WP0572C-ORD
03/08/96

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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4860

AN ORDINANCE regarding the application of Balfive Lakemont Limited Partnership/Calvary Eastside Church to reduce the existing required landscape buffer along 164th Ave. SE, on property located at 5220 - 164th Ave. SE from 50 feet to 20 feet; entering findings of fact and conclusions; granting the appeal of the applicant from the recommendation of the Hearing Examiner; approving the application; approving an alteration of the plat of Lakemont Division 2, Parcel D to reflect the revised landscape buffer; and revising the legal description contained in Ordinance 4594.

WHEREAS, Balfive Lakemont Limited Partnership/Calvary Eastside Church filed an application to reduce the existing required landscape buffer along 164th Ave. SE on property located at 5220 - 164th Ave. SE from 50 feet to 20 feet; and

WHEREAS, on December 7, 1995, a public hearing was held on the application before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on December 14, 1995, the Hearing Examiner recommended denial of the application and made and entered findings of fact and conclusions based thereon in support of that recommendation; and

WHEREAS, on December 19, 1995, the Applicant filed an appeal to the City Council of the Hearing Examiner recommendation; and

WHEREAS, following the hearing, the matter was continued for consideration at the March 4, 1996, meeting of the City Council; and

WHEREAS, the City Council has determined to grant the appeal; and

WHEREAS, there exists an error in the legal description contained in Ordinance 4594, passed October 25, 1993, which reclassified the property and which should be corrected; and

WHEREAS, the City has compiled 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, made and entered by the Hearing Examiner in support of that recommendation to the City Council with regard to the hereinafter described property located at 5220 - 164th Ave. SE as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner of the City of Bellevue in the Mater of the Application of Balfive Lakemont Limited Partnership/Calvary Eastside Church Request to Reduce the existing required landscape buffer along 164th Ave. SE from 50 feet to 20 feet," File No. REZ 94-1002, except that the Council does not adopt Finding No. 8 and Conclusions Nos. 2, 3, 4 and 5 of the Hearing Examiner.

Section 2. The City Council makes and enters the following additional Findings of Fact:

1. There is no evidence that surrounding properties, classified R-3.5, PO and GC/C, will be adversely affected by approval of the application. By reducing the buffer from fifty to twenty feet, there is a gain of almost 17,000 square feet in additional land area, which will provide greater flexibility to the applicant in designing the church and arranging the building and parking on the site in a way that will be most compatible with the neighboring community.

2. The current Transition Area Design District standards (Land Use Code 20.25B.040.C) provide for a landscape buffer of not less than 20 feet.

Section 3. The City Council makes and enters the following additional Conclusions:

1. The proposed reduction in the landscape buffer from 50 to 20 feet is consistent with the Transition Area Design District standards of the Land Use Code.

2. Approval of the application bears a substantial relation to the public health, safety and welfare. Reduction of the landscape buffer will provide additional space for church expansion and parking while at the same time providing the flexibility to arrange the building and parking in a way that minimizes impacts on the neighboring community, and is appropriate to facilitate reasonable development of the property for church purposes.

3. Approval of the application will not be materially detrimental to uses or property in the immediate vicinity of the subject property. The 20-foot buffer, with vegetation meeting Land Use Code standards, will provide adequate protection to neighboring properties.

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4. Approval of the application has merit and value for the community as a whole. Approval will allow construction of a larger church facility to serve the community.

5. Approval of the application is consistent with the Comprehensive Plan. The Subarea Plan provides for buffering but does not specify the width of the buffer. The modified buffer dimension will meet Land Use Code requirements, and thus will carry out the intent of the Plan.

6. The application complies with all other applicable criteria and standards of the Bellevue City Code.

Section 4. The City Council further finds and determines that:

1. The appellant has carried the burden of proof and produced evidence sufficient to support the conclusion that the appeal should be granted.

2. The recommendation of the Hearing Examiner is not supported by a preponderance of the evidence.

Section 5. The appeal of Calvary Chapel Eastside is hereby granted and condition 2.b of Ordinance No. 4594 with respect to the following property:

> That portion of the East half of the Northeast quarter of Section 23, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:
>
> Beginning at the Northeast corner of Parcel D, Lakemont Division 2, as recorded in Volume 156 of Plats, Pages 76-83; thence Southerly along the Easterly line thereof and the Southeasterly extension of said Easterly line to the centerline of Lakemont Boulevard SE; thence Southwesterly along said centerline to the centerline of 164th Way SE (Newcastle Road) and the beginning of a 477.36 foot radius curve; thence Northerly along said curve and centerline of 164th Way SE to the North line of the South half of the South half of the South half of the Northeast quarter of the Northeast quarter of said Section 23; thence Easterly along said North line to the West line of the East 249.00 feet of said Section 23; thence Southerly along said West line to the North line of said Parcel D; thence Easterly along said North line to the Point of Beginning.

is amended to read as follows:

> "A 50-foot-wide landscape buffer shall be provided along the northerly and easterly portion of the parcel, except where it abuts

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the Tract G Stream Corridor. A 20-foot-wide landscape buffer shall be provided along the 164th Ave. SE frontage. Landscaping within the buffer area shall be in conformance with Land Use Code Section 20.25B.040.C.2."

Section 6. The legal description contained in Section 2 of Ordinance 4594 is hereby amended to read as provided in Section 5 above.

Section 7. The alteration of the plat of Lakemont Division 2, Parcel D, to reflect the revision to the landscape buffer under Section 5 above is in the public interest and is approved. The Mayor is authorized to sign the revised plat.

Section 8. 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 March, 1996, and signed in authentication of its passage this 18th day of March, 1996.

(SEAL)

Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

Published March 22, 1996