

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6127

AN ORDINANCE approving the rezone application of Kelsey Creek Center, LLC, to repeal the prior concomitant agreement, as amended, governing the allowed uses at Kelsey Creek Center and replace it 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, Kelsey Creek Center, LLC, filed an application to rezone approximately 16 acres located at the corner of 148th Avenue SE and Main Street to repeal a prior concomitant zoning agreement for Kelsey Creek Center and replace it with a new concomitant zoning agreement, which is attached hereto as Exhibit A; and

WHEREAS, on July 11, 2013, a public hearing was held before the Hearing Examiner for the City of Bellevue pursuant to notice required by law; and

WHEREAS, on July 23, 2013, the Hearing Examiner recommended approval of the rezone application with conditions, and made and entered findings of fact and conclusions based thereon in support of that recommendation, and no timely appeal 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 amendment to the rezone; 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 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 2010 Concomitant Zoning Agreement, as amended, and replace it with a new Concomitant Zoning Agreement to allow for development of the Kelsey Creek Center.

Section 2. The 2010 Concomitant Zoning Agreement, as amended, is hereby repealed.

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Section 3. The rezone approval shall be conditioned upon execution of the Concomitant Zoning Agreement between Kelsey Creek Center, LLC and the City, which agreement has been given Clerk's Receiving No. 50983. 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 for Kelsey Creek Center:

There will be no changes to development standards applicable to the Community Business (CB) District, Community Retail Design District, or Transition Area Design District; the list of uses allowed on site is expanded to include the following within a 10,000 square foot limitation: Service Uses, Personal Services, Finance, Insurance and Real Estate; Recreation Uses are limited to 10,000 square feet for each Recreation Use.

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

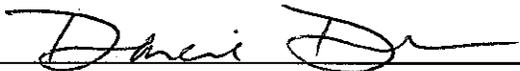
Passed by the City Council this 16<sup>th</sup> day of September, 2013 and signed in authentication of its passage this 16<sup>th</sup> day of September, 2013.

(SEAL)

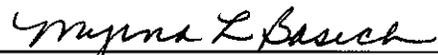
  
Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

  
Darcie Durr, Assistant City Attorney

Attest:

  
Myrna L. Basich, City Clerk

Published September 19, 2013.