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WPO261C-ORD
10/14/93

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4592

AN ORDINANCE reclassifying approximately 7.36 acres of property located at 1449 and 1655 - 148th Avenue N.E. on application of Lynne Butler (Butler Estates).

WHEREAS, Lynne Butler (Butler Estates) applied to the City to rezone approximately 7.36 acres of property located at 1449 and 1655 - 148th Avenue N.E. from R-2.5 to R-5 with conditions; and

WHEREAS, on June 10, 1993, a public hearing was held on the rezone application and on the applicant's request for preliminary plat approval before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on July 22, 1993, the Hearing Examiner recommended approval, with conditions, of the rezone application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on August 5, 1993, the Hearing Examiner issued a memorandum correcting certain typographical errors contained in his recommendation of July 22, 1993; and

WHEREAS, on August 11, 1993, H. Graham Gaiser, Lynden M. Watts, T. Todd Bennett and Dale G. Griffith ("Appellants") filed a Notice of Appeal of the Hearing Examiner's recommendation with the City Council; and

WHEREAS, on October 11, 1993, a limited public appeal hearing was held before the City Council, upon proper notice to all parties, with regard to the Appellants' appeal; and

WHEREAS, on October 11, 1993, following the limited public appeal hearing, the City Council voted to deny the appeal and to adopt findings and conclusions consistent therewith; and

WHEREAS, 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 approving the reclassification of the hereinafter described property from R-2.5 to R-5 with conditions; 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:

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Section 1. The City Council adopts the findings of fact and conclusions based thereon, as they relate to the reclassification request, made and entered by the Hearing Examiner in support of his recommendation to the City Council approving the reclassification request with regard to the hereinafter described property located at 1449 and 1655 - 148th Avenue N.E. as set forth in "Findings, Conclusions and Order of the Hearing Examiner for the City of Bellevue in the Matter of the Application of Lynne Butler (Butler Estates), For Reclassification and Preliminary Plat Approval. File No. REZ 92-4952; REZ 92-4953; and PP 92-4954", as corrected by the Hearing Examiner's memorandum of August 5, 1993.

Section 2. With regard to the appeal criteria of Bellevue City Code (Land Use Code) 20.35.150.4.b, the City Council determines:

A. The appellants H. Graham Gaiser, Lynden M. Watts, T. Todd Bennett and Dale G. Griffith have not carried their burden of proof and have not produced evidence sufficient to support the conclusion that the appeal should be granted.

B. The recommendation of the Hearing Examiner is supported by a preponderance of the evidence.

The appeal is therefore denied.

Section 3. The following described property located at 1449 and 1655 - 148th Avenue N.E. is hereby reclassified from R-2.5 to R-5 subject to the conditions that follow:

The South half of the Southeast quarter of the Southeast quarter of the Northeast quarter of Section 27, Township 25 North, Range 5 East, W.M., in King County, Washington; Except the West 130.00 feet thereof;

TOGETHER WITH the North half of the Northeast quarter of the Northeast quarter of the Southeast quarter of said Section 27; EXCEPT the North 168.00 feet of the West 130.00 feet thereof.

This reclassification is subject to the following condition:

The Applicant shall satisfy the requirements of LUC 20.20.128 for affordable housing to the extent they may become applicable. The requirement becomes applicable and the condition to provide the affordable units shall be implemented, when if ever, the total number of permitted units on the property equals or exceeds ten units. The

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affordable housing requirements specify that, for rezones of ten units or greater, ten percent (10%) of the units buildable under the original maximum density of R-2.5 and that 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. For the purpose of this rezone, the definition of "affordable units" shall be that set forth in LUC 20.50.010.

For the purpose of calculating the number of required affordable units, the original maximum density possible under the R-2.5 zoning for the parcels is eighteen (18) units. The units shall remain "affordable units" for the lifetime of the R-5 zoning classification and shall be dispersed across the range of unit sizes and throughout the properties.

In consideration of the increased density that the City will allow, the provision of the total affordable units is required to occur on-site. The provisions of Section 20.20.128.E, Alternative Compliance Methods, shall not apply to this site.

Prior to issuance of a final plat approval, the owner shall sign any necessary agreements with the City to implement these affordable housing 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 issuance of the development permit(s).

This reclassification is further conditioned on full compliance by the owner of said property and its heirs, assigns, grantees or successors in interest, of the terms and conditions of that certain Concomitant Agreement executed by the owner of said property, which has been given Clerk's Receiving No. 19671, and which has been adopted by reference into this ordinance as if it were fully set forth herein.

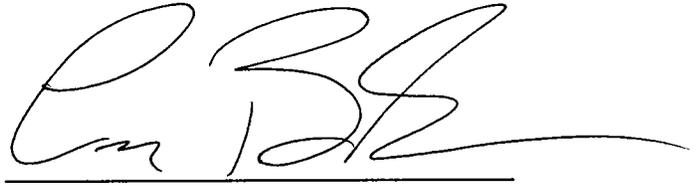
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Section 4. This Ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 18th day of October, 1993,
and signed in authentication of its passage this 18th day of
October, 1993.

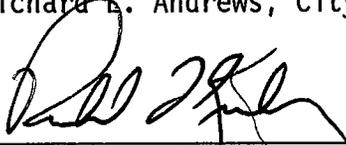
(SEAL)



Cary Bozeman, Mayor

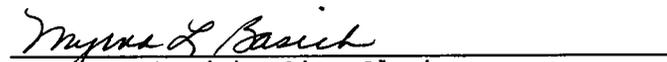
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:


Myrra L. Basich, City Clerk

Published October 22, 1993