

ORDINANCE No. 115039

COUNCIL BILL No. 107882

AN ORDINANCE relating to land use and zoning; amending Plat 19E, page 70 of the Official Land Use Map; rezoning property located at 3830 - 34th Avenue West from Neighborhood Commercial One/30 (NC1/30') to Neighborhood Commercial Two/30 (NC2/30') and accepting a Property Use and Development Agreement in connection therewith. (Petition of John Crull, CDS Inc., on behalf of James Penhollow; C.F. 296975)

The City of

Honorable President:

Your Committee on LAND USE

to which was referred the within Council report that we have considered the ^{EP, FR, OS}

Do PASS, 3-0

COMPTROLLER FILE No. 296975

Introduced: APR 1 1990	By: <u>Donaldson</u>
Referred: APR 1 1990	To: <u>Land Use</u>
Referred:	To:
Referred:	To:
Reported: APR 1 1990	Second Reading: APR 1 1990
Third Reading: APR 1 1990	Signed: APR 1 1990
Presented to Mayor: APR 1 7 1990	Approved: APR 2 1990
Returned to City Clerk: APR 2 1990	Published:
Vetoes by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

[Handwritten signature]

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

Committee on LAND USE

was referred the within Council Bill No. 107822

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

^{23, 24, 45}
DO PASS 3-0 on 4-4-90

Vote 7-0



Committee Chair

LVE:jrs
3/23/90
neighbor.ord

#10

C.B. 107882

ORDINANCE 115039

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5 AN ORDINANCE relating to land use and zoning; amending
6 Plat 19E, page 70 of the Official Land Use Map;
7 rezoning property located at 3830 - 34th Avenue West
8 from Neighborhood Commercial One/30 (NC1/30') to
9 Neighborhood Commercial Two/30 (NC2/30') and accepting
10 a Property Use and Development Agreement in connection
11 therewith. (Petition of John Crull, CDS Inc., on
12 behalf of James Penhollow; C.F. 296975)

13 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

14 Section 1. That Plat 19E, page 70 of the Official Land
15 Use Map adopted by Ordinance 110669 is amended to rezone
16 from Neighborhood Commercial One/30 (NC1/30') to
17 Neighborhood Commercial Two/30 (NC2/30') the following
18 described, property:

19 Lots 18-24, Block 7 of Pleasant Valley Addition to
20 the City of Seattle according to plat thereof
21 recorded in Volume 2 of plats, page 114 records of
22 King County, Washington

23 as shown in "Exhibit A" and the City Clerk is directed to
24 place a copy of said "Exhibit A" in a volume entitled
25 "Zoning Map Amendments," all as contemplated in C.F. 296975.

26 Section 2. That the Property Use and Development
27 Agreement which was submitted to the City by the owner of
28 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. 296975, by which said owner agrees
to certain restrictions upon the Property to ameliorate the
adverse impact of uses and development not otherwise
permitted in the Neighborhood Commercial Two/30 (NC2/30')
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.

(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 16th day of April, 1990, and signed by me in open session in authentication of its passage this 16th day of April, 1990.

[Signature]
President of the City Council.

Approved by me this 20th day of April, 1990.

[Signature]
Mayor.

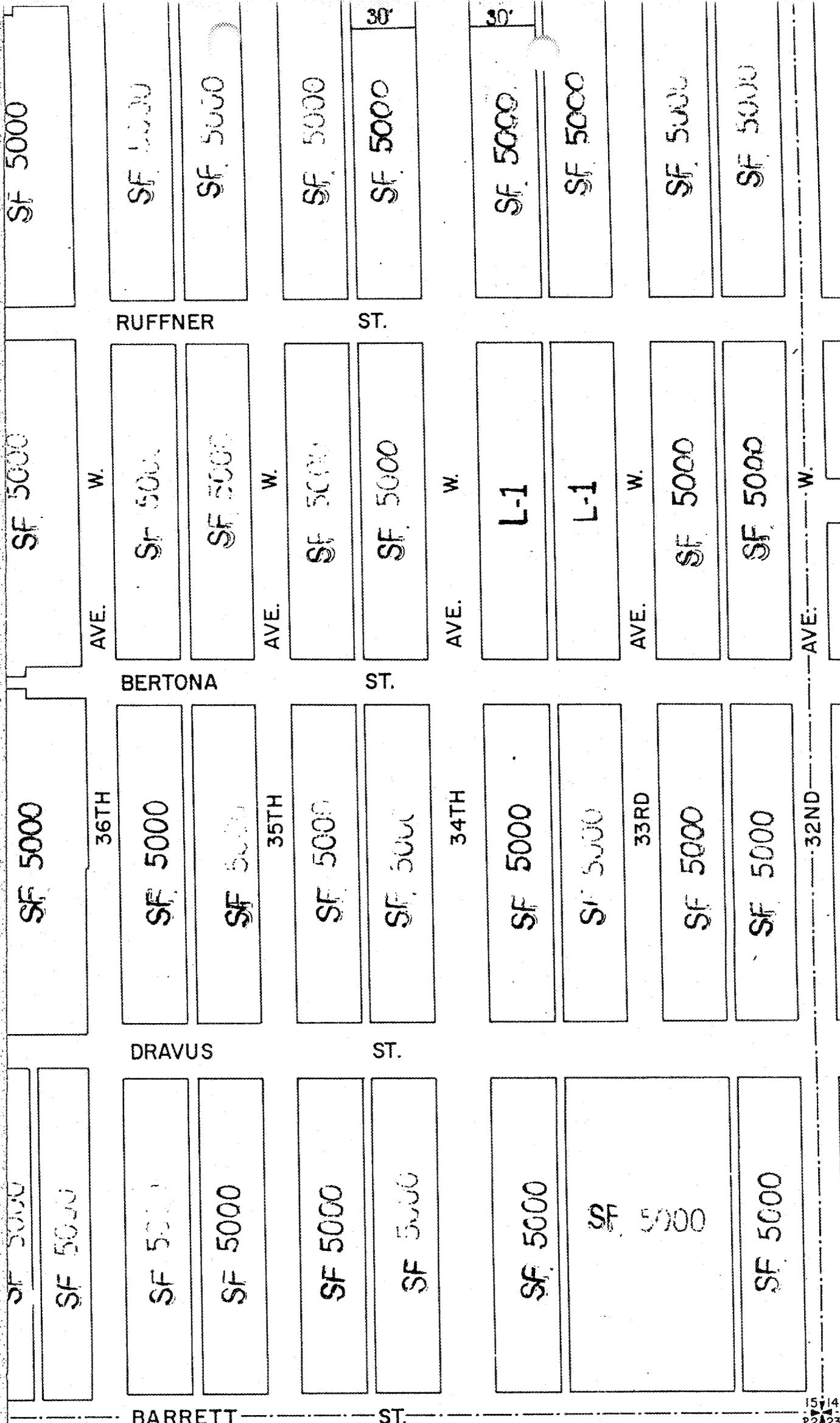
Filed by me this 20th day of April, 1990.

[Signature]
Attest: City Comptroller and City Clerk.

(SEAL)

Published.....

[Signature]
By: Deputy Clerk.



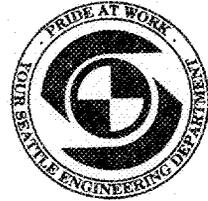
70
26E

CONTRACT C.F. 296975

SCALE: 1 INCH = 200 FEET

15 14
22 23

Seattle Engineering Department



Gary Zarker, Director

Room 910, Seattle Municipal Building, Seattle, Washington 98104-1879

Letter of Transmittal

TO: Norward Brooks City Comptroller	DATE 07/03/90	JOB NO. PUDA 90015
Gail Keefe	RE: P.U.D.A. Penhollow	Property Use & Development Agreement.
ATTN: Asst. City Clerk		

WE ARE SENDING YOU ATTACHED UNDER SEPARATE COVER VIA _____ THE FOLLOWING ITEMS:

SHOP DRAWINGS PRINTS REPRODUCIBLE PLANS SPECIFICATIONS
 COPY OF LETTER _____

Copies	Date	Number	DESCRIPTION AND REMARKS
1	7-5-90		K. C. Recording #9004170340
1			Please reference Ordinance # 115039
			Please notify this office of the number assigned by noting same on the duplicate copy attached hereto:
			Seattle Engineering Department
			Property & Court Services
			Room 650, Dexter Horton Building
			710 Second Avenue
			Seattle, WA 98104 Mail Stop: 13-06-01

THESE ARE TRANSMITTED AS CHECKED BELOW:

- | | | |
|---|---|---|
| <input type="checkbox"/> FOR APPROVAL | <input type="checkbox"/> APPROVED AS SUBMITTED | <input type="checkbox"/> RESUBMIT _____ COPIES FOR APPROVAL |
| <input type="checkbox"/> FOR YOUR USE | <input type="checkbox"/> APPROVED AS NOTED | <input type="checkbox"/> SUBMIT _____ COPIES FOR DISTRIBUTION |
| <input type="checkbox"/> AS REQUESTED | <input type="checkbox"/> RETURNED FOR CORRECTIONS | <input type="checkbox"/> RETURN _____ CORRECTED PRINTS |
| <input type="checkbox"/> FOR REVIEW AND COMMENT | <input checked="" type="checkbox"/> For Filing | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US |

COPIES TO:

Signed *Deborah Echert*
 Title Deborah Echert, 684-7557

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 owner of the within described property (herein called "Owner"):

W I T N E S S E T H:

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

Lots 18-24, Block 7 of Pleasant Valley Addition to the City of Seattle according to plat thereof recorded in Volume 2 of plats, page 114, records of King County, Washington.

WHEREAS, Owner has filed a petition (C.F. 296975) with the City to rezone the Property from Neighborhood Commercial One/30 (NC1/30') to Neighborhood Commercial Two/30 (NC2/30') 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 the limitation of both site development and traffic impacts in the NC2/30' Zone; and

WHEREAS, the Land Use Committee recommended to the City Council that the property be rezoned to Neighborhood Commercial Two/30 (NC2/30') Zone subject to the execution and recording of an agreement with the City pertaining to the use and developemnt of the Property imposing conditions relating to the limitation of both site development and traffic impacts 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 Owner hereby covenants, bargains and agrees on behalf of himself and his heirs, successors and assigns that they will comply with the following conditions if the property is rezoned to NC2/30' Zone classification.

Section I. Development of the Property shall be accomplished in accordance with the following conditions relating to site development and traffic impacts.

9004170340

FILED
CITY OF SEATTLE

100 JUL -5 PM 4:44

RECORDS AND CITY CLERK

BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY
APR 17 9 29 AM '98

RECEIVED THIS DAY

90/04/17
RECD F 7.00
RECFEE 2.00
CASHSL *****9.00
55

0340

***** E

- 9004170340
- A. The Owner and/or responsible party(s) shall limit site development to 20,000 gross sq. ft. of enclosed retail use plus accessory parking and incidental outdoor displays and signage.
 - B. The Owner and/or responsible party(s), in order to limit traffic impacts on residentially-zoned properties, shall:
 1. Provide a solid wood fence six feet in height and cypress trees spaced at least 15 ft. on-center along the east property line north and south of the building. Different tree species and spacing may be substituted with the approval of the Land Use Specialist and City Arborist. No vehicle access from the alley to the on-site parking shall be permitted.
 2. All curb cuts to the site from West Thurman Street shall be closed.

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 Owner, his heirs, successors and assigns and shall apply to after-acquired title of the Owner 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 NC2/30' 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 any 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.

LVE:jrs
3/23/90
neighbor.ord

MAY 23 10 14 AM '90

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BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY

C.B. 107882

90/05/23	#0538	B
RECD F	6.00	
REC FEE	2.00	
CRSHSL	****8.00	
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ORDINANCE 115039

AN ORDINANCE relating to land use and zoning; amending Plat 19E, page 70 of the Official Land Use Map; rezoning property located at 3830 - 34th Avenue West from Neighborhood Commercial One/30 (NC1/30') to Neighborhood Commercial Two/30 (NC2/30') and accepting a Property Use and Development Agreement in connection therewith. (Petition of John Crull, CDS Inc., on behalf of James Penhollow; C.F. 296975)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 19E, page 70 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone from Neighborhood Commercial One/30 (NC1/30') to Neighborhood Commercial Two/30 (NC2/30') the following described, property:

Lots 18-24, Block 7 of Pleasant Valley Addition to the City of Seattle according to plat thereof recorded in Volume 2 of plats, page 114 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. 296975.

Section 2. That the Property Use and Development Agreement which was submitted to the City by the owner 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. 296975, by which said owner agrees to certain restrictions upon the Property to ameliorate the adverse impact of uses and development not otherwise permitted in the Neighborhood Commercial Two/30 (NC2/30') 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.

9005230538

(To be used for all Ordinances except Emergency.)

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

I, NORWARD J. BROOKS, Comptroller and City Clerk of the City of Seattle, do hereby certify that the within and foregoing is a true and correct copy of the original instrument 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 of The City of Seattle, this April 25, 1990

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 16th day of April, 1990
and signed by me in open session in authentication of its passage this 16th day of April, 1990.

[Signature]
President of the City Council.

Approved by me this 20th day of April, 1990.

[Signature]
Mayor.

Filed by me this 20th day of April, 1990.

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

(SEAL)

Published _____

By: Theresa Dunbar
Deputy Clerk.

9005230538

CITY COUNCIL TRANSMITTAL

C. F. #

296975

TO:

Mark Sidran, City Attorney

Date Sent:

3-14-90

Reply Requested By:

4-14-91

FROM:

Sue Donaldson, Chair, Lan Use Committee

Subject: In the matter of the Petition of James
 Holloway for an amendment to the Official
 Land Use Map to Rezone from RC1/30' to
 RC2/30' property at 3830 34th Av. N.

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

XXXXXX

Prepare Legislation and Return File to Sender also Property Use and Development Agreement

Additional Information:

Mary Denzel, Central Staff

STATE OF WASHINGTON - KING COUNTY

25867
City of Seattle

—ss.

No.

Affidavit of Publication

NO. 10444
AND 10445
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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: 115039

was published on

05/01/90

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

C. Powell

Subscribed and sworn to before me on
MAY 1 1990

John Ray

Notary Public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 110659

AN ORDINANCE relating to land use and zoning; amending Plat 19E, page 70 of the Official Land Use Map; rezoning property located at 3830 - 34th Avenue West from Neighborhood Commercial One/30 (NC1/30') to Neighborhood Commercial Two/30 (NC2/30') and accepting a Property Use and Development Agreement in connection therewith. (Petition of John Crull, CGS Inc., on behalf of James Penhollow; C.F. 296975)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 19E, page 70 of the Official Land Use Map adopted by Ordinance 110659 is amended to rezone from Neighborhood Commercial One/30 (NC1/30') to Neighborhood Commercial Two/30 (NC2/30') the following described, property:

Lots 18-24, Block 7 of Pleasant Valley Addition to the City of Seattle according to plat thereof recorded in Volume 2 of plats, page 114 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. 296975.

Section 2. That the Property Use and Development Agreement which was submitted to the City by the owner 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. 296975, by which said owner agrees to certain restrictions upon the Property to ameliorate the adverse impact of uses and development not otherwise permitted in the Neighborhood Commercial Two/30 (NC2/30') 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. 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 16th day of April, 1990, and signed by me in open session in authentication of its passage this 16th day of April, 1990.

PAUL KRAABEL,
President of the City Council.
Approved by me this 20th day of April, 1990.

NORMAN B. RICE,
Mayor.
Filed by me this 20th day of April, 1990.

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

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, May 1, 1990.
(21467)

REZONE NC1/30 to NC2/30
CONTRACT 70

