENCE leaving said Southeasterly margin, S 43°54'12" E a distance of 127.49' to the Southeasterly line of said Lot 1;

THENCE S 46°05'48" W along said Southeasterly line a distance of 200.00 feet;

THENCE continuing S 6°41'34" W a distance of 77.65 feet;

THENCE continuing S53°57'53" W a distance of 142.78 feet to the most southerly corner of said Lot 1;

THENCE along the Southwesterly line of said Lot 1 N 42°08'56" W a distance of 150.86 feet:

THENCE N 34°21'38" W a distance of 25.24 feet to the Southeasterly margin of 156th Ave. S.E., said point being on the arc of a curve, the center of said curve bearing N 34°43'22" W;

THENCE Northeasterly along the Southeasterly margin, along the arc of a 1225.50 foot radius curve to the left, through a central angle of 8°05'45", an arc distance of 173.16 feet;

THENCE N 47°10'53" E a distance of 159.45 feet;

ORIGINAL

5-08-86
1649c

THENCE N 46°16'22" E a distance of 48.38 feet to a point of curvature;

THENCE Northeasterly along the arc of a 1525.50 foot radius curve to the left, through a central angle of 0°28'11". an arc length of 12.51 feet to the TRUE POINT OF BEGINNING.

CONTAINING 59,610.2 Sq. Ft. (1,369 Ac.)

This reclassification from OLB to LI is conditioned on full compliance by the owner(s) of said property and its heirs, assigns, grantees, or successors in interest, with the terms and conditions of that certain Concomitant Zoning Agreement executed by Cabot, Cabot and Forbes Development Co. Inc., which has been given Clerk's Receiving No. 11390 and which is adopted by reference into this ordinance as if it was fully set forth herein.

Section 5. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 23rd day of June, 1986, and signed in authentication of its passage this 26th day of June, 1986.

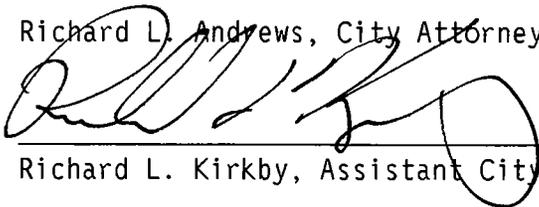
(SEAL)



Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published July 3, 1986