Ordinance No. 2410

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

REPEALED By Ord. 3481
ORDINANCE NO. 2412

AN ORDINANCE of the City of Kent, Washington, relating to planning and property; rezoning, with conditions, approximately 12.32 acres located east of 88th Avenue South, north of South 228th Street from R1-7.2, Single Family Residential, and CM, Commercial Manufacturing, to MR-G, Garden Density Multifamily Residential, and CM, Commercial Manufacturing. (Tonelli Rezone/RZ-83-01)

WHEREAS, an application for rezone was filed on March 2, 1983 for the following described property:

The West 325.00 feet of the most northernly 385.60 feet of Lot 4, City of Kent Short Plat No. SPC-82-5 as recorded under King County Recording No. 8207130705 being a portion of the NE 1/4 of the NW 1/4 of Section 18, T 22 N, R 5 E, W.M. in King County, Washington;

The East 50.00 feet of Lot 2 City of Kent Short Plat No. SPC-82-5 recorded under King County Recording No. 8207130705 and revised under King County Recording No. 8211191047 being a portion of the NE 1/4 of the NW 1/4 of Section 18, T 22 N, R 5 E, W.M. in King County, Washington.

Lot 3 City of Kent Short Plat No. 82-5 recorded under King County Recording No. 8207130705 and revised under King County Recording No. 8211191047, being a portion of the NE 1/4 of the NW 1/4 of Section 18, T 22 N, R 5 E, W.M. in King County, Washington.

and;

WHEREAS, the subject rezone concerns a request by Berry Anderson and Associates Inc. on behalf of Richard Tonelli to reclassify three lots of the four lots comprising the Tonelli Short Plat by rezoning the east 50 feet of Lot 2 from R1-7.2, Single Family Residential to CM, Commercial Manufacturing, Lot 3 from R1-7.2, Single Family Residential to MR-G, Garden Density Multifamily Residential; and the westernly 325 feet of Lot 4 from CM, Commercial Manufacturing to MR-G, Garden Density Multifamily Residential and the remaining part of Lot 4 from R1-7.2, Single Family Residential to MR-G, Garden Density Multifamily Residential. Said property is located east of 88th Avenue South just north of South 228th Street. The proposed rezone will conform the zoning boundaries with the property lines and
incorporate the existing residence into one zoning classification. The approximate number of residential units which could be constructed under existing zoning is 63 conventional single family residences. The proposed zoning with the recorded limitations would allow a maximum of approximately 80 units; and.

WHEREAS, A Declaration of Nonsignificance was filed by the Planning Department on September 10, 1982; and

WHEREAS, a public hearing was held before the Hearing Examiner of the City of Kent on April 27, 1983; and

WHEREAS, the Hearing Examiner issued FINDINGS AND RECOMMENDATION OF THE HEARING EXAMINER FOR THE CITY OF KENT on May 11, 1983; and

WHEREAS, the City Council on June 6, 1983 approved by motion the rezone with certain conditions recommended by the Hearing Examiner. Those conditions being that the rezone be approved subject to the following conditions:

1. Lot 4 shall be developed substantially as shown on Drawing A2, titled Maple Hill Condominiums and submitted as part of this application. The maximum number of units permitted is limited to 76; and the type and architectural design of the units shall be substantially as shown on Drawings A3, A4, A5, A6, and A7 submitted as part of this application.

2. Any significant modification of approved plans shall be reviewed by the Hearing Examiner at a public hearing. Examples of such modifications are increased densities, change of unit type or design, or decreased open space.

3. The maximum number of residential units on Lot 3 shall be limited to four.

4. All streets shall be constructed in accordance with City requirements; and to the standards of Uniform Fire Code, Section 10.207. That portion of the private street in the eastern portion of the site indicating a 14 percent grade shall not exceed 250 feet in length; and

NOW THEREFORE,

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

- 2 -
Section 1. The following described land situated in the City of Kent, County of King, State of Washington, and presently zoned RL-7.2, Single Family Residential, and CM, Commercial Manufacturing, and more particularly described as follows:

The West 325.00 feet of the most northernly 385.60 feet of Lot 4, City of Kent Short Plat No. SPC-82-5 as recorded under King County Recording No. 8207130705 being a portion of the NE 1/4 of the NW 1/4 of Section 18, T 22 N, R 5 E, W.M. in King County, Washington;

The East 50.00 feet of Lot 2 City of Kent Short Plat No. SPC-82-5 recorded under King County Recording No. 8207130705 and revised under King County Recording No. 8211191047 being a portion of the NE 1/4 of the NW 1/4 of Section 18, T 22 N, R 5 E, W.M. in King County, Washington.

Lot 3 City of Kent Short Plat No. 82-5 recorded under King County Recording No. 8207130705 and revised under King County Recording No. 8211191047, being a portion of the NE 1/4 of the NW 1/4 of Section 18, T 22 N, R 5 E, W.M. in King County, Washington.

is hereby rezoned as follows:

1. The east 50 feet of Lot 2 is rezoned from RL-7.2, Single Family Residential to CM, Commercial Manufacturing.
3. The westernly 325 feet of Lot 4 is rezoned from CM, Commercial Manufacturing to MR-G, Garden Density, Multi-Family Residential; and the remainder of Lot 4 is rezoned from RL-7.2, Single Family Residential to MR-G, Garden Density, Multi-Family Residential.

Section 2. The rezone is subject to and expressly conditioned upon the following conditions as set forth in the FINDINGS AND RECOMMENDATIONS OF THE HEARING EXAMINER FOR THE CITY OF KENT:

Lot 4 shall be developed substantially as shown on Drawing A2, titled Maple Hill Condominiums and submitted as a part of the application; the maximum number of units permitted shall be limited to 76, and the type and architectural design of the units shall be substantially as shown on Drawings A3, A4, A5, A6, and A7 submitted as a part of the application for rezone; any significant
modification of the approved plans shall be reviewed by the Hearing Examiner at a public hearing; the maximum number of residential units on Lot 3 shall be limited to four; all streets shall be constructed in accordance with City requirements, and the standards of Uniform Fire Code, Section 10.207; and that portion of the private street in the eastern portion of the site indicating a 14 percent grade shall not exceed 250 feet in length.

Section 3. 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 4. 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 is hereby authorized and directed to record this ordinance with the County Auditor of King County and pay the filing fee thereof.

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

ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY
PASSED the 20 day of June, 1983.
APPROVED the 21 day of June, 1983.
PUBLISHED the 24 day of June, 1983.

I hereby certify that this is a true copy of Ordinance No. 2410, 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