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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3663

AN ORDINANCE reclassifying approximately 6.7 acres of property at the northwest corner of the intersection of Lake Hills Blvd. and 156th Avenue S.E. in the City of Bellevue, commonly referred to as the Lake Hills Shopping Center, on application of R.H. Conner, Inc. and Highway 10 Associates; sustaining the appeals of the appellants; and entering findings of fact and conclusions.

WHEREAS, the applicant, R.H. Conner, Inc. and Highway 10 Associates filed an application for a reclassification of approximately 6.7 acres of property from NB to CB with conditions, which property is located at the northwest corner of the intersection of Lake Hills Blvd. and 156th Avenue N.E. and is commonly referred to as the Lake Hills Shopping Center; and

WHEREAS on January 9, 1986, a public hearing was held thereon before the Hearing Examiner upon proper notice to all interested persons; and

WHEREAS on January 29, 1986, the Hearing Examiner recommended to the City Council conditional approval of said application, and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS on February 3, 1986, a motion for reconsideration of the Hearing Examiner's recommendation to approve the application was submitted by James H. Eder, requesting the inclusion of additional conditions and supporting the reclassification from NB to CB with conditions; and

WHEREAS on February 7, 1986, the Hearing Examiner denied James H. Eder's motion for reconsideration; and

WHEREAS on February 10, 1986, the applicant filed a motion for reconsideration of the Hearing Examiner's recommendation to approve the reclassification with conditions requesting clarification of the Hearing Examiner's proposed conditions; and

WHEREAS on February 10, 1986, the City of Bellevue Planning Department filed a motion for reconsideration of the Hearing Examiner's recommendation to approve the reclassification with conditions requesting clarification of the Hearing Examiner's proposed conditions; and

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WHEREAS on February 13, 1986, the Hearing Examiner issued an order denying the motions for reconsideration and reopened the public hearing; and

WHEREAS on March 13, 1986, the public hearing was reopened to receive testimony on issues set forth in the order for reopening the public hearing; and

WHEREAS on March 21, 1986, the Hearing Examiner withdrew his recommendation to approve the reclassification and instead denied the application, and made and entered findings of fact and conclusions based thereon in support of his denial; and

WHEREAS on March 31, 1986, the City of Bellevue Planning Department filed a motion for reconsideration of the Hearing Examiner's denial of the application; and

WHEREAS on April 11, 1986, the Hearing Examiner denied the Planning Department's motion for reconsideration; and

WHEREAS on March 31, 1986, the applicant submitted a Request to Vacate Findings and Decision Dated March 21, 1986, requesting reinstatement of the Hearing Examiner's January 29, 1986 recommendation to approve the reclassification subject to clarification of certain conditions; and

WHEREAS on April 18, 1986, the Hearing Examiner denied the applicant's Request to Vacate the Findings and Decision Dated March 21, 1986 and affirmed his decision of March 21, 1986 denying the reclassification application; and

WHEREAS on April 7, 1986, the applicant submitted an appeal of the Hearing Examiner's decision of March 21, 1986 denying the reclassification; and

WHEREAS on April 9, 1986, the City of Bellevue Planning Department filed an appeal of the Hearing Examiner's decision of March 21, 1986 denying the reclassification; and

WHEREAS on May 12, 1986, a limited public hearing was held on said appeals by the City Council, upon proper notice; and

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

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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 CITY 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 City Council adopts the findings of fact entered by the Hearing Examiner in support of his original recommendation to the City Council of January 29, 1986 approving the reclassification with conditions with regard to the hereinafter described property, as contained in the "Findings and Recommendations of the Hearing Examiner for the City of Bellevue in the matter of the application of R.H. Conner, Inc. and Highway 10 Associates For Reclassification of the Property at the Northwest Corner of Lake Hills Blvd. and 156th Avenue N.E. from NB to CB, File No. HE-A 85-7."

2. Consistency with the provisions of the Comprehensive Plan is one of the specifically enumerated factors that Paragraph 20.30A.140F of the Land Use Code requires to be considered in any reclassification review. The Implementation Guidelines implementing Policy 21.V.13.100.C of the S.E. Bellevue Subarea Plan specifically state that the Guidelines shall be considered appropriate for the three existing business areas and that the City shall allow for reclassification of the three NB areas to CB with conditions consistent with the Guidelines. Said Guidelines must therefore be given substantial weight in determining whether to reclassify the property.

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

CONCLUSIONS

1. The Hearing Examiner's denial of the application dated March 21, 1986 is vacated.

2. The City Council hereby adopts Conclusions 1, 2, 4, 5, 6 (first paragraph only), and 7 of the Hearing Examiner's original recommendation of January 29, 1986 approving the reclassification with conditions.

3. Reclassifications shall be conditioned to limit or prohibit certain uses under the Land Use Charts where the record, including applicable provisions of the Comprehensive Plan, warrants such

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PASSED by the City Council this 9th day of June,
1986, and signed in authentication of its passage this 23rd day
of June, 1986.

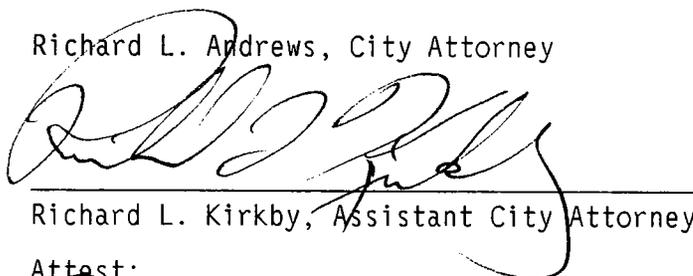
(SEAL)



Thomas J. Hansen, Mayor pro tem

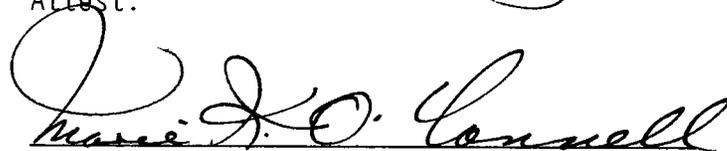
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published June 27, 1986