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10-21-85

## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3562

AN ORDINANCE reclassifying approximately .38 acres of property, located on the northeast corner of the intersection of Bellevue Way S.E. and Kilmarnock Street immediately south of an office building known as the Kezner Building and immediately north of an office building known as the Kilmarnock Building, from R-4 to O with conditions.

WHEREAS, an application for reclassification of property on the northeast side of Kilmarnock Street between Bellevue Way S.E. and 105th Ave. S.W. was filed by the applicant, George Kezner, with the City of Bellevue on February 24, 1976; and

WHEREAS, on March 31, 1976, the Planning Commission recommended approval of the applicant's requested rezone on the subject property from single family (R-4) to office zoning subject to conditions set out in a concomitant zoning agreement; and

WHEREAS, said concomitant zoning agreement was not signed by Mr. Kezner until March 1, 1985; and

WHEREAS, the Bellevue City Council, on June 3, 1985, remanded the matter to the Hearing Examiner for a recommendation as to whether any substantial changes in circumstances in the interim would warrant denial or additional conditions upon the rezone; and

WHEREAS, the applicant has modified his original application by deleting a triangular portion of property to the south (Parcel B); and

WHEREAS, on July 18, 1985, a public hearing was held thereon before the Hearing Examiner upon proper notice to all interested persons; and

WHEREAS, on September 13, 1985, the Hearing Examiner recommended approval of the application subject to certain conditions; and made and entered findings of facts and conclusions based thereon in support of his recommendation; and

WHEREAS, on October 14, 1985, the City Council considered the recommendation of the Hearing Examiner and voted to approve the reclassification with conditions as recommended by the Hearing Examiner subject to the preparation of an ordinance reclassifying the property with conditions and the signing of a Concomitant Agreement by the applicant; and

1082c  
10-21-85

WHEREAS, the City Council concurs in the findings of fact and conclusions and the recommendation of the Hearing Examiner and has determined that the public use and interest will be served by reclassifying said property from R-4 to O with conditions; and

WHEREAS, the applicant has signed the Concomitant Agreement as required by the City Council; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Ordinance; 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 in this matter as set forth in the "Findings and Recommendation of the Hearing Examiner for the City of Bellevue, in the Matter of the Application of George Kezner for a Reclassification, File No. HE-A 76-4," dated September 13, 1985.

Section 2. The use classification of the following described property is changed from R-4 to O with conditions;

The Brae, Maxwellton Braes Addition, (vacated), according to the plat thereof recorded in Volume 21 of Plats, page 80, in King County, Washington; EXCEPT that portion lying easterly of the west line of track 52 of said addition extended south.

This reclassification is subject to the following conditions:

1. The maximum height of a building on the subject site should not exceed 110 feet above sea level per City of Bellevue datum based upon USC and GS Datum.

2. Development of the property shall be subject to Administrative Design Review and approval which specifically addresses:

- a. The Gateway character of Bellevue Way S.E.
- b. Retention of significant trees and vegetation.
- c. Curb, gutter and sidewalk improvements along S.E. Kilmarnock Street subject to the design and location approval of the Bellevue Department of Public Works.

1082c  
10-21-85

d. Curb, gutter, sidewalk, landscaping and lighting along Bellevue Way S.E. pursuant to City of Bellevue Development Standards.

e. The construction of engineered retaining walls as part of the building structure where possible pursuant to soils report recommendations in those reports mentioned herein.

f. Limitations on construction hours and construction noise as necessary to preserve the residential quality of abutting properties.

This reclassification is further conditioned on full compliance by the owners of said property and their heirs, assigns, grantees, and successors in interest with the terms and conditions of that certain Concomitant Zoning Agreement executed by George Kezner, President, GBK Real Estate Development Corporation, which has been given Clerk's Receiving No. 10737 and which is adopted by reference into this ordinance as though it was fully set forth herein.

3. Prior to the issuance of a development permit, the applicant shall dedicate rights-of-way on both Bellevue Way S.E. and S.E. Kilmarnock Street sufficient for signal equipment, utilities, sidewalks and any other required public improvements identified elsewhere herein.

Section 3. This ordinance shall take effect and be in force five days after its passage and legal publication.

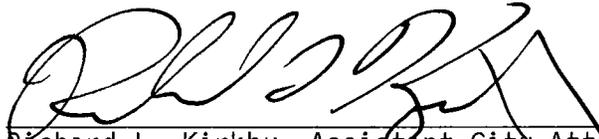
PASSED by the City Council this 28<sup>th</sup> day of October, 1985 and signed in authentication of its passage this 28<sup>th</sup> day of October, 1985.

(SEAL)

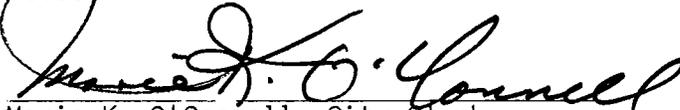
  
Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard L. Kirkby, Assistant City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published November 1, 1985