

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 164<sup>th</sup> 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 164<sup>th</sup> 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:

ORIGINAL

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 164<sup>th</sup> 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 164<sup>th</sup> 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 164<sup>th</sup> 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