

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5890

AN ORDINANCE approving the rezone application of St. Andrews Housing Group (Andrews Rezone) to rezone a 3.501 acre tract of land at 4228 Factoria Boulevard SE, from R-5 to R-30, subject to conditions.

WHEREAS, St. Andrews Housing Group filed an application to rezone a 3.501 acre site at 4228 Factoria Boulevard SE, from R-5 to R-30; and

WHEREAS, on May 7, 2009, a public hearing was held before the Hearing Examiner for the City of Bellevue pursuant to notice required by law; and

WHEREAS, on May 14, 2009 the Hearing Examiner recommended approval of the rezone application, subject to conditions, and made and entered findings of fact and conclusions based thereon in support of that recommendation, and no timely appeal thereof has been filed; 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 rezone of a 3.501 acre site at 4228 Factoria Boulevard SE, from R-5 to R-30; 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 at 4228 Factoria Boulevard SE as set forth in "Findings of Fact, Conclusions of Law, and Recommendation In re the matter of the Application of St. Andrews Housing Group ANDREWS GLEN REZONE For Property Located at 4228 Factoria Boulevard Southeast, Bellevue, WA, File NO: 08-123031 LQ," subject to conditions.

Section 2. The property described below is hereby rezoned from R-5 to R-30:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M. IN KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SUBDIVISION WHICH IS 339.24 FEET SOUTH OF THE NORTHWEST CORNER THEREOF;
THENCE EASTERLY 329.24 FEET ALONG THE SOUTH LINE OF A TRACT DESCRIBED IN A CONTRACT TO GUSTAV GRONLUND AND JEAN GRONLUND, HIS WIFE, AND WILLIAM MARSHALL AND LILLIAN MARSHALL, HIS WIFE, BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 4595281;
THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION 563.19 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF NEWPORT WAY;
THENCE SOUTHWESTERLY ALONG SAID NORTHERLY LINE TO THE WEST LINE OF SAID SUBDIVISION;
THENCE NORTHERLY ALONG SAID WEST LINE 838.37 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

EXCEPT THE WEST 30 FEET THEREOF CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 71768 FOR ROAD; ALSO

EXCEPT THE NORTH 60 FEET THEREOF; ALSO

EXCEPT THAT PORTION CONVEYED TO KING COUNTY FOR 128TH AVENUE SOUTHEAST, BY INSTRUMENT RECORDED UNDER RECORDING NUMBERS 6233047 AND 8806030765; ALSO

EXCEPT THAT PORTION CONVEYED TO KING COUNTY FOR ROAD PURPOSES UNDER RECORDING NUMBER 8506170651.

Section 3. This rezone shall be subject to the following conditions related to Project Plans and Parking:

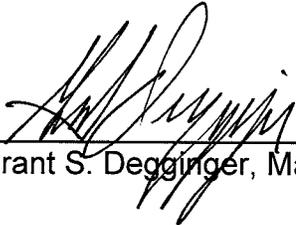
A. "Future housing development on the parcel shall be generally as illustrated herein and on the attached plans. However, the project proponent may request administrative review of a modification(s) provided the assurance of consistency with the intent of this Rezone Decision. AUTHORITY: LUC 20.30A"

B. "A recorded copy (King County Records Office) of the Memorandum of Understanding included in the attached Parking Analysis shall be provided prior to Design Review approval. AUTHORITY: LUC 20.20.590.F"

Section 4. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 20th day of July, 2009
and signed in authentication of its passage this 20th day of July,
2009.

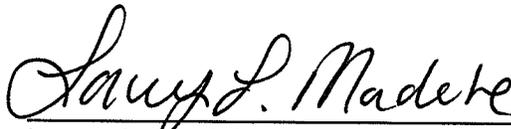
(SEAL)



Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Lacey L. Madche, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published July 23, 2009