Ordinance No. 3762

(Amending or Repealing Ordinances)

CFN=121 – Rezones
Passed – 9/20/2005
West Valley Highway at 212th Rezone

Recorder’s # 20051017002905

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012.
ORDINANCE NO. 3762

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to land use and zoning, specifically the rezoning of approximately 29.3 acres of property located at the northwest corner of West Valley Highway and South 212th Street from Industrial Park (M1) to Industrial Park Commercial (M1-C). (West Valley at 212th Street Rezone, #RZ-2005-3).

RECITALS

A. An application was filed on March 14, 2005, by Bob McFadden, Lance Mueller and Associates, to rezone approximately 29.3 acres of property located at the northwest corner of West Valley Highway and South 212th Street, Kent, Washington, from the current zoning of Industrial Park (M1) to Industrial Park Commercial (M1-C), (West Valley at 212th, #RZ-2005-3).

B. The City's SEPA responsible official issued a Determination of Nonsignificance (DNS) (#ENV-2005-18) for the proposed rezone on June 27, 2005. A public hearing on the rezone was held before the hearing examiner on July 20, 2005.

C. On August 3, 2005, the hearing examiner issued findings and conclusions that the West Valley at 212th 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

West Valley Highway at 212th Rezone
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 West Valley Highway at 212th Rezone.

E. On September 6, 2005, 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 West Valley Highway at 212th Rezone from Industrial Park (M1) to Industrial Park Commercial (M1-C).

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

ORDINANCE

SECTION 1. – Rezone. The property located at the northwest corner of West Valley Highway and South 212th Street, Kent, Washington consisting of approximately 29.3 acres depicted in Exhibit "A" (marked "Vicinity Map"), attached and incorporated by this reference, and legally described in Exhibit "B", attached and incorporated by this reference, is rezoned from Industrial Park (M1) to Industrial Park Commercial (M1-C). 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 as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 20 day of September, 2005.

APPROVED: 20 day of September, 2005.

PUBLISHED: 24 day of September, 2005.

I hereby certify that this is a true copy of Ordinance No. 3762 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 (SEAL)

West Valley Highway at 212th Rezone
LEGAL DESCRIPTION

Lots 1 through 5, inclusive, City of Kent Short Plat No. SP-2000-22, according to the short plat recorded on May 6, 2003, under Recording No. 20030506900014, Records of King County, Washington.
Document Title: City of Kent Ordinance No. 3762 authorizing the rezoning of approximately 29.3 acres of property located at the northwest corner of West Valley Highway and South 212th Street from Industrial Park (MI) to Industrial Park Commercial (MI-C). (West Valley at 212th Rezone, #RZ-2005-3).

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 NE ¼ of STR 11-22-04, W.M., King County

Additional legal description is on Exhibit “B” of document.

Assessor’s Property Tax Parcel/Account Number(s): 112204-9089, 112204-9090, 112204-9091, 112204-9092, and 112204-9093

Project Name: West Valley Highway and South 212th Street Rezone

Said document(s) were filed for record by Pacific Northwest Title as accommodation only. It has not been examined as to proper execution or due to its effect upon title.