

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4537

AN ORDINANCE reclassifying forty-six lots totaling approximately 19.96 acres in Qualheims Lake Washington Acre Tracts located east of 112th Avenue S.E. and west of Bellevue Way S.E. between S.E. 27th Street and S.E. 34th Street from R-1.8 to R-3.5 with conditions; sustaining the appeal of appellant; and entering findings of fact and conclusions.

WHEREAS, the City of Bellevue filed applications on behalf of the owners of forty-two lots totalling 18.36 acres in Qualheims Lake Washington Acre Tracts located east of 112th Avenue S.E. and west of Bellevue Way S.E. between S.E. 27th Street and S.E. 34th Street, for a reclassification of said lots from R-1.8 to R-3.5 (REZ 92-2826 through 2867); and

WHEREAS, Maria Scott, David A. Bennett and Lowry M. Bennett, owners of four lots totalling 1.6 acres in Qualheims Lake Washington Acre Tracts located east of 112th Avenue S.E. and west of Bellevue Way S.E. between S.E. 27th Street and S.E. 34th Street, applied for a reclassification of said lots from R-1.8 to R-3.5 (REZ 91-10782); and

WHEREAS, on October 8, 1992, a consolidated public hearing on the City's application and the Scott/Bennett application to rezone forty-six lots in Qualheims Lake Washington Acre Tracts was heard before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on November 9, 1992, the Hearing Examiner issued an Order reopening the record and extending the closing date to November 20, 1992, and later extended the closing date to December 24, 1992; and

WHEREAS, by memorandum dated December 24, 1992, City staff revised its recommendation with respect to the City-initiated rezone application, recommending that the forty-two lots be rezoned to R-2.5; and

WHEREAS, on March 9, 1993, the Hearing Examiner issued a recommendation on the consolidated applications, recommending that the Scott/Bennett application be granted and that the four lots be rezoned to R-3.5 with conditions and further recommending that the forty-two lots in the City-initiated application be rezoned to R-2.5 with conditions and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, by letter dated March 26, 1993, Fred Crothamel appealed the recommendation of the Hearing Examiner, contending that R-3.5 zoning should be approved for the forty-two lots in the City-initiated rezone application as well as for the four lots in the Scott/Bennett application; and

WHEREAS, a limited public hearing was held before the City Council on May 5, 1993; and

WHEREAS, the City Council has determined that the appeal of Fred Crothamel should be sustained and that all forty-six lots should be reclassified to R-3.5 with conditions 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 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 approving the reclassification requests with regard to the hereinafter described properties in Qualheims Lake Washington Acre Tracts located east of 112th Avenue S.E. and west of Bellevue Way S.E. between S.E. 27th Street and S.E. 34th Street as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue in the Matter of the Applications of Maria Scott, David A. & Lowry M. Bennett & THE CITY OF BELLEVUE For Reclassification of the Lots in Qualheims Lake Washington Acres Tracts from R-1.8 to R-3.5", File: REZ 91-10781 and REZ 92-2826 through 2867, except that the City Council does not adopt Finding of Fact 3.18(a) and Conclusion of Law 1. and instead makes the following additional findings of fact and conclusions:

Findings of Fact:

1. Reclassifying Area A and Area B to R-3.5 will further the housing policies of the Comprehensive Plan by providing enhanced housing opportunities in the future.

Conclusions of Law:

1. The proposed reclassification of Area A and Area B from R-1.8 to R-3.5 is consistent with the South Bellevue Land Use diagram of the Comprehensive Plan and is supported by the policies of the South Bellevue Subarea Plan.
2. Because there are no significant physical differences between the properties located in Area A and Area B, the same land use classification should be adopted for both areas.
3. Although R-2.5 and R-3.5 land use classifications are both permissible within the SF-M designation of the Comprehensive Plan, R-3.5 zoning is the most appropriate land use designation for Area A and Area B since it will best further the housing policies of the Comprehensive Plan.

Section 2. The following described property comprised of forty-six lots in Qualheims Lake Washington Acre Tracts located east of 112th Avenue S.E. and west of Bellevue Way S.E. between S.E. 27th Street and S.E. 34th Street is hereby reclassified from R-1.8 to R-3.5 subject to the condition that follows:

That portion of the East half of Section 8, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the centerline of Lake Washington Boulevard with the West line of Government Lot 8 of said Section 8 thence Southerly along said West line and the West line of Government Lots 7 and 6 of said Section 8 to the LL-Line, as shown on PSH 2 (SR 90), East Channel Bridge to Richards Road Right of Way Plans, Sheet 3 of 20, dated August 17, 1965; thence Easterly along said LL-Line to the A-Line, as shown on said PSH 2 Right of Way Plans; thence Northerly along said A-Line to the centerline of Lake Washington Boulevard; thence Northwesterly along said centerline to the Point of Beginning.

This reclassification is subject to the following condition:

In the event that any property or properties that have been combined are developed with ten housing units or more, at least ten percent (10%) of the units buildable under the original maximum density must be affordable units and at least twenty percent (20%) of the units buildable as a result of the increase in density from the original maximum density to the total number of approved units must be affordable units. One bonus market rate unit is permitted for each of the affordable units provided to meet the minimum ten percent (10%) requirement of the original maximum density, up to fifteen percent (15%) above the original maximum density. "Affordable units" shall be defined as set forth in LUC 20.50.010. The units shall remain affordable for the lifetime of the R-3.5 zoning classification.

Prior to issuance of a building permit, the property owner(s) shall sign any necessary agreements with the City to implement these requirements. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provisions of the Land Use Code in effect at the time of the issuance of the development permit(s).

ORIGINAL

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

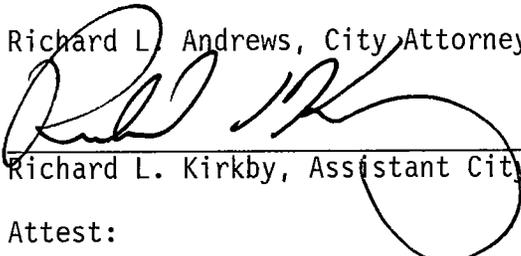
PASSED by the City Council this 24th day of May, 1993,
and signed in authentication of its passage this 24th day of
May, 1993.

(SEAL)


Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

Published May 28, 1993