AN ORDINANCE of the City of Kent, Washington, relating to land use and zoning, providing for the rezoning of property located on the south side of South 212th Street, approximately 1,200 feet west of West Valley Highway consisting of 7.1 acres in King County, Washington from M1, Industrial Park, to M1-C, Industrial Park - Commercial Suffix.

WHEREAS, on May 4, 1988, the Hearing Examiner held a public hearing to consider the rezone of the area described in attached Exhibit A, incorporated herein by this reference; and

WHEREAS, the applicant requested that the property be rezoned from M1, Industrial Park, to M1-C, Industrial Park - Commercial Suffix; and

WHEREAS, the Hearing Examiner recommended denial of the application in her Findings, Conclusions and Recommendations for the Van Doren's Landing II Rezone; and

WHEREAS, a public hearing was held on this matter on July 5, 1988 and July 19, 1988, at which time the Kent City Council considered the Hearing Examiner's Findings, Conclusions and Recommendations and additional public and staff input; and

WHEREAS, in her conclusions, the Hearing Examiner determines that the rezone is compatible with development in the vicinity or anticipated in the vicinity; that traffic mitigation imposed through the SEPA process would adequately mitigate the impacts; that circumstances have changed to warrant the rezone; that the rezone would not adversely affect the health, safety, and welfare of the citizens of Kent; and that the evidence does not establish that approval of this rezone would result in strip commercial zoning; and
WHEREAS, however, the Hearing Examiner concluded that it was not within her parameters to make the policy decision to determine whether the "C" suffix zoning should be extended from major intersections, but, rather, such is a policy decision for the City Council; and

WHEREAS, the City Council finds that the Comprehensive Plan is a guide and the proposed rezone is consistent with the policy of the City for the "C" suffix zoning to address the need for limited commercial uses on the valley floor; and

WHEREAS, the proposed use is not inconsistent with the land uses in the vicinity; NOW, THEREFORE,

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

Section 1. The findings, conclusions and recommendations of the Hearing Examiner as set forth in the Van Doren's Landing II Findings and Recommendations of the Hearing Examiner for the City of Kent, which is on file with the Kent City Clerk, are hereby adopted and concurred with to the extent consistent with this ordinance and with the conditions set forth more fully below.

Section 2. The zoning for this site located generally on the south side of South 212th Street, approximately 1,200 feet west of West Valley Highway and consisting of approximately 7.1 acres and as more fully described in Exhibit A attached hereto and incorporated herein by this reference, is hereby changed from Ml, Industrial Park, to Ml-C, Industrial Park - Commercial Suffix.

Section 3. The rezone is subject to the following conditions:

A. Any proposed use of the land within 200 feet of the Kent City lagoon shall conform to Resolution 922.
B. In addition to other applicable procedures and requirements, any proposed use of the land, including but not limited to development, clearing and grading, and paving shall be reviewed by the Soil Conservation Service Citizens Advisory Board of the City of Kent. The report of the Board shall be provided to the City Council, which shall make any final decisions related thereto.

C. The proposed development shall be in general conformity with the site plan as presented with this rezone application. While minor modifications to this site plan shall be permitted, the use shall be tied to a hotel and/or restaurant. Any change in use shall be reviewed by the Hearing Examiner and additional mitigating measures imposed, if appropriate. Any such modifications of the site plan which will significantly increase traffic will be subject to further traffic evaluations.

D. An integrated pedestrian circulation system is required including access to 212th Street, 64th Avenue South, and the proposed development to the east prior to any proposed development permit being issued.

E. Prior to the issuance of any development permit, the Fire Chief or his designee shall review and evaluate all pertinent information and is authorized to require built-in or other fire protection systems as the Fire Chief determines necessary.

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 2 day of Aug, 1988.
APPROVED the 3 day of Aug, 1988.
PUBLISHED the 2 day of Aug, 1988.

I hereby certify that this is a true copy of Ordinance No. 2792, 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)
LEGAL DESCRIPTION
VAN BUREN'S LANDING
REZONE II

Exhibit A

A parcel of land situate in the Southwest Quarter of the Northeast Quarter (SW¼ NE¼) of Section 11, Township 22 North, Range 4 East of the Willamette Meridian, City of Kent, King County, State of Washington, bounded and described as follows:

Commencing at the East Quarter Corner of said Section;

thence along the centerline of said section North 89 degrees 17 minutes 36 seconds West, 1320.00 feet;

thence North 00 degrees 54 minutes 37 seconds East, 771.75 feet;

thence North 89 degrees 05 minutes 23 seconds West, 100 feet, to the TRUE POINT OF BEGINNING;

thence North 89 degrees 05 minutes 23 seconds West, 600.00 feet;

thence North 00 degrees 54 minutes 37 seconds East, 537.76 feet, to a point on the southerly right-of-way line of 212th street, as now constructed and operated;

thence South 85 degrees 28 minutes 08 seconds East, 253.81 feet to a tangent curve concave northerly having a radius of 2924.79 feet;

thence southeasterly along said curve through a central angle of 00 degrees 53 minutes 06 seconds, 45.18 feet,

thence South 85 degrees 28 minutes 08 seconds East, 60.00 feet, to the beginning of a tangent curve concave northerly having a radius of 2924.79 feet;

thence southeasterly along said curve through a central angle of 01 degrees 26 minutes 17 seconds, 73.41 feet;

thence South 85 degrees 58 minutes 08 seconds East, 168.81 feet;

thence South 00 degrees 54 minutes 37 seconds West, 500 feet to the TRUE POINT OF BEGINNING.

Said parcel contains an area of 311,102 square feet (7.14 acres), more or less.