

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5237

AN ORDINANCE approving the rezone application of Franklin West, LLC (Kelsey Creek Center) to remove a requirement for conditional use approval for eating and drinking establishments, without liquor or Class H license, as required by the 1987 Concomitant Agreement, Clerk's Receiving No. 12967, adopted by Ordinance No. 3835.

WHEREAS, on October 12, 1987, the City Council adopted Ordinance No. 3835 rezoning the property located at 15015 Main Street and now known as Kelsey Creek Center from NB to CB, with certain conditions as contained in the concomitant agreement given Clerk's Receiving No. 12967; and

WHEREAS, one such condition required conditional use approval for eating and drinking establishments (without liquor or Class H license); and

WHEREAS, on April 8, 1998, an application was filed seeking a series of changes to the concomitant agreement including the removal of the conditional use permit approval required for eating and drinking establishments; and

WHEREAS, the request was considered at a public meeting of the East Bellevue Community Council on July 7, 1998, and was supported by the Community Council; and

WHEREAS, a public hearing was held before the Hearing Examiner for the City of Bellevue on June 29, 2000, pursuant to notice required by law; and

WHEREAS, on July 13, 2000, the Hearing Examiner recommended approval of the rezone application with conditions, and made and entered findings of fact and conclusions thereon in support of that recommendation; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined that the public use and interest will be served by approving the rezone application to remove the conditional use permit approval required for eating and drinking establishments without liquor or Class H license; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; 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 based thereon, made and entered by the Hearing Examiner in support of his recommendation to the City Council to approve the rezone application to remove the conditional use permit approval required for eating and drinking establishments without liquor or Class H license as required by the 1987 Concomitant Zoning Agreement, filed under Clerk's Receiving No. 12967, adopted by Ordinance No. 3835, as set forth in "Findings of Fact, Conclusions of Law and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of

the Application of Franklin West, LLC (Kelsey Creek Center) for a rezone to remove a requirement for Conditional Use Approval," File No. REZ-98-2593.

Section 2. With respect to the following described property:

PARCEL A:

That portion of the North half of the Northwest Quarter of the Southwest Quarter of Section 35, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Northwest corner of said subdivision;
Thence South 88/38'51" East along the North line of said subdivision, said North line also being the centerline of Main Street, a distance of 200.08 feet, to an intersection with the East line of the West 200 feet of said subdivision;
Thence South 0/13'22" East along said East line 30.01 feet to an intersection with the South margin of said Main Street and the true point of beginning;
Thence continuing South 0/13'22" East along the East line of said West 200 feet, a distance of 150.06 feet, to an intersection with the South line of the North 180 feet of the West 200 feet of said subdivision;
Thence North 88/38'51" West along said South line 150.06 feet to an intersection with the East margin of 148th Avenue Southeast;
Thence South 0/13'22" East along said East margin 482.44 feet to an intersection with the south line of the North half of the Northwest Quarter of the Southwest Quarter of said Section 35;
Thence South 88/40'01" East along said South line 1,000.37 feet to an intersection with the East line of the West 1,050 feet of said subdivision;
Thence North 0/13'22" West along said East line 632.10 feet to an intersection with the South margin of said Main Street;
Thence North 88/38'51" West along said South margin 850.32 feet, more or less, to the True Point of Beginning;
Except the North 6 Feet as deeded to the City of Bellevue by Recording No. 7605100751.

PARCEL B

The North 100 feet of the West 1,050 feet of the South Half of the Northwest Quarter of the Southwest Quarter of Section 35, Township 25 North, Range 5 East, W.M., in King County, Washington;

Except the West 50 feet conveyed to King County for roads.

Both situate in the County of King, State of Washington.

Condition 1.B of that certain Concomitant Agreement given Clerk's Receiving No. 12967, as adopted by Ordinance No. 3835, is amended to remove eating and drinking establishments without liquor or class H license.

Section 3. This rezone shall be subject to the following conditions:

A. The rezone applies only to the one specified use.

B. The rezone applies only to existing structures in Kelsey Creek Center, and not to any additions or new buildings.

C. Liquor sales are permissible only under Class A or Class C licenses from the Washington State Liquor Control Board.

Section 2. This Ordinance shall take force and be in effect five days after its passage and legal publication.

Passed by the City Council this 7th day of August, 2000, and signed in authentication of its passage this 7th day of August, 2000.

(SEAL)

Chuck Mosher, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

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