Ordinance No. 3797

(Amending or Repealing Ordinances)

CFN=131 - Zoning Codes
2005 Zoning Amendments
AN ORDINANCE of the city council of the city of Kent, Washington, amending the Kent Zoning Map to change the zoning designations as follows: (1) from Single Family, 6.05 unit per acre (SR-6), to Office-Mixed Use (O-MU), with conditions, for property located at 26046 116th Avenue Southeast (CPZ-2005-2); and (2) from Mobile Home Park (MHP) to General Commercial (GC) for property located at 509 Washington Avenue North (CPZ-2005-3).

RECITALS

A. Pursuant to the Washington Growth Management Act ("GMA"), the city of Kent accepts applications for comprehensive plan amendments once each year.

B. The city of Kent received applications to amend the comprehensive plan's land use map designations, and two (2) of those applications involve properties requesting corresponding area-wide amendments to the zoning map designation of parcels with the following addresses: (1) 26046 116th Avenue Southeast (CPZ-2005-2), and (2) 509 Washington Avenue North (CPZ-2005-3).

C. The city of Kent Land Use & Planning Board held a public hearing on the proposed zoning map amendments on February 27, 2006. The Planning and Economic Development Committee considered the applications at its meeting on March 20, 2006. The Committee made the following recommendations: amendment to Office-Mixed Use (O-MU) for CPZ-2005-2, with conditions; and amendment to General Commercial (GC) for CPZ-2005-3.
D. The proposed amendments are consistent with the standards of review for zoning amendments in section 15.09.050(C) of the Kent City Code.

E. On April 4, 2006, the Kent City Council made the following decisions on the zoning amendments:

1. For the property located at 26046 116th Avenue Southeast, approve a zoning designation amendment from Single Family, 6.05 units per acre (SR-6), to a zoning designation of Office-Mixed Use (O-MU), as depicted in the attached and incorporated Exhibit “A,” (CPZ-2005-2), with a condition requiring that ingress and egress to and from the property shall be limited to a right turn into the property and a right turn out of the property. This condition is imposed to alleviate impacts to the neighborhood that would otherwise result from the amended land use designation due to unique circumstances such as the nature of the development in the area and current traffic patterns; and

2. For the property located at 509 Washington Avenue North, approve a zoning designation amendment from Mobile Home Park (MHP) to a zoning designation of General Commercial (GC), as depicted in the attached and incorporated Exhibit “B,” (CPZ-2005-3).

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

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

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

ORDINANCE

SECTION 1. – Incorporation of Recitals. The preceding recitals are
SECTION 2. - Amendment. The city of Kent zoning map is amended to establish a new zoning map designation for the property located at 26046 116th Avenue Southeast, Kent, Washington, and legally described on the attached and incorporated Exhibit "A-1." The amendment is from a zoning designation of Single Family, 6.05 units per acre (SR-6), to a zoning designation of Office-Mixed Use (O-MU), as depicted in the attached and incorporated Exhibit "A," with the following condition: ingress and egress to and from the property shall be limited to a right turn into the property and a right turn out of the property.

SECTION 3. - Amendment. The city of Kent zoning map is amended to establish a new zoning map designation for the property located at 509 Washington Avenue North, Kent, Washington, and legally described on the attached and incorporated Exhibit "B-1." The amendment is from a zoning designation of Mobile Home Park (MHP) to a zoning designation of General Commercial (GC), as depicted in the map attached and incorporated as Exhibit "B."

SECTION 4. - 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 5. - Effective Date. This Ordinance shall take effect and be in force thirty (30) days from and after the date of passage and publication as provided by law.
APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: ___ day of April, 2006.
APPROVED: ___ day of April, 2006.
PUBLISHED: ___ day of April, 2006.

I hereby certify that this is a true copy of Ordinance No. 3797, 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 (SEAL)
BRENDA JACOBER, CITY CLERK

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2005 Zoning Amendments
EXHIBIT A
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 locations of any map features depicted therein. The City of Kent does not and shall not be held liable for any and all damage, loss, or liability, whether direct or indirect, or consequential, which arises from use of this product.

March 27, 2006
City of Kent
Planning Services Office
MILLENNIUM-KANGLEY PROJECT

COMPREHENSIVE PLAN AND ZONING MAP AMENDMENT FOR PARCEL No. 6756700050

LEGAL DESCRIPTION:

Lot 5, Phillip's Fairview Addition, according to the Plat thereof recorded in Volume 67 of Plats, Page 97, records of King County, Washington;

EXCEPT that portion of said Lot 5 deeded to the City of Kent, under King County Recording No. 20030513002723, described as follows;

Beginning at the Southwest corner of said Lot 5 and the East line of the right of way for 116th Avenue Southwest, being the true point of beginning;

THENCE Easterly along said South line for a distance of 21.50 feet;

THENCE North 00°28'42" a distance of 100.03 feet to the North line of said Lot 5;

THENCE Westerly along said North line a distance of 19.00 feet, more or less to the Northwest corner of said Lot 5 and the East line of said 116th Avenue Southeast right of way;

THENCE Southerly along said right of way to the true point of beginning.

Situate in the County of King, State of Washington.
EXHIBIT B
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 locations of any map features depicted therein. The City of Kent declines and shall not be held liable for any and all damage, loss or liability whether direct or indirect or consequential, which arises from use of this product.

March 27, 2006
City of Kent
Planning Services Office

Exhibit "B"
LEGAL DESCRIPTION:

PARCEL 543620 0481

LOT PORTION 25 SUPPLEMENTAL PLAT OF MEEKER’S FIRST ADDITION TO TOWN OF KENT N 161.70 FT OF S 225.85 FT EXC W 222.8 FT OF N 50.40 FT; & EXC E 5.00 FT CONVEYED TO CITY OF KENT BY DEED RECORDING NO 20020315001110