AN ORDINANCE of the City of Kent, Washington, relating to land use and zoning, providing for the rezoning with conditions of approximately .85 acres from MRM, Medium Density Multifamily Residential, and 15.55 acres from O, Professional and Office, to CC, Community Commercial, for property located at the southwest corner of 104th Ave. S.E. and S.E. 260th St., and bounded by 100th Pl. S.E. (Crow Road) to the west and S.E. 264th St. on the south.

WHEREAS, an application for a rezone of the Ruth/Kent East Hill Shopping Center was filed on July 26, 1988 for the property described in the attached Exhibit A and incorporated herein by this reference; and

WHEREAS, the applicant requested that the property be rezoned from MRM, Medium Density Multifamily, and O, Professional and Office, to CC, Community Commercial; and

WHEREAS, the Hearing Examiner held public hearings to consider the rezone of the property on September 21, 1988, October 5, 1988, and October 19, 1988; and

WHEREAS, following the public hearings and consideration of reports and testimony submitted into the record on the proposed rezone and the staff recommendation, the Hearing Examiner for the City of Kent rendered her Findings, Conclusions and Recommendations in "Ruth/Kent East Hill Shopping Center: Findings and Recommendation of the Hearing Examiner for the City of Kent"; and

WHEREAS, the Hearing Examiner held a hearing on December 21, 1988 to consider appropriate conditions on the rezone proposal; and
WHEREAS, the Hearing Examiner issued an order amending previous Findings and Recommendation of the Hearing Examiner for the City of Kent on the Ruth/Kent East Hill Shopping Center on January 4, 1988 to incorporate the conditions; and

WHEREAS, request for reconsideration was filed with the City and Hearing Examiner on December 23, 1988; and

WHEREAS, after due consideration and reconsideration the Hearing Examiner determined that the request for reconsideration contained no new facts or evidence and, as such, denied the request for reconsideration on January 4, 1989; and

WHEREAS, on February 7, 1989, a hearing was held before the City Council at 7 o'clock p.m. in the City Hall of the City of Kent, upon proper notice given; and

WHEREAS, the condition set forth below, recommended by the Fire Department and agreed to by the applicant, was inadvertently excluded from the conditions to be considered by the Hearing Examiner:

Additional fire protection measures, including requiring the building to be equipped with sprinklers, may be applied at the time of development plan review, if so determined by the Fire Department; and

WHEREAS, the Council determines that the Hearing Examiner's Findings and Recommendation should be modified to include this additional condition; NOW, THEREFORE,

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

Section 1. The Findings, Conclusions, and Conditional Recommendations of the Hearing Examiner as set forth in "Ruth/Kent East Hill Shopping Center: Findings and Recommendation of the Hearing Examiner for the City of Kent" and amendments thereto pursuant to the Amended Order of the Hearing Examiner for the City of Kent, which are on file with the Kent City Clerk, are hereby
adopted and the Findings, Conclusions, and Conditional Recommendations in the amended Order are concurred with for this site. The additional condition set forth above is added as a condition to this rezone.

Section 2. Zoning for this site, generally located at the southwest corner of 104th Ave. S.E. and S.E. 260th St. and bounded by 100th Pl. S.E. (Crow Road) to the west and S.E. 264th St. on the south, and legally described in the attached Exhibit A, incorporated herein by this reference, is hereby changed from MRM, Medium Density Multifamily Residential, and O, Professional and Office, to CC, Community Commercial, subject to the conditions set forth in Section 3 below.

Section 3. The rezone is subject to the following conditions as set forth in the amended Findings and Recommendation of the Hearing Examiner for the City of Kent, and the additional condition referenced above:

1. Eliminate the driveway on SE 260th Street at the northwestern corner of the site. Align driveway entrances off of SE 260th Street with 101st Avenue across the street.

2. No parking shall be allowed directly off the main drive aisles within the site; instead, these aisles shall be lined with landscape islands a minimum of five feet in width.

3. The parking located along the west property line shall be marked for "employees only".

4. Buildings and roofs should be finished with quality, nonreflective, earth-toned materials so as to reduce glare to surrounding areas.

5. A sign plan shall be required which will indicate all sign locations and show that illumination from signs will not adversely affect neighboring residences.
6. Foundation landscaping shall be required along the front and side building facades to break-up the barren appearance of walls and lessen the bulky appearance of the structures. The landscaping shall consist of evergreen and deciduous trees at a minimum height of 12 feet, with supporting shrubs and ground cover.

7. All landscaping shall be irrigated.

8. All interior landscape islands shall be a minimum of five feet in width and planted with at least one tree, at a minimum height of 12 feet and minimum caliper of two inches. Shrubs and/or ground cover shall also be included in these landscape islands.

9. Shopping cart return areas shall be interspersed throughout the parking lot and screened with landscaping in addition to the required parking lot landscape islands.

10. All building facades facing public streets shall provide some type of architectural relief, either in the form of fenestration, building modulation, or surface treatment.

11. Lighting shall be provided for the rear employee parking lot which is located along the west property line.

12. The proposed Target Store (or other subsequent tenant) shall provide a vehicular pick-up area for customers picking up large purchases. The pick-up area shall be located in an area which will not conflict with pedestrian or vehicular circulation.

13. In addition to the above conditions the applicants representatives expressed a willingness to provide some type of public art work on the walls of the shopping center buildings where it faces public
streets. Such public art shall be approved by the Planning Department prior to its installation.

14. Additional fire protection measures, including requiring the building to be equipped with sprinklers, may be applied at the time of development plan review, if so determined by the Fire Department.

Section 4. 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 ___ day of ___ , 1989.
RETURNED UNSIGNED
APPROVED the ___ day of ___ , 1989.
PUBLISHED the ___ day of ___, 1989.

I hereby certify that this is a true copy of Ordinance No. 2838, 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)
TOTAL PARCEL

The south 135 feet of the north 165 feet of the east 130 feet of the southwest quarter of the northwest quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the east 30 feet thereof for 104th Avenue SE.

Parcel A

Lot 1, City of Kent Short Plat #79-19, recorded under Recording Number 7911130996.

Parcel B

Lot 2, City of Kent Short Plat #79-19, recorded under Recording Number 7911130996.

TOGETHER WITH that portion of 101st Avenue SE vacated by Ordinance No. 2356, recorded under Recording Number 8208020670, which would attach by operation of law.

Also

The south 135 feet of the north 165 feet of the east 210 feet of the southwest quarter of the northwest quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT the east 130 feet thereof;

TOGETHER WITH an easement for road and utility purposes over the north 30 feet of the east 210 feet of the southwest quarter of the northwest quarter of said Section 29; EXCEPT the east 30 feet thereof for road.

Also

The south 135 feet of the north 165 feet of the east 290 feet of the southwest quarter of the northwest quarter of Section 29, Township 22 North, Range 5 East W.M., in King County, Washington; EXCEPT the east 210 feet thereof.

Also

The southwest quarter of the northwest quarter of Section 29, Township 22 North, Range 5 East, W.M., in King County, Washington; EXCEPT that portion thereof lying westerly of the easterly line of T.E. Crow Road, as conveyed to King County by deed recorded under Recording Number 439183, records of King County; AND EXCEPT that portion of the north 330 feet thereof lying easterly of said T.E. Crow Road.

Also

Lot 3, City of Kent Short Plat #79-19, recorded under Recording Number 7911130596.

TOGETHER WITH the west 30.00 feet of that portion of 101st Avenue SE vacated by Ordinance No. 2356 under Recording Number 8208020670; AND EXCEPT street deeded to City of Kent under Recording Numbers 8209150434, 8209150436 and 8209150438.