

221 ORDINANCE No. 113799

221 COUNCIL BILL No. 106496

The City of

AN ORDINANCE relating to Land Use and Zoning; amending Plat 4W, Page 40 of the Official Land Use Map to rezone property located at 8401 Aurora Avenue North from Lowrise 3 (L-3) and Single Family Residential 5000 (SF 5000) to Commercial 1 with a 40 foot height limit (C-1 40') Zone and accepting a Property Use and Development Agreement in connection therewith. (Petition of Ray Terry; C.F. 295358.)

Honorable President:

Your Committee on Urban

to which was referred the within Council report that we have considered the same

12/2/87 Do Pass

12/21/87

COMPTROLLER FILE No.

Introduced: <u>NOV 23 1987</u>	By: <u>Kasibel Urban Redev Comm.</u>
Referred: <u>NOV 23 1987</u>	To: <u>Urban Redev. Comm.</u>
Referred:	To:
Referred:	To:
Reported: <u>JAN 4 1988</u>	Second Reading: <u>JAN 4 1988</u>
Third Reading: <u>JAN 4 1988</u>	Signed: <u>JAN 4 1988</u>
Presented to Mayor: <u>JAN 5 1988</u>	Approved: <u>JAN 14 1988</u>
Returned to City Clerk: <u>JAN 19 1988</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

Blue Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on Urban Redevelopment

was referred the within Council Bill No. 106496

we have considered the same and respectfully recommend that the same:

1. Do Pass (U.O.; PK)

12/1/87 Held in two ways

Vote 9-0



Committee Chair

ORDINANCE 113799

AN ORDINANCE relating to Land Use and Zoning; amending Plat 4W, Page 40 of the Official Land Use Map to rezone property located at 8401 Aurora Avenue North from Lowrise 3 (L-3) and Single Family Residential 5000 (SF 5000) to Commercial 1 with a 40 foot height limit (C-1 40') Zone and accepting a Property Use and Development Agreement in connection therewith. (Petition of Ray Terry; C.F. 295358.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 4W, Page 40 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone from Lowrise 3 (L-3) and Single Family 5000 (SF 5000) to Commercial 1 with a 40 foot height limit (C-1 40') Zoning the following described property.

Lots 1, 2, 3, 4, 36, 37, 38, 39, 40, the East 20' of Lot 5 and the East 5' of Lot 35, all in Block 9, Osner's Third Addition to The City of Seattle, recorded in Vol. 12 of Plats, Page 71, records of King County, Washington,

as shown in "Exhibit A" and the City Clerk is directed to place a copy of said "Exhibit A" in a volume entitled "Zoning Map Amendments," all as contemplated in C.F. 295358.

Section 2. In a Property Use and Development Agreement submitted to the City by the owners of the property described in Section 1 hereof, the owners have agreed to certain restrictions upon the property in order to ameliorate the adverse impact of uses and development otherwise permitted in the Commercial 1 with a 40 foot height limit (C-1 40') Zone upon property and traffic in the vicinity. The City hereby accepts this Property Use and Development Agreement which has been recorded in the records of the Director of Records and Elections of King County and filed in C.F. 293129; and the City Clerk is hereby authorized and directed to deliver copies of the same to the Director of Construction and Land Use and the Community Development Director.

(To be used for all Ordinances except Emergency.)

Section...3.. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 4th day of January, 1988
and signed by me in open session in authentication of its passage this 4th day of
January, 1988
[Signature]
President of the City Council.

Approved by me this 14th day of January, 1988
[Signature]
Mayor.

Filed by me this 19th day of January, 1988

Attest: Howard J. Brooks
City Comptroller and City Clerk.

(SEAL)

Published.....

By Margaret Carter
Deputy Clerk.

PUBLISH DO NOT PUBLISH

CITY ATTORNEY _____

RECEIVED THIS DAY

DEC 24 10 50 AM '87

BY THE DEPARTMENT OF
RECORDS & COMMUNICATIONS
KING COUNTY

PROPERTY USE AND DEVELOPMENT AGREEMENT

8712240463

THIS INSTRUMENT, executed this date in favor of The City of Seattle, a Municipal Corporation (herein called "City"), by the undersigned owners of the within described property (herein called "Owners"):

WITNESSETH:

WHEREAS, Owners are persons owning a fee simple and/or having a substantial beneficial interest in the following property (herein called the "Property"):

Lots 1, 2, 3, 4, 36, 37, 38, 39, 40, the East 20' of Lot 5 and the East 5' of Lot 35, all in Block 9, Osner's Third Addition to The City of Seattle, recorded in Vol. 12 of Plats, Page 71, records of King County, Washington,

WHEREAS, the Owners have filed a petition (C.F. 295358) with the City to rezone the Property from Lowrise 3 (L-3) and Single Family Residential 5000 (SF 5000) to Commercial 1 with a 40 foot height limit Zone pursuant to the provisions of the Land Use Code; and

WHEREAS, the Hearing Examiner recommended approval of the petition subject to certain conditions relating to parking, access and landscaping.

WHEREAS, the Land Use Committee recommended to the City Council that the Property be rezoned to Commercial 1 with a 40 foot height limit (C-1 40') Zone subject to the execution and recording of an agreement with the City pertaining to the use and development of the Property, imposing parking, access and landscaping conditions in order to ameliorate the adverse impact of unrestricted use and development of property in a C-1 40' Zone;

87/12/24 80463 A
RECD F 3.00
CASH 11.00
11

**FILED FOR RECORD AT REQUEST OF
CITY OF SEATTLE
OFFICE FOR PLANNING
650 DEXTER HORTON BLDG.
710 - SECOND AVENUE
SEATTLE, WASHINGTON 98104**

8712240463

NOW, THEREFORE, the Owners covenant, bargain and agree on behalf of themselves and their heirs, successors and assigns that they will comply with the following conditions if the Property is rezoned to a C-1 40' Zone classification:

Section 1. Development of the Property shall be accomplished in accordance with the following conditions relating to parking, access and landscaping.

- A. Access. No vehicular access shall be allowed from North 85th Street to the site.
- B. Parking. To mitigate a parking overflow, the owner(s) and/or responsible parties shall restrict overnight parking of vehicles to five (5) vehicles on-site. The five spaces shall be designated and marked appropriately with signs.
- C. Landscaping. Prior to construction of the left turn lane on North 85th Street, the owners and/or responsible parties shall submit a revised landscape plan to the Department of Construction and Land Use showing landscaping along the north property line. After DCLU approval and within three (3) months following the installation and use of the left turn lane, the landscaping shall be installed and permanently maintained by the owners and/or responsible parties.

Section 2. This Property Use and Development Agreement (hereafter "Agreement") shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and run with the Property and shall apply to after acquired

8712240463

title of the Owners of the Property; provided that the cove-
nants hereof shall expire and be of no force and effect two
years from the effective date of the approval of this rezone
if the Owners fail to satisfy the requirement of Section
23.76.060 of the Seattle Municipal Code.

Section 3. This Agreement may be amended or modified by
agreement between the Owners and the City; provided such
amended agreement shall be approved by the legislative
authority of the City by ordinance. Nothing in this Agreement
shall prevent the City Council from making such further amend-
ment to the Zoning Ordinance or Land Use Code as it may deem
necessary in the public interest. Nothing in this Agreement
is intended to authorize any use or dimension not otherwise
permitted in a Commercial 1 with a forty foot height limit
(C-1 40') Zone.

Section 4. This Agreement is made for the benefit of the
City and for the benefit of owners of the property within 300
feet of the Property, and either the City or any such property
owner may institute and prosecute any proceeding at law or in
equity to enforce this Agreement.

Section 5. It is further expressly agreed that in the
event or condition or restriction hereinabove contained or any
portion thereof is invalid or void, such invalidity or void-
ness shall in no way affect any other covenant, condition or
restriction hereinabove contained.

DATED this 23 day of December, 1987.

OWNER:

Jack Slotnik
JACK SLOTNIK

OWNER:

Ethel Slotnik
ETHEL SLOTNIK

OWNER:

Israel Volotin
ISRAEL VOLOTIN

CITY COUNCIL TRANSMITTAL

C. F. # 295399

TO: Doug Jewett
City Attorney

Date Sent: 10/22/87

Reply Requested By: ASAP

Subject: Petition of Ray Terry to rezone from L-3
to SF3000 to C1-40', Lots 1,2,3,4,36,37,38,39,
40 & portions of Lot 5 & 35, all in Block 9,
Osner's Third Addition; all to establish use
for and construction of a retail auto service
building at 8401 Aurora Avenue North

FROM: Paul Krubel, Chair
Urban Redevelopment Committee

	Review and Return File With Your Answer to Sender
	Review and Answer Petitioner, Return File and Copy of Answer to Sender
	Review and Make Recommendations, Return File and Recommendations to Sender () In Duplicate
xxx	Prepare Legislation and Return File to Sender

ACTION REQUIRED

Additional Information: Gordon, the committee today voted to grant the rezone for the whole piece of property the petitioner requested, including the mall portion owned by DCU & the Hearing Examiner. Please draft the legislation. The only condition the committee placed on the property is that DCU must approve the landscaping as plan. Thanks.

Paul Krubel
Chair, Urban Redevelopment Committee

Signature

RECEIVED THIS

C.B.106496

JAN 28 2 31 PM '88

BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY

ORDINANCE 113799

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 4W, Page 40 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone from Lowrise 3 (L-3) and Single Family 5000 (SF 5000) to Commercial 1 with a 40 foot height limit (C-1 40') Zoning the following described property.

Lots 1, 2, 3, 4, 36, 37, 38, 39, 40, the East 20' of Lot 5 and the East 5' of Lot 35, all in Block 9, Osner's Third Addition to The City of Seattle, recorded in Vol. 12 of Plats, Page 71, records of King County, Washington,

as shown in "Exhibit A" and the City Clerk is directed to place a copy of said "Exhibit A" in a volume entitled "Zoning Map Amendments," all as contemplated in C.F. 295358.

Section 2. In a Property Use and Development Agreement submitted to the City by the owners of the property described in Section 1 hereof, the owners have agreed to certain restrictions upon the property in order to ameliorate the adverse impact of uses and development otherwise permitted in the Commercial 1 with a 40 foot height limit (C-1 40') Zone upon property and traffic in the vicinity. The City hereby accepts this Property Use and Development Agreement which has been recorded in the records of the Director of Records and Elections of King County and filed in C.F. 293129; and the City Clerk is hereby authorized and directed to deliver copies of the same to the Director of Construction and Land Use and the Community Development Director.

8801280911

(To be used for all Ordinances except Emergency.)

STATE OF WASHINGTON)
COUNTY OF KING) SS
CITY OF SEATTLE)

I, NORWARD J. BROOKS, CONTROLLER AND CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT COPY OF

AS THE SAME APPEARS ON FILE, AND OF RECORD IN THIS DEPARTMENT IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL TO THE CITY OF SEATTLE, THIS 21st day of January, 1988

NORWARD J. BROOKS
COMPTROLLER AND CITY CLERK

BY: *Theresa Dunbar*
DEPUTY CLERK

Section...3... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 4th day of January, 1988
and signed by me in open session in authentication of its passage this 4th day of January, 1988
[Signature]
President of the City Council.

Approved by me this 14th day of January, 1988
[Signature]
Mayor.

Filed by me this 19th day of January, 1988

Attest: *Norward J. Brooks*
City Comptroller and City Clerk.

(SEAL)

Published.....

By *Margaret Carter*
Deputy Clerk.

PUBLISH DO NOT PUBLISH

CITY ATTORNEY _____

8801280911

C-315-X

Affidavit of Publication

City of Seattle

ORDINANCE 113799

AN ORDINANCE relating to Land Use and Zoning; amending Plat 4W, Page 40 of the Official Land Use Map to rezone property located at 848 Aurora Avenue North from Lowrise 3 (L-3) and Single Family Residential 3000 (SF 3000) to Commercial 1 with a 40 foot height limit (C-1 40') Zone and accepting a Property Use and Development Agreement in connection therewith (Petition of Ray Terry, C. F. 293383.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 4W, Page 40 of the Official Land Use Map, adopted by Ordinance 110669 is amended to rezone from Lowrise 3 (L-3) and Single Family Residential 3000 (SF 3000) to Commercial 1 with a 40 foot height limit (C-1 40') Zoning the following described property:

Lots 1, 2, 3, 4, 36, 37, 38, 39, 40, the East 20' of Lot 5 and the East 5' of Lot 25, all in Block 7, Owner's Third Addition to The City of Seattle, recorded in Vol. 12 of Plats, Page 71, records of King County, Washington.

as shown in "Exhibit A" and the City Clerk is directed to place a copy of said "Exhibit A" in a volume entitled "Zoning Map Amendments," a/s contemplated in C. F. 293358.

Section 2. In a Property Use and Development Agreement submitted to the City by the owners of the property described in Section 1 hereof, the owners have agreed to certain restrictions upon the property in order to ameliorate the adverse impact of uses and development otherwise permitted in the Commercial 1 with a 40 foot height limit (C-1 40') Zone upon property and traffic in the vicinity. The City hereby accepts this Property Use and Development Agreement which has been recorded in its records of the Director of Records and Elections of King County and filed in C. F. 293129, and the City Clerk is hereby authorized and directed to deliver copies of the same to the Director of Construction and Land Use and the Community Development Director.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 4th day of January, 1988, and signed by me in open session in authentication of its passage this 4th day of January, 1988.

SAM SMITH,
President of the City Council,
Approved by me this 14th day of January, 1988.

CHARLES ROYER,
Mayor,
Filed by me this 19th day of January, 1988.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk,
(Seal By MARGARET CARTER,
Deputy Clerk)

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, January 25, 1988.
(C-315-X)

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 113799

was published on January 25, 1988

R. Spring
Subscribed and sworn to before me on

January 25, 1988

Robert C. Jensen
Notary Public for the State of Washington,
residing in Seattle.