Ordinance No. 3795

(Amending or Repealing Ordinances)

CFN=377 – Comprehensive Plans
CFN=131 – Zoning Codes
Comprehensive Plan & Zoning Amendments – Parcel #1322049019
ORDINANCE NO. 3795

AN ORDINANCE of the city council of the city of Kent, Washington, amending the city's Comprehensive Plan to change the land use map designation from Mixed Use (MU) to Low Density Multifamily (LDMF) and amending the zoning district map designation from Limited Industrial (M2) to Garden Density (MR-G) for real property approximately 0.30 acre in size and located along 1st Avenue South and SR-167 (CPA-2005-7/CPZ-2005-4).

RECITALS

A. The city of Kent has established procedures for amending the Comprehensive Plan in chapter 12.02 of the Kent City Code, allowing amendment of the Comprehensive Plan, in accordance with state law, no more than once per calendar year with a few narrow exceptions.

B. During the city’s recent review of the data in the Comprehensive Plan Update adopted in 2004 (the "Update"), it was discovered that a tax parcel of real property located along 1st Avenue South and SR-167 has two land use designations and two zoning designations. The majority of the property, approximately 7.8 acres, has a land use map designation of Low Density Multifamily (LDMF) and a zoning district map designation of Garden Density Multifamily (MR-G). However, a small portion of the parcel, approximately 0.30 acres, has a land use map designation of Mixed Use (MU) and a zoning district map designation of Limited Industrial (M2). Given the size, configuration, and location of the tax parcel, city staff brought forward an amendment that would amend the land use map designation and zoning designation for the small portion of the property to make it consistent with the designations on the majority of the property.

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C. The proposed amendments were initially introduced to the Land Use and Planning Board as part of the 2005 Annual Docket Report in accordance with Ch. 12.02 of the Kent City Code, which was approved by the city council on December 13, 2005. The Land Use and Planning Board considered the proposed amendments of CPA-2005-7 and CPZ-2005-4, conducted a public hearing on the same on February 27, 2006, and recommended approval. The amendments were also considered by the city council’s Planning and Economic Development Committee on March 20, 2006.

D. The proposed amendments of CPA-2005-7 and CPZ-2005-4 are consistent with the standards of review for comprehensive plan amendments in section 12.02.050 and for zoning amendments in section 15.09.050(C) of the Kent City Code.

E. On January 25, 2006, the city provided the State of Washington the required sixty (60) day notification under RCW 36.70A.106 of the city’s proposed amendments. The sixty (60) day notice period has lapsed.

F. The City’s SEPA responsible official issued a Determination of Nonsignificance (DNS) (#ENV-2005-56(D)) for the proposed amendments on February 23, 2006.

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

ORDINANCE

SECTION 1. Amendment to Comprehensive Plan. The city of Kent Comprehensive Plan is amended to change the land use map designation from Mixed Use (MU) to Low Density Multifamily (LDMF) for a triangular shape piece of property approximately 0.30 acre in size and located along 1st Avenue South and SR-167. This property is a portion of King County Tax Parcel No. 1322049019, is depicted in the

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map attached and incorporated as Exhibit A, and is legally described in the attached and incorporated Exhibit A-1.

**SECTION 2.** - Amendment to Zoning Map. The city of Kent zoning map is amended to change the zoning district map designation from Limited Industrial (M2) to Garden Density (MR-G) for a triangular shape piece of property approximately 0.30 acre in size and located along 1st Avenue South and SR-167. This property is a portion of King County Tax Parcel No. 1322049019, is depicted in the map attached and incorporated as Exhibit B, and is legally described in the attached and incorporated Exhibit B-1.

**SECTION 3.** - 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 4.** - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after the date of passage as provided by law.

ATTEST:

Suzette Cooke, Mayor

Brenda Jacober, City Clerk

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

Comprehensive Plan & Zoning Amendments – Parcel #1322049019
PASSED:  4 day of April, 2006.
APPROVED:  4 day of April, 2006.
PUBLISHED:  8 day of April, 2006.

I hereby certify that this is a true copy of Ordinance No. 3795 passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

[Signature]
BRENDA JACOBER, CITY CLERK

Comprehensive Plan & Zoning Amendments – Parcel #1322049019
EXHIBIT A
PARCEL A:

CPA-2005-7/CPZ-2005-4
Zoning Change

Legend
- ZONING DISTRICT
- PARCEL #1322049019

Change From M2 To MR-G

KENT Planning Service December 2005
Scale 1:2500
LEGAL DESCRIPTION
EXHIBIT B-1

PARCEL A: