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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3835

AN ORDINANCE reclassifying approximately 16.35 acres of property located at the southeast corner of the intersection of Main Street and 148th Avenue S.E. in the K-Mart Plaza and addressed as 15015 Main Street in the City of Bellevue, on application of Martin Selig Real Estate, Inc.

WHEREAS, the applicant, Martin Selig Real Estate, Inc. filed an application for reclassification of approximately 16.35 acres of property from Neighborhood Business (NB) to Community Business (CB) with conditions, which property is located in the K-Mart Plaza at the southeast corner of the intersection of Main Street and 148th Avenue S.E. and addressed as 15015 Main Street in the City of Bellevue; and

WHEREAS, on November 6, 1986, a public hearing was held thereon before the hearing examiner upon proper notice to all interested persons; and

WHEREAS, on January 28, 1987, 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 January 30, 1987, the Hearing Examiner issued an Order Correcting Omission which added a footnote to his recommendation of January 28, 1987; and

WHEREAS, on March 9, 1987, the City Council considered the Hearing Examiner's recommendation for conditional approval of the rezone application and remanded the application for the taking of further evidence on two issues: (1) whether the rezone should be conditioned to require that all non-conforming signs on the site be brought into immediate compliance with the Bellevue Sign Code and (2) whether the proposal impacts Kelsey Creek enough to warrant requiring that Kelsey Creek be fully or partially reopened, dredged or otherwise protected; and

WHEREAS, a public hearing was held on August 13, 1987 (continued at the request of the applicant from April 23, 1987), before the Hearing Examiner to consider the issues remanded by the City Council to the Hearing Examiner; and

WHEREAS, on September 8, 1987 the Hearing Examiner entered his Supplemental Findings and Recommendation to the City Council for conditional approval of said application, and made and entered findings

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of fact and conclusions based thereon in support of his recommendation;
and

WHEREAS, the City Council has reviewed the record before the Hearing Examiner in this matter and concurs with the Hearing Examiner's recommendation to conditionally approve the application as modified by the supplemental recommendation of the Hearing Examiner and concurs in the findings of fact and conclusions upon which said recommendation and supplemental recommendation are based; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the Bellevue Environmental Procedures Code; 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 and conclusions based thereon, made and entered by the Hearing Examiner in support of his recommendations to the Council in this matter, as set forth in the "Findings and Recommendation of the Hearing Examiner for the City of Bellevue In the Matter of the Application of Martin Selig Real Estate, Inc., For a Reclassification, File No. HE-A 86-09" as modified by the Hearing Examiner's "Order Correcting Omission" dated January 30, 1987 and as further modified and supplemented by the "Supplemental Findings and Recommendation of the Hearing Examiner For the City of Bellevue In the Matter of the Application of Martin Selig Real Estate, Inc., for a Reclassification, File No. HE-A 86-09".

Section 2. The following described property is hereby reclassified from NB to CB with conditions:

PARCEL A:

That portion of the north half of the northwest quarter of the southwest quarter of Section 35, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the northwest corner of said subdivision; thence south 88°38'51" east along the north line of said subdivision, said north line also being the centerline of Main Street, a distance of 200.08 feet, to an intersection with the east line, of the west 200 feet, of said subdivisions;
thence south 0°13'22" east along said east line 30.01 feet to an intersection with the south margin of said Main Street and the true point of beginning;
thence continuing south 0°13'22" east along the east line of said west 200 feet, a distance of 150.06 feet, to an intersection with

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the south line of the north 180 feet, of the west 200 feet of said subdivision;
thence north 88°38'51" west along said south line 150.06 feet, to an intersection with the east margin of 148th Avenue Southeast;
thence south 0°13'22" east along said east margin 482.44 feet, to an intersection with the south line, of the north half of the northwest quarter of the southwest quarter of said Section 35;
thence south 88°40'01" east along said south line 1,000.37 feet to an intersection with the east line, of the west 1,050 feet of said subdivision;
thence north 0°13'22" west along said east line 632.10 feet to an intersection with the south margin of said Main Street;
thence north 88°38'51" west along said south margin 850.32 feet more or less to the true point of beginning.

PARCEL B:

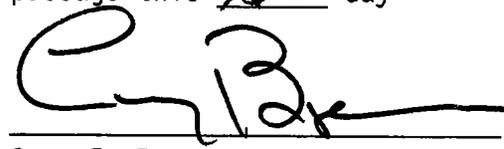
North 100 feet of the West 1,050 feet of the South half of the Northwest quarter of the Southwest quarter of Section 35, Township 25 North, Range 5 E.W.M., in King County, Washington, EXCEPT the West 50 feet conveyed to King County for roads.

This reclassification from NB to CB is conditioned on full compliance by the owner of said property and his heirs, assigns, grantees, or successors in interest, with the terms and conditions of that certain Concomitant Zoning Agreement executed by Martin Selig, an individual, which has been given Clerk's Receiving No. 12967 and which is adopted by reference into this ordinance as if it was fully set forth herein.

Section 3. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 12th day of October, 1987, and signed in authentication of its passage this 12th day of October, 1987.

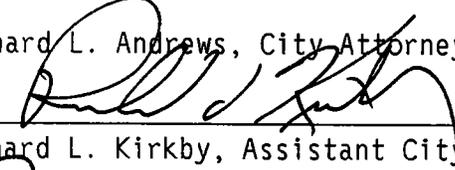
(SEAL)



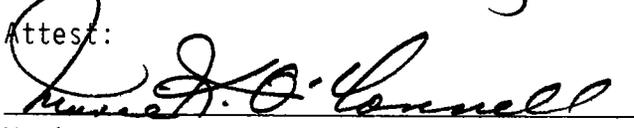
Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published October 16, 1987