

ORDINANCE No.

114917

COUNCIL BILL No.

107776

AN ORDINANCE relating to land use and zoning; amending Plat 15W, page 61 of the Official Land Use Map to rezone property at 2301 N.E. Blakely from General Commercial (CG) to Neighborhood Commercial 2/40' (NC2/40') and accepting a Property Use and Development Agreement in connection therewith. (Petition of Bray-Westhund & Co.; C.F. 296583.)

COMPTRROLLER FILE No.

296583

Introduced: JAN 2 1 1990	By: <i>Maabel</i>
Referred: JAN 2 1 1990	To:
Referred:	To:
Referred:	To:
Reported: JAN 2 1 1990	Second Reading: JAN 2 1 1990
Third Reading: JAN 2 1 1990	Signed: JAN 2 1 1990
Presented to Mayor: JAN 21 1990	Approved: FEB 1 1990
Returned to City Clerk: FEB 1 1990	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: 

The City of

Honorable President:

Your Committee on UREAN

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

Do PASS BY A VOTE

Vote 80

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. 10776

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

^{BE}
PASS BY A VOTE OF 2-0 ON 1-24-70

Vote 2-0

Committee Chair

LVE:pdk
1/12/90
blakely.ord

ORDINANCE 114917

AN ORDINANCE relating to land use and zoning; amending Plat 15W, page 61 of the Official Land Use Map to rezone property at 2301 N.E. Blakely from General Commercial (CG) to Neighborhood Commercial 2/40' (NC2/40') and accepting a Property Use and Development Agreement in connection therewith. (Petition of Bray-Westlund & Co; C.F. 296583.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 15W, page 61 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone from General Commercial (CG) to Neighborhood Commercial 2/40' (NC2/40') and zoning the following described property:

Parcel A, City of Seattle Short Plat 79-210, recorded under King County number 8003240808, situated in the City of Seattle, County of King, State of Washington, being a portion of the Northeast one-quarter of the Southwest one-quarter of Section 9, Township 25 North, Range 4 East of the Willamette Meridian, described as follows.

BEGINNING at a point on the South line of said Northeast one-quarter of the Southwest one-quarter of Section 9, said point bears North 88° 47' 04" West 384.69 feet from the Southeast corner thereof, thence North 25° 26' 31" West 62.89 feet to a point on the Southerly margin of N.E. Blakely Street, said point being on the arc of a 879.90 foot radius curve to the right; thence from a tangent which bears North 27° 59' 34" East along said curve 119.75 feet thru an angle of 7° 47' 52"; thence leaving said curve South 38° 13' 42" East 104.57 feet to a point on the Northwesterly line of Block 8 of RAVENNA SPRINGS PARK SUPPLEMENTAL, according to the plat thereof recorded in Volume 2 of Plats at Page 173, Records of King County, Washington, said point being on the arc of a 779.90 foot radius curve to the left; thence from a tangent which bears South 33° 40' 30" West along said curve 89.79 feet thru an angle of 6° 35' 46" to said South line of the Northeast one-quarter of the Southwest one-quarter of Section 9; thence along said line, North 88° 47' 04" West 55.54 feet to the point of beginning.

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. 296583.

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Section 2. That the Property Use and Development Agreement which was submitted to the City by the owners of the Property described in Section 1 hereof, recorded in the records of the Director of Records and Elections of King County and filed in C.F. 296583, by which said owners agree to certain restrictions upon the Property to ameliorate the adverse impact of uses and development not otherwise permitted in the Neighborhood Commercial 2/40' (NC2/40') Zone upon property in the vicinity is hereby accepted. The City Clerk is hereby authorized and directed to deliver copies of the same to the Director of Construction and Land Use and the Director of Community Development.

Section 3. That this ordinance shall take effect and be in force 30 days from and after its passage and approval if 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 29th day of January, 1990, and signed by me in open session in authentication of its passage this 29th day of January, 1990.

[Signature]

President, Seattle City Council
Approved by me this 5th day of February, 1990.

[Signature]

Mayor
Filed by me this 5th day of February, 1990.

Attest: [Signature]

City Comptroller
[Signature]

City Clerk

By: [Signature]

Deputy Clerk

LVE:pdk
1/12/90
blakely.ord

FEB 16 4 11 PM '90

BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY

90/02/15
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ORDINANCE 114917

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Section 1. That Plat 15W, page 61 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone from General Commercial (CG) to Neighborhood Commercial 2/40' (NC2/40') and zoning the following described property:

Parcel A, City of Seattle Short Plat 79-210, recorded under King County number 8003240808, situated in the City of Seattle, County of King, State of Washington, being a portion of the Northeast one-quarter of the Southwest one-quarter of Section 9, Township 25 North, Range 4 East of the Willamette Meridian, described as follows.

BEGINNING at a point on the South line of said Northeast one-quarter of the Southwest one-quarter of Section 9, said point bears North 88° 47' 04" West 384.69 feet from the Southeast corner thereof, thence North 25° 26' 31" West 62.89 feet to a point on the Southerly margin of N.E. Blakely Street, said point being on the arc of a 879.90 foot radius curve to the right; thence from a tangent which bears North 27° 59' 34" East along said curve 119.75 feet thru an angle of 7° 47' 52"; thence leaving said curve South 38° 13' 42" East 104.57 feet to a point on the Northwesterly line of Block 8 of RAVENNA SPRINGS PARK SUPPLEMENTAL, according to the plat thereof recorded in Volume 2 of Plats at Page 173, Records of King County, Washington, said point being on the arc of a 779.90 foot radius curve to the left; thence from a tangent which bears South 33° 40' 30" West along said curve 89.79 feet thru an angle of 6° 35' 46" to said South line of the Northeast one-quarter of the Southwest one-quarter of Section 9; thence along said line, North 88° 47' 04" West 55.54 feet to the point of beginning.

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," as contemplated in C.F. 296583.

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Section 2. That the Property Use and Development Agreement which was submitted to the City by the owners of the Property described in Section 1 hereof, recorded in the records of the Director of Records and Elections of King County and filed in C.F. 296583, by which said owners agree to certain restrictions upon the Property to ameliorate the adverse impact of uses and development not otherwise permitted in the Neighborhood Commercial 2/40' (NC2/40') Zone upon property in the vicinity is hereby accepted. The City Clerk is hereby authorized and directed to deliver copies of the same to the Director of Construction and Land Use and the Director of Community Development.

Section 3. That this ordinance shall take effect and be in force 30 days from and after its passage and approval if 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 29th day of January, 1990, and signed by me in open session in authentication of its passage this 29th day of January, 1990.

Approved by me this 5th day of February, 1990.
[Signature]
President, Seattle City Council

Filed by me this 5th day of February, 1990.
[Signature]
Mayor

Attest: [Signature]
City Comptroller
[Signature]
City Clerk

By: [Signature]
Deputy Clerk

PROPERTY USE AND DEVELOPMENT AGREEMENT

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"):

W I T N E S S E T H:

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

Parcel A, City of Seattle Short Plat 79-210, recorded under King County number 8003240808, situated in the City of Seattle, County of King, State of Washington, being a portion of the Northeast one-quarter of the Southwest one-quarter of Section 9, Township 25 North, Range 4 East of the Willamette Meridian, described as follows.

BEGINNING at a point on the South line of said Northeast one-quarter of the Southwest one-quarter of Section 9, said point bears North 88°47'04" West 384.69 feet from the Southeast corner thereof, thence North 25°26'31" West 62.89 feet to a point on the Southerly margin of N.E. Blakely Street, said point being on the arc of a 879.90 foot radius curve to the right; thence from a tangent which bears North 27°59'34" East along said curve 119.75 feet thru an angle of 7°47'52"; thence leaving said curve South 38° 13'42" East 104.57 feet to a point on the Northwesterly line of Block 8 of RAVENNA SPRINGS PARK SUPPLEMENTAL, according to the plat thereof recorded in Volume 2 of Plats at Page 173, Records of King County, Washington, said point being on the arc of a 779.90 foot radius curve to the left; thence from a tangent which bears South 33°40'30" West along said curve 89.79 feet thru an angle of 6°35'46" to said South line of the Northeast one-quarter of the Southwest one-quarter of Section 9; thence along said

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line, North 88°47'04" West 55.54 feet to the point of beginning.

WHEREAS, Owners have filed a petition (C.F. 296583) with the City to rezone the Property from General Commercial (CG) to Neighborhood Commercial 2/40' (NC2/40') 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 ingress/egress and uses prohibited in the NC2/40' Zone; and

WHEREAS, the Urban Redevelopment Committee recommended to the City Council that the property be rezoned to Neighborhood Commercial 2/40' (NC2/40') Zone subject to the execution and recording of an agreement with the City pertaining to the use and development of the Property, imposing conditions relating to ingress and egress and imposing restrictions on uses available in the Neighborhood Commercial Zone in addition to those set forth in Section 23.47.004 of the Land Use Code in order to ameliorate the adverse impact of the use and development of the property.

NOW, THEREFORE, the Owners hereby 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 NC2/40' Zone classification.

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Section 1. Development of the Property shall be accomplished in accordance with the following conditions relating to ingress and egress and uses prohibited on the property.

A. Access to the parking garage shall be limited to one two-way point of entry with one lane in one lane out. This access shall not exceed standards for maximum and minimum width, passing area, turning path radius, maximum grade curvature and parking aisles as set forth in Section 23.54.030 (d) and (e) of the Land Use Code.

B. The owners and/or responsible party(s), in addition to the restrictions on uses established in Section 23.47.004 of the Land Use Code shall be prohibited from having the following uses within the ground floor commercial space:

1. multi-purpose convenience store
2. fast food restaurant
3. mini-warehouse, warehouse
4. automotive retail sales and service
5. restaurants with cocktail lounges
6. taverns and brew pubs
7. motion picture theater
8. indoor participant sport facility
9. other forms of public assembly uses.

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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 be binding upon the Owners, their heirs, successors and assigns and shall apply to after-acquired title of the Owners of the Property; provided that the covenants 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 amendments 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 NC2/40' 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 owners 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 voidness shall in no way affect any other covenant, condition or restriction hereinabove contained.

DATED this 27th day of January, 1990.

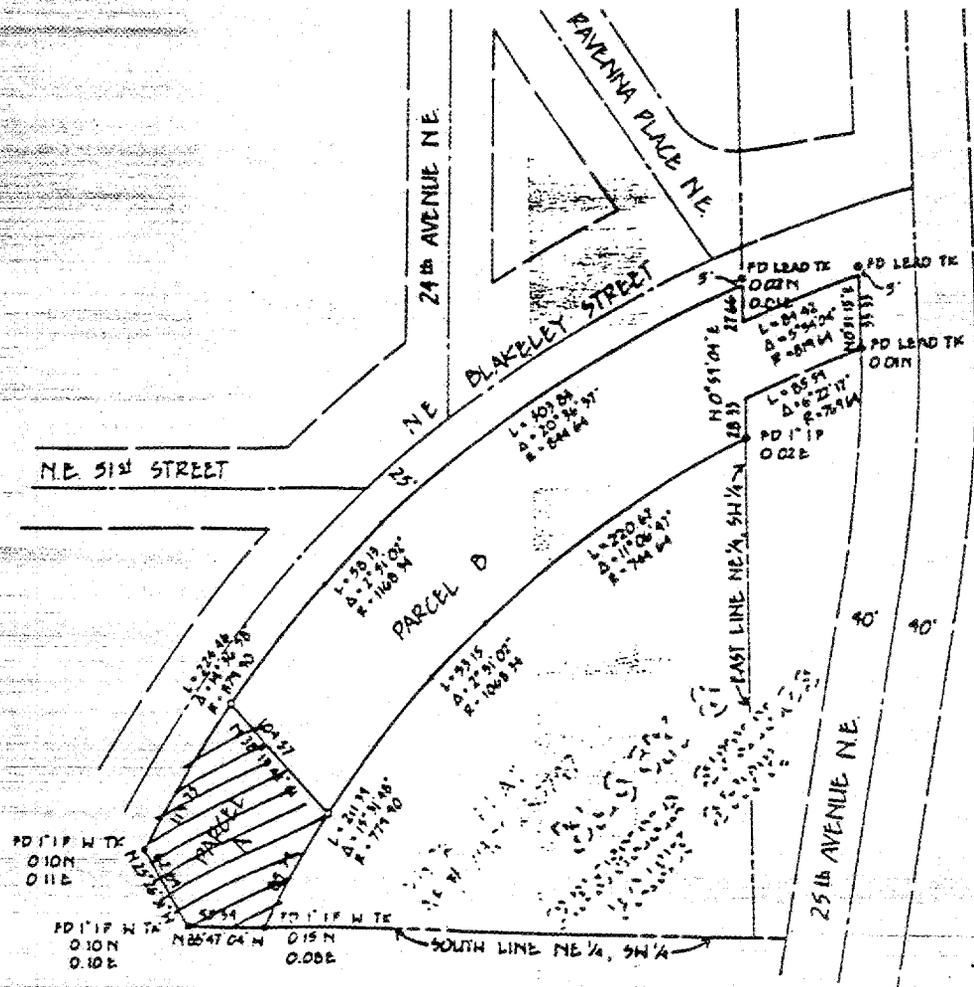
OWNER
Pioneer Oil Sales

By Joseph E. Pendergast, Jr.
JOSEPH E. PENDERGAST, JR.

Seen and subscribed to before me on the
27th day of January, 1990
Anne Fabin
[Signature]

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- FOUND MONUMENT AS NOTED
- SET 1/2" x 30" I.R. W CAP

NOTE:

THIS SHORT PLAT SURVEY REPRESENTS A RETRACEMENT OF RECORD OF SURVEY NC 10-247, RECORDER'S CERTIFICATE NO. 71014910, RECORDS OF KING COUNTY, WASHINGTON.

Land Surveyor's Certificate:

This short plat correctly represents a survey made by me or under my direction in conformance with the requirements of appropriate state and county statute and ordinance.

12-10-79
Date

John Stawbridge

Certificate No.: 15039

Short Subdivision No.: 79-210



Map on File in Vault

Direction: ←



Scale: 1" = 100'

STATE OF WASHINGTON - KING COUNTY

23603
City of Seattle

-ss.

No.

City of Seattle

ORDINANCE 114917

AN ORDINANCE relating to land use and zoning; amending Plat 15W, page 61 of the Official Land Use Map to rezone property at 2301 N. E. Blakely from General Commercial (CG) to Neighborhood Commercial 2/40' (NC2/40') and accepting a Property Use and Development Agreement in connection therewith (Petition of Bray-Westlund & Co. C. F. 296583.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 15W, page 61 of the Official Land Use Map adopted by Ordinance 110969 is amended to rezone from General Commercial (CG) to Neighborhood Commercial 2/40' (NC2/40') and zoning the following described property:

Parcel A, City of Seattle Short Plat 79-310, recorded under King County number 4904246868, situated in the City of Seattle, County of King, State of Washington, being a portion of the Northeast one-quarter of the Southwest one-quarter of Section 9, Township 25 North, Range 4 East of the Willamette Meridian, described as follows:

BEGINNING at a point on the South line of said Northeast one-quarter of the Southwest one-quarter of Section 9, said point bears North 88° 47' 04" West 384.69 feet from the Southeast corner thereof, thence North 25° 26' 31" West 62.89 feet to a point on the southerly margin of N. E. Blakely Street, said point being on the arc of a 479.90 foot radius curve to the right; thence from a tangent which bears North 27° 49' 34" East along said curve 119.73 feet (an angle of 7° 47' 52"); thence leaving said curve South 33° 13' 42" East 104.57 feet to a point on the Northwesterly line of Block 3 of 12, VENNA SPRINGS PARK SUPPLEMENTAL, according to the plat thereof recorded in Volume 3 of Plats at Page 173, Records of King County, Washington, said point being on the arc of a 779.90 foot radius curve to the left; thence from a tangent which bears South 33° 40' 30" West along said curve 89.79 feet thru an angle of 8° 35' 48" to said South line of the Northeast one-quarter of the Southwest one-quarter of Section 9, thence along said line, North 88° 47' 04" West 55.34 feet to the point of beginning.

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. 296582.

Section 2. That the Property Use and Development Agreement which was submitted to the City by the owners of the Property described in Section 1 heretofore recorded in the records of the Director of Records and Elections of King County and filed in C. F. 296583, by which said owners agree to certain restrictions upon the Property to mitigate the adverse impact of uses and development not otherwise permitted in the Neighborhood Commercial 2/40' (NC2/40') Zone upon property in the vicinity is hereby accepted. The City Clerk is hereby authorized and directed to deliver copies of the same to the Director of Construction and Land Use and the Director of Community Development.

Section 3. That this ordinance shall take effect and be in force 30 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 29th day of January, 1941, and signed by me in open session in authentication of its passage

Affidavit of Publication

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

ORD: 114917

was published on

02/16/90

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

William Morris

Subscribed and sworn to before me on

Sam Ray FEB 16 1940

Notary Public for the State of Washington, residing in Seattle

CITY COUNCIL TRANSMITTAL

TO:

Doug Jewett, City Attorney

FROM:

Paul Krasney

C. F. # *206583*

Date Sent:

12-7-89

Reply Requested By:

1-3-90

Subject:

*Petition to rezone
2301 NE Blawieley*

ACTION — required

Review and Return File With Your Answer to Sender

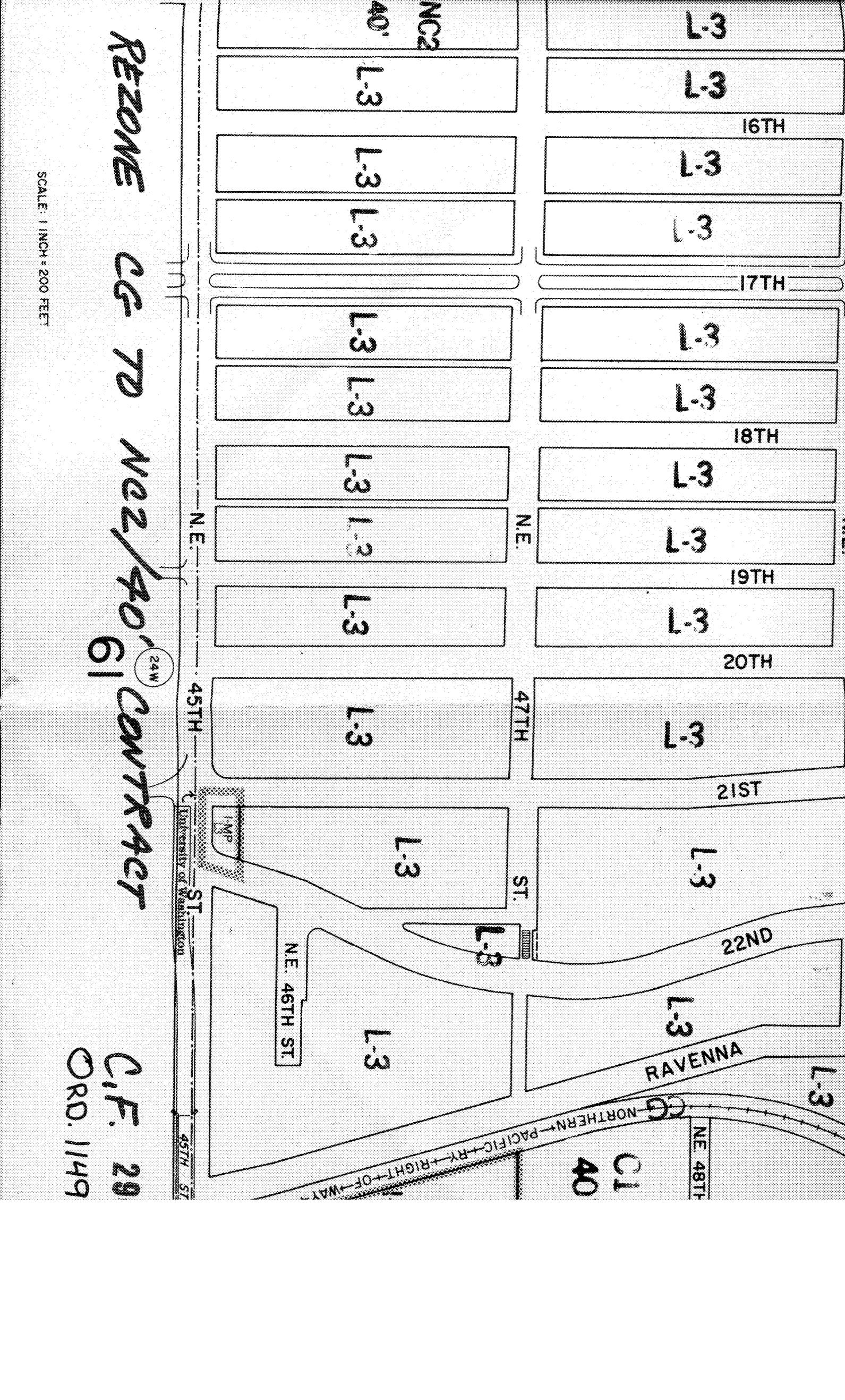
Review and Answer Petitioner, Return File and Copy of Answer to Sender

Review and Make Recommendations, Return File and Recommendations to Sender
() In Duplicate

Prepare Legislation and Return File to Sender *and Room*

Additional Information:

By [Signature]
Signature



REZONE CG TO NE2/40' 61 CONTRACT

C.F. 20
ORD. 1149

SCALE: 1 INCH = 200 FEET

University of Washington

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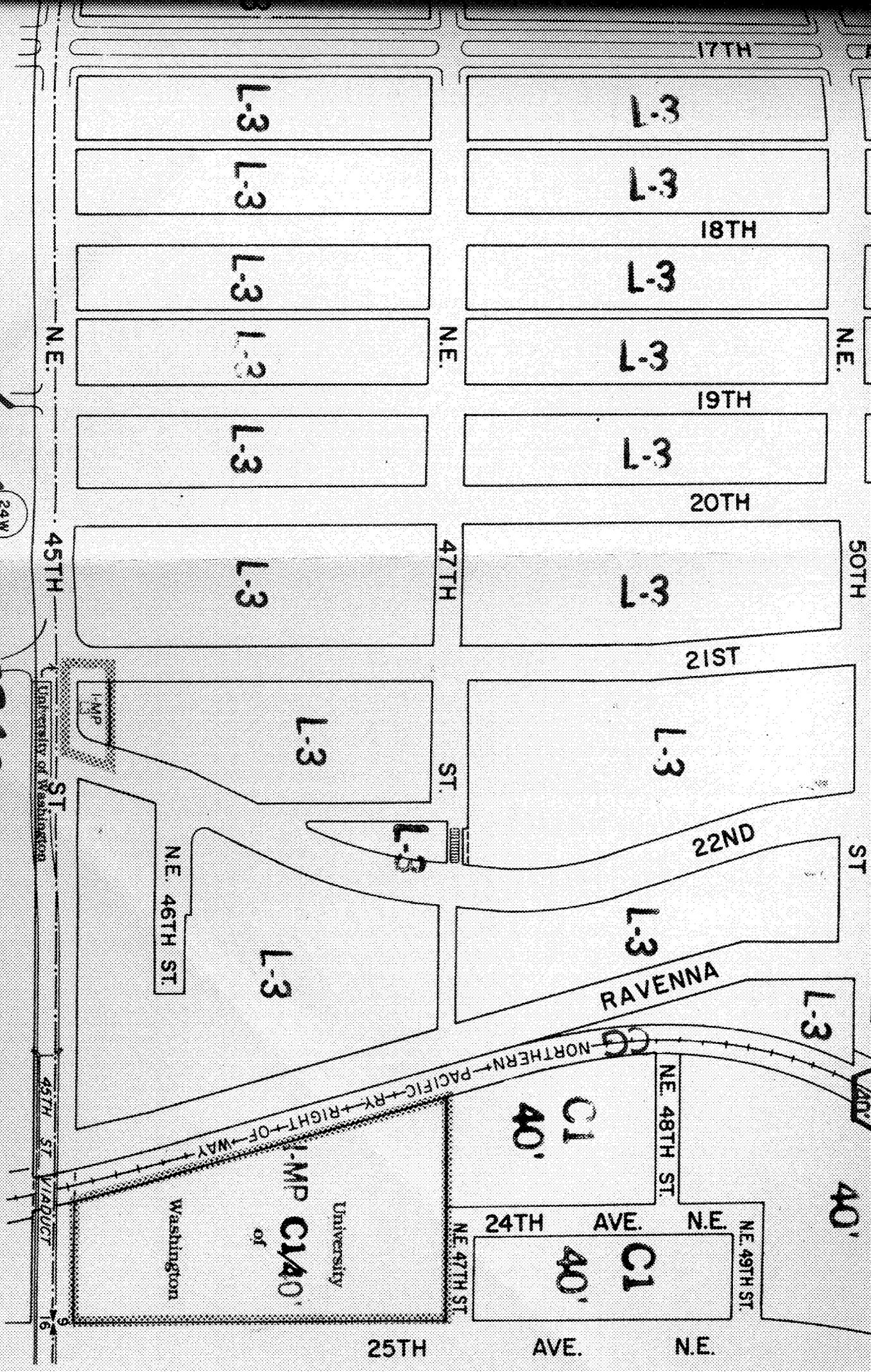
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CG 7D NE2/40' 61 CONTRACT

C.F. 296583
ORD. 114917



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