ORDINANCE NO. 2791

AN ORDINANCE of the City of Kent, Washington, relating to land use and zoning, establishing the zoning of the LeBlanc Annexation generally located in the vicinity of 112th Avenue S.E. and S.E. 236th Street from R1-20, Single Family Residential, to MRG, Garden Density Multifamily Residential Twelve Units, and R1-9.6, Single Family Residential.

WHEREAS, the property above described, known as the LeBlanc Annexation, was annexed to the City of Kent on June 15, 1987 under Ordinance 2727 and was automatically zoned R1-20, Single Family Residential; and

WHEREAS, on December 16, 1987 the Hearing Examiner held a public hearing to consider the initial zoning of the area described as:

The Northwest one quarter of the Northeast one quarter in Section 17, Township 22 North, Range 5, EWM in King County, Washington EXCEPT that portion lyn within the Plat of Park Orchard Division #4 as recorded in Vol. 68 of Plats Pages 58 thru 60 AND EXCEPT the North 30.00 feet thereof;

and

WHEREAS, the Hearing Examiner recommended to the City Council that the property be rezoned from R1-20, Single Family Residential, to MRG, Garden Density Multifamily Residential, with a maximum density of 12 units per acre for the 5.85 acres known as LeBlanc Gardens and R1-9.6, Single Family Residential for the remainder of the site consisting of approximately 10 acres; and

WHEREAS, the Hearing Examiner attached two conditions to the recommendation for zoning as follows:
1. If the applicant makes a significant change to the conceptual site plan, the initial zoning designation on the newly annexed land should be brought back to the Hearing Examiner for review. For purposes of this condition, a significant change includes, but shall not be limited to:

A. Landscape buffer of less than 30 feet;
B. Two different size or configuration of buildings on the site; and, or
C. Different percentage of site coverage.

2. The owners of the property adjacent to 112th Avenue S.E. shall deed to the City of Kent sufficient property for street purposes such that 30 feet of right-of-way exists as measured from the north-south centerline on the southeast quarter of Section 17, Township 22, Range 5, W.M.;

WHEREAS, the City Council conducted public hearings on May 3, 1988 and June 7, 1988; and

WHEREAS, the City Council examined the impact of high density occupancy on streets, schools, and traffic; and

WHEREAS, the City Council determined that a higher density for this property will significantly impact the traffic in the area requiring street improvements prior to the addition of such higher density;

and

WHEREAS, it is recommended by the Public Works Department to the Council that the second condition be revised so that the right-of-way need not be deeded to the City until prior to issuance of a development permit as follows:
Prior to the issuance of a development permit (building, zoning, etc.) for a permitted use for any properties within the LeBlanc Annexation area, the owner shall deed to the City of Kent sufficient property for street purposes such that 30 feet of right-of-way exists as measured from the north-south centerline of the southeast quarter of Section 17, Township 22, Range 5, W.M.;

NOW, THEREFORE,

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

Section 1. The Findings, Recommendations, and Conclusions of the Hearing Examiner as set forth in the LeBlanc Annexation zoning Findings and Recommendations of the Hearing Examiner for the City of Kent, which is on file with the Kent City Clerk, are adopted and the findings concurred with for this site except as modified below.

Section 2. Zoning for this site, generally located on approximately in the vicinity of 112th Avenue S.E. and S.E. 236th Street and legally described as:

The Northwest one quarter of the Northeast one quarter in Section 17, Township 22 North, Range 5, EWM in King County, Washington EXCEPT that portion lyn within the Plat of Park Orchard Division #4 as recorded in Vol. 68 of Plats Pages 58 thru 60 AND EXCEPT the North 30.00 feet thereof,

is hereby changed from R1-20, Single Family Residential, to MRG, Garden Density Multifamily Residential, limited to twelve units per acre for the LeBlanc Gardens area consisting of approximately 5.85 acres and R1-9.6, Single Family Residential, for the remainder of the site consisting of approximately ten acres.

Section 3. The zoning is subject to the following conditions:
1. If the applicant makes a significant change to the conceptual site plan, the initial zoning designation on the newly annexed land should be brought back to the Hearing Examiner for review. For purposes of this condition, a significant change includes, but shall not be limited to:

A. Landscape buffer of less than 30 feet;
B. Two different size or configuration of buildings on the site; and, or
C. Different percentage of site coverage.

2. Prior to the issuance of a development permit (building, zoning, etc.) for a permitted use for any properties within the LeBlanc Annexation area, the owner shall deed to the City of Kent sufficient property for street purposes such that 30 feet of right-of-way exists as measured from the north-south centerline of the southeast quarter of Section 17, Township 22, Range 5, W.M.

3. Prior to the issuance of a development permit for a permitted use for any properties within the LeBlanc Annexation area, the property owner shall agree to participate in the formation of and to pay its proportionate share of the final costs of a Local Improvement District to improve 112th Avenue.

Section 4. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

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.

DAN KELLEHER, MAYOR
ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the 16 day of Aug, 1988.
APPROVED the 18 day of Aug, 1988.
PUBLISHED the 19 day of Aug, 1988.

I hereby certify that this is a true copy of Ordinance No. 2291, 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)