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03/22/96

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4868

AN ORDINANCE reclassifying property located in the Wilburton/N.E. 8th Street Subarea from R-1 and R-10 to O, O/C, PO/C, R-15 and R-20/C, on application of the City of Bellevue and known as the Wilburton-7 Rezone Project.

WHEREAS, the City of Bellevue filed a request to reclassify certain property in the Wilburton/N.E. 8th Street Subarea from R-1 and R-10 to O, O/C, PO/C, R-15 and R-20/C; and

WHEREAS, on January 18, 1996, 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 February 6, 1996, 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 that recommendation; and

WHEREAS, on February 20, 1996, Highland East I Homeowners filed an appeal to the City Council of the Hearing Examiner Recommendation; and

WHEREAS, on March 18, 1996, the City Council conducted a limited public hearing on the appeal; 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 properties from R-1 and R-10 to O, O/C, PO/C, R-15, and R-20/C; 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 the recommendation to the City Council with regard to the hereinafter described property located in the Wilburton/N.E. 8th Street Subarea with conditions, as

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set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue in the Matter of City of Bellevue (Wilburton-7 Rezone Project) Request for Reclassification of Two Parcels, Two Partial Parcels and Areas of City, and Burlington Northern Railroad Right-of-Way in Five Rezone Areas, from R-1 and R-10 to O, O/C, PO/C, R-15 and R-20/C in Accordance with the Bellevue Comprehensive Plan", File Nos. REZ 95-8592 through REZ 95-8595; and Order Correcting Errors, dated February 9, 1996.

Section 2. The City Council also finds that the Appellants have not carried their burden of proof and that the recommendation of the Hearing Examiner is supported by a preponderance of the evidence. The appeal is therefore denied.

Section 3. The following described properties are reclassified as indicated:

Area WB7-A

That portion of the Southeast quarter of Section 28, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Northeast corner of Tract 6, Kietz' Home Acres, as recorded in Volume 47 of Plats, Page 83; thence Northerly to an angle point on the Westerly line of said plat, lying 283.00 feet Easterly of the Westerly most corner of said plat; thence Westerly along said Westerly line and the Westerly extension thereof to the centerline of N.E. 10th Place; thence Southeasterly along said centerline to the Westerly extension of the South line of the North 8.00 feet of said Tract 6; thence Easterly along said Westerly extension and South line to the East line of said Tract 6; thence Northerly along said East line to the Point of Beginning.

From R-10 to PO, subject to the following condition:

1. The Planned Residential Unit Development on this property, passed under Ordinance No. 3556 on 10/14/85, shall remain in effect and unaltered by this rezone.

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Area WB7-B

That portion of Tract 5, Kietz' Home Acres, as recorded in Volume 47 of Plats, Page 83, in King County, Washington, described as follows:

Beginning at the Northeast corner of Tract 3 of said plat; thence Westerly along the North line thereof to the Northwest corner of said Tract 3; thence Northerly to an angle point on the Westerly line of said plat, lying 283.00 feet Easterly of the Westerly most corner of said plat; thence Northerly along said Westerly line to the Southwest corner of Tract 4 of said plat; thence Easterly along the South line thereof to the Southeast corner of said Tract 4; thence Southerly to the Point of Beginning.

From R-10 to R-20, subject to the following condition:

1. The Planned Residential Unit Development on this property, passed under Ordinance No. 3556 on 10/14/85, shall remain in effect and unaltered by this rezone.

Area WB7-C

That portion of the Northwest quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Northwest corner of the Southwest quarter of the Southwest quarter of the Northeast quarter of the Northwest quarter of said Section 33; thence Easterly along the North line thereof to the East line of the West half of the West half of the East half of the Northwest quarter of said Section 33; thence Southerly along said East line to the South line of the North 2 acres of the West half of the Southeast quarter of the Northwest quarter of said Section 33; thence Westerly along said South line to the West line of the East half of the Northwest quarter of said Section 33; thence Northerly along said West line to the Point of Beginning.

From R-1 to O.

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Area WB7-D

That portion of the Northwest quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Northwest corner of the Southeast quarter of the Southwest quarter of the Northeast quarter of the Northwest quarter of said Section 33; thence Easterly along the North line thereof to the East line of the West half of the East half of the Northwest quarter of said Section 33; thence Southerly along said East line to the South line of the North 2 acres of the West half of the Southeast quarter of the Northwest quarter of said Section 33; thence Westerly along said South line to the West line of the East half of the West half of the Northwest quarter of said Section 33; thence Northerly along said West line to the Point of Beginning.

From R-1 to R-15.

Area WB7-E

Those portions of the West half of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the intersection of the East margin of the Burlington Northern Railroad Right-of-Way and the South line of the Northwest quarter of said Section 33; thence South  $89^{\circ}02'50''$  East along said South line 337.00 feet to the True Point of Beginning; thence North  $11^{\circ}06'05''$  East parallel with the East margin of said railroad right-of-way to the North margin of Main Street; thence North  $89^{\circ}02'50''$  West along said North margin 227.60 feet; thence South  $14^{\circ}30'26''$  West to the South line of the Northwest quarter of said Section 33; thence South  $89^{\circ}02'50''$  East along said South line to the True Point of Beginning; AND Beginning at the intersection of the centerline of 118th Avenue S.E. (May Street) and the Easterly extension of the South line of the North half of that portion of Tract 4, Strawberry Lawn, as recorded in Volume 4 of Plats, Page 30-1/2, lying Northerly of the South 1 acre of said Tract 4 and lying East of the Burlington Northern Railroad Right-of-Way; thence Westerly along said line and the Westerly extension thereof to the centerline

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of said railroad right-of-way; thence Northerly along said centerline to the North line of the Southwest quarter of said Section 33; thence Easterly along said North line to the centerline of S.E. 1st Street (County Road 146); thence Southerly along said centerline to the North line of the South half of the North half of said Tract 4; thence Easterly along said North line and the Easterly extension thereof to the centerline of 118th Avenue S.E.; thence Southerly along said centerline to the Point of Beginning.

From R-1 to O, subject to the following condition:

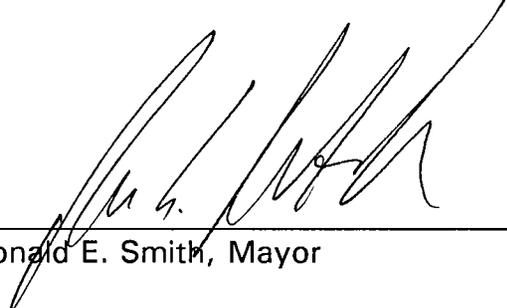
1. Any development proposal for this property (117 - 118th Avenue S.E.) shall be subject to Design Review (LUC Section 20.30F). The approval of proposals shall ensure that structures are residential in design, height and bulk, and utilize pitched roofs as part of the overall design.

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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 1st day of April, 1996, and signed in authentication of its passage this 1st day of April, 1996.

(SEAL)

  
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Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
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Richard L. Andrews, City Attorney

Attest:

  
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Myrna L. Basich, City Clerk

Published April 5, 1996