AN ORDINANCE of the City Council of the City of Kent, Washington, relating to land use and zoning, specifically the rezoning of approximately .48 acres of property located at 111 Central Avenue South from Downtown Commercial Enterprise (DCE) to General Commercial (GC). (Aulgur-Fawcett Rezone, #RZ-2003-3).

RECITALS

A. An application to rezone approximately .48 acres of property located at 111 Central Avenue South, Kent, Washington from the current zoning of Downtown Commercial Enterprise (DCE) to General Commercial (GC) was filed on October 2, 2003, on behalf of the owner Aulgur, Fawcett Investments (Aulgur-Fawcett Rezone, #RZ-2003-3).

B. The City's SEPA responsible official issued a Determination of Nonsignificance (DNS) (#ENV-2003-38) for the proposed rezone on December 1, 2003, and a public hearing on the rezone was held before the hearing examiner on January 21, 2004.

C. On February 4, 2004, the hearing examiner issued findings and conclusions that the Aulgur-Fawcett 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 that 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.

D. Based on these findings and conclusions, the hearing examiner recommended approval of the Aulgur-Fawcett Rezone with the condition that a Mixed-Use Overlay Zone be applied to the General Commercial district.

E. On March 16, 2004, the City Council determined that the hearing examiner’s findings and conclusions are consistent with sections 15.09.050(A)(3) and 15.09.050(C) of the Kent City Code, accepted the findings of the hearing examiner, and adopted the hearing examiner’s recommendation for approval of the Aulgur-Fawcett Rezone from Downtown Commercial Enterprise (DCE) to General Commercial (GC) with the condition that a Mixed-Use Overlay Zone be applied to the General Commercial District (GC).

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

ORDINANCE

SECTION 1. – Rezone. The property located at 111 Central Avenue South, Kent, Washington consisting of approximately .48 acres depicted in Exhibit "A" (marked “Site”), attached and incorporated by this reference, and legally described in Exhibit "B" attached and incorporated by this reference, is rezoned as follows:

King County tax parcel numbers 9179600825 located in Kent, Washington, shall be rezoned from Downtown Commercial Enterprise (DCE) to General Commercial (GC), subject to the condition that a Mixed-Use Overlay Zone be applied to the General Commercial (GC) district.

The city of Kent zoning map shall be amended to reflect the rezone granted above.
SECTION 2. - 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 3. - 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.

ATTEST.

BRENDA JACOBER
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY


I hereby certify that this is a true copy of Ordinance No. 8-2004 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, CITY CLERK
APPLICATION NAME: AULGUR-FAWCETT REZONE
REQUEST: #RZ-2003-3 KIVA #RPP4-2033024
SITE MAP

EXHIBIT "A"
**LEGAL DESCRIPTION**

| 9119600825 | AULGUR-FAWCETT INVESTMENTS | KENT, WA 98032 |
| 20,864 SQUARE FEET (0.48 ACRES) | | |

CURRENT ZONING / COMPREHENSIVE PLAN: DOWNTOWN COMMERCIAL ENTERPRISE (DCE) PROPOSED ZONING: GENERAL COMMERCIAL (GC)

LOTS 8, 9, 10, 11, 12, 13, AND 14, BLOCK 10, WASHINGTON CENTRAL IMPROVEMENT COMPANY'S FIRST ADDITION TO KENT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS, PAGE(S) 91, IN KING COUNTY, WASHINGTON, EXCEPT THAT PORTION OF LOTS 12 THROUGH 14, INCLUSIVE, CONVEYED TO THE CITY OF KENT AS DISCLOSED UNDER RECORDING NUMBER 9204081794, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 10,
THENCE NORTH 0°18'35" EAST ALONG THE EAST LINE THEREOF 15.72 FEET TO THE NORTHEAST CORNER OF SAID LOT 12,
THENCE SOUTH 89°42'51" WEST ALONG THE NORTH LINE THEREOF 3.00 FEET,
THENCE SOUTH 0°18'35" WEST PARALLEL WITH THE EAST LINE OF SAID BLOCK 10 A DISTANCE OF 49.25 FEET TO A POINT ON A CURVE FROM WHICH THE RADIAL CENTER BEARS NORTH 89°21'25" WEST 33.00 FEET,
THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHWEST 31.05 FEET TO A POINT OF CUSP WITH A NON-TANGENT LINE (ALSO THE SOUTH LINE OF SAID BLOCK 10),
THENCE NORTH 89°42'51" EAST ALONG SAID SOUTH LINE 16.59 FEET TO THE POINT OF BEGINNING.
Washington State County Auditor/Recorder's Cover Sheet

Document Title: City of Kent Ordinance No. 3684 authorizing the rezoning of approximately .48 acres of property located at 111 Central Avenue South from Downtown Commercial Enterprise (DCE) to General Commercial (GC) per the Application for Rezone filed by Aulgur-Fawcett Investments Rezone (#RZ-2003-3).

Reference Number(s): N/A

Grantor(s): City of Kent, a Washington municipal corporation

Grantee(s): The Public

Abbreviated Legal Description:

Ptn. of NE ¼ of Sec. 24, Twn. 22 N, Rng. 4 E, W.M., King County

Additional legal description is on Exhibit "B" of document.

Assessor's Property Tax Parcel/Account Number(s): 9179600825

Project Name: Aulgur-Fawcett Rezone