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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4153

AN ORDINANCE reclassifying approximately 6.21 acres of property located at 2300 - 130th Avenue NE in the Bridle Trails Subarea of the City of Bellevue by amending the conditions of the Professional Office (PO) zoning on the property upon application of Northup North Associates.

WHEREAS, Harry P. Jones, on behalf of Northup North Associates, filed an application to modify the existing conditions of the Professional Office (PO) zoning on property located at 2300 - 130th Avenue NE in the Bridle Trails Subarea; and

WHEREAS, a public hearing was held on October 9, 1989, and on January 4, 1990, on the application before the Hearing Examiner on proper notice to all interested parties; and

WHEREAS, on April 9, 1990, the Hearing Examiner recommended to the City Council approval of said application with conditions and made and entered Findings of Fact and Conclusions based thereon in support of his recommendation; and

WHEREAS, by Order dated May 3, 1990, the Hearing Examiner, in order to clarify his recommendation, amended Condition No. 7 of his recommendation; and

WHEREAS, at the May 21, 1990 City Council meeting the applicant requested that the City Council grant a limited appeal of the Hearing Examiner's Order dated May 3, 1990; and

WHEREAS, the City Council granted the applicant a limited right of appeal as to Condition No. 7 of the Hearing Examiner's recommendation, as amended by his Order dated May 3, 1990, and the City Council conducted a limited public appeal hearing on June 11, 1990 regarding Condition No. 7 of the Hearing Examiner's recommendation; and

WHEREAS, the City Council grants in part and denies in part the applicant's limited appeal; and

WHEREAS, except as specifically noted herein, 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

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WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City 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 recommendation to the City Council of April 9, 1990, approving the reclassification with conditions with regard to the hereinafter described property, as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue, In The Matter of the Application of Northup North Associates for approval of a reclassification to amend the conditions of existing PO zoning, File No. HE/REZ 88-6460", as amended by the Hearing Examiner's Order dated May 3, 1990, provided that the City Council does not adopt any finding or conclusion of the Hearing Examiner prohibiting the existence of a cinder covered trail in the northern 75-foot buffer or requiring its removal.

Section 2. Regarding the applicant's limited appeal of Condition 7 of the Hearing Examiner's Recommendation, the City Council denies that part of the appeal requesting modification of the Hearing Examiner's recommendation to prohibit benches within the northern 75-foot buffer area and to require removal of any existing benches within said northern 75-foot buffer area for the reason that the applicant failed to meet its burden of proof on appeal and for the reason that use of benches within the northern 75-foot buffer area is inconsistent with Bridle Trails Subarea Policy BT-44 which requires a buffer between differing use classifications. The City Council grants that part of the applicant's limited appeal contesting the Hearing Examiner's recommendation that cinders on the existing trail within the northern 75-foot buffer area be prohibited and that the existing cinders be removed.

Section 3. The following described property is hereby reclassified by amending certain conditions of the existing Professional Office (PO) zoning; such conditions being set forth in the concomitant agreement required herein:

That portion of the Northeast quarter of the Northeast quarter of Section 28, Township 25 North, Range 5 East, W.M., King County, Washington, described as follows:

Beginning at the Northeast corner of said subdivision; thence North 88°23'54" West along the North line thereof 577.70 feet; thence South 1°02'33" West 30.00 feet to the South margin of N.E. 24th Street; thence continuing South 1°02'22" West 150.00 feet to the Southeast corner of that parcel conveyed under Recording No. 717631, in King County, Washington; thence North

88°23'54" West 22.86 feet to the Northeast corner of that parcel conveyed under Recording No. 578886, in King County, Washington; thence South 1°02'22" West 173.00 feet; thence North 88°23'54" West to the center line of 130th Avenue N.E. (Dempsey Road); thence Southeasterly along said center line to the center line of SR 520 and the Southerly line of the City of Bellevue Zoning Ordinance No. 3075; thence Easterly along said center line and Southerly line to the East line of said subdivision; thence North 1°02'22" East along said East line to the Point of Beginning.

This reclassification by amendment of certain conditions of the existing Professional Office (PO) zoning on the property is conditioned on full compliance by the owner(s) of said property and their heirs, assigns, grantees or successors in interest, with the terms and conditions of that certain concomitant agreement executed by Northup North Associates, which has been given Clerk's Receiving No. 15667 and which is incorporated by reference into this ordinance as if it were fully set forth herein.

Section 4. Section 2 of Ordinance No. 3075 is hereby amended to read as follows:

Section 2. The following described properties are hereby reclassified as follows:

Parcel 7 from R-20 and R-30 to O:

The N 1/2 of the NE 1/4 of the NE 1/4 of the SE 1/4 of Section 29, Township 25 North, Range 5 East, W.M. in King County, Washington, lying Easterly of Primary State Highway No. 1 (SR 405).

Parcel 8 from R-1 to O:

The East 200 feet of the West 450 feet of the south 242 feet of the North 609.10 feet of the NW 1/4 of the SW 1/4 of Section 28, Township 25 North, Range 5 East, W.M. King County, Washington.

Parcel 9 from PO to O:

The West 270 feet of the North 474.56 feet of the S 1/3 of the West 1/2 of the NW 1/4 of Section 28, Township 25 North, Range 5 East, W.M. in King County, Washington.

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Parcel 10 from OLB to O:

That portion of the NE 1/4 of the NE 1/4 of Section 29, Township 25 North, Range 5 East, W.M. in King County, Washington, described as follows:

Beginning at a point on the West line of the East 30.00 feet of said subdivision and N01-12-00E 50.00 feet from the Northeast corner of Lot 1, Bel-Glen Addition, according to the plat thereof recorded volume 61 of Plats, page 90, records of King County, Washington; thence N01-12-00E 253.5 feet to the South line of Parcel 3 of Short Plat 78-45, records of King County, Washington, recorded under Auditor's File Number 7807250742; thence N88-48-00W 215.00 feet; thence S01-12-00W 251.47 feet to a line 50.00 feet north of said plat of Bel-Glen Addition; thence S88-17-35E 215.01 feet to the True Point of Beginning.

Together with the East 30 feet thereof lying South of the Easterly projection of the South line of Parcel 3 of Short Plat 78-45 Records of King County recorded under Auditor's File 7807250742 and North of the Easterly projection of a line 50 feet North and parallel to plat of said Bel-Glen Addition.

Parcel 14 from GC to CB:

The E 1/2 of the SE 1/4 of the NE 1/4 of the NW 1/4 of Section 27, Township 25 North, Range 5 East, W.M., King County, Washington, lying Southerly of the centerline of SR 520 (State Highway Northup Interchange to Junction 522).

Together with the E 3/4 of the E 1/2 of the SE 1/4 of the NW 1/4 of said Section 27; less the West 256 feet of the NE 1/4 of the SE 1/4 of the NW 1/4 of said Section 27.

Together with the North 520 feet of the S 1/2 of the NE 1/4 of Section 27, Township 25 North, Range 5 East, King County, Washington, and the West 305 feet of said S 1/2 lying northerly of the centerline of Bellevue Redmond Road less the East 250 feet of the S 1/2 of the NE 1/4 of said Section 27.

Together with the N 1/2 of the NE 1/4 of Section 27, Township 25 North, Range 5 East, W.M., King County, Washington, lying Southerly of the centerlines of NE 21st St. and vacated Otto Phette Place.

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Together with the East 657.11 feet of the SE 1/4 of the NE 1/4 of the NE 1/4 of said Section 27.

Together with the N 1/2 of the NE 1/4 of the NE 1/4 of said Section 27 lying Easterly of Bellevue Short Plat 78-42 A.F. No. 7807130720.

Parcel 2 from OLB to PO:

That portion of the NE 1/4 of the NE 1/4 of Section 28, Township 25 North, Range 5 East, W.M., in King County, Washington, lying North of the center line of SR 520. Except the South 150 feet of the North 180 feet of the NE 1/4 of the NE 1/4 of said Section 28 lying West of a line 577.5 feet West and parallel to the East line thereof and lying East of the East Margin at 130th Avenue NE and EXCEPT the following described parcel:

Beginning at the Northeast corner of the NE 1/4 of the NE 1/4 of said Section 28; thence South 180 feet; thence S89-40-09W 600.56 feet to the True Point of Beginning, thence S00-48-10E 173 feet; thence S89-40-09W 234.04 feet to the East margin of 130th Ave. NE; thence Northerly along said East margin 180.7 feet more or less; thence N89-40-09E 269.54 feet more or less to the True Point of Beginning.

AND EXCEPT that portion of the Northeast quarter of the Northeast quarter of Section 28, Township 25 North, Range 5 East, W.M., King County, Washington, described as follows:

Beginning at the Northeast corner of said subdivision; thence North 88°23'54" West along the North line thereof 577.70 feet; thence South 1°02'33" West 30.00 feet to the South margin of N.E. 24th Street; thence continuing South 1°02'22" West 150.00 feet to the Southeast corner of that parcel conveyed under Recording No. 717631, in King County, Washington; thence North 88°23'54" West 22.86 feet to the Northeast corner of that parcel conveyed under Recording No. 578886, in King County, Washington; thence South 1°02'22" West 173.00 feet; thence North 88°23'54" West to the center line of 130th Avenue N.E. (Dempsey Road); thence Southeasterly along said center line to the center line of SR 520 and the Southerly line of the City of Bellevue Zoning Ordinance No. 3075; thence Easterly along said center line and Southerly line to the East line of said subdivision; thence North 1°02'22" East along said East line to the Point of Beginning.

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Parcel 3 from R-1 to PO:

The South 150 feet of the North 180 feet of the NE 1/4 of the NE 1/4 of Section 28, Township 25 North, Range 5 East, W.M. in King County, Washington, lying West of a line 577.5 feet West and parallel to the East line thereof, and lying East of the East margin of 130th Ave. NE.

Provided, Parcels 2 and 3 shall be subject to the following terms and conditions:

1. Access shall be only from 130th Avenue N.E.

2. Development of the property shall be subject to administrative design review including, but not limited to, building design, height and materials, landscaping, access, circulation and parking.

3. No building or parking lots or any other facilities shall be constructed within the north 75 feet of the property and no vegetation shall be removed therefrom except for minor pruning and trimming for maintenance purposes and consistent with good horticultural practice; provided that this stipulation shall not apply to that portion of Parcel 2 west of 130th Avenue N.E. unless the existing Chem-Nuclear site plan is substantially changed or if the site is developed in another manner.

4. Additionally, as to that portion of Parcel 2 east of 130th Avenue N.E., vegetation shall not be removed or altered except for minor pruning and trimming for maintenance and good horticultural purposes within a strip of land defined as 30 feet westerly and easterly of and parallel with the thread of the stream now flowing continuously on the property (which stream enters the subject property through a culvert under N.E. 24th Street); except as necessary to provide a vehicular access road from 130th Avenue N.E. at a location and design to be approved by the Department of Public Works and to be either in the location of a frontage road along the north side of State Route 520 or elsewhere as proposed by the applicant and approved by the Department of Public Works.

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Parcel 11 from PO and R-3.5 to O:

The South 200 feet measured at right angles from the centerline of Bellevue Redmond Road of the E 1/2 of the SE 1/4 of Section 28, Township 25 North, Range 5 East, W.M., King County, Washington, lying Westerly of the following described line:

Beginning at the SE corner thereof; thence West along the South line thereof a distance of 835.50 feet; thence N01-05-55W a distance of 949.01 feet; thence N73-56-05E a distance of 13.59 feet; thence N01-16-55W a distance of 564.02 feet more or less to the centerline of Bellevue Redmond Road and the terminus of said line; and lying Easterly of the following described line:

Beginning at the SE corner thereof; thence West along the South line thereof a distance of 835.50 feet; thence N01-05-55W a distance of 949.01 feet; thence S73-56-05W a distance of 147.49 feet; thence N16-03-50W a distance of 146.41 feet; thence S71-56-10W a distance of 76.80 feet; thence N18-03-50W a distance of 389.40 feet more or less to the centerline of Bellevue Redmond Road and the terminus of said line.

Together with the SW 1/4 of the NE 1/4 of the SE 1/4 of said Section 28 lying Southerly of the centerline of Bellevue Redmond Road and Westerly of the following described line;

Beginning at the SE corner thereof; thence West along the South line thereof a distance of 835.50 feet; thence N01-05-55W a distance of 949.01 feet; thence S73-56-05W a distance of 147.49 feet; thence N16-03-50W a distance of 146.41 feet; thence S71-56-10W a distance of 76.80 feet; thence N18-03-50W a distance of 389.40 feet more or less to the centerline of Bellevue Redmond Road and the terminus of said line.

Parcel 12 from R-3.5 to O:

That portion of the SE 1/4 of the NE 1/4 of the SE 1/4 of Section 28, Township 25 North Range 5 East, W.M. in King County, Washington, lying Southerly of the centerline of Bellevue Redmond Road and lying West of a line 200 feet West and parallel to the West line of Bellevue Short Plan 77-14 records of King County, recorded under Auditor's File No. 7702151114 as measured along the Southerly margin of said Bellevue Redmond Road.

Provided, Parcels 11 and 12 shall be subject to the following terms and conditions:

1. All structures shall be located on the north 200 feet of the property.

2. An evergreen screen shall be required of sufficient depth to provide 100% visual blockage from the residential community to the south.

3. Any development or redevelopment of the property shall be subject to administrative design review including, but not limited to, building design, height and materials, landscaping, access, circulation and parking.

Section 5. Ordinance No. 3075 is amended by the addition of a new Section 2a. to read as follows:

Section 2a. The following described property is hereby reclassified as follows:

Parcel 2a from OLB to PO with conditions:

That portion of the NE 1/4 of the NE 1/4 of Section 28, Township 25 North, Range 5 East, W.M., in King County, Washington, lying North of the center line of SR 520. Except the South 150 feet of the North 180 feet of the NE 1/4 of the NE 1/4 of said Section 28 lying West of a line 577.5 feet West and parallel to the East line thereof and lying East of the East Margin at 130th Avenue NE and EXCEPT the following described parcel:

Beginning at the Northeast corner of the NE 1/4 of the NE 1/4 of said Section 28; thence South 180 feet; thence S89-40-09W 600.56 feet to the True Point of Beginning, thence S00-48-10E 173 feet; thence S89-40-09W 234.04 feet to the East margin of 130th Ave. NE; thence Northerly along said East margin 180.7 feet more or less; thence N89-40-09E 269.54 feet more or less to the True Point of Beginning.

EXCEPT that portion of the Northeast quarter of the Northeast quarter of Section 28, Township 25 North, Range 5 East, W.M., King County, Washington, described as follows:

Beginning at the Northeast corner of said subdivision; thence North 88°23'54" West along the North line thereof 577.70 feet; thence South 1°02'33" West 30.00 feet to the

South margin of N.E. 24th Street; thence continuing South 1°02'22" West 150.00 feet to the Southeast corner of that parcel conveyed under Recording No. 717631, in King County, Washington; thence North 88°23'54" West 22.86 feet tot he Northeast corner of that parcel conveyed under Recording No.578886, in King County, Washington; thence South 1°02'22" West 173.00 feet; thence North 88°23'54" West to the center line of 130th Avenue N.E. (Dempsey Road); thence Southeasterly along said center line to the center line of SR 520 and the Southerly line of the City of Bellevue Zoning Ordinance No. 3075; thence Easterly along said center line and Southerly line to the East line of said subdivision; thence North 1°02'22" East along said East line to the Point of Beginning

Provided that parcel 2a shall be subject to the following terms and conditions:

a. Access shall be only from 130th Avenue N.E.

b. Development of the property shall be subject to administrative design review including, but not limited to, building design, height and materials, landscaping, access, circulation and parking.

c. The north 75 feet of the property shall be a natural landscape buffer and no building or parking lots or any other facilities shall be constructed within the north 75 feet with the exception of a children's play area. (The exact location of the play area is described in Revised Attachment E.) The children's play area shall be removed and restored to its natural state within 90 days after termination of child care center use at Northup North. With regard to the northern 75-foot natural landscape buffer described herein and that strip of land defined as 30 feet westerly of and 30 feet easterly of and parallel with the thread of the stream flowing continuously on the property (which stream enters the property through a culvert under N.E. 24th Street), no vegetation shall be removed from either area, except for minor pruning and trimming for maintenance purposes, which are consistent with good horticultural practices.

d. A landscape buffer shall be provided on the north and east sides of the play area described in paragraph c. above in compliance with Section 20.20.520 of the Land Use Code.

e. Structures in the play area shall not exceed 10 feet in height.

f. A solid fence of six feet in height shall be required on the east property line between the play area and the abutting single-family zoned property. The design of the fence shall be reviewed and approved by the Development review Division of the Design and Development Department prior to issuance of a building permit.

g. The lawn and grass areas within the 75-foot northern natural landscape buffer and within the stream corridor described in paragraph c. above shall be replaced or supplemented with plant material which does not require mowing or encourage the application of fertilizers and pesticides (refer to Tables 2-5, 2-6 and 2-7 of the City of Bellevue Development Standards for suggested plant material). No mowing shall occur within those areas and no fertilizers or pesticides shall be used within 50 feet from the top of the bank on either side of the stream.

The revegetation will require a valid clearing and grading permit.

h. No benches or picnic areas shall be permitted within the stream corridor or the 75-foot northern natural landscape buffer. Any benches or picnic areas currently existing within the stream corridor or the 75-foot northern natural landscape buffer shall be removed. The existing cinder-covered walkway through the 75-foot northern natural landscape buffer is permitted.

i. No modification to development of the site shall occur prior to issuance of required City permits.

Section 6. 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 25th day of June, 1990, and signed in authentication of its passage this 25th day of June, 1990.

(SEAL)

Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Kirkby, Assistant City Attorney

Attest:

Marie K. O'Connell, City Clerk

Published July 2, 1990