

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

The application of **THE WEST PACIFIC DEVELOPMENT (ZHENG REZONE)** to rezone a .57 acre parcel at 16226 Northup Way NE from Single Family-High Density (R-5) to Single Family-Urban Residential (R-7.5). The site is located in the Crossroads Subarea. File No. 08-122538-LQ

FISCAL IMPACT

None of Record.

STAFF CONTACT

Gordon Crandall, Hearing Examiner 452-6935

POLICY CONSIDERATION

Whether the application complies with the Bellevue City Code and applicable decision criteria for a rezone.

BACKGROUND

For background information, please review the attached Hearing Examiner's Summary.

EFFECTIVE DATE

The Ordinance concerning this application will become effective five days after its publication. Council action is scheduled for October 20, 2008.

OPTIONS

1. Approve the application as recommended by the Examiner.
2. Approve the application with additions or modifications.
3. Deny the application.
4. Remand the matter.

HEARING EXAMINER'S RECOMMENDATION

Move to adopt the Hearing Examiner's Findings and Recommendation, and approve the Ordinance.

ATTACHMENTS

Hearing Examiner's Summary
Vicinity and Site Maps
Draft Ordinance

AVAILABLE IN COUNCIL OFFICE

The Department (PCD) supporting file is available for review in the City Council Office.

SUMMARY

The City Council is considering the Hearing Examiner's Recommendation concerning the application of **West Pacific Development, LLC** to rezone a .57 acre of land at 16226 Northup Way NE from R-5 to R-7.5. The rezone is requested in order to facilitate future single family development. No development proposal is before the City at this time. Rezoning to R-7.5 would allow future construction of four single family homes.

On December 14, 1998, the City Council approved a Comprehensive Plan Amendment (#98-001576-AC and Ordinance No.5120) to change the land use designation of the site from Single Family-High to Single Family-Urban Residential, making the proposed rezone possible.

1. BACKGROUND

As mentioned above, a Comprehensive Plan Amendment was approved on December 14, 1998. A SEPA Determination of Nonsignificance (DNS) was made in connection with the Comprehensive Plan Amendment. A nonproject determination of nonsignificance was issued for the rezone on August 14, 2008.

The hearing before the Examiner was noticed by the Department of Planning and Community Development (PCD) to be held on September 4, 2008, at 7:00 p.m.

2. APPLICATION BEFORE EXAMINER

The public hearing before the Examiner was held as noticed on September 4, 2008, at 7:00 p.m. in the Bellevue City Hall Council Chamber. No members of the public attended or testified at the hearing. No written comments were received. At the hearing, Sally Nichols, Associate Land Use Planner, presented the City's Land Use Division Staff Report. Jack Zheng representing the Applicant was present, but he did not testify.

On September 12, 2008, the Hearing Examiner issued Findings of Fact, Conclusions of Law and a Recommendation that the application be approved with the condition that any future development on the property shall be limited to one access location (curb cut) on Northup Way. Individual, private driveways for dwelling units in a short plat will not be allowed. The deadline for filing an appeal of the Examiner's Recommendation was September 26, 2008. No appeals were filed.

3. SITE CHARACTERISTICS

The address of the property is 16226 Northup Way NE. The property is located within the Crossroads Subarea. The site is level with significant trees, and there are no critical areas. Zoning and land uses in the vicinity are as follows:

- **North:** R-5, single family homes
- **South:** R-7.5 and R-20. Directly across Northup Way, NE is one single family in the R-7.5 zone. Adjacent to this home to the south and east is a multifamily condominium development in the R-20 zone.
- **East:** R-5, Medina Academy
- **West:** R-5, single family home.

4. COMMENTS

As referenced in Section 2 above, no public comment or testimony was received.

5. HEARING EXAMINER RECOMMENDATION

The Hearing Examiner concurs with the PCD and recommends that the proposed rezone be **APPROVED** subject to a condition limiting access to the site to one access (curb cut) on Northup Way.

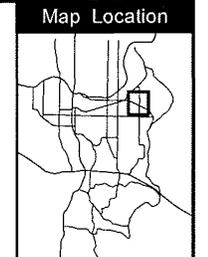


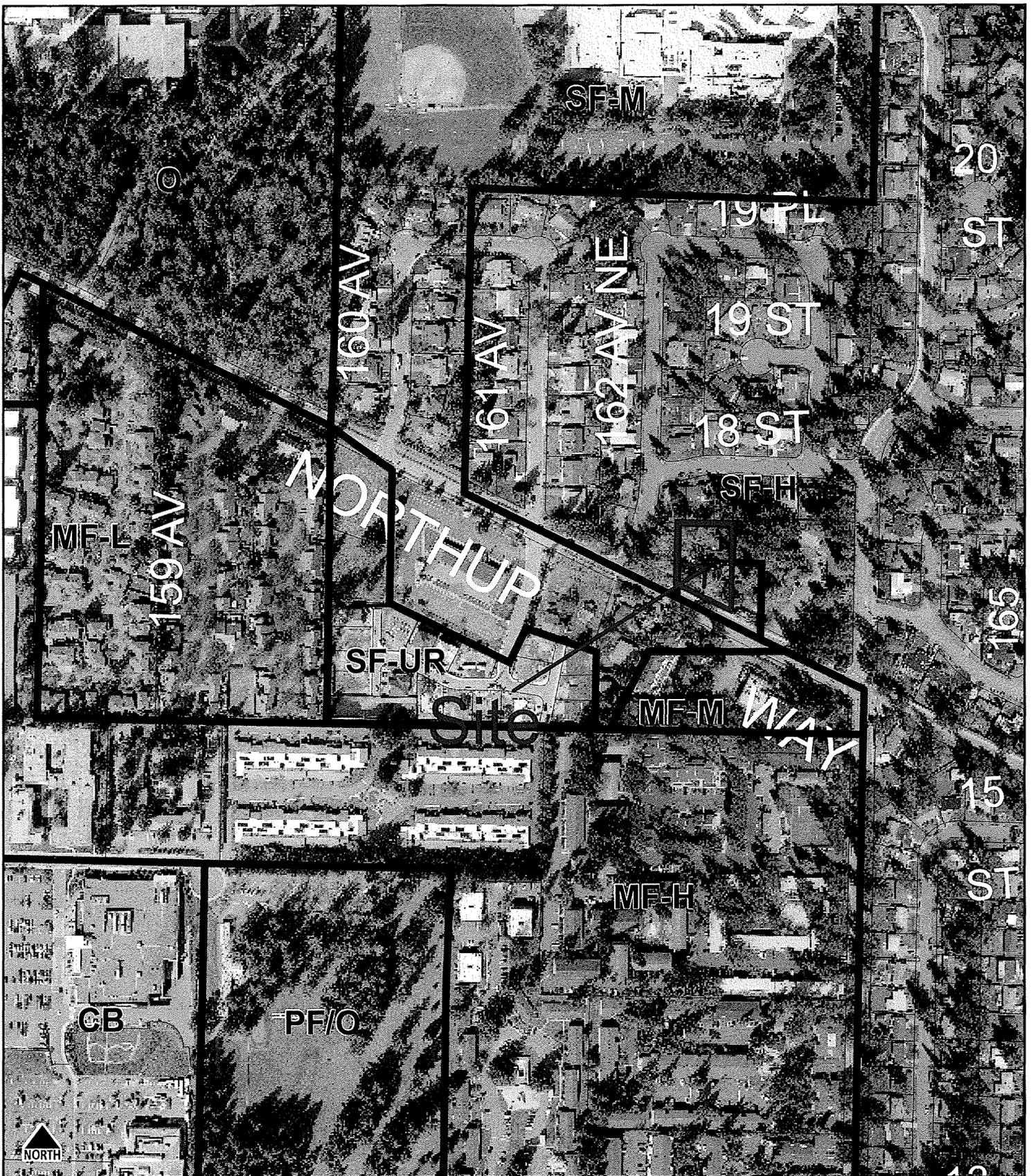
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= 630 feet
City of Bellevue
Development Services
Land Use
Plot Date: 9/19/08

Vicinity map

Zheng Rezone

08-122538 LQ





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= 330 feet

City of Bellevue
Development Services
Land Use

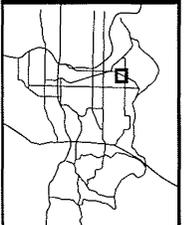
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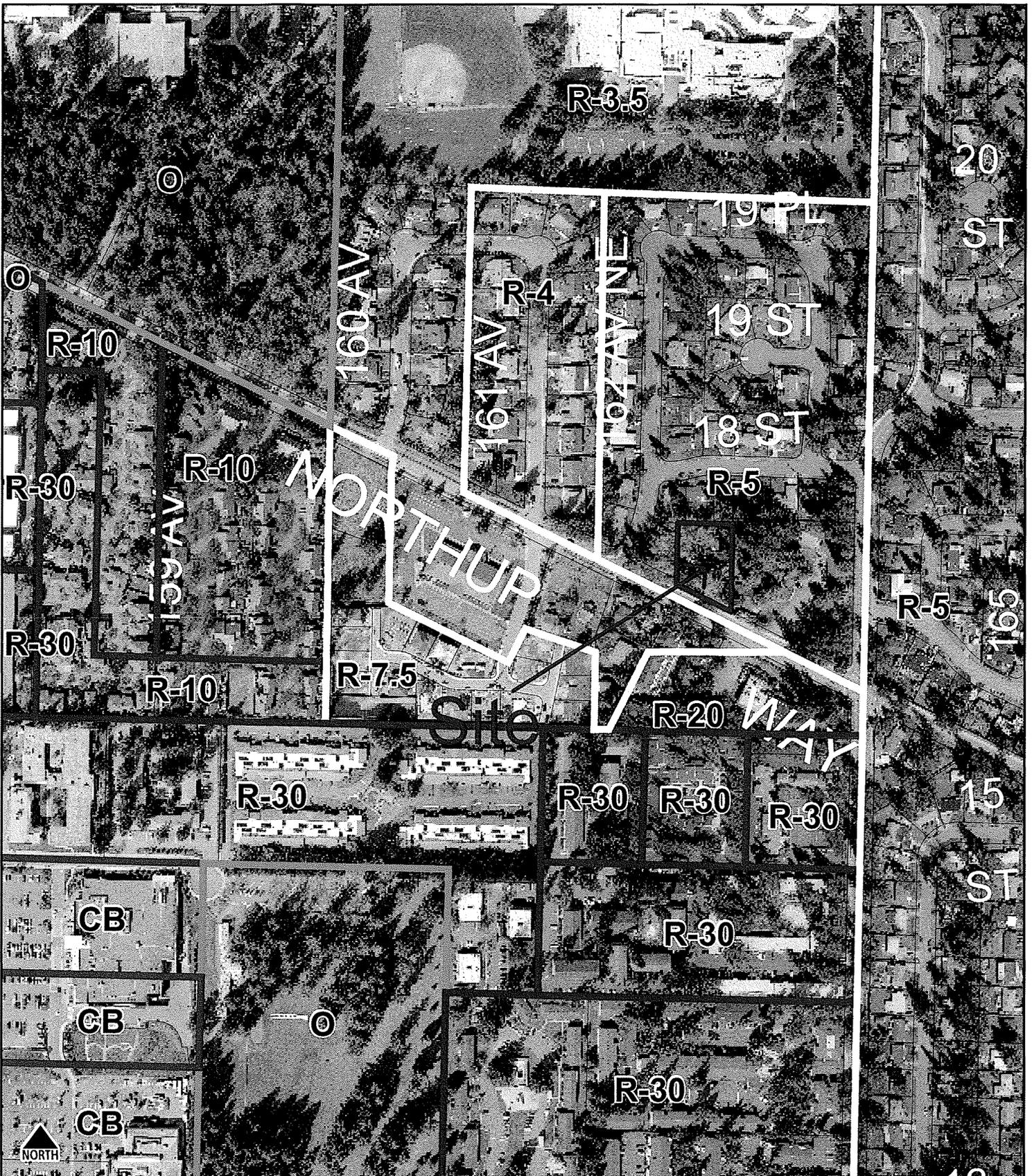
Comprehensive Plan map - SF Urban Residential

Zheng Rezone

08-122538 LQ

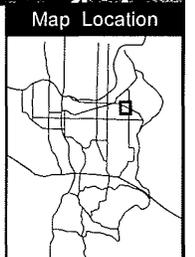
Map Location





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 = 330 feet
 City of Bellevue
 Development Services
 Land Use
 Plot Date: 9/19/08

Zoning map - Proposed R-5 to R-7.5
Zheng Rezone
08-122538 LQ



CITY OF BELLEVUE, WASHINGTON

DRAFT

ORDINANCE NO. _____

AN ORDINANCE approving the rezone application of West Pacific Development, LLC (Jack Zheng) to rezone a .57 acre tract of land at 16226 Northup Way, from R-5 to R-7.5, subject to one condition.

WHEREAS, West Pacific Development, LLC (Jack Zheng) filed an application to rezone a .57 acre tract of land at 16226 Northup Way, from R-5 to R-7.5; and

WHEREAS, on September 4, 2008, a public hearing was held before the Hearing Examiner for the City of Bellevue pursuant to notice required by law; and

WHEREAS, on September 15, 2008 the Hearing Examiner recommended approval of the rezone application, subject to one condition, 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 .57 acre tract of land at 16226 Northup Way, from R-5 to R-7.5; 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 16226 Northup Way as set for within "Findings of Fact, Conclusions of Law, and Recommendation In re the matter of the Application of West Pacific Development, LLC, JACK ZHENG REZONE For Property Located at 16226 Northup Way, FILE NO: 08-122538-LQ," subject to one condition.

Section 2. The property described below is hereby rezoned from R-5 to R-7.5:

That portion of the West half of the East half of the Southeast quarter of the Northeast quarter of Section 26, Township 25 North, Range 5 East, W.M. King County, Washington, described as follows:

Beginning at the Southeast corner of said subdivision;

Thence North 1°04'40" East along the East line of the said subdivision, 512.63 feet to the true point of beginning;
Thence North 88°55'20" West 135 feet;
Thence South 1°04'40" West 150 feet, more or less, to the Northeasterly margin of county road;
Thence Southeasterly along said road margin, 149.47 feet more or less to the East line of said subdivision;
Thence North 1°04'40" East 214.17 feet, more or less, to the true point of beginning.

Situate in the City of Bellevue, County of King, State of Washington.

Section 3. This rezone shall be subject to the following condition:

Any future development on the property shall be limited to one access location (curb cut) on Northup Way. Individual, private driveways for dwelling units in a short plat will not be allowed.

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

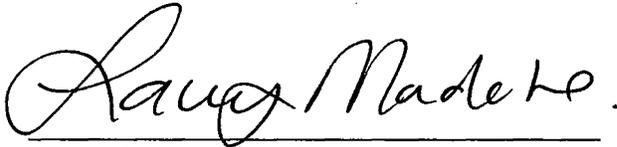
Passed by the City Council this _____ day of _____, 2008, and signed in authentication of its passage this _____ day of _____, 2008.

(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 _____