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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3258

AN ORDINANCE regarding the reclassification of property located west of Bellevue Way N.E., north of N.E. 12th Street (extended) and east of 102nd Avenue N.E. (extended).

WHEREAS, Gateway Property Group filed an application for the reclassification of ten parcels of property located east and west of Bellevue Way N.E. between N.E. 12th Street and approximately N.E. 15th Street and the property subject to this ordinance was included in the Gateway Property Group application; and

WHEREAS, this ordinance relates to the southwesterly portion of the property, located west of Bellevue Way N.E., north of N.E. 12th Street (extended) and east of 102nd Avenue N.E. (extended), which is presently zoned PO, R-10 and R-3.5; and

WHEREAS, on June 26 and 30, 1980, public hearings were held on the proposed reclassification pursuant to the notice required by law before the City of Bellevue Hearing Examiner; and

WHEREAS, on August 28, 1980, the Hearing Examiner entered his "Findings and Decision of the Hearing Examiner for the City of Bellevue, File No. PC-A 78-42," and denied the application without prejudice; and

WHEREAS, on September 17, 1980, the Gateway Property Group filed an appeal of the decision of the Hearing Examiner to the City Council; and

WHEREAS, on October 27, 1980, the City Council held a limited public hearing on the appeal, and on November 24, 1980, and December 8, 1980, further considered the matter in public meetings; and

WHEREAS, on December 8, 1980, the City Council passed a motion remanding the matter to the Hearing Examiner for further public hearing pursuant to specific guidelines; and

WHEREAS, on January 29 and February 5, 12 and 13, 1981, public hearings on remand were held by the Hearing Examiner; and

WHEREAS, on March 6, 1981, the Hearing Examiner entered his "Supplemental Findings and Recommendation of the Hearing Examiner for the City of Bellevue, File No. PC-A 78-42," in which he recommended that the property described herein be rezoned from PO, R-10 and R-3.5 to O, with conditions; and

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WHEREAS, on April 3, 1981, the Hearing Examiner held a further public hearing to consider requests for reconsideration of his recommendation which were filed by the Gateway Property Group, the City of Bellevue and the Northtowne Community Club; and

WHEREAS, on April 24, 1981, the Hearing Examiner issued his "Order upon Reconsideration of the Hearing Examiner for the City of Bellevue, File No. PC-A 78-42;" and

WHEREAS, on May 11 and 14, 1981, respectively, the Gateway Property Group and Northtowne Community Club filed appeals to the City Council of the recommendation of the Hearing Examiner; and

WHEREAS, on June 22, 1981, the City Council held a limited public hearing on said appeals; and

WHEREAS, on July 27, 1981, the City Council further considered said appeals at a public meeting; and

WHEREAS, the City has complied with the State Environmental Policy Act and the City's Environmental Procedures Ordinance; and

WHEREAS, the City Council enacted Ordinance Number 3021, rezoning the property from PO, R-10 and R-3.5 to R-20 on September 14, 1981; and

WHEREAS, Bellevue Seven, a limited partnership, owners of the property, brought suit challenging the validity of said rezone in King County Cause Number 81-2-13759-8; and

WHEREAS, King County Superior Court ruled that the property owners had inadequate notice of the rezone and that therefore, Ordinance 3021 was void; and

WHEREAS, other issues remained in the lawsuit and the parties have negotiated a settlement which is incorporated by reference with this ordinance; and

WHEREAS, the City Council held a public hearing February 28, 1983 and March 7, 1983 to consider a settlement proposal which would have rezoned portions of the property to PO and which set certain conditions related to development; and

WHEREAS, the City Council modified certain conditions in the agreement, particularly related to permissible square footage and height; and

WHEREAS, Bellevue Seven has returned with a counter proposal which would place dual zoning of R-30 and PO on the property; and

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WHEREAS, The City Council held a public hearing May 2, 1983, to take further public comment concerning the rezone to P0 and R-30; and

WHEREAS, the City Council deems dual zoning to be in the best interests of the City both in terms of settling disputed litigation and in terms of giving the property owner the option of developing the property for multifamily uses which the City would prefer to see on the property; and

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

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

Section 1. The City Council makes and enters the following:

FINDINGS OF FACT

1. Bellevue Seven, a limited partnership, and Holman Kem, et ux., applied for reclassification of its property from P0, R-10 and R-3.5 to O with conditions. The property is located west of Bellevue Way N.E., North of N.E. 12th Street (extended) and east of 102nd Avenue N.E. (extended) and consists of approximately six acres.
2. The total property is bisected north to south by Bellevue Way N.E., the principal entrance from the north to Bellevue's Central Business District. Bellevue Way N.E. is the east boundary of the property. The southern boundary of the total property is N.E. 12th Street, which is also the northern boundary of the Central Business District as defined in the City's Land Use Code. N.E. 12th Street does not exist to the west of Bellevue Way N.E., but would form the southern boundary of the property if extended.
3. The property does not contain any steep slope areas. Vegetation ranges from evergreen forest and shrubs to grasses and hedges in the low lying areas.
4. The predominate zoning and development immediately surrounding the property is residential. However, a short distance to the south is located an area of extensive commercial zoning and development. To the south the current zoning is CBD-R (pursuant to Ordinance No. 3018, passed August 24, 1981) although a portion of that property is developed with the Post Office building, a single-story structure. To the west, the predominate zoning is R-3.5. This area has been developed with single-family homes. R-10 zoning is also located to the west

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at its south end. To the north the property is R-20, to the east of Parcel A, across Bellevue Way N.E., the current zoning is R-20. Beyond this property the area is zoned R-4 and fully developed with single-family homes. To the southeast of the property across Bellevue Way N.E. and N.E. 12th Street, the area is zoned CBD-MU (pursuant to Ordinance No. 3016A, passed August 24, 1981) and is developed with bank and retail buildings. Beyond this development to the south is the Central Business District, with extensive commercial and office development.

5. The current zoning has been in existence since it was reclassified in 1973.
6. On June 20, 1977, the City Council enacted Ordinance No. 2439 adding a definition of the Bellevue Central Business District to the Land Use Code. This definition established N.E. 12th Street as the northerly boundary of the CBD. No portion of the property is located within the CBD.
7. In October of 1979, the City Council adopted Resolution No. 3437, adding new goals and policies to the circulation element of the Comprehensive Plan of the City of Bellevue entitled "Gateway Design," Policies 21.M.1000 to 21.M.1025 and providing general guidelines for the urban design of the particular arterials in key intersections that serve as an introduction to the City.
8. Under Comprehensive Plan Policy 21.B.000, the City of Bellevue is to remain primarily a suburban single-family residential community served by the Central Business District. And, under Comprehensive Plan 21.B.040, decisions on land use matters are to be made only after considering the interest of the community, including impacts upon the physical, economic and social environment.

Under Comprehensive Plan Policy 21.G.010, established residential neighborhoods are to be protected and either preserved or renewed.

Under Comprehensive Plan Policy 21.F.190, low intensity, low rise office uses are appropriate to buffer residential from nonresidential uses.

9. The total property is served by Clyde Hill Elementary, Chinook Junior and Bellevue Senior High Schools, which have enrollment capacities sufficient to accommodate the estimated number of students generated by R-30 zoning of the total property.

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10. There is existing water and sewer service available with sufficient capacity to accommodate the maximum possible development under R-30 or PO zoning for the total property.
11. Police and fire protection is provided by the City of Bellevue, with Fire Station No. 1 located at 666 Bellevue Way, responding first. Backup services would be provided by Station No. 5, located at 9621 N.E. 24th Street.
12. As of 1981 the vacancy rate for multifamily units in Bellevue were between 4.2% and 4.6%. A normal rate is considered to be 5%. There has been a sharp decline in the development of multifamily units in Bellevue since 1978. While 1704 permits for multifamily buildings were issued in 1978, only 870 were issued in 1979 and only 207 were issued in 1980. On the other hand, the population of census tract 240, in which the total property is located, is projected to grow from 8,753 persons in 1980 to 10,006 persons in 1990, an increase of over 14%. There is a need for additional multifamily units in the City and in this location.
13. The extended buffering and park strip required by the agreement will provide protection to the surrounding residential areas from the density of R-30 development or of PO under the agreement.

Section 2. The City Council makes the following conclusions:

1. It is in the best interests of the City and the public health, safety and welfare to place PO zoning and R-30 with the conditions as provided by the settlement agreement on the property. The property is located in an area of transition from residential uses to the north to commercial and office uses to the south. Either O or R-30 is a reasonable use of the property as long as proper transition conditions are imposed.
2. The rezone is in accord with the Comprehensive Plan.
3. There is merit and value in the proposal for the community as a whole.
4. The effect of the proposal will not be materially detrimental on the immediate vicinity or the community as a whole.
5. It is in the best interests of the City to settle pending litigation by imposing dual zoning on this property.

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Section 3. The property, legally described as:

That portion of the Southwest Quarter of Section 29, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

The south 497.80 feet of the east one half (1/2) of the northwest quarter of the southwest quarter of said Section 29, less that portion thereof within 104th Avenue N.E.

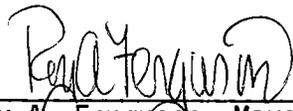
is hereby reclassified to P0 or R-30 subject to the conditions imposed in the settlement agreement given Clerk's Receiving No. \_\_\_\_\_ and hereby incorporated by reference.

Section 4. Ordinance No. 3021 is hereby repealed.

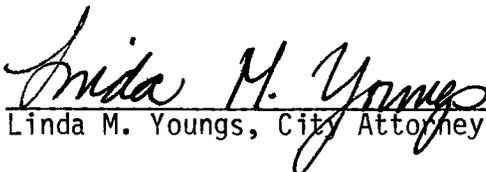
Section 5. This ordinance shall be published by posting it in the three official posting places of the City and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 2<sup>nd</sup> day of May, 1983, and signed in authentication of its passage this 2<sup>nd</sup> day of May, 1983.

(SEAL)

  
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Roy A. Ferguson, Mayor

Approved as to form:

  
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Linda M. Youngs, City Attorney

Attest:

  
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Marie K. O'Connell, City Clerk

Published May 7, 1983