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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3210

AN ORDINANCE reclassifying 3.6 acres of property (Site 10) located west of 123rd Avenue N.E. approximately 100 feet south of N.E. 8th Street in the Wilburton/N.E. 8th Street Subarea of the City of Bellevue, with conditions, as recommended by the Hearing Examiner.

WHEREAS, an application for reclassification of the property hereinafter described was duly filed with the appropriate City officials; and

WHEREAS, on June 10, 1982, a public hearing was held thereon before the Hearing Examiner upon proper notice to all interested persons; and

WHEREAS, on August 20, 1982, the Hearing Examiner recommended to the City Council approval with conditions of said reclassification of said property located west of 123rd Avenue N.E. approximately 100 feet south of N.E. 8th Street in the Wilburton/N.E. 8th Street Subarea from R-3.5 to R-10; and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on September 9, 1982, an appeal to the City Council of the Hearing Examiner's recommendation was filed by Richmond Development, Inc.; and

WHEREAS, on November 8, 1982, a limited public hearing was held on the appeal by the City Council at which all interested persons had an opportunity to be heard; and

WHEREAS, after due consideration of the findings, conclusions and recommendation of the Hearing Examiner, of the record before the Hearing Examiner including all evidence elicited during the Hearing Examiner's public hearing and of the argument presented at the limited public hearing before the City Council, the City Council denied the appeal; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined that the public use and interest will be served by reclassifying said property; and

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 ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings of fact and

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conclusions based thereon made and entered by the the Hearing Examiner in support of his recommendation to the Council in this matter as set forth in "Findings and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of City of Bellevue for Reclassifications Implementing the Wilburton/N.E. 8th Street Subarea Element of Bellevue's Comprehensive Plan, File No. HE-A 81-19."

Section 2. With regard to the appeal filed herein, the City Council finds and concludes as follows:

- A. The record does not disclose and the appellant has failed to demonstrate that there has been substantial error.
- B. The record does not disclose and the appellant has failed to demonstrate that the proceedings were materially affected by irregularities in procedures.
- C. The record does not disclose and the appellant has failed to demonstrate that the recommendation of the Hearing Examiner was unsupported by material and substantial evidence in view of the entire record as submitted.
- D. The record does not disclose and the appellant has failed to demonstrate that the recommendation of the Hearing Examiner is in conflict with the City's Comprehensive Plan.
- E. The record does not disclose and the appellant has failed to demonstrate that insufficient evidence was presented as to the impact of the proposal on the surrounding area.

Section 3. The appeal of Richmond Development, Inc. of the recommendation of the Hearing Examiner with regard to the herein described property is denied.

Section 4. The use classification of the following described property is changed from R-3.5 to R-10, with conditions:

Lots 5 and 6; a portion of Lot 4 lying southerly of the North 125 feet thereof; all in Block 2, Cottonwood Hill, as per plat thereof recorded in Volume 53 of Plats, Page 43, in the Records of King County, Washington; and a portion of the Northwest Quarter of Section 33, Township 25 North, Range 5 East, W.M., in said county and state, all described as follows: Beginning at the southwest corner of said Lot 4; thence North 0029'18" West along the west line of said Lot 4 to a point 125 feet South of the north line of said Lot 4; thence Easterly parallel with said north line to the northwest corner of said Lot 6; thence Easterly along the north line of said Lot 6 and along the north line of said Lot 6, prolonged, to the center line of 123rd Avenue N.E.; thence Southeasterly along said center line to the south margin of 123rd Avenue N.E.; thence

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Easterly 30.00 feet along said south margin; thence Southwesterly along a curve to the right, having a radius of 110.00 feet, through a central angle of 90°00'00" and along an arc length of 172.79 feet; thence South 00°29'18" East 118.87 feet to the north line of Lot 3, Blake's Addition, as per plat thereof recorded in Volume 100 of Plats, Page 32, in the Records of said county and state; thence Westerly along the north line of said Lot 3 and along the north line of said Lot 3, prolonged, to a point which bears South 00°29'18" East from the southwest corner of Lot 4 in said Block 2, Cottonwood Hill; thence North 00°29'18" West to the point of beginning.

This reclassification is subject to the following conditions:

1. Development of the site shall be subject to Administrative Design Review by the Planning Department. Review shall include, but not be limited to, landscaping, building design, access and circulation.
2. Access shall be exclusively via 122nd Avenue N.E.
3. Prior to issuance of a building permit, an access, circulation and street improvement plan for N.E. 8th Street and/or 122nd Avenue N.E. shall be approved by the Department of Planning and Public Works.
4. A nonbuildable vegetative buffer of no less than 35 foot width shall be designated along the entire eastern boundary of the subject property and buildings shall be located at least 60 feet from that eastern boundary.

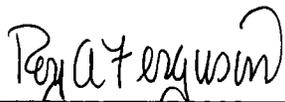
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5. No construction traffic shall use 123rd Avenue N.E.

Section 5. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 13th day of December, 1982,
and signed in authentication of its passage this 13th day
of December, 1982.

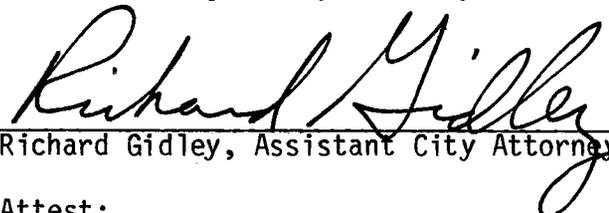
(SEAL)



Roy A. Ferguson, Mayor

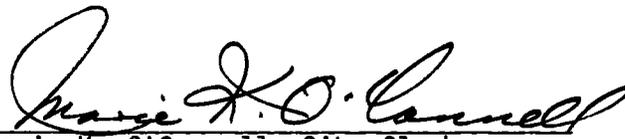
Approved as to form:

Linda M. Youngs, City Attorney



Richard Gidley, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published December 18, 1982