ORDINANCE NO. 36-38

AN ORDINANCE of the city council of the city of Kent, Washington, relating to Land Use and Zoning, specifically the rezoning of approximately 12.58 acres of property located at 22320 88th Avenue South from Single Family Residential, eight (8) units per acre (SR-8), to Multifamily Residential Townhouse (MR-T16). (Coblentz Rezone, #RZ-2002-4).

WHEREAS, an application to rezone approximately 12.58 acres from the current zoning of Single Family Residential, eight (8) units per acre (SR-8) to Multifamily Residential Townhouse (MR-T16) was filed on October 14, 2002 (Coblentz Rezone, #RZ-2002-4); and

WHEREAS, the city's SEPA responsible official issued a Determination of Nonsignificance (DNS) for the proposed rezone on December 5, 2000, and

WHEREAS, a public hearing on the Coblentz Rezone was held before the hearing examiner on January 23, 2003, and

WHEREAS, on February 5, 2003, the hearing examiner issued findings that the Coblentz Rezone is consistent with the City 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 significant adverse impacts which 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; and

WHEREAS, the findings are consistent with the standards for rezone set forth in sections 15.09.050(A)(3) and 15.09.050(C) of the Kent City Code, and

WHEREAS, the Kent Hearing Examiner recommended approval of the Coblentz Rezone on February 5, 2003, subject to the following condition being incorporated into the rezone ordinance and subsequently being tracked by the city's property information system ("KIVA"):

Concurrent with the submittal of any site-specific application for development permit, the owner/developer shall provide a concurrency analysis to determine required public improvements needed to mitigate the impacts of development. This concurrency analysis must be conducted and completed in conformance with applicable City code in effect at the time the permit vests. Furthermore, prior to receiving a final inspection and/or Certificate of Occupancy for the development envisioned under the permit, the owner or developer shall fully construct the improvements identified and required by the concurrency analysis or make payments in lieu of construction as deemed appropriate by the city or Kent Public Works Director.

WHEREAS, on March 4, 2003, the city council moved to accept the findings of the hearing examiner and the hearing examiner's recommendation for approval of the conditioned Coblentz Rezone from Single Family Residential, eight units per acre (SR-8) to Multifamily Residential Townhouse (MR-T16), NOW, THEREFORE,

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

Coblentz Rezone
SECTION 1. - Rezone  The property located at 22320 88th Avenue South, Kent, Washington consisting of approximately 12.58 acres depicted in Exhibit “A” attached and incorporated by this reference, and legally described in Exhibit "B" attached and incorporated by this reference, is rezoned as follows:

King County tax parcel numbers 7757800155, 7757800220, 7757800221, and 7757800223 located in Kent, Washington, shall be rezoned from Single Family Residential, eight units per acre (SR-8) to Multifamily Residential Townhouse (MR-T16)

The rezone is subject to the following condition:

Concurrent with the submittal of any site-specific application for development permit, the owner/developer shall provide a concurrency analysis to determine required public improvements needed to mitigate the impacts of development. This concurrency analysis must be conducted and completed in conformance with applicable City code in effect at the time the permit vests. Furthermore, prior to receiving a final inspection and/or Certificate of Occupancy for the development envisioned under the permit, the owner or developer shall fully construct the improvements identified and required by the concurrency analysis or make payments in lieu of construction as deemed appropriate by the city or Kent Public Works Director.

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, approval and publication as provided by law.

JIM WHITE, MAYOR

Coblentz Rezone
ATTEST:

Mary Simmons, Acting
BRENDA JACOBER, CITY CLERK
Mary Simmons

APPROVED AS TO FORM

TOM BRUBAKER, CITY ATTORNEY

PASSED 18 day of March, 2003
APPROVED 18 day of March, 2003.
PUBLISHED 22 day of March, 2003

I hereby certify that this is a true copy of Ordinance No. 3638, passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

Mary Simmons, Acting
BRENDA JACOBER, CITY CLERK
Mary Simmons
This map is a graphic aid only and is not a legal document. The City of Kent makes no warranty to the accuracy of the labeling, dimensions, contours, property boundaries or placement or location of any map features depicted therein. The City of Kent disclaims and shall not be held liable for any and all damages, losses or liability, whether direct or indirect or consequential which arises from use of this product.
LEGAL DESCRIPTION:

PARCEL A:

THAT PORTION OF TRACT 15 OF SHINNS CLOVERDALE ADDITION TO KENT, AS PER PLAT RECORDED IN VOLUME 6 OF PLATS, PAGE 52, RECORDS OF KING COUNTY, LYING SOUTHEASTERLY OF PRIMARY STATE HIGHWAY AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 5262487;

SITUATE IN THE CITY OF KENT, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL B:

LOTS 1 AND 2 OF SHORT PLAT NO. SPC-82-11, ACCORDING TO THE SHORT PLAT RECORDED UNDER KING COUNTY RECORDING NO. 8303170675;

SITUATE IN THE CITY OF KENT, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL C:

TRACTS 28 AND 29 OF SHINNS CLOVERDALE ADDITION TO KENT, AS PER PLAT RECORDED IN VOLUME 6 OF PLATS, PAGE 52, RECORDS OF KING COUNTY;

SITUATE IN THE CITY OF KENT, COUNTY OF KING, STATE OF WASHINGTON.

EXHIBIT "B"
WASHINGTON STATE COUNTY AUDITOR/RECORDER’S COVER SHEET

Document Title: City of Kent Ordinance No. 3638 authorizing the rezoning of approximately 12.58 acres of property located at 22320 88th Avenue South from SR-8 Single Family Residential, eight (8) units per acre (SR–8) to Multifamily Residential Townhouse (MR-T16), per the Application for Rezone filed by Michael and Betty Coblentz.

Reference Number(s): N/A

Grantor(s): City of Kent, a Washington municipal corporation

Grantee(s): The Public

Abbreviated Legal Description:

Parcel A PTN. OF TRACT 15 OF SHINNS CLOVERDALE ADDITION TO KENT, VOLUME 6 OF PLATS, PAGE 52, RECORDS OF KING COUNTY;

Parcel B LOTS 1 AND 2 OF SHORT PLAT NO. SPC-82-11, ACCORDING TO THE SHORT PLAT RECORDED UNDER KING COUNTY RECORDING NO. 8303170675;

Parcel C TRACTS 28 AND 29 OF SHINNS CLOVERDALE ADDITION TO KENT, VOLUME 6 OF PLATS, PAGE 52, RECORDS OF KING COUNTY;

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

Assessor’s Property Tax Parcel/Account Number(s): 775780-0155, 775780-0220, 775780-0223 and 775780-0221

Project Name: Coblentz Rezone