

5-8-86  
1656c

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3662

AN ORDINANCE reclassifying approximately 1.03 acres of property located on the north side of Main Street opposite the intersection with 118th Avenue S.E. in the City of Bellevue on application of Thomas E. and Mary S. Paxton.

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

WHEREAS, on November 7, 1985 a public hearing was held thereon before the Hearing Examiner upon proper notice to all interested persons; and

WHEREAS, on December 18, 1985 the Hearing Examiner recommended to the City Council approval with conditions of said reclassification of the property located on the north side of Main Street opposite the intersection with 118th Avenue S.E. in the City of Bellevue from R-1 to O (Office); and has made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on December 30, 1985 the applicant submitted a request for reconsideration to the Hearing Examiner; and

WHEREAS, on December 31, 1985 the Hearing Examiner issued an order denying the applicants' request for reconsideration; and

WHEREAS, on January 7, 1986 an appeal of the recommendation of the Hearing Examiner was filed by the applicant appealing stipulation no. 4 of the Hearing Examiner's recommendation which required a 50-foot landscaping buffer along the south property line; and

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

5-8-86  
1656c

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

Section 1. The City Council adopts the findings of fact and conclusions based thereon made and entered by the Hearing Examiner in support of his recommendation to the Council in this matter with regard to the hereinafter described property (the "Paxton" application), as contained in "Findings and Recommendation of the Hearing Examiner for the City of Bellevue, in the Matter of the Application of Thomas E. and Mary S. Paxton for a Reclassification, File No. HE-A 85-2," except that stipulation 1, of the Hearing Examiner's Recommendation is modified to require Administrative Design Review only if access is to Main Street.

Section 2. The City Council also finds that:

- 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 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 proposed rezone on the surround area.

Section 3. The appeal of Thomas E. and Mary S. Paxton of the recommendation of the Hearing Examiner with regard to the herein described property is denied without prejudice to apply for modification of the fifty-foot landscaping buffer condition notwithstanding any time restrictions otherwise applicable to such applications.

Section 4. The use classification of the following described property is changed from R-1 to O (Office) with conditions:

That portion of the Southwest 1/4 of the Northwest 1/4 of Section 33, Township 25 North, Range 5 East W.M., described as follows:

Beginning at a point in the North margin of Main Street from which the intersection of said margin with the Easterly margin

5-8-86  
1656c

of the Northern Pacific Railway right-of-way bears North 89°02'50" West, 337.00 feet;  
thence North 89°02'50" West along said North margin, 227.60 feet;  
thence North 14°30'26" East, 208.86 feet;  
thence South 89°02'05" East, 215.00 feet;  
thence South 11°06'05" West, 206.27 feet to the point of beginning;

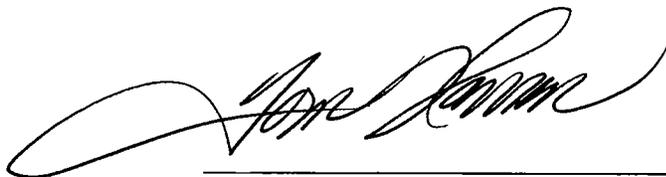
Situate in the City of Bellevue, County of King, State of Washington.

This reclassification from R-1 to O (Office) is conditioned on full compliance by the owners of said property and their heirs, assigns, grantees, or successors in interest, that the terms and conditions of that certain Concomitant Zoning Agreement executed by Thomas E. and Mary S. Paxton, a copy of which has been given Clerk's Receiving No. 11285 and which is adopted by reference into this ordinance as though it were 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 9<sup>th</sup> day of June, 1986, and signed in authentication of its passage this 9<sup>th</sup> day of June, 1986.

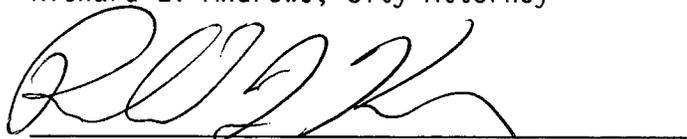
(SEAL)



Thomas J. Hansen, Mayor pro Tem

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published June 14, 1986