ORDINANCE NO. 3563

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to Land Use and Zoning, rezoning 4.35 acres of real property located north of SE 253rd Place on the west side of 104th Avenue SE from Office-Mixed Use (O-MU) to Community Commercial-Mixed Use (CC-MU) zone. (Kent Retail Center RZ-2000-1).

WHEREAS, an application to rezone approximately 4.35 acres from the current zoning of Office-Mixed Use (O-MU) to Community Commercial-Mixed Use (CC-MU) was filed on August 28, 2000; and

WHEREAS, the City’s SEPA responsible official issued a Determination of Nonsignificance (DNS) with no conditions for the proposed rezone on November 27, 2000; and

WHEREAS, a public hearing on the Kent Retail Center Rezone was held before the Hearing Examiner on December 20, 2000; and

WHEREAS, the Hearing Examiner issued findings that the Kent Retail Center Rezone is consistent with the City’s Comprehensive Plan, that the proposed rezone
and subsequent development activity would be compatible with the development in the vicinity, that the proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated, that circumstances have changed since the establishment of the current zoning district to warrant the proposed rezone, and that the proposed rezone will not adversely affect the health, safety and general welfare of the citizens of the City of Kent; and

WHEREAS, the findings are consistent with the standards for rezone set forth in Sections 15.09.050(A)(3) of the Kent City Code; and

WHEREAS, the Kent Hearing Examiner recommended approval of the Kent Retail Center Rezone on December 29, 2000, as submitted by the applicant; and

WHEREAS, the City Council moved to accept the findings of the Hearing Examiner and the Hearing Examiner's recommendation for approval of the Kent Retail Center Rezone from Office-Mixed Use (O-MU) to Community Commercial-Mixed Use (CC-MU) zone; NOW, THEREFORE,

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

**SECTION 1.** The City Council accepts the findings, conclusions, and recommendation of the Hearing Examiner and finds that the proposed rezone for the real property located north of SE 253rd Place on the west side of 104th Avenue SE will not adversely affect the health, safety and general welfare of the citizens of the City of Kent.
SECTION 2. The property, located north of SE 253rd Place on the west side of 104th Avenue SE, Kent, Washington, consisting of approximately 4.5 acres, depicted in Exhibit 1, attached hereto and incorporated herein by this reference, is rezoned as follows:

Parcel numbers 202205-9061 and 202205-9095 located in Kent, Washington, shall be rezoned from Office-Mixed Use (O-MU) to Community Commercial-Mixed Use (CC-MU).

SECTION 3. Severability. If any one or more sections, sub-sections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

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.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY
APPROVED 20 day of June, 2001.

I hereby certify that this is a true copy of Ordinance No. 3563, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK