

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5534

AN ORDINANCE approving the rezone application of Franklin West, LLC (Kelsey Creek Center) by amendment of the 1987 Concomitant Agreement No. 12967 adopted by Ordinance No. 3835 to allow Health Club uses of less than 5,000 square feet.

WHEREAS, on November 21, 2003, an application was filed seeking a change to the Concomitant Agreement to allow Health Club uses of less than 5,000 square feet; and

WHEREAS, the request was considered at a public meeting of the East Bellevue Community Council on April 6, 2004; and

WHEREAS, a public hearing was held before the Hearing Examiner for the City of Bellevue on May 13, 2004 pursuant to notice required by law; and

WHEREAS, on May 28, 2004, the Hearing Examiner recommended approval of the rezone application with a condition, 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 allow Health Club uses of less than 5,000 square feet; 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 allow Health Club uses of less than 5,000 square feet to the 1987 Concomitant Zoning Agreement No. 12967 adopted by Ordinance No. 3835.

Section 2. This rezone shall be subject to the following condition:

This rezone applies only to the inclusion of "Health Club" as a permitted use; Health Club use may not exceed a total area of 5,000 net square feet in the Kelsey Creek Center.

ORIGINAL

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 6th day of July,
2004, and signed in authentication of its passage this 6th day of July,
_____, 2004.

(SEAL)

Connie Marshall
Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan
Lori M. Riordan, Deputy City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

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