

First Reading: 3/20/18

Second Reading: 4/3/18

ORDINANCE NO. 982

AN ORDINANCE OF THE CITY OF BENTON CITY, WASHINGTON, AMENDING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY AT 210 2nd STREET, CONSISTING OF APPROXIMATELY 3.05 ACRES FROM AS- AGRICULTURAL SUBURBAN DISTRICT TO C-1, COMMERCIAL DISTRICT

WHEREAS, a complete and adequate petition for change of zoning classification has been received by the City, and an open record public hearing having been conducted by the City of Benton City Planning Commission upon such petition on the 28th day of February, 2018; and

WHEREAS, the City of Benton City Planning Commission found that the effect of the requested change in zoning classification will not be materially detrimental to the vicinity in which it is located; and

WHEREAS, based upon substantial evidence the Planning Commission found that:

1. The requested change of zone is in conformance with the goals and policies of the Benton City Urban Area Comprehensive Plan and the intent of the Zoning Code;
2. The subject property is suitable for uses as permitted under the C-1 Commercial District;
3. Public facilities, such as roads, sewer and water, and other public facilities will need to be evaluated at time of development to ensure they are adequate to serve the development; and
4. The proposed zone change from AS Agricultural Suburban District to C-1 Commercial District and the associated uses as permitted by that zone are compatible with the neighboring land uses; and

WHEREAS, the City Council adopts the findings and recommendations of the Planning Commission regarding the above property;

NOW, THEREFORE, the City Council of the City of Benton City, Washington, do hereby ordain as follows:

Section 1. The Zoning Ordinance of the City of Benton City and the Zoning Map accompanied and being a part of said Ordinance shall be and hereby is amended from AS Agricultural Suburban District to C-1 Commercial District for the real property described as follows:

TRACTS 3, 4 AND 5, REPLAT OF GOODMAN'S SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, AT PAGE 41, RECORDS OF BENTON COUNTY, WASHINGTON; EXCEPT THAT PORTION THEREOF LYING NORTH AND EAST OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 5; THENCE SOUTH 0°11' WEST A DISTANCE OF 20 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°41' EAST 88.24 FEET;

THENCE ALONG THE ARC OF AN 11°55' CURVE TO THE RIGHT, CROSSING THE EAST LINE OF TRACT 5 AT A POINT SOUTH 0°11' WEST 29.5 FEET FROM THE NORTHEAST CORNER OF SAID TRACT 5;

THENCE CONTINUES ON SAID CURVE ACROSS TRACT 4 TO A POINT OF INTERSECTION WITH THE EAST LINE OF TRACT 4, SAID POINT BEARS SOUTH 0°11' WEST 104.0 FEET FROM THE NORTHEAST CORNER OF TRACT 4;

THENCE CONTINUES ALONG THE ARC OF SAID CURVE TO THE EAST LINE OF TRACT 3, SAID POINT BEARS SOUTH 0°11' WEST FROM THE NORTHEAST CORNER OF TRACT 3, 299.0 FEET AND BEARS NORTH 0°11' 21 FEET FROM THE SOUTHEAST CORNER OF SAID TRACT 3, AS CONVEYED TO THE TOWN OF BENTON CITY BY DEED RECORDED AUGUST 23, 1956, UNDER AUDITOR'S FILE NO.361382, RECORDS OF BENTON COUNTY, WASHINGTON

Section 2. Severability Clause. If any provision of this amendatory ordinance or its application to any persons or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Section 3. This Ordinance shall take full force and effect five (5) days after its approval, passage and publication as required by law.

PASSED by the City Council of the City of Benton City, Washington, and approved as provided by law this 3 day of April 2018.



Linda Lehman
Mayor

Attest:

Approved as to Form:



Stephanie Haug, MMC
City Clerk-Treasurer



Kerr Law Group
City Attorney