

**ORDINANCE NO. 2012 - 04****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, REZONING PROPERTY (14.93 acres) FROM R-3 HIGH DENSITY RESIDENTIAL TO B-1, FREEWAY COMMERCIAL FOR CONCORD VIEW LLC PROPERTY**

**WHEREAS**, Thomas G. Denlea, The Denlea Company, d/b/a Concord View LLC., has submitted an application for change of zone classification for two parcels (Yakima County Assessor's Parcel Number 231031-42001 and 42007, which is 14.93 acres in size, situated within the corporate limits of the City of Sunnyside, generally located near the intersection of Quail Lane and Allen Road, legally described as:

The East half of the Northwest quarter of the Southeast quarter of Section 31, Township 10 North, Range 23 east W.M., records Yakima County, Washington; Also that part of the Northwest quarter of the Northwest quarter of the Southeast quarter of Section 31, Township 10 North, Range 23 east W.M., described as follows: beginning at the southeast corner of the Northwest quarter of the Northwest quarter of the Southeast quarter of Section 31, Township 10 North, Range 23 east W.M.; thence West on a 10-acre line 40 feet, m.o.l., to lateral; thence following the direction of lateral north 10 48' East 100 feet, thence North 12 36' West 60 feet; thence North 43 52' West 140 feet; thence North 38 24' East 220 feet, m.o.l., to the East line of said Northwest quarter of the Northwest quarter of the Southeast quarter; thence South on said East Line 440 feet, m.o.l., to the point of beginning; AND beginning at the Northeast corner of the Southwest quarter of the Northwest quarter of the Southeast quarter of section 31, Township 10 North, Range 23, E.W.M.; thence West 40 feet to lateral; thence Southerly along said lateral to the Southeast corner of the Southwest quarter of the Northwest quarter of the Southeast quarter of said Section; thence North to the point of beginning; EXCEPT right of way for State Highway granted to the State of Washington by instrument recorded under Auditors File No. 2519954; AND EXCEPT that part of the East half of the Northwest quarter of the Southeast quarter of Section 31, Township 10 North, Range 23 E.W.M., lying North and West of the irrigation lateral as the same exists this date; AND EXCEPT that portion conveyed to Yakima County, Washington, by

instrument recorded September 5, 1991, under Auditor's File No.2934487, records of Yakima County, Washington.

and as shown on the map attached hereto jointly as Exhibit "A" and incorporated herein by this reference; and

**WHEREAS**, the subject property is currently zoned R-3 High Density Residential pursuant to Title 17 of the Sunnyside Municipal Code; and

**WHEREAS**, the Applicant is requesting that the zone classification for the subject property be changed from R-3 High Density Residential zoning to B-1. Freeway Commercial zoning, as set forth in Chapter 17.52 of the Sunnyside Municipal Code; and

**WHEREAS**, the Planning Commission conducted a public hearing on April 12, 2011, pursuant to notice duly published, to receive public testimony and evidence concerning such requested rezone, and, having received and considered all testimony and evidence presented, and made recommendation for approval; and

**WHEREAS**, the City Council has received the recommendation of the Planning Commission, and has held an open record hearing on May 23, 2011 to consider legislative action to effect a zoning district and comprehensive plan amendment to change the zoning designation of the subject property pursuant to such recommendation and record herein; and

**WHEREAS**, the City Council has received and reviewed the record of the hearing before the Planning Commission and recommendation therein; and

**WHEREAS**, the City Council concurs with the findings, conclusions and recommendation of the Planning Commission herein, and;

**WHEREAS**, the City Council finds and determines that such requested rezone should be approved, and that such approval is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

**Section 1.** The zone classification of the subject property, consisting of 14.93 acres in a two parcels currently described as Yakima County Assessor's Parcel Number 231031-42011 and 42007 located within and upon the property near the intersection of Quail Lane and Allen Road, Sunnyside, Washington, all as shown on the map attached hereto as Exhibit "A" and incorporated herein, is hereby changed from R-3, High Density Residential to B-1, Freeway Commercial, all subject to Chapter 17.52 of the Sunnyside Municipal Code.

**Section 2.** The official zoning map of the City of Sunnyside is hereby amended in conformity with this Ordinance, and the Comprehensive Plan of the City of Sunnyside is hereby deemed amended as necessary or appropriate to accomplish the purposes of this Ordinance.

**Section 3.** Except as amended herein the zoning designations and Comprehensive Plan of the City of Sunnyside shall remain unchanged.

**Section 4.** Copies of this Ordinance will be provided to all appropriate state and county agencies as required by law.

**Section 5.** This Ordinance shall be in full force and effect five (5) days after passage, approval and publication as required by law.

**PASSED** this 23<sup>rd</sup> day of January, 2012.

  
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MIKE FARMER, MAYOR

**ATTEST:**

  
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DELILAH SAENZ, CITY CLERK

**APPROVED AS TO FORM:**

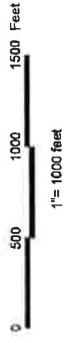
  
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MENKE JACKSON BEYER EHLIS & HARPER, LLP  
Attorneys for the City of Sunnyside

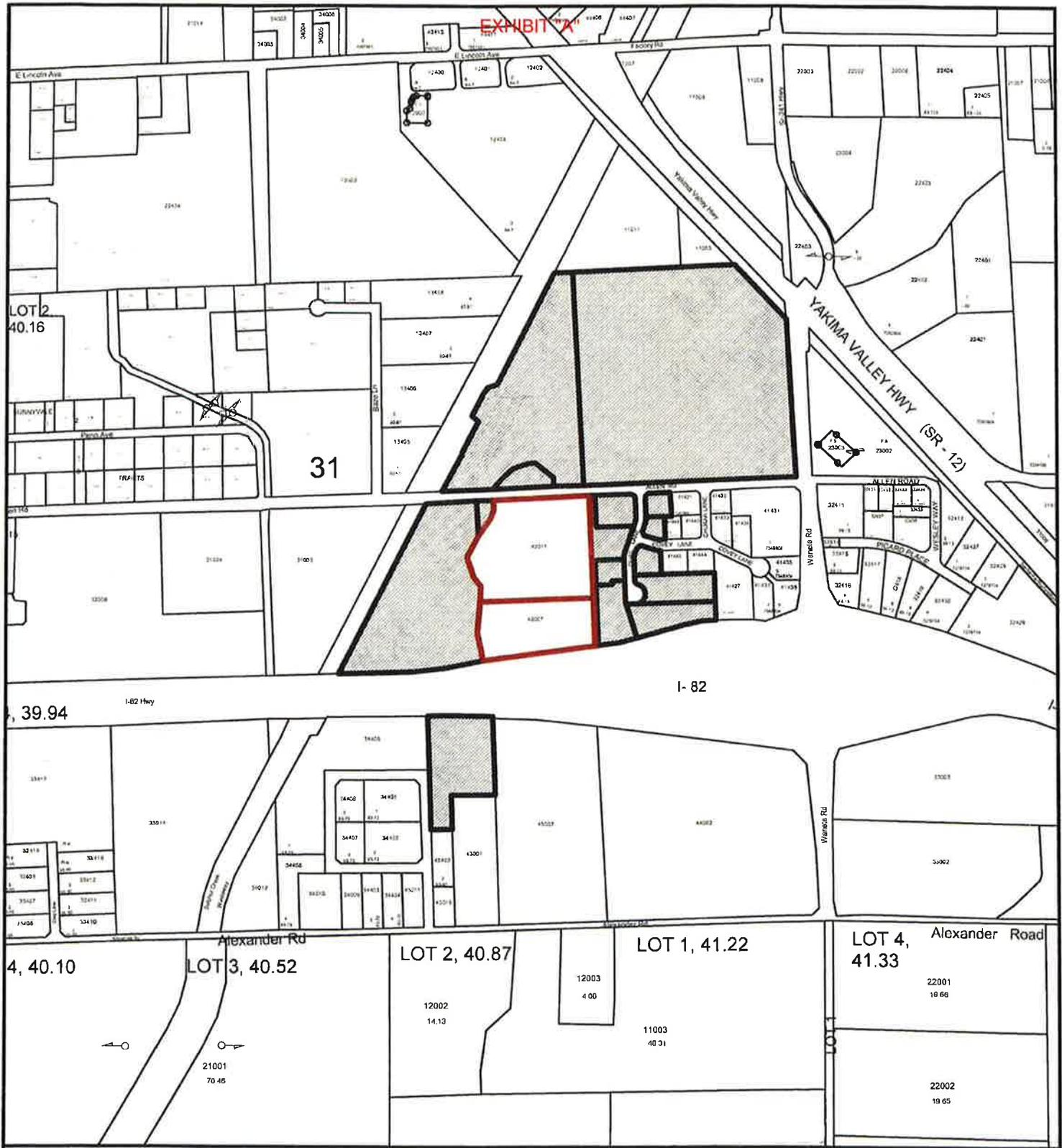
# Existing Zoning

## EXHIBIT "A"



Parcel Lot lines are for visual display only. Do not use for legal purposes.





**FILE: ZC11-01**  
**NAME: Concord View**

Parcels: 231031-42011, 231031-42007,



Subject Parcels



Notified Property Owners  
 Within 300 Feet

Mapscale: 1" = 400'  
 March 31, 2011

