Ordinance No. 3743

(Amending or Repealing Ordinances)

CFN=131 – Zoning Codes
Passed – 4/19/2005
2004 Zoning Amendments
ORDINANCE NO. 3743

AN ORDINANCE of the City Council of the City of Kent, Washington, amending the Kent Zoning Map to change the zoning designations as follows: (1) from Single Family, 6.05 unit per acre (SR-6), to Office, Mixed Use (O-MU) for property located at 26056 116th Avenue Southeast (CPZ-2004-3); (2) from Limited Industrial (M2), to Gateway Commercial (GWC) for property located at 20651 84th Avenue South/East Valley Highway (CPZ-2004-4); and (3) from Single Family, 6.05 unit per acre (SR-6), to Neighborhood Convenience Commercial (NCC) with conditions for property located at 11644 Southeast 240th Street (CPZ-2004-5).

RECITALS

A. Pursuant to the Washington Growth Management Act (“GMA”), the City of Kent accepts applications for comprehensive plan amendments once each year.

B. The City of Kent received applications to amend the comprehensive plan’s land use map designations, and four (4) of those applications involve properties requesting corresponding area wide amendments to the zoning map designation of parcels with the following addresses: (1) 26056 116th Avenue Southeast (CPZ-2004-3); (2) 20651 84th Avenue South/East Valley Highway (CPZ-2004-4); (3) 11644 Southeast 240th Street (CPZ-2004-5); and (4) 21320 42nd Avenue South (CPZ-2004-6).

C. The City of Kent Land Use & Planning Board held a public hearing on the proposed comprehensive plan and zoning map amendments on November 22, 2004.
The Planning and Economic Development Committee considered the applications at its meeting on December 6, 2004, and held a public hearing on CPZ-2004-5 on January 19, 2005. The Committee made the following recommendations: amendment to Office, Mixed-Use (O-MU) for CPZ-2004-3, approval of CPZ-2004-4; approval, with conditions, of CPZ-2004-5, and no recommendation for CPZ-2004-6 as it was withdrawn by the applicant.

D. On February 1, 2005, the Kent City Council made the following decisions on the zoning amendments:

1. For the property located at 26056 116th Avenue Southeast, approve a zoning designation amendment from Single Family, 6.05 units per acre (SR-3), to a zoning designation of Office, Mixed-Use (O-MU), as depicted in Exhibit A-2, (CPZ-2004-3);

2. For the property located at 20651 84th Avenue South/East Valley Highway, approve a zoning designation amendment from Limited Industrial (M2), to a zoning designation of Gateway Commercial (GWC), as depicted in Exhibit B-2, (CPZ-2004-4); and

3. For the property located at 11644 Southeast 240th Street, approve a zoning designation amendment from Single Family, 6.05 units per acre (SR-6), to a zoning designation of Neighborhood Convenience Commercial (NCC), as depicted in Exhibit C-2, (CPZ-2004-5), with conditions.

E. The SEPA Responsible Official issued an Addendum and Adoption Notice on November 15, 2004 determining that impacts of the proposed amendments were adequately evaluated under Environmental Impact Statement #ENV-93-51 and do not substantially change the prior analysis.

F. On September 17, 2004, the City provided the required sixty (60) day notification under RCW 36.70A.106 to the state of Washington of the City’s proposed zoning designation amendments. The sixty (60) day notice period has lapsed.
NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Amendment. The City of Kent zoning map is amended to establish a new zoning map designation for the property located at 26056 116th Avenue Southeast, Kent, Washington, and legally described on the attached Exhibit "A", incorporated by this reference. The amendment is from a zoning designation of Single Family, 6.05 units per acre (SR-3), to a zoning designation of Office, Mixed-Use (O-MU), as depicted in the attached Exhibit “A-2,” incorporated by this reference.

SECTION 2. - Amendment. The City of Kent zoning map is amended to establish a new zoning map designation for the property located at 20651 84th Avenue South/East Valley Highway, Kent, Washington, and legally described on the attached Exhibit “B”, incorporated by this reference. The amendment is from a zoning designation of Limited Industrial (M2), to a zoning designation of Gateway Commercial (GWC), as depicted in the map attached as Exhibit “B-2” and incorporated by this reference.

SECTION 3. - Amendment. The City of Kent zoning map is amended to establish a new zoning map designation for the property located at 11644 Southeast 240th Street, Kent, Washington, and legally described on the attached Exhibit “C”, incorporated by this reference. The amendment is from a zoning designation of Single Family, 6.05 units per acre (SR-6), to a zoning designation of Neighborhood Convenience Commercial (NCC), as depicted in the map attached as Exhibit “C-2” and incorporated by this reference, with the following conditions: (i) automobile service stations or gasoline filling stations as defined in KCC 15.02.035, or as hereafter amended, are prohibited; (ii) development of the property shall include a twenty-five
(25) foot wide aesthetic and pedestrian connectivity buffer with Type I landscaping as defined in KCC 15.07.050, or as hereafter amended; and (iii) development of the property shall be consistent with Comprehensive Plan Land Use Policies LU-14.5 and LU-14.8 that require commercial development to minimize impacts to adjacent residential development and require commercial development to be compatible in height and scale with adjacent residential development. On all building facades oriented toward the north and east property lines, compliance with these two Policies shall include architectural design variations, such as, fenestration, accents, overhangs, modulation, colors, and/or materials to avoid long, monotonous, uninterrupted walls or roof planes.

SECTION 4. - Severability. If any one or more sections, subsections, 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 5. - Effective Date. This Ordinance shall take effect and be in force thirty (30) days from and after the date of passage and publication as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY
PASSED 19 day of April, 2005.

APPROVED 19 day of April, 2005.

PUBLISHED 23 day April, 2005.

I hereby certify that this is a true copy of Ordinance No. 3743, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
BRENDA JACOBER, CITY CLERK
Millennium-Kangley Project

LEGAL DESCRIPTION

PARCEL A:
THE EAST 80 FEET OF LOT 6, PHILLIP'S FAIRVIEW, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 67 OF PLATS, PAGE(S) 97, RECORDS OF KING COUNTY, WASHINGTON; EXCEPT THE NORTH 80 FEET THEREOF.

PARCEL B:
THAT PORTION OF LOT 6, PHILLIP'S FAIRVIEW, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 67 OF PLATS, PAGE(S) 97, RECORDS OF KING COUNTY, WASHINGTON, LYING SOUTH OF THE NORTH 80 FEET THEREOF, AND WEST OF THE EAST 80 FEET THEREOF; EXCEPT THAT PORTION CONVEYED TO KING COUNTY BY DEED RECORDED UNDER KING COUNTY RECORDING NO. 5353698 AND KING COUNTY RECORDING NUMBER 6108248.

PARCEL C:
THE NORTH 80 FEET OF LOT 6, PHILLIP'S FAIRVIEW, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 67 OF PLATS, PAGE(S) 97, RECORDS OF KING COUNTY, WASHINGTON.

EXHIBIT "A"
This map is a graphic aid only, and is not a legal document. The City of Kent makes no warranty to the accuracy of the labeling dimensions, contours, property boundaries, or placement or locations of any map features depicted therein. The City of Kent disclaims and shall not be held liable for any and all damage, loss, or liability whether direct or indirect or consequential, which arises from use of this product.

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Exhibit "A-2"

February 7, 2005
City of Kent
Planning Services Office
Legal Description:

122204 73BAAP ON WLY MGN OF CO RD N88-14-25 W30.00 FT & S01-13-42 W ALG SD MGN 121.56 FT FR NE COR OF NE 1/4 TH CONT S01-13-42 W ALG SD MGN749.44 FT TH N 89-04-38 W336.71 FT TH N00-55-29 E749.43 FT TH S 89-04-38 E340.68 FT TO BEG LESS CO RD

Parcel number:

12220497309
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Exhibit "B-2"

April 12, 2005

City of Kent
Planning Services Office
That portion of Lot D, King County Short Plat No. 674003, recorded under Recording No. 7408220421, Records of King County, Washington, EXCEPT that portion conveyed to King County for road purposes by Deeds recorded under Recording No. 9607260707, described as follows:

COMMENCING at the intersection of the East line of said Lot D with the North line of that portion conveyed by Deed recorded under Recording No. 9607260707;

THENCE North 88° 58' 10" West, 200.09 feet along said North line to the TRUE POINT OF BEGINNING;

THENCE North 00° 53' 03" East, 283.78 feet;

THENCE North 16° 05' 21" West, 147.56 feet;

THENCE North 89° 06' 31" West, 374.98 feet to the East line of that portion conveyed by Deed recorded under Recording No. 9607260707;

THENCE South 01° 04' 45" West, 395.90 feet along said East line to an angle point in said line;

THENCE South 46° 51' 30" East, 41.76 feet to the North line of said portion conveyed by Deed recorded under Recording No. 9607260707;

THENCE South 88° 58' 10" East, 388.51 feet along said North line to the TRUE POINT OF BEGINNING.

EXHIBIT "C"
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Exhibit "C-2"

Lotto/Toppano CPZ-2004-5

Buildings
Parcels
Inventoried Wetlands
Lotto/Toppano Properties
Major Water Features
Minor Water Features
5-Foot Contour Lines
Spot Elevations

April 12, 2005
City of Kent Planning Services Office