Ordinance No. 3436

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Amends Ord. 3222
ORDINANCE NO. 3436

AN ORDINANCE of the City Council of the City of Kent, Washington, amending the City of Kent Comprehensive Plan to change the plan’s land use map designation on property located at 11605 Kent-Kangley Road from SF-6 (single-family, 6 units per acre) to a land use plan designation of C (commercial) (CPA-97-3(E)).

WHEREAS, the Washington State Growth Management Act ("GMA") requires internal consistency among comprehensive plan elements in the zoning map; and

WHEREAS, to assure that comprehensive plans remain relevant and up-to-date, the GMA requires each jurisdiction to establish procedures whereby amendments to the plan are considered by the City Council (RCW 36.70A.130(2)), and limits amendments to once each year unless an emergency exists; and

WHEREAS, the City of Kent has established a procedure for amending the comprehensive plan set forth in Chapter 12.02 of the Kent City Code which sets a deadline of September 1 of each year for acceptance of comprehensive plan amendments; and

WHEREAS, by September 1, 1997, the City received applications to amend the comprehensive plan’s land use plan map designation; and

WHEREAS, on November 24, 1997, the Land Use & Planning Board approved a comprehensive plan and zoning amendment for the applicant TM Investment during its annual comprehensive plan and zone amendment process (CPA 97-3(E)); and
WHEREAS, the approval was granted on the condition that the owner deed a portion of the property as a public right of way for the widening and improvement of 116th Avenue SE and Kent-Kangley Road; and

WHEREAS, on January 20, 1998, the City Council approved the Land Use & Planning Board’s recommendation subject to adoption of the necessary ordinances; and

WHEREAS, on February 3, 1998, at the next regular city council meeting, the applicant requested that the matter be pulled from the ordinances adopting the 1997 annual comprehensive plan and zoning map amendments with the understanding that the matter would be submitted to the City Council at a later date following fulfillment of the condition of approval to rezone (i.e., dedication of the necessary public right-of-way); and

WHEREAS, the matter was unresolved for nearly a year until December 8, 1998, at which time a fully executed quit claim deed was submitted transferring all the necessary property for use as City right-of-way in fulfillment of the condition of rezone; and

WHEREAS, on December 8, 1998, the City Council for the City of Kent approved the Land Use & Planning Board’s 1997 recommendation on comprehensive plan amendment CPA-97-3(E) to amend the comprehensive plan designation of property located at 11605 Kent-Kangley Road from an existing plan designation of SF-6 (single-family, six units per acre) to a comprehensive plan designation of C (commercial); NOW, THEREFORE,

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

SECTION 1. The City of Kent comprehensive plan adopted by Ordinance No. 3222, as subsequently amended, is hereby amended to establish a new plan designation
for the following parcel: For the property consisting of approximately 2.08 acres at 11605 Kent-Kangley Road, Kent, Washington from a plan designation of SF-6 (single-family, 6 units per acre) to a new plan designation of C (commercial) as depicted in the map attached as Exhibit A and incorporated herein by this reference. (CPA-97-3(E)).

SECTION 2. - 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 3. - Effective Date. This Ordinance shall take effect and be in force five (5) days from and after the date of passage and publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED: 5th day of January, 1999.

APPROVED: 5th day of January, 1999.

PUBLISHED: 8th day of January, 1999.
I hereby certify that this is a true copy of Ordinance No. 3436, 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
Ordinance
No. 3436

Amending Comp Plan to change land use map designation (property at 11605 Kent-Kangley Rd) from SF-6 (single-family, 6 units per acre) to C (commercial) (CPA-97-3 (E)).