



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL COORDINATOR
11511 MAIN ST., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Calvary Chapel Eastside

LOCATION OF PROPOSAL: 5220 164th Ave SE

NAME & DESCRIPTION OF PROPOSAL: Amended Plat of Lakemont Div 2 Plat Amendment

Amendment of the Amended Plat of Lakemont Div 2 to modify landscape buffers on Parcel D to comply with City of Bellevue Ordinance No. 4860 as modified by Ordinance No. 5638.

FILE NUMBER: 06-122262 LG

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Department of Planning & Community Development. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on 12/27/07.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

Carol V. Holland
Environmental Coordinator

December 13, 2007
Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife
State Department of Ecology,
Army Corps of Engineers
Attorney General
Muckleshoot Indian Tribe



City of Bellevue
Department of Planning and Community Development
Land Use Division Staff Report

Proposal Name: Amended Plat of Lakemont Div 2 Plat Amendment

Proposal Address: 5220 164th Ave SE

Proposal Description: Amend the Amended Plat of Lakemont Div 2 to modify landscape buffers on Parcel D to comply with City of Bellevue Ordinance No. 4860 as modified by Ordinance No. 5638.

File Number: 06-122262 LG

Applicant: Calvary Chapel Eastside

Contact: Mark Otto

Decisions Included: Administrative Amendment to Plat (Process II, LUC 20.25.015C)

Planner: Matthews Jackson, Senior Planner

State Environmental Policy Act
Threshold Determination: **Determination of Non-Significance (DNS)**

Carol V. Helland

Carol V. Helland,
Environmental Coordinator

Director's Decision: **Approval with Conditions**

Carol V. Helland for

Matthew A. Terry,
Director, Dept. of Planning & Community Development

Bulletin Publication Date: December 13, 2007
SEPA Appeal Deadline: December 27, 2007
Amendment Appeal Deadline: December 27, 2007

For information on how to appeal a proposal, visit the Development Services at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City Clerk's Office by 5 PM on the date noted for appeal of the decision.

I. PROPOSAL DESCRIPTION

The applicants are seeking approval to amend the Amended Plat of Lakemont Div 2 to modify landscape buffers on Parcel D to comply with City of Bellevue Ordinance No. 4860 as modified by Ordinance No. 5638. The 50 foot landscape buffer along the frontage of 164th Ave SE was reduced to 20 feet with Ordinance No. 4860, and the 50 foot landscape buffer along the north property line was removed and relocated to the northern boundary of Tax Lot 44 and Tax Lot 49 (not a part of Lakemont Div 2).

II. SITE DESCRIPTION AND CONTEXT

The 2.61 acre (113,595 square feet) Parcel D is located at the northeast corner of the intersection of Lakemont Boulevard SE and 164th Avenue SE. Significant natural features on the site include a Type A wetland on the southern boundary of the site and Lewis Creek (Type A riparian corridor) with associated steep slopes along the eastern boundary (Current development under construction on the site is vested to the 1987 Sensitive Areas Overlay District regulations in effect at the time of final approval of the associated Design Review on September 28, 2006). Church ownership has expanded since annexation on October 2, 1989 to include three existing parcels totaling 4.6 acres. As the boundaries of church ownership have changed the landscape buffer that was originally intended to buffer adjacent residential uses needed to be modified. With the approval of this plat amendment, the landscape buffer that would otherwise be internal to the site development on the northern boundary of Parcel D will now be located at the limits of church ownership on the northern boundary of Tax Lot 44 and Tax Lot 49.

III. CONSISTENCY WITH LAND USE CODE/ZONING REQUIREMENTS

Consistency with Standard Land Use Code Requirements

Zoning Requirements:

The proposal complies with the Land Use Code requirements for the Office zoning district, as applicable. Religious activities are permitted uses in the Office zoning district. A concomitant zoning agreement restricts permitted uses on this site to churches, day nurseries or day care facilities, parking (including park and pool), signs and landscaping.

Transition Area requirements of LUC 20.25B apply to this site including review through an administrative design review process. A landscape buffer, at least 20 feet in width, is required along the entire street frontage where any portion of the street frontage is abutting a district receiving transition and along the interior property line abutting the district receiving transition. The 20 foot landscape buffer required on the 164th Avenue SE street frontage of Parcel D must be developed to meet Transition Area landscape requirements. The 50 foot landscape buffer proposed for the northern boundary of Tax Lot 44 and Tax Lot 49 must also meet Transition Area landscape requirements. These requirements exceed those that would otherwise apply in the Office district.

IV. STATE ENVIRONMENTAL POLICY ACT

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

Adverse impacts which are less than significant are usually subject to City Codes or Standards which are intended to mitigate those impacts. Where such impacts and regulatory items correspond, further documentation is not necessary. For other adverse impacts which are less than significant, Bellevue City Code Sec. 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process.

A copy of the Environmental Checklist is located in the project file.

V. SUMMARY OF TECHNICAL REVIEW

This proposed plat amendment has been reviewed for compliance with Fire, Utilities, Clearing & Grading, Transportation, and Land Use Codes and standards. There are no concerns with this proposal as it pertains to these codes and standards.

VI. PUBLIC NOTICE AND COMMENT

Application Date: August 30, 2006
Public Notice (500 feet): October 12, 2006
Minimum Comment Period: October 26, 2006

The Notice of Application for this project was published in the Seattle Times and the City of Bellevue weekly permit bulletin on October 12, 2006. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

RCW 58.17.215 requires that notice be provided indicating that a hearing may be requested by any person receiving the notice within 14 days of the notice issuance. No public hearing was requested for this project.

VII. DECISION CRITERIA

The Director shall approve or approve with modifications a proposed amendment to an approved preliminary plat if (LUC 20.45A.250D.2):

- a. The amendment maintains the design intent or purpose of the original approval.**

Finding: The amendment maintains the design intent and purpose of the original approval. The modification of the landscape buffer as described in this report will provide the intended vegetated screen between the allowed religious facility use and

adjacent residential development.

b. The amendment maintains the quality of design or product established by the original approval.

Finding: The amendment maintains the quality of design established by the original approval. Modification of the landscape buffer will not impact the residential character of the neighborhood, and responds to the current development proposal.

c. The amendment does not cause a significant environmental or land use impact on or beyond the site.

Finding: The amendment does not cause a significant environmental or land use impact on or beyond the site. The environmental impacts of development on this parcel have been reviewed and mitigated with Design Review approval. The intended use of the site as a religious facility is consistent with the intended use of the site at the time of annexation to the City of Bellevue.

d. The amendment is not precluded by the terms of the Bellevue City Code or by state law from being decided administratively.

Finding: The amendment is not precluded by Bellevue City Code or state law from being decided administratively. Through the analysis of this report, it has been determined that the scope of the amendment complies with the criteria of LUC 20.45A.250D. Since the landscape buffer is specific to Parcel D within the Amended Plat of Lakemont Div 2, only persons having an ownership interest in Parcel D have signed this application.

e. Circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish the subject condition or requirement of preliminary plat approval.

Finding: Current circumstances render it impractical to the public interest to supply a landscape buffer internal to Parcel D as the intended reason for the landscape buffer is to screen the new religious facility from adjacent residential uses. As the boundaries of the site development has expanded to include Tax Lots 44 and 49 north of Parcel D, it is in the public interest to relocate the landscape buffer to the perimeter of the church site development consistent with the original intent of the buffer.

VIII. CONCLUSION AND DECISION

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, SEPA, and City Code and compliance reviews, the Director of the Planning and Community Development Department recommends **APPROVAL** of the **Plat Amendment** with conditions.

IX. CONDITIONS OF APPROVAL:

The following conditions are imposed under authority referenced:

COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

The applicant shall comply with all applicable Bellevue City Codes, Standards, and Ordinances including but not limited to:

Applicable Codes, Standards and Ordinances	Contact Person
Clearing & Grading Code – BCC 23.76	Matt Jackson, 425-452-2729
Construction Codes – BCC Title 23	Build. Division, 425-452-6864
Fire Code – BCC 23.11	Adrian Jones, 425-452-6032
Land Use Code – BCC Title 20	Matt Jackson, 425-452-2729
Noise Control – BCC 9.18	Matt Jackson, 425-452-2729
Sign Code – BCC Title 22B	Matt Jackson, 425-452-2729
Transportation Code – BCC 14.60	Carl Wilson, 425-452-4228
Right of Way Use Code – BCC 14.30	Jon Regalia, 425-452-4599
Design Manual, Transportation Dept.	Carl Wilson, 425-452-4228
Utility Code – BCC Title 24	Don Rust, 425-452-4856

CONDITIONS OF APPROVAL:

- 1. Recording Requirement:** Approval of the plat alteration document shall be null and void if the plat is not recorded with King County Department of Records and Elections within 90 days after the date of the approval by the Hearing Examiner.

Authority: Land Use Code 20.45A.260.B

Reviewer: Matthews Jackson, Planning and Community Development

LIST OF ATTACHMENTS

- A. Site Plans
- B. Ordinance 4860
- C. Ordinance 5638

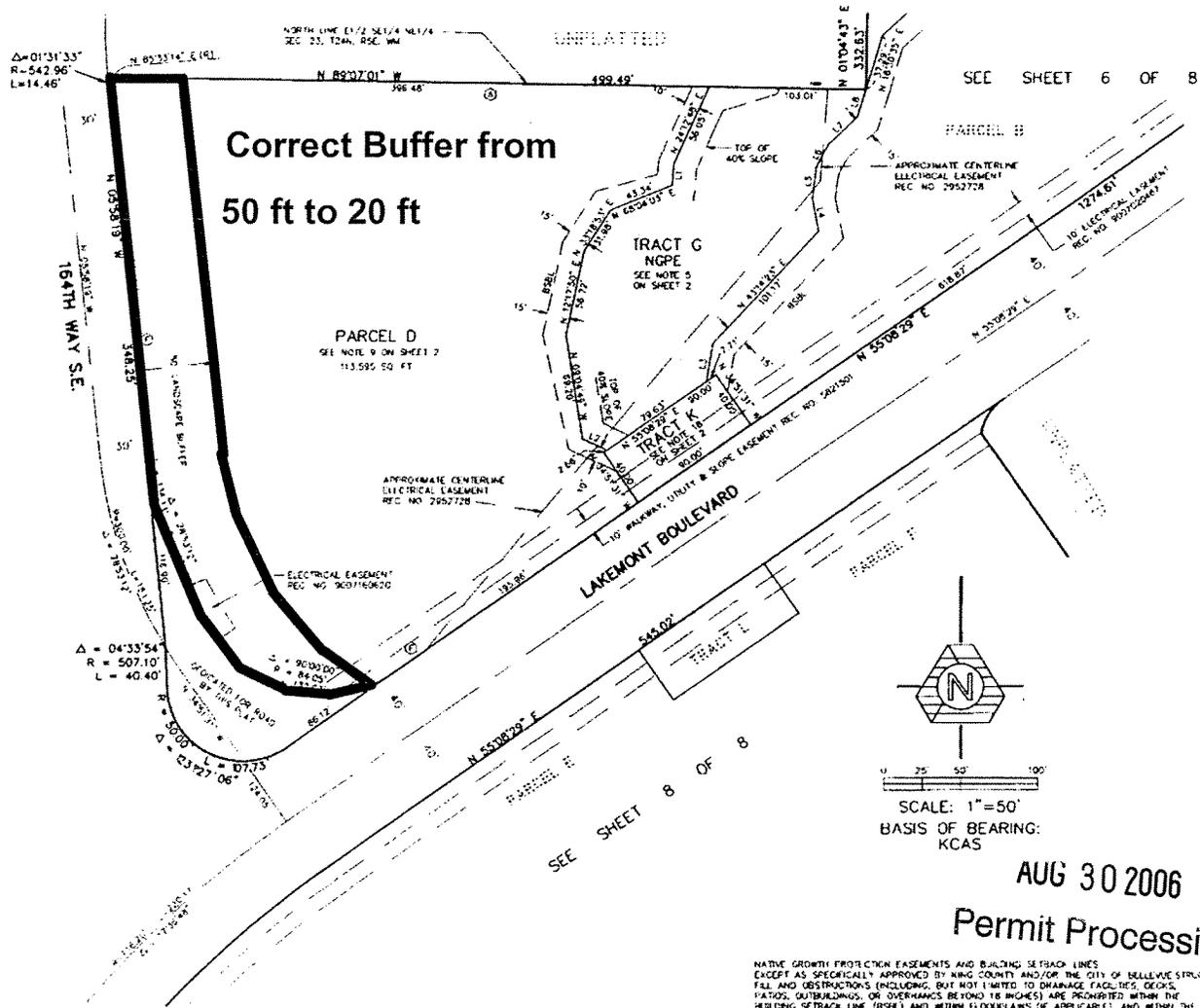
ATTACHMENT 1

168 27

AMENDED PLAT OF LAKEMONT DIV. 2

POR NE1/4 SEC. 23 & POR N1/2 SEC. 24, TWP. 24N., RGE. 5E., W.M.
CITY OF BELLEVUE KING COUNTY, WASHINGTON

THIS PLAT IS BEING AMENDED TO REMOVE THE 50' LANDSCAPE BUFFER ALONG THE NORTH LINE OF PARCEL D. (SEE SHEET 7 OF 8)



LEGEND
NGPE NATIVE GROWTH PROTECTION EASEMENT
(R) RADIAL
BSBL BUILDING SETBACK LINE
SEE GENERAL NOTES ON SHEET 2

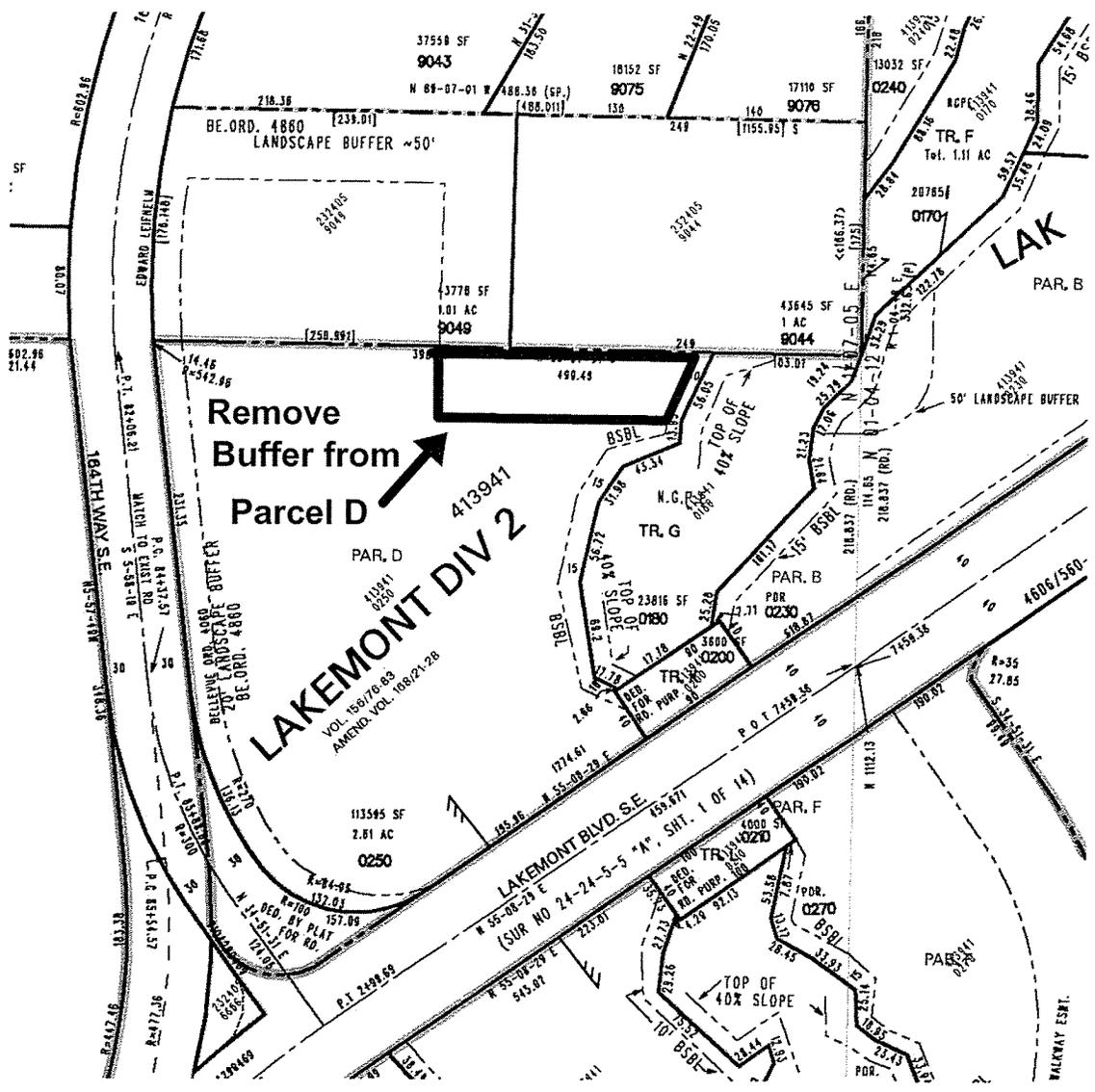
YARD SETBACK LEGEND
(F) FRONT
(S) UNDESIGNATED LAND SETBACK TO BE DETERMINED BASED UPON ACTUAL HOUSE SITING AT TIME OF BUILDING PERMIT REVIEW

LINE	DIRECTION	DISTANCE
11	N 24°40'12" E	13.01
12	N 84°50'11" W	17.78
13	N 09°40'55" E	25.28
14	N 10°58'15" W	21.64
15	N 06°30'20" E	21.25
16	N 26°54'28" E	17.06
17	N 45°19'04" E	25.79
18	N 17°15'44" E	19.24

JOB NO. 87-253
TRAD ASSOCIATES
11415 NE 128TH ST.
KIRKLAND, WA, 98034
(206)821-8448

SHEET 7 OF 8

VOL./P.C.



RECEIVED
 AUG 30 2006
 Permit Processing

ATTACHMENT 2

WP0572C-ORD
03/08/96

ORIGINAL

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 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 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 Matter 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.

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

WP0572C-ORD
03/08/96

ORIGINAL

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."

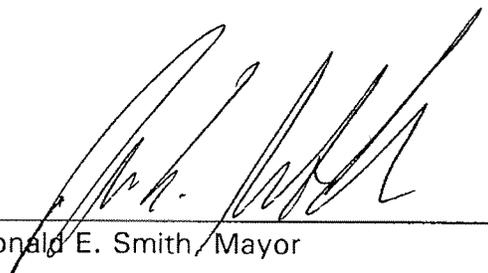
Section 6. The legal description contained in Section 2 of Ordinance 4594 is hereby amended to read as provided in Section 5 above.

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 19th day of March, 1996.

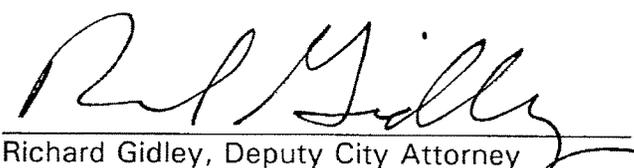
(SEAL)



Ronald E. Smith, Mayor

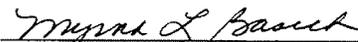
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published March 22, 1996

ATTACHMENT 3

0827-ORD
11/16/05

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5638

AN ORDINANCE approving the rezone application Calvary Chapel Eastside to rezone a one-acre parcel (Tax Lot 44) located near the corner of 164th Avenue SE and Lakemont Boulevard from R-5 to Office/C for the extension of a Concomitant Agreement to that lot and for modification to the perimeter landscape buffers.

WHEREAS, on December 2, 1997, Calvary Chapel Eastside filed an application to rezone one acre (Tax Lot 44) located near the corner of 164th Avenue SE and Lakemont Boulevard from R-5 to Office/C and for the Extension of a Concomitant Agreement to that lot and for modification to the perimeter landscape buffers; and

WHEREAS, public notice of this application was published on June 11, 1998; May 4, 2000; May 18, 2000; December 16, 2004; January 21, 2005; and June 14, 2005; and

WHEREAS, public meetings were held regarding the application on June 15, 1998; May 23, 2000; December 16, 2004; January 21, 2005; and June 14, 2005; and

WHEREAS, on September 8, 2005 a public hearing was held on the rezone application before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on September 22, 2005, the Hearing Examiner recommended approval of the rezone application 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 said property to Office/C and by modification to the perimeter landscape buffers; 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:

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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 the recommendation to the City Council with regard to the hereinafter described property located as set forth in "Findings, Conclusions and Recommendations of the Hearing Examiner for the City of Bellevue in the Matter of the Application of Calvary Chapel Eastside for the Rezone of a One Acre Parcel From R-5 to Office/C; for the Extension of a Concomitant Agreement to that Lot; and for Modification to Perimeter Landscape Buffers—All Near the Corner of 164th Ave. SE and Lakemont Boulevard SE, File No. 97-008786LQ" which property is legally described as follows:

That portion of the Northeast quarter of the Northeast quarter of Section 23, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the Northeast corner of said subdivision; thence South 1°04'11" West along the East line thereof 1,155.95 feet to the **True Point of Beginning**; thence continuing South 1°04'11" West along said East line 175.00 feet to the Southeast corner of said subdivision; then North 88°46'39" West along the South line thereof to the Easterly margin of 164th Way SE (Newcastle Road); then Northerly along said Easterly margin to a line which bears North 88°46'39" West from the **True Point of Beginning**; then South 88°46'39" East along said line to the **True Point of Beginning**;

TOGETHER with Parcel D, Amended Plat of Lakemont Division 2, as recorded in Volume 168 of Plats, Pages 21-28, records of King County, Washington.

Section 2. The City Council adopts the following additional Finding of Fact:

While there is substantial evidence in the record to support a decision to permit the existing single-family structure on Tax Lot 44 to remain, despite the encroachment into the buffer, the City has strong policies of enforcing required setbacks, and in requiring that when non-conforming structures are replaced, the new structures must be brought into conformance with the provisions of the Land Use Code, including buffers and setbacks. Therefore, should the existing structure be destroyed by any means and for any reason, any replacement structure will not be permitted to encroach into the 50-landscape buffer on the north side of the lot.

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

1. Modify Concomitant Agreement No. 19689 to legally describe the three lots under the ownership of Calvary Chapel Eastside (Parcel D, Tax Lot 49, Tax Lot 44).
2. Modify Paragraph 2 of Concomitant Agreement No., 19689 to read as follows:

A 50 foot wide landscape buffer shall be provided along the northerly portion of Tax Lot 49 and Tax Lot 44. A 20 foot wide landscape buffer shall be provided along the 164th Avenue SE frontage of Parcel D and Tax Lot 49. Landscaping within each buffer area shall be in conformance with Land Use Code Section 20.25B.040(C)(2).

3. The Amended Plat of Lakemont Division 2 must be modified to illustrate the provisions of Ordinance NO. 4594, as modified by Ordinance No. 4860 and this approval.

4. The portion of the existing single-family structure on Tax Lot 44 that encroaches into the 50-foot landscape buffer on the north side of the lot may remain. PROVIDED, that any replacement structure or new structure on Tax Lot 44 will not be permitted to encroach into said buffer.

Section 2. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 21st day of November, 2005, and signed in authentication of its passage this 21st day of November, 2005.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

City Attorney

Lori M. Riordan
Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

Published November 26, 2005

ORIGINAL

WPO258C-ORD
10/12/93

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4594

AN ORDINANCE reclassifying approximately 3.6 acres of property comprised of two parcels located at 5126 and 5220 164th Way S.E. on application of Newcastle Development Company.

WHEREAS, Andrew T. King, Triad Associates, applied, on behalf of Newcastle Development Company, to the City to rezone approximately 3.6 acres of property comprised of two parcels located at 5126 and 5220 164th Way S.E. from PO/C and R-5/C to Office with conditions (O/C); and

WHEREAS, on September 2, 1993 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 September 17, 1993 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, 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 the hereinafter described property from PO/C and R-5/C to Office with conditions (O/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 his recommendation to the City Council approving the reclassification request with regard to the hereinafter described property located at 5126 and 5220 164th Way S.E. as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue in the Matter of the Application of Newcastle Development Company (Andrew T. King, Triad Associates) For a Reclassification of Property and a Boundary Realignment. File No. REZ 93-518".

Section 2. The following described property is reclassified from PO/C and R-5/C to Office (O) subject to the conditions that follow:

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10/12/93

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 S.E.; thence Southwesterly along said centerline to the centerline of 164th Way S.E. (Newcastle Road) and the beginning of a 477.36 foot radius curve; thence Northerly along said curve and centerline of 164th Way S.E. to the North line 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.

This reclassification is subject to the following conditions:

- a. Permitted uses shall be restricted to churches, day nurseries or day care facilities, parking (including park and pool), signs and landscaping, as provided in KCC 21.12.
- b. A 50 foot buffer shall be provided along the east, north and west boundaries as illustrated in Exhibit No. 204 (as amended). Vegetation within this buffer area shall be enhanced to meet King County type I standards.
- c. The site will be properly screened to assure that no direct headlight illumination from parking areas will be directed toward any abutting single family residentially classified property. Site and facility lighting shall be directed, deflected, or screened in such a manner as to avoid glare or direct illumination upon any adjoining single family residentially classified property.
- d. The architectural character, scale, massing, exterior materials, and finish of any structures other than churches shall reflect the residential community character.
- e. Street frontage, parking lot and boundary landscaping shall be provided consistent with NCP Policy N-15 and KCC 21.51.

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10/12/93

f. Any of the uses listed in condition a. above, which are permitted only as conditional uses in the Office district under the Bellevue Land Use Code will be subject to the conditional use process.

This reclassification is further conditioned on full compliance by the owner of said property and its heirs, assigns, grantees or successors in interest, of the terms and conditions of that certain Concomitant Agreement executed by the owner of said property, which has been given Clerk's Receiving No. 19689, and which has been adopted by reference into this ordinance as if it were fully set forth herein.

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 25th day of October, 1993, and signed in authentication of its passage this 25th day of October, 1993.

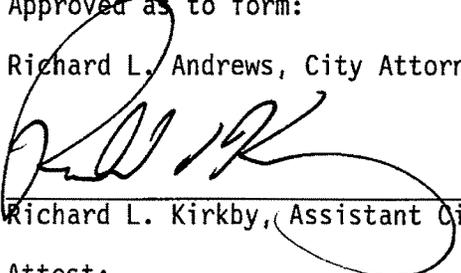
(SEAL)



Margot Blacker Deputy Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published October 29, 1993

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 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:

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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 Matter 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.

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."

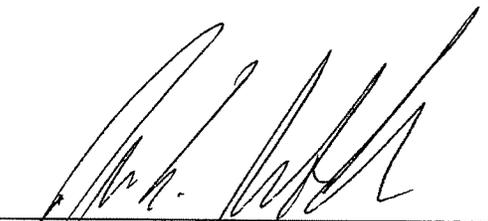
Section 6. The legal description contained in Section 2 of Ordinance 4594 is hereby amended to read as provided in Section 5 above.

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.

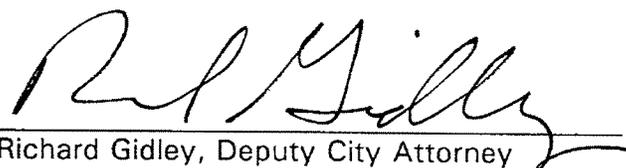
(SEAL)



Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published March 22, 1996