

# ORIGINAL

## ORDINANCE NO. 286

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE ZONING MAP AND THE COMPREHENSIVE PLAN FIGURE LU-1: LAND USE DESIGNATIONS TO RECONCILE INCONSISTENCIES BETWEEN THE COMPREHENSIVE PLAN AND THE DEVELOPMENT CODE FOR A 1.22 ACRE PARCEL AT THE SOUTHEAST CORNER OF FREMONT AND 182<sup>ND</sup>.**

WHEREAS, the City adopted Title 20, the Development Code, on June 12, 2000 which is generally consistent with the Comprehensive Plan adopted in 1998;

WHEREAS, the City in accordance with the Washington State Growth Management Act (GMA) RCW36.70A.130 which states " Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them" developed an annual Comprehensive Plan review process; and

WHEREAS, the City in accordance with GMA is proposing to reconcile inconsistencies between the Comprehensive Plan adopted in 1998 and the Development Code adopted in 2000 including the reconciliation of all parcels in the City that currently have zoning that is not consistent with the Comprehensive Plan land use designations by amending the Title 20 Zoning Map and the Comprehensive Plan Figure LU-1: Land Use Designations; and

WHEREAS, an extensive public participation process was conducted to develop and review amendments to the Comprehensive Plan and Development Code including:

- Staff presented the Planning Commission with a report on the process for the annual amendment cycle and review of the application for amendments at the July 20, 2000 Planning Commission meeting.
- Comprehensive Plan amendment applications were made available at the October 5, 2000 Planning Commission Open House.
- Staff and the Planning Commission developed the methodology and criteria for addressing the amendments to the Comprehensive Plan land use map and Zoning map at Planning Commission Workshops on November 16, 2000 and December 7, 2000.
- Customized written notices were mailed to all property owners and occupants of parcels that were proposed for either a change in Comprehensive Land Use designations and/or zones;
- Staff conducted three Workshops with the Planning Commission to review the proposed amendments on March 15, 2001, April 5, 2001, and April 19, 2001.
- The Planning Commission held a Public Hearing on the proposed amendments on May 17, 2001.
- The Planning Commission held a Special Meeting on May 24, 2001 to make its recommendation to Council on the proposed amendments.
- The City Council conducted a Workshop on June 18, 2001 to review the Planning Commission recommendation on the proposed amendments.
- The City Council conducted a Public Hearing on this Ordinance on July 9, 2001.
- The City Council held a public meeting on July 23, 2001 to consider adoption of amendments; and

WHEREAS, a SEPA Determination of Nonsignificance was issued on May 3, 2001 in reference to the proposed amendments to the Comprehensive Plan and Development Code; and

1/10/01

WHEREAS, the proposed amendments were submitted to the State Department of Community Development for comment pursuant WAC 365-195-820 and its comments have been received and are favorable; and

WHEREAS, the Council continued deliberations at its July 23, 2001 meeting on appropriate land use designations for the property subject to this ordinance; and

WHEREAS, the Council finds that the amendments adopted by this ordinance designating the 1.22 acre parcel at the southeast corner of Fremont and 182<sup>nd</sup> in the City of Shoreline as Contract Zone CZ-2001-01 meet the criteria in Title 20 for adoption of amendments to the Development Code and the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW;

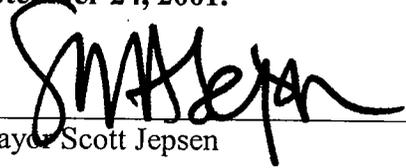
**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. Amendment; Zoning Map.** The Official Zoning Map is amended to change the land use designation of the property located at 701 N. 182<sup>nd</sup> St, Shoreline, WA, Parcel Nos. 3298900010-80 from R-48 to Contract Zone CZ-2001-01; Provided, this parcel shall be designated as R-6 on the Official Zoning Map if the Concomitant Zoning Agreement attached hereto as Exhibit A is not executed and recorded within thirty days from the date of final passage of this ordinance.

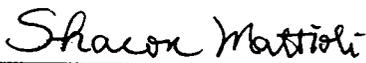
**Section 2. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date and Publication.** A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON September 24, 2001.**

  
\_\_\_\_\_  
Mayor Scott Jepsen

**ATTEST:**

  
\_\_\_\_\_  
Sharon Mattioli, CMC  
City Clerk

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Ian Sievers  
City Attorney

Date of Publication: September 27, 2001  
Effective Date: October 2, 2001

# ORIGINAL

## CONCOMITANT REZONE AGREEMENT AND COVENANT RUNNING WITH THE LAND

Contract Zone No. CZ-2001-01

This Concomitant Rezone Agreement and Covenant (hereinafter "Covenant") dated \_\_\_\_\_, 2001, by and between the City of Shoreline, Washington, a municipal corporation (hereinafter "City"), and Highland Park Place Condominium Association (hereinafter "Owners").

### RECITALS

A. Owners are the owners of real property located in King County legally described as:

Highland Park Place Condominium, 701 N 182<sup>nd</sup> St, Shoreline, WA 98133

(Hereafter described as "Property").

B. The City has approved the rezone of the Property currently zoned R-48 to Contract Zone consistent with the Comprehensive Plan, subject to acceptance by the Owner.

NOW THEREFORE, the City and Owners agree as follows:

1. **Title.** Owners are the sole and exclusive owners of the Property described above.
2. **Covenant.** Owners covenant and agree, on behalf of themselves and their successors and assigns, that during the entire period that the Property is zoned CZ-2001-01, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein. The Owners specifically agree that this Covenant touches, concerns, enhances, benefits and runs with the Property.
3. **Uses.** The Owners or their successors may use the Property for Medical or Dental Offices constructed according the Site Plan adopted in King County Ordinance No. 8498 (Olason.Clinic Site Plan, King Co. file No. 106-88-R) or other uses permitted in the R-6 zone by SMC Title 20 as amended.
4. **Binding Effect.** This Covenant shall remain in full force and effect, and be binding upon the Owners and their successors and assigns until amended, modified or terminated by an ordinance adopted by the Shoreline City Council.
5. **Filing.** A copy of this covenant will be filed for record with the King County Records and Elections Division.
6. **Remedies.** Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.



# ORIGINAL

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

I certify that I know or have satisfactory evidence that Steve Burkett appeared before me, and said person acknowledged that he signed this instrument and acknowledged it as the City Manager of City of Shoreline to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: \_\_\_\_\_

By: \_\_\_\_\_

Notary Public in and for the State of Washington

residing at \_\_\_\_\_.

My Commission expires \_\_\_\_\_.

# CONCOMITANT REZONE AGREEMENT AND COVENANT RUNNING WITH THE LAND

Contract Zone No. CZ-2001-01

This Concomitant Rezone Agreement and Covenant (hereinafter "Covenant") dated October 30, 2001, by and between the City of Shoreline, Washington, a municipal corporation (hereinafter "City"), and Highland Park Place Condominium Association (hereinafter "Owners").

## RECITALS

A. Owners are the owners of real property located in King County legally described as:

Highland Park Place Condominium, 701 N 182<sup>nd</sup> St, Shoreline, WA 98133

(Hereafter described as "Property").

B. The City has approved the rezone of the Property currently zoned R-48 to Contract Zone consistent with the Comprehensive Plan, subject to acceptance by the Owner.

NOW THEREFORE, the City and Owners agree as follows:

1. **Title.** Owners are the sole and exclusive owners of the Property described above.
2. **Covenant.** Owners covenant and agree, on behalf of themselves and their successors and assigns, that during the entire period that the Property is zoned CZ-2001-01, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein. The Owners specifically agree that this Covenant touches, concerns, enhances, benefits and runs with the Property.
3. **Uses.** The Owners or their successors may use the Property for Medical or Dental Offices constructed according the Site Plan adopted in King County Ordinance No. 8498 (Olason Clinic Site Plan, King Co. file No. 106-88-R) or other uses permitted in the R-6 zone by SMC Title 20 as amended.
4. **Binding Effect.** This Covenant shall remain in full force and effect, and be binding upon the Owners and their successors and assigns until amended, modified or terminated by an ordinance adopted by the Shoreline City Council.
5. **Filing.** A copy of this covenant will be filed for record with the King County Records and Elections Division.
6. **Remedies.** Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.

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7. **Attorney Fees.** In the event that legal action is commenced to enforce or interpret any revision of this Covenant, including any appeal thereof, the substantially prevailing party shall be entitled to its costs including reasonable attorney's fees.

**IN WITNESS WHEREOF,** the parties have executed this Covenant as of the date first above written.

OWNER(s): HIGHLAND  
PARK CONDOMINIUM ASSOC.

CITY OF SHORELINE

Kirk H. Storer DDS PS

Steve Burkett

By: Kirk H. Storer, DDS  
Secretary /Treasurer

Steve Burkett, City Manager

Mark E. Simons

By: Mark E. Simons

APPROVED AS TO FORM

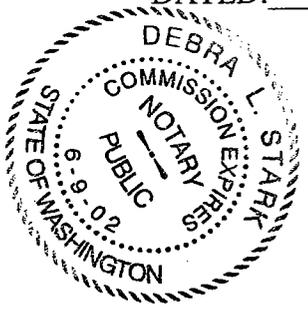
Ian Sievers

Ian Sievers, City Attorney

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

I certify that I know or have satisfactory evidence that Kirk H Storer,  
the Treasurer and \_\_\_\_\_ the  
\_\_\_\_\_ of the Highland Park Condominium Association  
appeared before me, and said persons acknowledged that they signed this instrument and  
acknowledged it to be their free and voluntary act for the uses and purposes mentioned in  
this instrument, and that they were duly authorized to execute the same.

DATED: Oct 30, 2001



By: Debra L Stark  
Notary Public in and for the State of Washington  
residing at Mountlake Terrace  
My commission expires 6-9-02.

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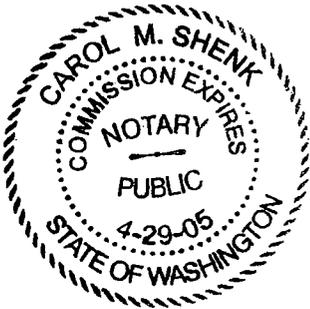
STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

I certify that I know or have satisfactory evidence that Steve Burkett appeared before me, and said person acknowledged that he signed this instrument and acknowledged it as the City Manager of City of Shoreline to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: November 1, 2001



By:

Carol M. Shenk

Notary Public in and for the State of Washington

residing at Seattle, WA

My Commission expires 4/29/05

2002 020 1007000

After Recording Please Return To:  
**Carol Shenk, Deputy City Clerk**  
**City of Shoreline**  
**17544 Midvale Avenue North**  
**Shoreline, WA 98133**



**Concomitant Rezone Agreement and Covenant Running with the Land**

**Address:** 701 N. 182<sup>nd</sup> St., Shoreline, WA 98133

**Grantor:** City of Shoreline

**Grantee:** Highland Park Place Condominium Association

**Legal Description:** Section 07 Township 26, Range 04

Lot Unit 101 Highland Park Condominium PCT of value 17.64.

Lot Unit 102 Highland Park Condominium PCT of value 8.83.

Lot Unit 103 Highland Park Condominium PCT of value 8.83.

Lot Unit 201 Highland Park Condominium PCT of value 7.35.

Lot Unit 202 Highland Park Condominium PCT of value 7.35.

Lot Unit 301 Highland Park Condominium PCT of value 8.83.

Lot Unit 302 Highland Park Condominium PCT of value 8.83.

Lot Unit 303 Highland Park Condominium PCT of value 17.64.

Lot Unit 401 Highland Park Condominium PCT of value 7.35.

Lot Unit 402 Highland Park Condominium PCT of value 7.35.

**Tax Parcel ID:**

Lot 101: 3298900010

Lot 102: 3298900020

Lot 103: 3298900030

Lot 201: 3298900040

Lot 202: 3298900050

Lot 301: 3298900060

Lot 302: 3298900070

Lot 303: 3298900080

Lot 401: 3298900090

Lot 402: 3298900100

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