

ORIGINAL

WPO279C-ORD
11/30/93

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4612

AN ORDINANCE reclassifying 15 acres of property comprised of 59 parcels located generally north of N.E. 17th Street, south of N.E. 21st Street, west of 116th Avenue N.E. and east of I-405, commonly referred to as Dogwood Park, from R-3.5 and R-4 to Office (O) on application of the City of Bellevue.

WHEREAS, the City of Bellevue filed an application on behalf of the owners of 15 acres of property comprised of 59 parcels located generally north of N.E. 17th Street, south of N.E. 21st Street, west of 116th Avenue N.E. and east of I-405, commonly referred to as Dogwood Park, for a reclassification of said property from R-3.5 and R-4 to Office (O) with conditions; and

WHEREAS, on October 14, 1993 a public hearing was held on the rezone application before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on October 27, 1993 the Hearing Examiner recommended approval of the rezone application with conditions 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 the public use and interest will be served by approving the reclassification of said property from R-3.5 and R-4 to Office (O) 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:

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 request with regard to the hereinafter described property located generally north of N.E. 17th Street, south of N.E. 21st Street, west of 116th Avenue N.E. and east of I-405, commonly referred to as Dogwood Park, as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner of the City of Bellevue In the Matter of the

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Application of THE CITY OF BELLEVUE (Dogwood Park) For a Reclassification of Property, File No. REZ 92-6790 to 92-6845 and 92-7406 and 92-7407."

Section 2. The following described property located north of N.E. 17th Street, south of N.E. 21st Street, west of 116th Avenue N.E. and east of I-405, commonly referred to as Dogwood Park, is hereby reclassified from R-3.5 and R-4 to Office (O) subject to the conditions that follow:

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

Beginning at the intersection of the F 5E-Line, as shown on the S.R. 405, Bellevue to Northrup Interchange Right of Way Plans, Sheet 2 of 10, dated July 23, 1963 (centerline N.E. 24th Street) with the East line of said subdivision; thence Southerly along said East line to the centerline of N.E. 19th Street; thence Westerly along said centerline to the centerline of 115th Avenue N.E.; thence Southerly along said centerline to the Westerly extension of the South line of Lots 5 and 6, McGrath's Addition, as recorded in Volume 53 of Plats, Page 97; thence Easterly along said Westerly extension and South line to the Southeast corner of said Lot 5; thence continuing Easterly along the Easterly extension thereof to the East line of said subdivision; thence Southerly along said East line to the Easterly extension of the South line of said McGrath's Addition; thence Westerly along said Easterly extension and South line and the South line of Shangri-La, as recorded in Volume 53 of Plats, Page 96; to the Southwest corner of said Shangri-La; thence continuing Westerly along the Westerly extension thereof to the L-Line, as shown on the S.R. 405, Midlakes to Kirkland Right of Way Plans, Sheets 3 and 4 of 27, dated July 1, 1952; thence Northerly along said L-Line to said F 5E-Line; thence Easterly along said F 5E-Line to the Point of Beginning.

This reclassification is subject to the following conditions:

1. Restaurants and drugstores are permitted only as subordinate uses.

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2. Prior to the issuance of a building permit for any development, other than conversion of an existing building to the new permitted use, a circulation plan shall be proposed by the applicant and approved by the Transportation Department. The plan must show internal circulation and connection to 116th Avenue N.E. for the area bounded by this rezone, and take into account possible redevelopment in the area. For the purposes of this condition, permitted uses do not include subordinate uses.

3. Prior to a change in use on a site, a solid visual barrier a minimum of six feet in height shall be provided on the interior property lines between a single family residential use and a more intense use. The barrier may consist of a fence, berm, plant material or a combination thereof.

4. In the event that parcels are assembled into single ownership and the combined parcels are developed with ten or more housing units, 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.

For the purposes of calculating the number of required affordable units, it should be assumed that each parcel can accommodate one unit under the present zoning. Units developed in accordance with this provision shall remain affordable for the lifetime of the Office zoning classification and shall be dispersed across the range of unit sizes and throughout the development.

Prior to issuance of a building permit, the owner 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 permits.

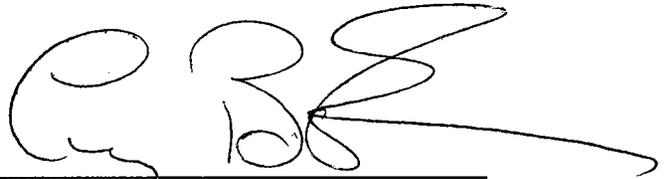
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Section 3. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 13th day of December, 1993, and signed in authentication of its passage this 13th day of December, 1993.

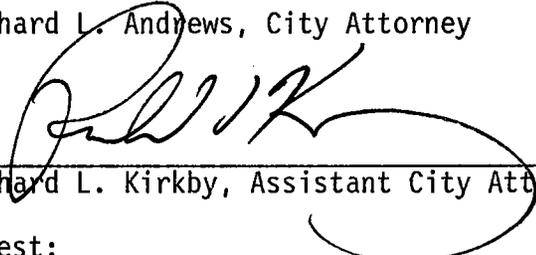
(SEAL)



Cary Bozeman, Mayor

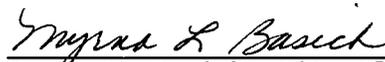
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published December 17, 1993