

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6463

AN ORDINANCE approving rezone application Permit File No.17-125912-LQ (The Flats Rezone); rezone of a 24,750 square foot parcel at 15516 NE 15th Place from Commercial Business (CB) to Multi-family Residential-30 (R-30).

WHEREAS, an application was submitted on October 12, 2017 for a rezone from CB zoning to R-30 zoning for the parcel located at 15516 NE 15th Place, the legal description of which is attached hereto as Exhibit A and by this reference fully incorporated herein; and

WHEREAS, public notice of the application and a public meeting was published on November 2, 2017 and the application was considered at a public meeting on November 21, 2017; and

WHEREAS, a public hearing was held before the Hearing Examiner for the City of Bellevue on November 8, 2018 pursuant to notice published on October 18, 2018 as required by law; and

WHEREAS, on November 26, 2018, the Hearing Examiner recommended approval of the rezone application with one condition, and made and entered findings of fact and conclusions of law based thereon in support of that recommendation; and

WHEREAS, on November 30, 2018, the City's Development Services Department filed a motion for clarification of paragraph 10 of the Hearing Examiner's findings of fact; and

WHEREAS, on December 5, 2018, the Hearing Examiner granted the motion for clarification and issued an Order on Motion for Clarification (Order); and

WHEREAS, Kasar Investment Co. LLC appealed to the City Council both the Hearing Examiner's November 26, 2018 recommendation and the Hearing Examiner's Order; and

WHEREAS, on March 18, 2019, the City Council determined that Kasar Investment Co. LLC's appeal was abandoned and adopted Ordinance No. 6458; and

WHEREAS, on April 15, 2019, following deliberation, the City Council determined that clarification of the Hearing Examiner's Order was necessary concerning when certain Land Use Code provisions would apply to Kasar Investment Co. LLC's adjacent property; and

WHEREAS, the City Council concurs with the findings of fact and conclusions of law of the Hearing Examiner, and Council has determined that the public use and interest will be served by approving the rezone; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code and a Determination of Non-Significance was issued on October 18, 2018; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. The City Council adopts by reference the findings of fact as revised, conclusions of law, and condition as set forth in the Hearing Examiner's recommendation and Order "In the matter of the Application for The Flats Rezone for a Rezone from Community Business (CB) to Multi-Family Residential (R-30) at 15516 NE 15th Pl., Case File No.: 17-125912-LQ."

Section 2. To clarify the Hearing Examiner's recommendation and Order, the City Council concludes that any Transition Area Design District requirements in Part 20.25B LUC that apply to the Kasar property adjacent to the parcel at 15516 NE 15th Place as a direct result of the rezone approved in this ordinance shall apply only when the owner of that property takes action that requires compliance with the Land Use Code provisions for nonconforming sites and that requires compliance with Part 20.25B LUC.

Section 3. The property legally described in Exhibit A, which is attached hereto and by this reference fully incorporated herein is hereby reclassified from CB to R-30.

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 _____, 2019
and signed in authentication of its passage this _____ day of _____,
2019.

(SEAL)

John Chelminiak, Mayor

Approved as to form:

Kathryn L. Gerla, City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____

Exhibit A
Legal Description

PARCEL A

LOT B OF CITY OF BELLEVUE SHORT PLAT NO. PSP-96-6781, AS RECORDED UNDER RECORDING NO. 9611209001, RECORDS OF KING COUNTY AUDITOR, AND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M.