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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3207

AN ORDINANCE approving the application of Union Oil Co. to construct a self-service gasoline station located at 1624 Bellevue Way S.E., as recommended by the Hearing Examiner.

WHEREAS, Union Oil Co. has applied to the City for a conditional use permit to construct a self-service gasoline station located at 1624 Bellevue Way S.E.; and

WHEREAS, on April 8, 1982, a public hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on April 22, 1982, the Hearing Examiner recommended to the City Council approval of said conditional use and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on May 26, 1982, an appeal to the City Council of the Hearing Examiner's recommendation was filed by South Bellevue Community Club; and

WHEREAS, on July 6, 1982, a limited public hearing was held on the appeal by the City Council, at which all interested persons had an opportunity to be heard and, after due consideration of the findings, conclusion and recommendation of the Hearing Examiner, of the record before the Hearing Examiner including all evidence elicited during the Hearing Examiner's public hearing, and of the argument presented at the limited public hearing before the City Council, the City Council denied the appeal; and

WHEREAS, on September 7, 1982, the City Council approved the application of Union Oil Co.; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Ordinance; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings of fact and conclusions made and entered by the Hearing Examiner in support of his recommendation to the Council in this matter as set forth in "Findings and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of Union Oil Co. for a Conditional Use Permit, File No. HE-D 82-1."

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Section 2. The City Council also finds that with regard to the appeal filed herein:

- A. The record does not disclose and the appellant has failed to demonstrate that there has been substantial error.
- B. The record does not disclose and the appellant has failed to demonstrate that the proceedings were materially affected by irregularities in procedures.
- C. The record does not disclose and the appellant has failed to demonstrate that the recommendation of the Hearing Examiner was unsupported by material and substantial evidence in view of the entire record as submitted.
- D. The record does not disclose and the appellant has failed to demonstrate that the recommendation of the Hearing Examiner is in conflict with the City's Comprehensive Plan.
- E. The record does not disclose and the appellant has failed to demonstrate that insufficient evidence was presented as to the impact of the proposal on the surrounding area.

Section 3. The appeal of South Bellevue Community Club of the recommendation of the Hearing Examiner with regard to the herein described property is denied.

Section 4. The City Council hereby approves the conditional use application of Union Oil Co. to construct a self-service gasoline station at 1624 Bellevue Way S.E., and more particularly described as:

Lots 2, 3, 4 and 5, Block 2, McGovern Tracts, according to plat recorded in Volume 43 of Plats, page 3, in King County, Washington.

Provided this conditional use is conditioned on full compliance by the owner or owners of the property described herein, their heirs, assigns, grantees and successors in interest, with the terms and conditions of that certain Concomitant Agreement executed by Union Oil Company of California, which has been given Clerk's Receiving No. 8032, and which by this reference is fully incorporated herein.

Provided further that this approval of said conditional use is conditioned on full compliance by the owner or owners, developer and developers, and their heirs, assigns, grantees and successors in interest with the plans and attachments, conditions, commitments, reports and other documents relating to this conditional use, given Clerk's Receiving No. 8079, which are hereby by this reference fully incorporated herein.

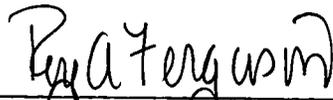
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Section 5. The conditional use granted herein is subject to all federal, state and local laws, rules and regulations, including but not limited to Bellevue Land Use Code Sections 20.30.875, 20.30.880 and 20.30.885.

Section 6. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 13th day of December, 1982, and signed in authentication of its passage this 13th day of December, 1982.

(SEAL)



Roy A. Ferguson, Mayor

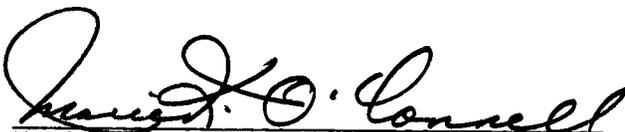
Approved as to form:

Linda M. Youngs, City Attorney



Richard Gidley, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published December 18, 1982