

**CITY OF MERCER ISLAND
ORDINANCE NO. 05C-13**

AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON, AMENDING THE ZONING MAP (MERCER ISLAND CITY CODE, TITLE 19, UNIFIED LAND DEVELOPMENT CODE) DESIGNATION OF CERTAIN PROPERTIES WITHIN THE CITY LIMITS OF MERCER ISLAND AT 2960 AND 2970 76th AVE. SE, AS SPECIFICALLY DESCRIBED BELOW, FROM R-8.4 SINGLE FAMILY RESIDENTIAL TO MF-2, MULTI-FAMILY RESIDENTIAL, AND 3200 ISLAND CREST WAY (81ST PLACE SE) AND ADJACENT UNADDRESSED PARCEL TO THE SOUTH, AS SPECIFICALLY DESCRIBED BELOW, FROM MF-2L TO MF-2.

WHEREAS, Eric Beckes, is the authorized agent for the owners of 2960 and 2970 76th Ave. SE, with respective legal descriptions as follows:

2960 76th Ave. SE (Tax Parcel #531510-0986)

Lot 4, Except the north 122.33 feet thereof. Together with that portion of Lot 5 lying west of a line parallel with and 175 feet east of the north and south center line of Section 12, Township 24 North, Range 4 East, W.M., and that portion of the north 109.66 feet of said Lot 5 lying east of said line, all in Block 11, McGilvra's Island Addition. As per plat recorded in Volume 16 of Plats, page 58, Records of King County; situate in the City of Mercer Island, County of King, State of Washington

2970 76th Ave. SE (Tax Parcel #531510-0995)

That portion of Lot 5 in Block 11 or McGilvra's Island Addition, as per plat recorded in Volume 16 of Plats, Page 58, Records of King County, lying easterly of a line parallel with and 175 feet east of the north and south center line of Section 12, Township 24 North, Range 4 East W.M.; except the north 109.66 feet thereof; situate in the City of Mercer Island, County of King, State of Washington

WHEREAS, Spaunhurst Properties LLC, is the owner of 3200 Island Crest Way (81st Place SE) and adjacent unaddressed parcel to the south with respective legal descriptions as follows:

3200 Island Crest Way (Tax Parcel # 122404-9110)

North 270 feet of that portion of the west half of northeastern quarter of southeastern quarter lying easterly of 81st Ave. SE in Section 12, Township 25, Range 4 East W.M.

Parcel #122404-9111

North 90 feet of the south 180 feet of the north 450 feet of the west half of the northeastern quarter of the southeastern quarter lying easterly of 81st Ave. SE in Section 12, Township 25, Range 4 East W.M.

WHEREAS, the owner or authorized agent has submitted a valid application for a reclassification (rezone) of 2960 and 2970 76th Ave. SE from R-8.4, Single Family Residential, to MF-2, Multi-Family Residential; and

WHEREAS, the owner or authorized agent has submitted a valid application for a reclassification (rezone) of 3200 Island Crest Way and adjacent unaddressed parcel to the south from MF-2L, Multi-Family Residential, to MF-2, Multi-Family Residential; and

WHEREAS, in compliance with the Washington State Growth Management Act, Chapter 36.70A RCW, the City of Mercer Island adopted a Comprehensive Plan in 1994 and has amended the plan on several occasions since that time; and

WHEREAS, in compliance with the Washington State Growth Management Act, Chapter 36.70A RCW, the City of Mercer Island has adopted a zoning code and map (Mercer Island City Code, Title 19, Unified Land Development Code) that is consistent with the adopted comprehensive plan and land use map; and

WHEREAS, the applicants have sought approval of corresponding concurrent amendments to the Mercer Island Comprehensive Plan Land Use Map; and

WHEREAS, The City of Mercer Island has met all applicable public notice requirements for said rezoning according to MICC 19.15.020;

WHEREAS, state agencies received 60 day notice of Mercer Island's proposed development code map amendments on September 7, 2005, and no formal comments were received; and

WHEREAS, the City of Mercer Island has issued SEPA Threshold Determinations (MDNS) for the respective rezones on September 21, 2005, mailed to all parties of record; and

WHEREAS, the Planning Commission has held it's required public meeting on September 21, 2005 and October 5, 2005 , and unanimously (6-0) recommended approval of the proposed rezone for 2960/2970 76th Ave. SE, finding the application consistent with the prescribed review criteria of MICC 19.15.020 (G) (2); and

WHEREAS, the Planning Commission has held it's required public meeting on September 21, 2005 and October 5, 2005 , and recommended approval (5-1) of the proposed rezone for 3200 Island Crest Way and adjacent unaddressed parcel to the south, finding the application consistent with the prescribed review criteria of MICC 19.15.020 (G) (2); and

WHEREAS, a public notice was published in the Mercer Island Reporter on October 5, 2005, October 12, 2005 and October 19, 2005 giving notice of the City Council public hearing and encouraging public participation; and

WHEREAS, the City Council held public hearings on October 17, 2005 and November 7, 2005 to provide opportunities for formal public comment on these matters; and

WHEREAS, as a result of the City's efforts, the public has had extensive opportunities to participate throughout the 2005 Citizen Comprehensive Plan amendment process and all persons desiring to comment on the proposal were given a full and complete opportunity to be heard.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Reclassification – Rezone. The Mercer Island City Council hereby approves the amendment to the City's zoning map, as shown in Exhibit 1, by reclassification and rezone of the real properties legally described above:

2960 76th Ave. SE and 2970 76th Ave. SE shall be zoned MF-2, multi-family residential;
and

3200 Island Crest Way and the adjacent parcel to the south shall be zoned MF-2, multi-family residential.


Section 2. Severability/Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases were unconstitutional or invalid.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

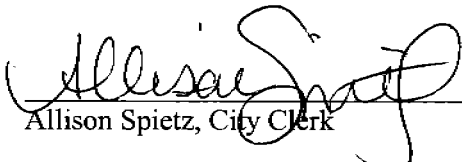
Section 4. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its passage, signing and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS REGULAR MEETING ON THE 7TH DAY OF NOVEMBER, 2005.

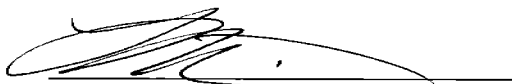
CITY OF MERCER ISLAND


Alan Merkle, Mayor

ATTEST:

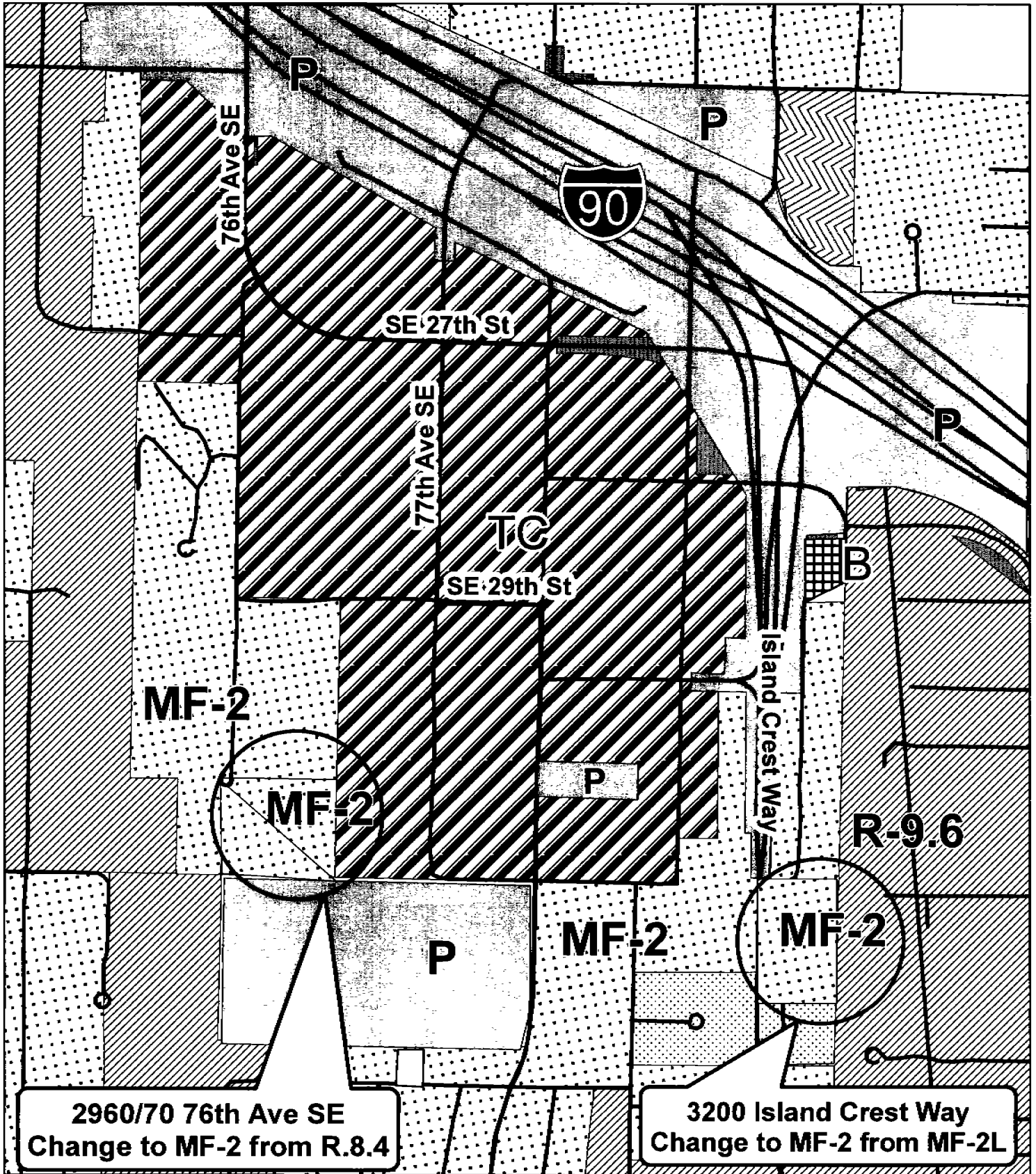

Allison Spietz, City Clerk

APPROVED AS TO FORM:


Londi Lindell, City Attorney

Date of Publication: 11/16/05

EXHIBIT 1- PROPOSED ZONING CODE MAP



ZONING USE DESIGNATIONS:

Town Center	Multi-Family, MF-3	Single Family, R-12
Commercial Office	Business-B	Single Family, R-15
Multi-Family, MF-2	Single Family, R-8.4	Public-P
Multi-Family, MF-2L	Single Family, R-9.6	Open Space

NOTE: Map reflects proposed zoning.

Disclaimer: No warranties of any sort including accuracy, fitness or merchantability accompany this map.
11/03/2005



NOT TO SCALE