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## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3755

AN ORDINANCE reclassifying with conditions 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.

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 S.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 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 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 7, 1986, and April 9, 1986, the applicant and the City of Bellevue Planning Department, respectively, submitted appeals of the Hearing Examiner's decision of March 21, 1986, denying the reclassification; and

WHEREAS, on April 11, 1986, the Hearing Examiner denied the Planning Department's motion for reconsideration; 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 May 12, 1986, a limited public hearing was held by the City Council on said appeals, upon proper notice, following which the City Council determined that the appeal should be sustained; and

WHEREAS, on June 9, 1986, the City Council enacted Ordinance No. 3663, reclassifying the property subject to certain conditions and entered Findings of Fact and Conclusions with regard thereto; and

WHEREAS, following a public hearing, the East Bellevue Community Municipal Corporation on August 5, 1986, voted to disapprove Bellevue Ordinance No. 3663 and on August 7, 1986, adopted Resolution No. 231-A disapproving Ordinance No. 3663; and

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WHEREAS, on August 25, 1986, the applicants filed a petition for Writ of Certiorari and Complaint for Declaratory Judgment and Damages in King County Superior Court, being cause No. 86-2-20035-5 naming as defendants in that action the East Bellevue Community Council, the individual Community Councilmembers, the City of Bellevue, and the State of Washington; and

WHEREAS, on February 13, 1987, the City, the East Bellevue Community Council, and the applicants entered into a settlement agreement fully resolving all issues involved in the Superior Court litigation; and

WHEREAS, as a term of said Settlement Agreement the subject property is to be reclassified as hereinafter set forth in this Ordinance; 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 following described property in the City of Bellevue is hereby reclassified from NB to CB with conditions:

Tract A., Lake Hills No. 6, Vol. 60, Plats, Page 38, Records of King County, Washington; also that portion of vacated 155th Ave. S.E., as dedicated in said Plat; together with that portion of the NE 1/4 SE 1/4 SW 1/4 of Sec. 35, Township 25N., R.5 E., W.M., King County Washington, lying between said Plat of Lake Hills No. 6, and Plat of Lake Hills No. 23, as recorded in Volume 64 of Plats, pages 88, 89, records of said county, together with tracts B & C of Plat of Lake Hills No. 4, Volume 59, Plats, pages 33, 34, 35, records of said county; also the Easterly 30.00 feet of vacated 155th Avenue S.E., as dedicated in said Plat of Lake Hills No. 4; together with and subject to easements, restrictions and reservations of record;

This reclassification from NB to CB is conditioned on full compliance by the owner(s) of said property and his (their) heirs, assigns, grantees or successors in interest with the terms and conditions of that certain Concomitant Zoning Agreement executed by R.H. Conner, Inc. and Highway 10 Associates which has been given Clerk's Receiving No. 12052 and which is adopted by reference into this Ordinance as if it were fully set forth herein. Said Concomitant Zoning Agreement shall supercede the

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prior Concomitant Zoning Agreement executed by the applicants and given Clerk's Receiving No. 11366, pursuant to Ordinance No. 3663.

Section 2. This Ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 23<sup>rd</sup> day of February 1987,  
and signed in authentication of its passage this 23<sup>rd</sup> day of February, 1987.

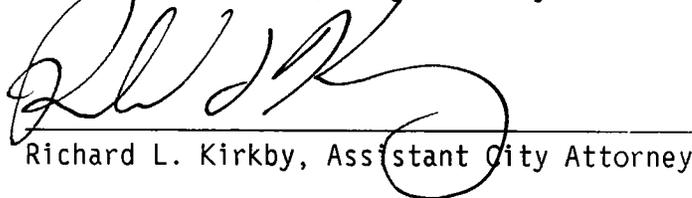
(SEAL)



Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published February 27, 1987