

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5418

AN ORDINANCE approving, with conditions, the rezone application of the City of Bellevue to rezone 100 acres in the I-90 Business Park from Light Industrial (LI) to Office Limited Business (OLB and Office Limited Business-Open Space (OLB-OS).

WHEREAS, The City of Bellevue filed an application to rezone 100 acres of property located within the I-90 Business Park from Light Industrial (LI) to Office Limited Business (OLB) and Office Limited Business – Open Space (OLB – OS); and

WHEREAS, on August 5, 2002, the City Council approved Comprehensive Plan Land Use Map changes for these properties, changing the designations from LI to OLB and OLB-OS; and

WHEREAS, on October 9, 2002, 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 October 23, 2002, 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 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 OLB and OLB-OS; 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 in the I-90 Business Park as set forth in "Findings, Conclusions and Recommendations of the Hearing Examiner for the City of Bellevue in the Matter of the Application of the City of Bellevue Request for Rezone of 100 Acres in the I-90 Business Park from Light Industrial (LI) to Office Limited Business (OLB) and Office

Limited Business – Open Space (OLB-OS) File No. 02-138873 LQ,” which property is legally described as follows:

Section 2. The property described below is rezoned from Light Industrial (LI) to Office Limited Business (OLB).

**Boeing Rezone Description
OLB**

Those portions of Section 11, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 11; thence Easterly along the North line thereof to the Northerly extension of the West line of The Sylvan, as recorded in Volume 6 of Condominiums, Pages 33-44; thence Southerly along said Northerly extension and West line to the Southwest corner of said condominium; thence Easterly along the South line thereof and the Easterly extension of said South line to the centerline of 161st Avenue S.E.; thence Southwesterly along said centerline to the Easterly extension of the Southerly line of Lot 3, Block 1, CC and F I-90/Bellevue Business Park Division 1, as recorded in Volume 121 of Plats, Page 1-3; thence Westerly along said Easterly extension to the Southeast corner of said Lot 3; thence Northwesterly along the Southerly line thereof and the Northwesterly extension of said Southerly line to the centerline of 160th Avenue S.E. and a point hereinafter called **Point A**; thence Northeasterly along said centerline to the Northerly line of said CC and F I-90/Bellevue Business Park Division 1; thence North 68°29'10" West along said Northerly line and the Northerly line of CC and F I-90/Bellevue Business Park Division 3, as recorded in Volume 127 of Plats, Pages 29-31 a distance of 49.38 feet; thence North 35°17'26" East 15.65 feet; thence North 15°50'46" East 85.48 feet; thence North 12°02'17" West 170.41 feet to the beginning of a 444.00 foot radius curve to the right; thence Northeasterly along said curve a distance of 366.15 feet; thence North 35°12'43" East 519.07 feet; thence North 55°01'23" West 46.05 feet; thence North 34°58'37" East 20.50 feet to the beginning of a 175.35 foot radius to the left; thence Northerly along said curve a distance of 98.48 feet; thence North 2°47'53" East 83.50 feet; thence North 5°53'15" East 10.98 feet; thence North 2°28'22" East 10.94 feet to the South line of the Northwest quarter of the Northeast quarter of the Northeast quarter of said Section 11; thence North 88°37'01" West along said South line 83.37 feet to the Southwest corner of said subdivision; thence Northerly along the West line thereof to the **Point of Beginning**;

ALSO, Beginning at the above described **Point A**; thence North 40°37'44" East along the centerline of 160th Avenue S.E. 647.92 feet to a point on a 300.70 foot radius non-tangent curve the center of which bears North 23°02'42" East; thence Northwesterly along said non-tangent curve a distance of 235.42 feet to the beginning of a 300.70 foot radius reverse curve the center of which bears South 67°54'07" West; thence Westerly along said reverse curve a distance of 590.42 feet to the beginning of a 20.00 foot radius reverse curve the center of which bears North 44°35'53" West; thence Northwesterly along said reverse curve a distance of 29.93 feet; thence North 48°50'37" West to the centerline of 156th Avenue S.E.; thence Southwesterly along said centerline to the Northwesterly extension of the Southwest line of Lot 2, Block 4 of said CC and F I-90/Bellevue Business Park Division 3; thence Southeasterly along said Northwesterly extension and Southwest line to the Northerly most corner of Lot 1, Block 4 of said plat; thence Southwesterly along the Northwest line thereof to the Westerly most corner of said Lot 1; thence Southeasterly along the Southwest line thereof to the Southerly most corner of said Lot 1; thence Northeasterly along the Southeast line thereof and the Southeast line of Lots 2 and 3, Block 4 of said plat to the Westerly most corner of Lot 16, Block 3 of said plat; thence Southeasterly along the Southwest line thereof and the Southwest line of Lot 1, Block 3 of said plat to the Southerly most corner thereof; thence Southeasterly to the **Point of Beginning**;

AND ALSO, commencing at the Southwest corner of the Southeast quarter of the Northwest quarter of the Northeast quarter of said Section 11; thence Northerly along the West line thereof 116.64 feet to the **True Point of Beginning**; thence continuing Northerly along said West line to the South line of the North 60.00 feet of said subdivision; thence Easterly along said South line to the East line of the West 250.00 feet of said subdivision; thence Southerly along said East line 370.00 feet; thence Southwesterly to the **True Point of Beginning**.

Section 3. The property described below is rezoned from Light Industrial (LI) to Office Limited Business—Open Space (OLB-OS).

Boeing Rezone Description OLB-OS

That portion of Section 11, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the intersection of the Northwesterly extension of the Southerly line of Lot 3, Block 1, CC and F I-90/Bellevue Business Park Division 1, as recorded in Volume 121 of Plats, Pages 1-3 and the centerline of 160th Avenue S.E.; thence North 40°37'44" East along

said centerline 647.92 feet a point on a 300.70 foot radius non-tangent curve the center of which bears North 23°02'42" East and the **True Point of Beginning**; thence Northwesterly along said non-tangent curve a distance of 235.42 feet to the beginning of a 300.70 foot radius reverse curve the center of which bears South 67°54'07" West; thence Westerly along said reverse curve a distance of 590.42 feet to the beginning of a 20.00 foot radius reverse curve the center of which bears North 44°35'53" West; thence Northwesterly along said reverse curve a distance of 29.93 feet; thence North 48°50'37" West to the centerline of 156th Avenue S.E.; thence Northerly along said centerline to the Westerly extension of the Northerly line of Lot 14, Block 4 of CC and F I-90/Bellevue Business Park Division 3, as recorded in Volume 127 of Plats, Page 29-31; thence Easterly along said Westerly extension and Northerly line to an angle point on the North line of said Lot 14; thence North 1°25'22" East parallel with the West line of the Northeast quarter of said Section 11 to the North line of the Southwest quarter of the Northeast quarter of said Section 11; thence Easterly along said North line to the Southwest corner of the Southeast quarter of the Northwest quarter of the Northeast quarter of said Section 11; thence Northerly along the West line thereof 116.64 feet; thence Northeasterly to a point on the East line of the West 250.00 feet of the Southeast quarter of the Northwest quarter of the Northeast quarter of said Section 11 a distance of 430.00 feet South of the North line of said subdivision; thence Northerly along said East line to the North line of said subdivision; thence Easterly along said North line to Northwest corner of the Southwest quarter of the Northeast quarter of the Northeast quarter of said Section 11; thence South 88°37'01" East along the North line thereof 83.37 feet; thence South 2°28'22" West 10.94 feet; thence South 5°53'15" West 10.98 feet; thence South 2°47'53" West 83.50 feet to the beginning of a 175.35 foot radius curve to the right; thence Southwesterly along said curve a distance of 98.48 feet; thence South 34°58'37" West 20.50 feet; thence South 55°01'23" East 46.05 feet; thence South 35°12'43" West 519.07 feet to the beginning of a 444.00 foot radius curve to the left; thence Southerly along said curve a distance of 366.15 feet; thence South 12°02'17" East 170.41 feet; thence South 15°50'46" West 85.48 feet; thence South 35°17'26" West 15.65 feet to the Northerly line of said CC and F I-90/Bellevue Business Park Division 3; thence South 68°29'10" East along said Northerly line and the Northerly line of said CC and F I-90/Bellevue Business Park Division 1 a distance of 49.38 feet to the centerline of 160th Avenue S.E.; thence Southwesterly along said centerline to the **True Point of Beginning**.

Section 4. This rezone shall be subject to the following conditions:

1. The owner of the Reserved Area shall record a deed restriction limiting the use of such area to open space uses.

2. Amendments and additions to the existing 1980 Concomitant Zoning Agreement (“1980 CZA”), recorded with the King County (Department)(Division) of Records and Elections, as follows:

a. Amend Section 1, Area B, subsection (b) to require a 50-foot setback along 156th Avenue SE for that portion of the site zoned OLB-OS;

b. Amend Section 1, Area B, subsection (f) to delete the current text in its entirety and replace it with a condition that the allowed uses of the Reserved Area be limited to those allowed under LUC Section 20.25L.010B, as amended, and with the further condition that the data processing facility and supporting buildings be limited to their current uses;

c. Amend Section 1, Drainage, subsection (a) to eliminate the provision requiring dedication of Ponds B and C to the City of Bellevue;

d. Amend Section 1, Traffic Flows, subsection (a) to exempt trips generated by the use or development of a public park located in or accessed through the Reserved Area from the trip cap established by the 1980 CZA;

e. Amend the Master Plan adopted by Section 1, Additional Mitigating Conditions, subsection (a) by adopting Attachment H (Exhibit “C” to the Amendment to Concomitant Zoning Agreement), superseding the Master Plan for the Development Area;

f. Amend the 1980 CZA to add a provision stating that any reference to “LI designated area”, or “LI zoned area” or “LI zones” means Area B, Parcel 1 as defined in Exhibit A to the CZA, and that any reference to “OLB designated area” or “OLB zoned area” or “OLB zones” means Area B, Parcel 2 as defined in Exhibit A to the CZA.

g. Amend the 1980 CZA to add Attachment I (Exhibit “D” to the Amendment to Concomitant Zoning Agreement, Clerk’s Receiving No. **33215**) as an additional exhibit showing the locations of required and anticipated future public access to the Reserved Area;

h. Amend the 1980 CZA to add a new provision limiting development in the Development Area to not more than 500,000 square feet, or as calculated by applicable FAR regulations in the LUC, as amended, whichever is less. This provision shall not supercede any limit on development resulting from application of the existing trip cap;

i. Amend the 1980 CZA to add a new provision establishing the Retained Vegetation Area shown on Attachment H (Exhibit “C” to the Amendment to Concomitant Zoning Agreement, Clerk’s Receiving No. **33216**);

j. Amend the 1980 CZA to add a new provision establishing the setback from 160th Avenue SE within the Development Area as 20 feet, the entire 20 feet of which is to be planted with Type III landscaping (as Type III Landscaping is defined in LUC Section 20.20.520, as amended); and

k. Amend the 1980 CZA to add a new provision establishing the setback from the south boundary line of the Development Area as 8 feet, the entire 8 feet of which is to be planted with Type II landscaping (as Type II landscaping is defined in LUC Section 20.20.520, as amended).

Each of these conditions shall be contained in the Amendment to Concomitant Zoning Agreement, a copy of which has been Clerk's Receiving No. **33217**.

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

Passed by the City Council this 9th day of December, 2002, and signed in authentication of its passage this 9th day of December, 2002.

(SEAL)

Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

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