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05-22-86

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3665

AN ORDINANCE reclassifying approximately 3.56 acres of property in the City of Bellevue on the north side of N.E. 20th Street east of 132nd Avenue N.E., formerly occupied by Mr. Plywood, Inc., on application of Acura of Bellevue; sustaining the appeals of the appellants; and entering findings of fact and conclusions.

WHEREAS, the applicant Acura of Bellevue filed an application for a reclassification of approximately 3.56 acres of property from LI to GC/C, which property is located on the north side of N.E. 20th Street east of 132nd Avenue N.E., as more particularly described hereafter, on a site formerly occupied by Mr. Plywood, Inc.; and

WHEREAS, on February 27, 1986, a public hearing was held thereon before the Hearing Examiner upon proper notice to all interested persons; and

WHEREAS, on March 26, 1986, the Hearing Examiner recommended to the City Council approval of the reclassification to full GC; and

WHEREAS, on April 2, 1986, the Environmental Coordinator for the City of Bellevue filed a request for reconsideration of the Hearing Examiner's recommendation of March 26, 1986; and

WHEREAS, on April 9, 1986, the applicant filed a response to the Environmental Coordinator's request for reconsideration, requesting modification of the Hearing Examiner's recommendation of March 26, 1986; and

WHEREAS, on April 14, 1986, the Hearing Examiner issued an Order Voiding Decision of March 26, 1986; and

WHEREAS, on April 17, 1986, the Hearing Examiner denied said application and made, and entered, findings of fact and conclusions based thereon in support of said denial; and

WHEREAS, on April 22, 1986, the applicant filed an appeal of the Hearing Examiner's denial of April 17, 1986; and

WHEREAS, on May 3, 1986, the City of Bellevue Planning Department and the Department of Design and Development filed a joint appeal of the Hearing Examiner's denial of April 17, 1986; and

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

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

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 adopts the findings of fact entered by the Hearing Examiner in support of his original recommendation of March 26, 1986, to the Council recommending approval of the reclassification of the hereinafter described property (the Acura of Bellevue application) to GC as contained in "Findings and Recommendation of the Hearing Examiner for the City of Bellevue in the Matter of the Application of Acura of Bellevue for a Reclassification of Property at 13424 N.E. 20th Street from LI to GC/C, File No. HE-A 85-10," except that the City Council does not adopt the last sentence of finding of fact No. 9 and instead substitutes the following finding of fact 10:

10. Auto retail use and those uses listed in the Land Use Code use charts 20.10.440 as permitted, conditional uses, planned unit developments, and administrative conditional uses; which are also permitted, conditional uses, planned unit developments, and administrative uses in the LI (Light Industrial) district are reasonable uses for the site and consistent with other uses in the area.

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

1. The request for GC zoning conditioned on limiting certain uses meets the decision criteria of Section 23.30.A.140 of the Land Use Code.

2. Given the limitation of uses, the reclassification provides for reasonable use of the site consistent with other uses in the area and is generally consistent with the types of uses permitted in the existing LI district and existing development on the site.

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3. There is a limited amount of land zoned for auto dealerships in the City.

4. The limitation of uses will mitigate potential impacts in the area and the community, particularly as related to traffic.

5. The application is consistent with the Comprehensive Plan and complies with other criteria and standards of the Bellevue City Code and Land Use Code.

Section 3. The City Council hereby finds and concludes that there has been substantial error in the denial by the Hearing Examiner, and that the denial was unsupported by material and substantial evidence in view of the record as submitted. The appeals of the appellants are therefore sustained. Further, the City Council specifically finds and concludes that it is appropriate, where the record warrants, to condition reclassifications by limiting or prohibiting specific uses within a land use classification and requiring that said condition(s) be enforced through a concomitant agreement. The Hearing Examiner has jurisdiction to recommend approval of reclassifications with conditions on the uses authorized under that classification or to prohibit certain uses under that classification and is required to consider and impose such conditions on reclassification applications where the record warrants.

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

The east half of the southeast quarter of the northwest quarter of the northwest quarter of Section 27, Township 25 North, Range 5 East, W.M., in King County, Washington; except that portion conveyed to the State of Washington for State Highway by deed recorded under King County Recording No. 7101250065; except those portions lying within Northeast 20th Street and 136th Place Northeast.

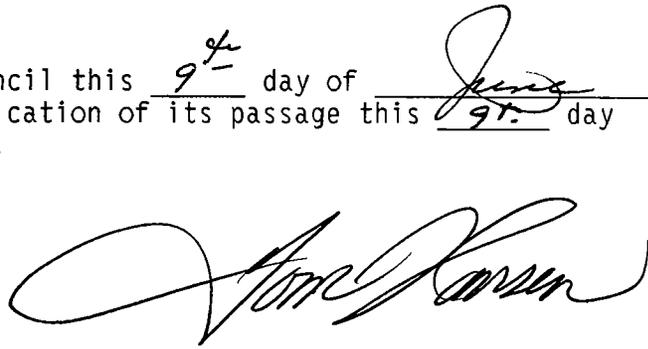
This classification from LI to GC/C is conditioned on full compliance by the owner(s) of said property and its heirs, assigns, grantees, or successors and interests, with the terms and conditions of that certain concomitant zoning agreement executed by Erb Lumber Company, which has been given Clerk's Receiving No. 11286 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.

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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.

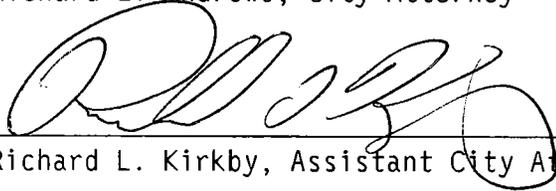
(SEAL)



Thomas J. Hansen, Mayor pro Tem

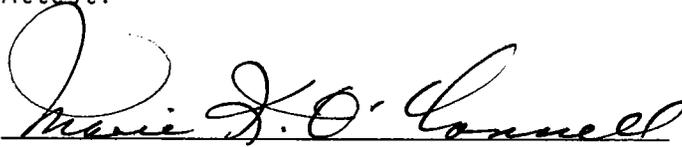
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published June 15, 1986