AN ORDINANCE of the City of Kent, Washington, relating to planning and rezoning for land development a portion of certain property originally zoned by the City of Kent as O (Professional and Office District) to CC (Community Commercial) zone. (HURLOW REZONE)

WHEREAS, certain land was zoned by the City of Kent by Ordinance 1827, entitled "Ordinance adopting Zoning Code for the City of Kent, Washington", on the 4th day of June, 1973; and

WHEREAS, the effective date of the zoning of said land by said Ordinance 1827 and the effective date of said Ordinance 1827 itself, was the 20th day of June, 1973; and

WHEREAS, as required by Ordinance 1827, a public hearing was held before the Planning Commission of the City of Kent, wherein it was recommended that said land be rezoned from O (Professional and Office District) zone to CC (Community Commercial) zone; and

WHEREAS, thereafter the City Council of the City of Kent did upon the nineteenth day of September, 1977 hold a public hearing on said recommendation insofar as it related to said certain lands, and said public hearing being held after proper notice thereof; and after said public hearing the City Council having determined that the land should be rezoned to CC (Community Commercial) zone; and

WHEREAS, it is found that a rezone of land is in the best interest of the health and welfare of the citizens of the City of Kent and is consistent with the Comprehensive Plan of the City of Kent and consistent with good planning, NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. The following described land, situated in the City of Kent, County of King, State of Washington, and presently zoned as O (Professional and Office District) zone and more particularly described as follows:

The West 200 feet of the following described property: East half of the southeast quarter
of the southeast quarter of the southwest quarter of Section 17, Township 22 North, Range 5 E., W.M. in King County, Washington LESS north 200 feet and LESS County Road.

is hereby rezoned to CC (Community Commercial) zone.

Section 2. The Planning Director of the City of Kent be and he is hereby authorized and directed to indicate upon the Comprehensive Zoning Map of the City of Kent or upon an addendum thereto, the zoning of said property as provided for in Section 1 of this Ordinance.

Section 3. That upon said amendment being shown upon the Comprehensive Zoning Map of the City of Kent, or upon an addendum thereto, the copy of said map or addendum, shall be filed with the Director of Records and Elections of King County, Washington, and the City Clerk of the City of Kent be and she is hereby authorized and directed to record this Ordinance with the County Auditor of King County and pay the filing fee therefor.

Section 4. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ATTEST:

ISABEL HOGAN, MAYOR

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 7th day of October, 1977.
 APPROVED the 6th day of October, 1977.
 PUBLISHED the 6th day of October, 1977.

I hereby certify that this is a true copy of Ordinance No. 205, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK (SEAL)
David W. Hurlow. It was noted that on August 23, 1977, the Planning Commission held a public hearing on an application filed by David W. Hurlow for a rezone from "O," Professional and Office District, to "CC," Community Commercial, zoning on property lying along the north side of James Street, approximately 119 feet west of 108th Avenue S.E. The Planning Commission recommends that this application be approved with the following condition:

The applicant be required to deed right-of-way consisting of 20 feet along the north side of S.E. 240th Street and 30 feet along the west side of the present 108th Avenue S.E. right-of-way.

Planning Director Harris pointed out the area on the map and reviewed the Planning Commission recommendation. The public hearing was opened by the Mayor. Mel Kleweno, attorney for the applicant, pointed out that more Commercial zoned property is needed in this area because of proposed development. He also noted that the applicant could, under the terms of the zoning classification, apply for a conditional use permit and develop the property 50% "O" zoning and 50% Commercial zoning. He also noted that he was not convinced that the property could be developed with "O" zoning because the demand was not that great for office space. Kleweno referred to the traffic problems discussed at the Planning Commission hearings and noted that traffic in the area is generated in a north and south direction. He opined that the traffic might be slightly less if the area was zoned one-third "O" and two-thirds Commercial as contemplated by the applicant. He noted that his client concurred with the terms of the condition for deeding right-of-way. Kleweno also noted that plans are drawn up for development of the property with "O" and "CC" type uses.

Kitto questioned Ulett regarding the traffic problems in the area and questioned how much more traffic the streets in the area could handle.
REZONE

Ulett noted that he did not have the results of the traffic counts with him. He stated that if 108th S.E. were opened, some of the traffic congestion at the intersection of S. 240th and 104th S.E. would be relieved. He also pointed out that SE 240th would have to be widened and noted that all of SE 240th was in the County.

Kitto asked Harris what designation the Comprehensive Plan showed for this area and Harris noted that the Plan does not provide for "O" zoning north of James Street but that it showed a commercial node with residential zoning surrounding it. Johnson opined that a policy had been established whereby an area was zoned: Commercial, Office, for a buffer zone, then Multi-Residential, and then Single Family Residential. Harris concurred that the East Hill Plan provided for this type of development.

McCaughan questioned whether the pond near the apartments was a holding pond, and it was determined that it was not. McCaughan further questioned whether plans were being developed for a "Ring Road" type system around the entire area and Harris determined that S.E. 238th is partially blocked by the Pay 'N Save complex.

It was determined by Ulett and Harris that because of the new development the streets to serve the area should be planned and put in now. It was also determined that in order to do this it is necessary to secure the rights-of-way before development occurs. Ulett noted for McCaughan that the condition providing for a right-of-way on S.E. 240th would be sufficient to allow five lanes. He commented further that the street requirement would also provide for better access for the Fire Department. He noted that in 1973 improvement of 108th Avenue S.E. was listed on the Six Year Plan to provide for a better means of access into the area. There was no correspondence and no further comments.

KITTO MOVED that the attorney be directed to prepare an ordinance approving the rezone, including the condition as recommended by the Planning Commission, and to so amend the Zoning Code. Storment seconded. Motion carried.