

WPO264C-ORD
10/22/93

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4604

AN ORDINANCE approving a conditional use application to construct two tennis courts on top of a storm detention vault on property located west of 164th Way S.E., south of S.E. 48th Street, east of 159th Place S.E. and generally north of Lakemont Boulevard S.E., in the Newcastle Subarea, upon application of KDG/Seattle Partners One, Ltd.

WHEREAS, KDG/Seattle Partners One, Ltd. has submitted an application for approval of a conditional use; and

WHEREAS, said application for approval of a conditional use is submitted in order to construct two tennis courts on the top of a storm detention vault on property located west of 164th Way S.E., south of S.E. 48th Street, east of 159th Place S.E. and generally north of Lakemont Boulevard S.E., in the Newcastle Subarea; and

WHEREAS, the owner of said property also submitted applications for a reclassification (REZ 91-8343) and for preliminary plat approval (PP 91-8342); and

WHEREAS, on June 23 and 24, 1993, a consolidated public hearing was held on the reclassification, preliminary plat and conditional use applications before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on July 16, 1993, the Hearing Examiner issued a recommendation on the consolidated applications, recommending that the applications be denied, and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on August 5, 1993, the owner of the property, KDG/Seattle Partners One, Ltd., filed an appeal of the recommendation of the Hearing Examiner to the City Council; and

WHEREAS, on August 5, 1993, Charles D. Mosher, Jan Hajnosh and Larry Brickman filed an appeal of the recommendation of the Hearing Examiner to the City Council; and

WHEREAS, a limited public hearing was held on the appeals before the City Council on September 13, 1993; and

ORIGINAL

WP0264C-ORD
10/22/93

WHEREAS, the City Council determined that the appeal should be granted and, by Ordinance No. 4586, reclassified the property from R-3.5/C to R-5/C; and

WHEREAS, the City Council remanded the preliminary plat and conditional use applications to the Hearing Examiner for further consideration, on the record; and

WHEREAS, the Hearing Examiner has reviewed said conditional use application to determine whether it is in conformance with the Land Use Code requirements of the City applicable thereto; and

WHEREAS, City staff recommended approval; and

WHEREAS, on October 12, 1993, the Hearing Examiner recommended approval of the conditional use application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner, and has determined that approval of the conditional use, subject to certain conditions, is in the public interest; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and the Bellevue Environmental Procedures Code; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE 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 with regard to the conditional use application in this matter as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of KDG/Seattle Partners One, Ltd. for Preliminary Plat Approval and a Conditional Use with Respect to Property generally located at 4825 - 164th Avenue S.E., File No. PP-91-8342 and CUDN 92-9746."

Section 2. The City Council hereby approves the conditional use application of KDG/Seattle Partners One, Ltd., to construct two tennis courts on top of a storm detention vault on property located at 4825 - 164th Avenue S.E. and more particularly described as:

ORIGINAL

WP0264C-ORD
10/22/93

PARCEL A:

THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, LESS EAST 264 FEET OF THE SOUTH HALF IN SECTION 23, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;
LESS COAL AND MINERAL RIGHTS;
LESS COUNTY ROAD

PARCEL B:

THE SOUTH HALF OF THE EAST 264 FEET OF NORTH HALF OF NORTH HALF OF NORTHEAST QUARTER OF NORTHEAST QUARTER IN SECTION 23, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;
LESS COAL AND MINERAL RIGHTS, LESS COUNTY ROAD.

BOTH SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

AND

PARCEL A:

THE WEST 264 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON.

PARCEL B:

THE EAST 264 FEET OF THE WEST 528 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON.

PARCEL C:

THE EAST 264 FEET OF THE WEST 792 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON.

PARCEL D:

THE EAST 264 FEET OF THE WEST 1056 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF

ORIGINAL

WPO264C-ORD
10/22/93

SECTION 23, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON.

PARCEL E:

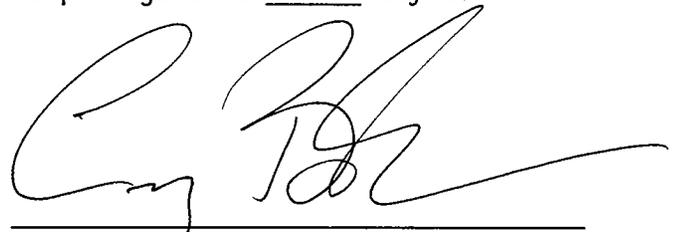
THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER;
EXCEPT THE WEST 1056 FEET THEREOF;
AND EXCEPT THAT PORTION THEREOF LYING WITHIN THE COUNTY ROAD VARIOUSLY KNOWN AS 164TH AVENUE SOUTHEAST AND NEWCASTLE ROAD, ALL IN SECTION 23, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M., RECORDS OF KING COUNTY, WASHINGTON.

provided that approval of said conditional use shall be subject to any applicable conditions contained in Ordinance No. 4586 and Resolution No. 5722, and this approval thereof is conditioned on full compliance by the owner or owners, developer or developers, and their heirs, assigns, grantees, and successors in interest therewith.

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 29th day of November, 1993, and signed in authentication of its passage this 29th day of November, 1993.

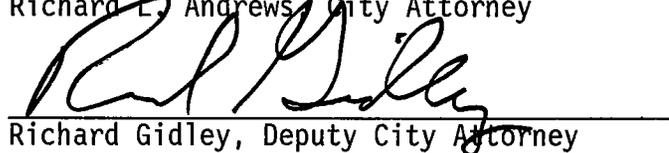
(SEAL)



Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard Gidley, Deputy City Attorney

Attest:


Myrna L. Basich, City Clerk

Published December 3, 1993