

WP0369C-ORD
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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4713

AN ORDINANCE reclassifying 17 parcels, one partial parcel, and areas of City right-of-way totaling approximately 67 acres located within the area south of the Lake Hills Connector, east of Richards Road and north of Kamber Road from OU, OU/R-1, OU with PUD, R-1 and R-1/C with PUD to R-4/C, R-5/C with PUD, R-10, R-10/C with PUD, R-20, R-20/C and R-20C with PUD on application of the City of Bellevue, and known as Kelsey/Richards Creek-2 Rezone Project.

WHEREAS, the City of Bellevue filed an application to reclassify approximately 67 acres located within the area south of the Lake Hills Connector, Richards Road, and north of Kamber Road from OU, OU/R-1, OU with PUD, R-1 and R-1/C with PUD; to R-4/C, R-5/C with PUD, R-10, R-10/C with PUD, R-20, R-20/C and R-20/C with PUD on application of the City of Bellevue; and

WHEREAS, on September 1, 1994, a public hearing was held on the reclassification application before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on October 4, 1994, 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 October 11, 1994, the City moved for reconsideration of Conclusion No. 3 entered by the Hearing Examiner; and

WHEREAS, on October 18, 1994, the Hearing Examiner issued an Order Granting Motion for Reconsideration; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner, except as hereinafter stated, and has determined that the public use and interest will be served by approving the reclassification of said properties from OU, OU/R-1, OU with PUD, R-1 and R-1/C with PUD to R-4/C, R-5/C with PUD, R-10, R-10/C with PUD, R-20, R-20/C and R-20/C with PUD 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 within the area south of the Lake Hills Connector, east of Richards Road and north of Kamber Road with conditions as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue in the Matter of the Application of the City of Bellevue Kelsey/Richards Creek-2 Rezone Project for a Reclassification, File Nos. REZ 94-1994 through 2011 and REZ 94-5874", except that the City Council does not adopt Conclusion No. 3 of the Hearing Examiner, as originally set forth in the Findings, Conclusions and Recommendation or as set forth in the Order Granting Motion for Reconsideration.

Section 2. The following described properties are reclassified as indicated:

Area KRC-2A

That portion of Section 4, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Southeast corner of the Northeast quarter of said Section 4; thence Northerly along the East line thereof to the LR-Line, as shown on the Lake Hills Connector Right-of-Way Plans, sheets 4 and 5 of 8, approved March 1970; thence Northwesterly along said LR-Line to the West line of the Southeast quarter of the Northeast quarter of said Section 4; thence Southerly along said West line to the centerline of Henry Richards Road No. 938 (132nd Place S.E.); thence Southerly along said centerline to the North line of the South 60.00 feet of the Northeast quarter of the Northeast quarter of the Southeast quarter of said Section 4; thence Easterly along said North line to the East line of the Southeast quarter of said Section 4; thence Northerly along said East line to the Point of Beginning.

From OU to R-20/C, subject to the following conditions:

- a. No site access to the Lake Hills Connector shall be permitted unless no feasible alternative exists. (Comprehensive Plan Policy S-RV-18)
- b. The applicant shall grant a "non-motorized public access easement" to the City and construct a trail to Parks and Community Services Department standards, as a condition of approval of future development on site. The easement shall be 10 feet wide and shall traverse the property from southeast to northwest generally parallel to Richards Creek. (Comprehensive Plan Policies PA-13, TR-62, S-RV-14)

Area KRC-2B

That portion of the South 60.00 feet of the Northeast quarter of the Northeast quarter of the Southeast quarter of Section 4, Township 24 North, Range 5 East, W.M., in King County, Washington, lying Easterly of the centerline of Henry Richards Road No. 938 (132nd Place S.E.).

From OU with PUD to R-20/C with PUD, subject to the following conditions:

- a. The Planned Unit Development for Bannerwood Sports Park on this property, adopted on 10/7/85 under Ordinance No. 3552, shall remain in effect and unaltered.
- b. If the City of Bellevue has not developed trails on site, the applicant shall grant a "non-motorized public access easement" to the City and construct a trail to Parks and Community Services Department standards, as a condition of approval of future development on site. The easement shall be 10 feet wide and shall cross the eastern side of the property generally parallel to Richards Creek. (Comprehensive Plan Policies PA-13, TR-62, S-RV-14)

Area KRC-2C

That portion of the West half of the Southwest quarter of the Northwest quarter of Section 3, Township 24 North, Range 5 East, W.M., in King County, Washington, lying Southerly of the LR-Line, as shown on the Lake Hills Connector Right-of-Way Plans, sheet 5 of 8, approved March 1970;

TOGETHER with the Northwest quarter of the Northwest quarter of the Southwest quarter of said Section 3;

EXCEPT the Southeast quarter of the Northwest quarter of the Northwest quarter of the Southwest quarter of said Section 3.

From OU with PUD to R-5/C with PUD, subject to the following conditions:

- a. The Planned Unit Development for Bannerwood Sport Park on this property, adopted on 10/7/85 under Ordinance No. 3552, shall remain in effect and unaltered.
- b. If the City of Bellevue has not developed trails on site, the applicant shall grant a "non-motorized public access easement" to the City and construct a trail to Parks and Community Services Department standards, as a condition of approval of future development on site. The easement shall be 10 feet wide and shall cross the southwest corner of the property generally parallel to Richards Creek. (Comprehensive Plan Policies PA-13, TR-62, S-RV-14)

Area KRC-2D

That portion of the South three-quarters of the East half of the Southwest quarter of the Northwest quarter of Section 3, Township 24 North, Range 5 East, W.M., in King County, Washington, lying Southeasterly of the LR-Line, as shown on the Lake Hills Connector Right-of-Way Plans, sheets 5 and 6 of 8, approved March 1970 and lying Northwesterly of the Southeasterly margin of said Lake Hills Connector.

From R-1 to R-10.

Area KRC-2E

The Southeast quarter of the Northwest quarter of the Northwest quarter of the Southwest quarter of Section 3, Township 24 North, Range 5 East, W.M., in King County, Washington;

EXCEPT the South 15.00 feet thereof;

AND EXCEPT the North 185.00 feet of the South 200.00 feet of the East 218.00 feet of the West 383.00 feet of the East three-quarters of the North half of the Northwest quarter of the Southwest quarter of said Section 3.

From R-1 with PUD to R-10/C with PUD, subject to the following conditions:

- a. The Planned Unit Development for the Bannerwood apartments on this property, adopted on 7/27/87 under Ordinance No. 3814, shall remain in effect and unaltered.
- b. Prior to issuance of any building permit, the applicant shall comply with Land Use Code Section 20.20.128(b)(3) for providing affordable housing and shall sign any necessary agreements with the City to implement this requirement. For purposes of calculating the required number of affordable units, the maximum allowable density under the original R-1 zoning is one unit per acre. The City may agree, at its sole discretion, to subordinate any affordable housing agreements in order to allow the owner to obtain financing for development of the property, consistent with any applicable provisions of the Land Use Code provisions then in effect.

Area KRC-2F

Parcel B, City of Bellevue Short Plat No. 78-56, as filed under Recording No. 7808140743, in King County, Washington.

From OU with PUD to R-20/C with PUD, subject to the following conditions:

- a. The Planned Unit Development for the lumber yard/ building supply store on this property, adopted on

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5/26/69 under Ordinance No. 1351, shall remain in effect and unaltered.

- b. The applicant shall grant a "non-motorized public access easement" to the City and construct a trail to Parks and Community Services Department standards, as a condition of approval of future development on site. The easement shall be 10 feet wide and traverse the property from north to south generally to parallel to Richards Creek. (Comprehensive Plan Policies PA-13, TR-62, S-RV-14)

Area KRC-2G

The South 200.00 feet of the East 218.00 feet of the West 383.00 feet of the East three-quarters of the North half of the Northwest quarter of the Southwest quarter of Section 3, Township 24 North, Range 5 East, W.M., in King County, Washington;

TOGETHER with the South 15.00 feet of the West 165.00 feet of the Southeast quarter of the Northwest quarter of the Northwest quarter of the Southwest quarter of said Section 3;

AND TOGETHER with the West three-quarters of the South half of the Northwest quarter of the Southwest quarter of said Section 3, lying northerly of the south 330.00 feet thereof;

EXCEPT that portion of City of Bellevue Short Plat No. 78-56, as filed under Recording No. 7808140743, lying within the Southwest quarter of said Section 3.

From OU/R-1 to R-20/C, subject to the following conditions:

- a. The applicant for development of King County Tax Lot No. 032405-9003 shall grant a "non-motorized public access easement" to the City and construct a trail to Parks and Community Services Department standards, as a condition of approval of future development on site. The easement shall be 10 feet wide and traverse the eastern portion of the property from north to south connecting with existing or planned trails at the property boundaries.

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- b. Prior to issuance of any building permit, the applicant shall comply with Land Use Code Section 20.20.128(b)(3) for providing affordable housing and shall sign any necessary agreements with the City to implement this requirement. For purposes of calculating the required number of affordable units, only the east 332.072 feet of the rezone area is subject to LUC Section 20.20.128(b)(3), and the maximum allowable density under the original R-1 zoning is one unit per acre. The City may agree, at its sole discretion, to subordinate any affordable housing agreements in order to allow the owner to obtain financing for development of the property, consistent with any applicable provisions of the Land Use Code then in effect.

Area KRC-2H

That portion of the Northwest quarter of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Northwest corner of said subdivision; thence Easterly along the North line thereof to the East line of the West 208.70 feet of the East 310.00 feet of Tract 4, Mercer Slough Gardens Tracts, as recorded in Volume 8 of Plats, Page 91; thence Southerly along said East line to the South line of the North 208.70 feet of said Tract 4; thence Westerly along said South line and the Westerly extension thereof to the West line of the Northwest quarter of said Section 10; thence Northerly along said West line to the Point of Beginning;

TOGETHER WITH the South three-quarter of the West half of the Southwest quarter of the Southwest quarter of the Southwest quarter of Section 3, Township 24 North, Range 5 East, W.M.

From OU to R-20.

Area KRC-2I

That portion of the Northwest quarter of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

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Beginning at the Northeast corner of Parcel 1, City of Bellevue Boundary Line Adjustment No. 88-8218, as filed under Recording No. 8903019004; thence North $88^{\circ}42'30''$ West along the Northerly line thereof 485.15 feet; hence South $1^{\circ}20'42''$ West along said Northerly line 208.70 feet; thence North $88^{\circ}42'30''$ West along said Northerly line and the Westerly extension thereof to the centerline of Henry Richards Road No. 938 (132nd Avenue S.E.); thence Southerly along said centerline to the centerline of S.E. 26th Street; thence Easterly along the centerline of S.E. 26th Street to the Southerly extension of the East line of said Parcel 1; thence Northerly along said Southerly extension and East line to the Point of Beginning.

From OU with PUD to R-20/C with PUD, subject to the following condition:

The Planned Unit Development for the retirement residence on this property, approved on 3/6/89 under File No. FPDA 88-8215, shall remain in effect and unaltered.

Area KRC-2J

That portion of the Northwest quarter of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Northwest corner of Parcel 2, City of Bellevue Boundary Line Adjustment No. 88-8218, as filed under Recording No. 8903019004; thence Easterly along the North line thereof to the Northeast corner of said Parcel 2; thence Southerly along the East line thereof and the Southerly extension of said East line to the centerline of S.E. 26th Street; thence Westerly along said centerline to the Southerly extension of the West line of said Parcel 2; thence Northerly along said Southerly extension and West line to the Point of Beginning.

From OU to R-4/C, subject to the following condition:

The applicant shall grant a "non-motorized public access easement" to the City and construct a trail to Parks and Community Services Department standards, as a condition of approval of future development on site. The easement shall be 10 feet wide and cross the northeast corner of the property connecting the existing trail on

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the single family property to the east with the City-owned land to the north.

Area KRC-2K

Beginning at the Northwest corner of Parcel A, City of Bellevue Short Plat No. 78-56, as filed under Recording No. 7808140743, in King County, Washington; thence Easterly along the North line thereof to the Northeast corner of said parcel; thence Southerly along the East line thereof to the Southeast corner of said parcel; thence Westerly along the South line thereof and the Westerly extension of said South line to the centerline of Henry Richards Road No. 938 (132nd Place S.E.); thence Northwesterly along said centerline to the Westerly extension of the North line of said parcel; thence Easterly along said Westerly extension to the Point of Beginning.

From OU with PUD to R-20/C with PUD, subject to the following conditions:

- a. The Planned Unit Development for the office building on this property, adopted on 2/3/86 under Ordinance No. 3594, shall remain in effect and unaltered.
- b. The applicant shall grant a "non-motorized public access easement" to the City and construct a trail to Parks and Community Services Department standards, as a condition of approval of future development on site. The easement shall be 10 feet wide and cross the northeast corner of the property generally parallel to Richards Creek.

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

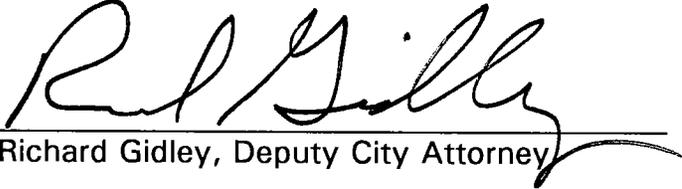
PASSED by the City Council this 28th day of November, 1994, and signed in authentication of its passage this 28th day of November, 1994.

(SEAL)


Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Myrna L. Basich, City Clerk

Published December 2, 1994