

ORDINANCE No. 118015

COUNCIL BILL No. 11115

109

INDEXED

The City of Seattle--Legisla

REPORT OF COMMITTEE

Honorable President:

Your Committee on Business, Economic and C

to which was referred the within Council Bill No. 11115
report that we have considered the same and respectfully recomm

Pass, contingent upon receipt
prior to Feb. 12, 1996, Council

Full Council vote 9-0

COMPTROLLER FILE No. _____

Introduced: FEB - 5 1996	By: DRAGO
Referred: FEB - 5 1996	To: BUSINESS, Economic & Community Development
Referred:	To:
Referred:	To:
Reported: FEB 12 1996	Second Reading: FEB 12 1996
Third Reading: FEB 12 1996	Signed: FEB 12 1996
Presented to Mayor: FEB 13 1996	Approved: FEB 15 1996
Returned to City Clerk: FEB 21 1996	Published: Full
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

NO DISK

Jan Drago
Committee Chair

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INDEXED

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted
2/6/96

Honorable President:

Your Committee on Business, Economic^{and} Community Development

to which was referred the within Council Bill No. 11115
report that we have considered the same and respectfully recommend that the same:

Pass, contingent upon receipt of signed PUDA
prior to Feb. 12, 1996, Council Meeting, 3-0.

Full Council vote 9-0

Jan Duggan
Committee Chair

OFFICE OF THE CLERK OF THE CITY OF SEATTLE
1500 4TH AVENUE, SUITE 1000
SEATTLE, WASHINGTON 98101

ORDINANCE 118015

AN ORDINANCE relating to land use and zoning, amending Plat 221E, page 8 of the Official Land Use Map to rezone the property located at 14352 Lake City Way N.E. from Single Family 7200 (SF7200) to Neighborhood Commercial 2 with a thirty-foot height limitation (NC2/30') and accept a Property Use and Development Agreement in connection therewith. (Petition of Village Seattle Partners, C.F. 300552, Appl. 9501363)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 221E, page 8 of the Official Land Use Map adopted by Ordinance 110570 is amended to rezone from Single Family 7200 (SF7200) to Neighborhood Commercial 2 with a thirty-foot height limitation (NC2/30') the following described property:

LOTS 1 AND 2, BLOCK 5, SEATTLE SUBURBAN HOME TRACTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7, OF PLATS, PAGE 93, IN KING COUNTY, WASHINGTON; EXCEPT THE WESTERLY 165 FEET THEREOF.

as shown in "Exhibit A", attached to this Ordinance.

Section 2. That the Property Use and Development Agreement, which was submitted to the City by Timsko Investment Properties, owner of the property described in Section 1 above, by which said owner agrees to certain restrictions upon the property to ameliorate the adverse impacts of uses and developments otherwise permitted in the Neighborhood Commercial 2 (NC2/30') zone upon property in the vicinity is hereby accepted and attached to this Ordinance as "Exhibit B."

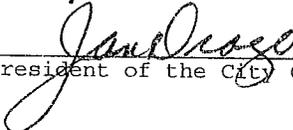
Section 3. That the City Clerk is hereby authorized and directed to file a copy of said Property Use and Development Agreement and of this Ordinance at the King County Records and Elections Division, to file the original of the Property Use and Development Agreement with this Ordinance at the City Clerk's Office, and to deliver copies of the same to the Directors of the Department of Construction and Land Use, the Department of Neighborhoods, the Office of the Hearing Examiner, and to the King County Assessor's Office.

Section 4. This ordinance shall take effect and be in force

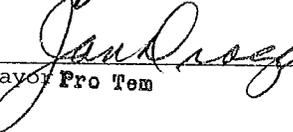
NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 thirty (30) days from and after its passage and approval by the
2 Mayor, but if not approved and returned by the Mayor within ten
3 (10) days after presentation, it shall take effect as provided by
4 Municipal Code Section 1.04.020.

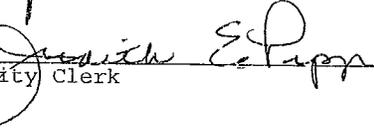
5 Passed by the City Council the 12 day of February,
6 1996, and signed by me in open session in authentication of its
7 passage this 12 day of February, 1996

8
9 
10 _____
11 President of the City Council

11 Approved this 15 day of February, 1996

12
13 
14 _____
15 Mayor Pro Tem

15 Filed this 21 day of February, 1996

16
17 
18 _____
19 City Clerk

19 (SEAL)
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NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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"EXHIBIT A"
 PAGE 8, OFFICIAL LAND USE MAP
 14352 LAKE CITY WAY NE
 REZONE SF 7200 TO
 NC2-30' CONTRACT C.F. 300552
 DCLU PROJECT NO. 9501363



REZONE AREA



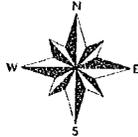
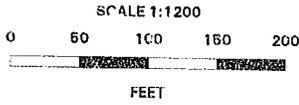
ZONING BOUNDARIES



PLATTED LOT LINES

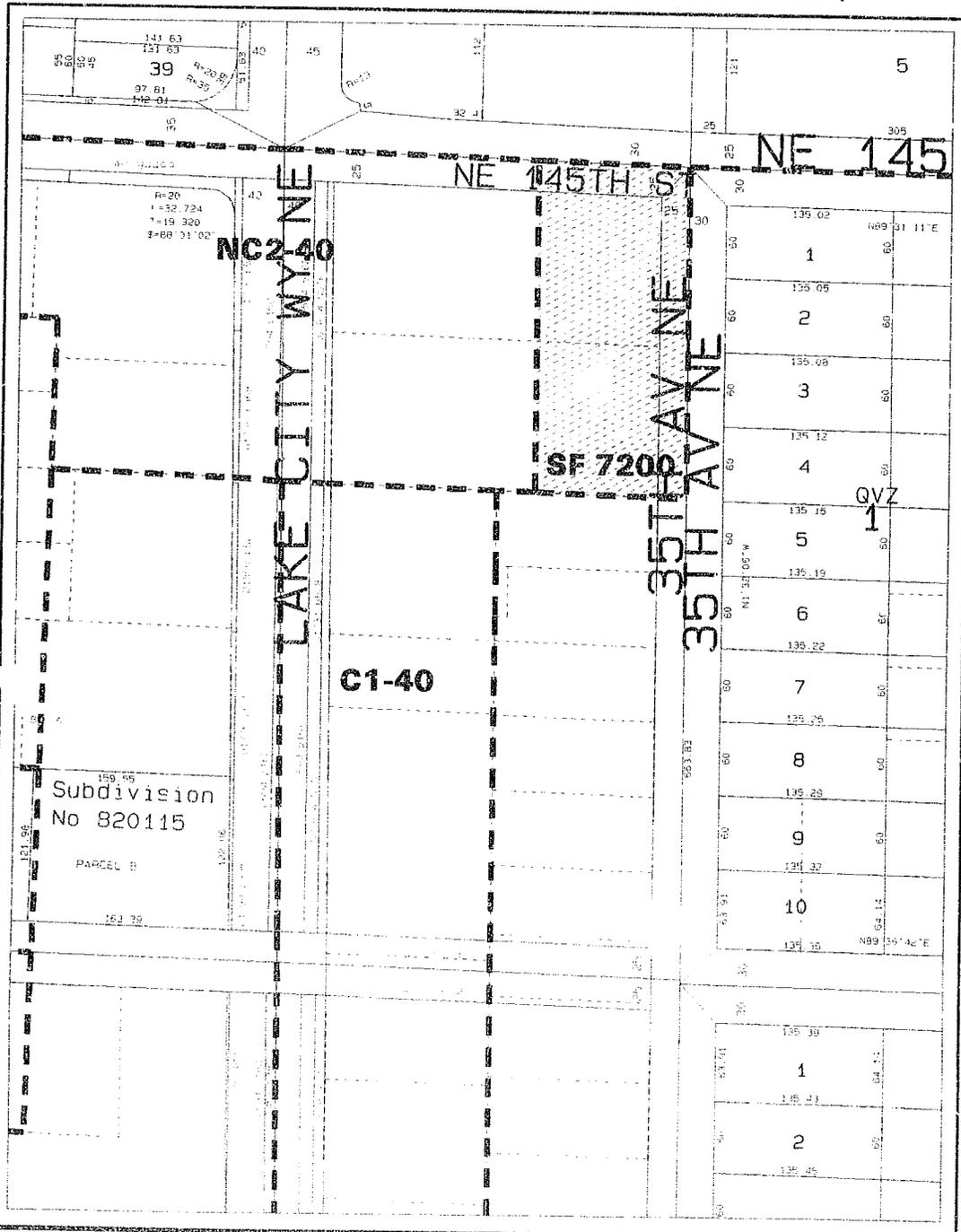


PROPERTY LINES



Prepared: February 5, 1996

City of Seattle, DCLU, GIS Group



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Ord. 118015

PROPERTY USE AND DEVELOPMENT AGREEMENT

Original at K.C.,
for Recording. 2126196

THIS INSTRUMENT is executed this date in favor of the City of Seattle, a Municipal Corporation (herein called "City"), by Timsko Investment Properties, a Washington general partnership (herein called "Owner"), owner of the within described property.

WITNESSETH:

WHEREAS, Owner owns a fee simple and/or substantial beneficial interest in the following described property (herein called the "Property"):

LOTS 1 AND 2, BLOCK 5, SEATTLE SUBURBAN HOME TRACTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7, OF PLATS, PAGE 93, IN KING COUNTY, WASHINGTON; EXCEPT THE WESTERLY 165 FEET THEREOF.

WHEREAS, Owner, by way of Village/Seattle Partners, a California general partnership, filed a petition (C.F. 300552, Appl. 9501363) with the City seeking a contract rezone to rezone the Property from Single Family 7200 (SF 7200) to Neighborhood Commercial 2 with a forty-foot height limitation (NC2/40') pursuant to the provisions of the Land Use Code and subject to limitations on the development of the Property; and

WHEREAS, on August 31, 1995, the Director of the Department of Construction and Land Use ("DCLU") recommended that the proposed contract rezone to NC2 be granted subject to a 30-foot height limit (NC2/30') and further subject to conditions; and

PROPERTY USE AND
DEVELOPMENT AGREEMENT
FOR REZONE APPL. 9501363
PAGE 1

EXHIBIT B

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

WHEREAS, on November 8, 1995, the Hearing Examiner recommended that the proposed contract rezone be granted as recommended by DCLU and clarified by the Hearing Examiner; and

WHEREAS, on January 23, 1996, the Business, Economic and Community Development Committee of the City Council voted to recommend to the full City Council that the proposed contract rezone be granted, subject to a 30-foot height limit, and further subject to the conditions recommended by DCLU and the Hearing Examiner and clarified by the Committee; and

WHEREAS, Owner now desires that the rezone petition be granted as recommended the Council's Business, Economic and Community Development Committee.

NOW, THEREFORE, Owner hereby covenants, bargains and agrees on behalf of itself and its successors and assigns that it will comply with the following conditions in consideration of the rezone of the Property from Single Family 7200 (SF 7200) to Neighborhood Commercial 2 with a thirty-foot height limitation (NC2/30'):

Section 1. Development of the Property shall be accomplished in accordance with the requirements of the Seattle Municipal Code and the following conditions:

A. Permitted Uses and Development. Only the following uses and categories of uses shall be permitted on the Property: access for commercial uses and accessory surface parking for commercial uses. Development on the Property shall be limited to improvement of the existing driveway/roadway and parking area, as identified on a site plan pursuant to Section 1B of this Property Use and Development Agreement ("Agreement").

B. Steep Slopes. Within 120 days of the execution of this Agreement, the applicant shall provide a surveyed site plan which clearly indicates the limits of the steep slope area and includes a fifteen foot wide buffer area along the side of the steep slope. The steep slope and buffer area shall be clearly identified as a "restricted development area." The site plan shall also clearly indicate the portion within the buffer which is currently developed with paved and gravel parking areas and a retaining wall. No uses or development shall be permitted in the restricted development area, with the exception of the minimum necessary to maintain the stability of the slope or to maintain and enhance the vegetation within the buffer area, and improvements within the developed portion of the buffer necessary to continue providing the uses permitted by Section 1A of this Agreement.

Section 2. This Agreement shall be recorded in the records of King County by the City Clerk. The covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owner, its heirs, successors and assigns, and shall apply to after-acquired title of the Owner of the Property; provided that the covenants herein and the rezone shall expire and be of no force and effect two years from the effective date of the approval of this rezone if Owner fails to satisfy the requirement of Section 23.76.060.B.1.a of the Seattle Municipal Code.

Section 3. This Agreement may be amended or modified by agreement between Owner and the City; provided, such amendment 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

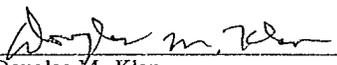
Code as it may deem necessary in the public interest. Nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in a Neighborhood Commercial 2 zone with a thirty-foot height limitation (NC2/30'). The conditions contained in this Agreement are based on the unique circumstances applicable to this Property and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

Section 4. This Agreement is made for the benefit of the City and for the benefit of the owners of 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. Owner acknowledges that compliance with the conditions of this Agreement is a condition of the subject rezone and that if Owner avails itself of the benefits of this rezone but then fails to comply with the conditions of this Agreement with the City, in addition to pursuing any other remedy, the City may revoke the rezone by ordinance and require the use of the Property to conform to the requirements of the Single Family 7200 (SF 7200) zone.

SIGNED this 9th day of February, 1996 by:

TIMSKO INVESTMENT PROPERTIES,
a Washington General Partnership

BY 
Douglas M. Klan
Managing Partner of, and Authorized
Signatory for, Timsko Investment Properties.

STATE OF WASHINGTON)
)
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Douglas M. Klan is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the Managing Partner of Timsko Investment Properties to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: FEBRUARY 9, 1996.

Notary's Signature:

JOAN L. MELLINGER
Typed/Printed Name of Notary:

Joan L. Mellinger
NOTARY PUBLIC in and for the
State of Washington,
residing at WOODINVILLE, WA
My appointment expires: 2/1/97

AND SIGNED this 8th day February, 1996 by:

VILLAGE/SEATTLE PARTNERS,
a California General Partnership

BY Robert Jackson

printed name: ROBERT J. JACKSON

Authorized Officer of VPI, Inc., a California corporation,
which is the general partner of K & I Associates, a California limited partnership,
which is the managing partner of Village/Seattle Partners.

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ORDINANCE 118015

AN ORDINANCE relating to land use and zoning, amending Plat 221E, page 8 of the Official Land Use Map to rezone the property located at 14352 Lake City Way N.E. from Single Family 7200 (SF7200) to Neighborhood Commercial 2 with a thirty-foot height limitation (NC2/30') and accepting a Property Use and Development Agreement in connection therewith. (Petition of Village Seattle Partners, C.F. 300552, Appl. 9501363)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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as shown in "Exhibit A", attached to this Ordinance.

Section 2. That the Property Use and Development Agreement, which was submitted to the City by Timsko Investment Properties, owner of the property described in Section 1 above, by which said owner agrees to certain restrictions upon the property to ameliorate the adverse impacts of uses and developments otherwise permitted in the Neighborhood Commercial 2 (NC2/30') zone upon property in the vicinity is hereby accepted and attached to this Ordinance as "Exhibit B."

Section 3. That the City Clerk is hereby authorized and directed to file a copy of said Property Use and Development Agreement and of this Ordinance at the King County Records and Elections Division, to file the original of the Property Use and Development Agreement with this Ordinance at the City Clerk's Office, and to deliver copies of the same to the Directors of the Department of Construction and Land Use, the Department of Neighborhoods, the Office of the Hearing Examiner, and to the King County Assessor's Office.

Section 4. This ordinance shall take effect and be in force

960303096

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4 Municipal Code Section 1.04.020.

5 Passed by the City Council the 12 day of February,
6 1996, and signed by me in open session in authentication of its
7 passage this 12 day of February, 1996

8
9 Jandroso
President of the City Council

10
11 Approved this 15 day of February, 1996

12
13 Jandroso
Mayor Pro Tem

14
15 Filed this 21 day of February, 1996

16
17 Judith E. Pippin
City Clerk

18
19 (SEAL)

9603060901

20
21 STATE OF WASHINGTON
COUNTY OF KING
CITY OF SEATTLE

22
23 I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY
CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT
COPY OF Ordinance 118015

24 AS THE SAME APPEARS ON FILE, AND OF RECORD IN THIS DEPARTMENT.

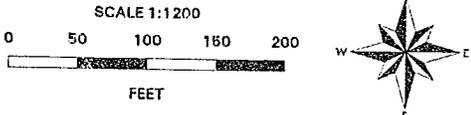
25 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED
THE SEAL TO THE CITY OF SEATTLE, THIS 26th day of February, 1996

26
27 JUDITH E. PIPPIN
CITY CLERK
BY: Margaret Carter
DEPUTY CLERK

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"EXHIBIT A"
 PAGE 8, OFFICIAL LAND USE MAP
 14352 LAKE CITY WAY NE
 REZONE SF 7200 TO
 NC2-30' CONTRACT C.F. 300552
 DCLU PROJECT NO. 9501363

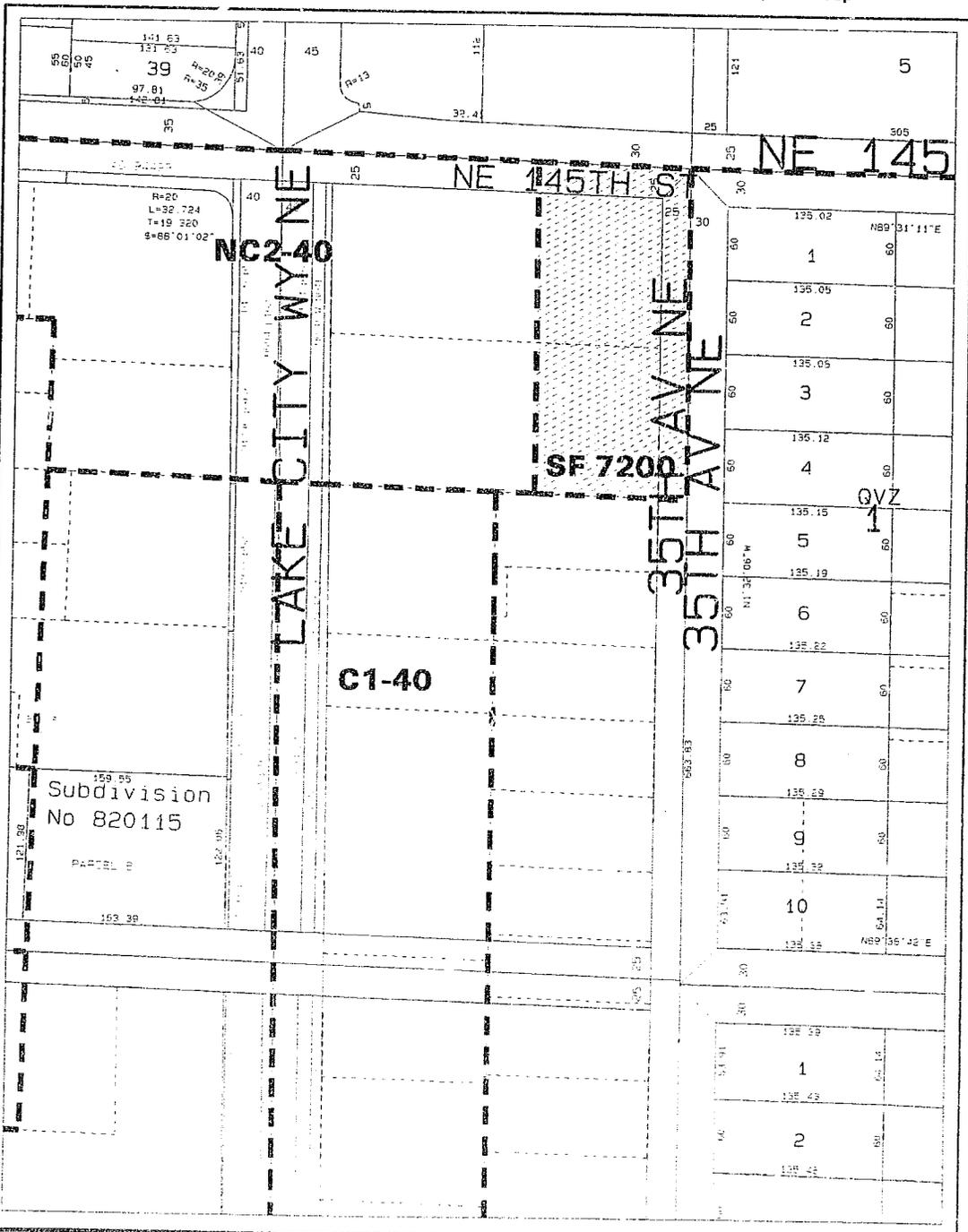
-  REZONE AREA
-  ZONING BOUNDARIES
-  PLATTED LOT LINES
-  PROPERTY LINES



Prepared: February 5, 1996

City of Seattle, DCLU, GIS Group

9603060301



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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

[Handwritten signature] _____
[Handwritten signature] _____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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STATE OF WASHINGTON - KING COUNTY

64915
City of Seattle, City Clerk

-ss.

No. IN FULL

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

CT:ORD 118015

was published on
02/29/96

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

Subscribed and sworn to before me on
02/29/96

Notary Public for the State of Washington,
residing in Seattle

Section 1. That Plat 221E, Official Land Use Map adoption 11870 is amended to Single Family 7200 (SF7200) hood Commercial 2 with a height limitation (NC2309) described property:
LOTS 1 AND 2, BLOCK 6, SUBURBAN HOME TRADING COMPANY TRACT, RECORDED IN VOLUME 14352, PAGE 89, IN KING COUNTY, WASHINGTON, EXCEPT EARLY 165 FEET THEREOF, as shown in "Exhibit A", attached Ordinance.
Section 2. That the Property Development Agreement, which is attached to this City by Timsko Properties, owner of the property in Section 1 above, by which said property is subject to certain restrictions

EXHIBIT A
PAGE 8, OFFICIAL LAND USE MAP
14352 LAKE CITY VILLAGE
ZONE SF 7200
NCC 30' CONTIG
DCU PROJECT

Affidavit of Publication

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