

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5946

AN ORDINANCE approving the rezone application of Franklin West, LLC (Kelsey Creek Center) to repeal the prior concomitant zoning agreements for Kelsey Creek Center and replace such with a new concomitant zoning agreement relating to approximately 16 acres located at the corner of 148th avenue SE and Main Street, with conditions.

WHEREAS, Franklin West, LLC (Kelsey Creek Center) filed an application to rezone approximately 16 acres located at the corner of 148th avenue SE and Main Street to repeal prior concomitant zoning agreements for Kelsey Creek Center and replace such with a new concomitant zoning agreement, which is attached hereto as Exhibit A and by this reference fully incorporated herein; and

WHEREAS, on February 25, 2010, a public hearing was held before the Hearing Examiner for the City of Bellevue pursuant to notice required by law; and

WHEREAS, on March 4, 2010, the Hearing Examiner recommended approval of the rezone application with conditions, and made and entered findings of fact and conclusions of law based thereon in support of that recommendation, and no timely appeal thereof has been filed; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner, including the conditions imposed, and has determined that the public use and interest will be served by approving the rezone with conditions; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code and a Mitigated Determination of Non-Significance was issued on February 11, 2010; 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 City Council to approve the rezone with conditions and to repeal the 1987 Concomitant Zoning Agreement, as amended and replace such with a new Concomitant Zoning Agreement to allow for redevelopment of the Kelsey Creek Center.

Section 2. The 1987 Concomitant Zoning Agreement, as amended, is hereby repealed.

Section 3. This rezone approval shall be conditioned upon execution of the Concomitant Zoning Agreement between Franklin West, LLC and the City, which Agreement has been given Clerk's Receiving No. 46345. The City Manager or his designee is hereby authorized to execute such Agreement.

Section 4. This rezone approval shall also be subject to the following conditions:

Detailed traffic analysis and evaluation of street frontage improvements and other mitigation measures will be performed for any subsequent Design Review or other application related to a specific construction proposal. Any required mitigation measures, which may include significant street widening and associated right of way and easement dedications, must be implemented by the developer as part of any major redevelopment of the site. If the development is phased, the transportation mitigation measures required for each phase will be determined by the City in a manner consistent with the mitigation required for redevelopment of the entire site. Engineering plans required for subsequent construction applications must meet the requirements of the Americans with Disabilities Act, the Transportation Development Code, and the Transportation Design Manual. Access and parking for all vehicles, including delivery vehicles and large trucks, and including any parking agreements with other property owners must be resolved during Design Review or any other discretionary review phase. Discretionary review decisions may require the developer to set aside funds for future traffic calming on local streets.

Section 5. The property subject to the rezone application with conditions hereby approved by the City Council is legally described in Exhibit A, which is attached hereto and by this reference fully incorporated herein.

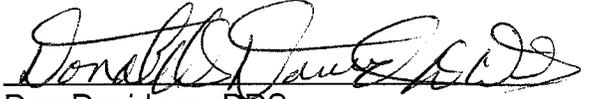
Section 6. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

ORIGINAL

1168-ORD
04/28/10

Passed by the City Council this 3rd day of May, 2010
and signed in authentication of its passage this 3rd day of May,
2010.

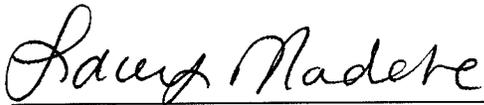
(SEAL)



Don Davidson, DDS
Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Lacey Madche, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published May 6, 2010

**EXHIBIT A
LEGAL DESCRIPTION**

LOT 1 CITY OF BELLEVUE SHORT PLAT NO FP-96-8990 REC NO
9803099020 -BEING PORTION OF NW QTR OF SW QTR STR 35-25-05
And

LOT 2 CITY OF BELLEVUE SHORT PLAT NO FP-96-8990 REC NO
9803099020 -BEING PORTION OF NW QTR OF SW QTR STR 35-25-05
And

LOT 3 CITY OF BELLEVUE SHORT PLAT NO FP-96-8990 REC NO
9803099020 -BEING PORTION OF NW QTR OF SW QTR STR 35-25-05
And

LOT 4 CITY OF BELLEVUE SHORT PLAT NO FP-96-8990 REC NO
9803099020 -BEING PORTION OF NW QTR OF SW QTR STR 35-25-05