Ordinance No. 3843

(Amending or Repealing Ordinances)

CFN= 121 - Rezones
Passed - 6/5/2007
Devonshire Pointe Rezone

Recorder’s # 20070830002115
ORDINANCE NO. 3843

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to land use and zoning, specifically the rezoning of approximately 1.34 acres of property located at 9138 South 208th Street from SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-6 (Single-Family Residential, 6 units per acre). (Devonshire Pointe Rezone, RZ-2006-2).

RECATALS

A. An application was filed on January 24, 2006, to rezone approximately 1.34 acres of property located at 9138 South 208th Street from SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-6 (Single-Family Residential, 6 units per acre). (Devonshire Pointe Rezone, #RZ-2006-2).

B. The City's SEPA responsible official issued a Mitigated Determination of Nonsignificance (MDNS) (#ENV-2006-5) for the proposed rezone on April 4, 2007.

C. A public hearing on the rezone was held before the hearing examiner on May 2, 2007. On May 16, 2007, the hearing examiner issued findings and conclusions that the Devonshire Pointe Rezone is consistent with the city's 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 that 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.
D. Based on these findings and conclusions, the hearing examiner recommended approval of the Devonshire Pointe Rezone.

E. On June 5, 2007, the City Council determined that the hearing examiner’s findings and conclusions are consistent with sections 15.09.050(A)(3) and 15.09.050(C) of the Kent City Code. Council accepted the findings of the hearing examiner, and adopted the hearing examiner’s recommendation for approval of the Devonshire Pointe Rezone from SR-4.5 to SR-6.

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

ORDINANCE

SECTION 1. - Recitals Incorporated as Findings. The foregoing recitals, which are incorporated by this reference, constitute the council’s findings on this matter.

SECTION 2. - Rezone. The property located at 9138 South 208th Street in Kent, Washington consisting of approximately 1.34 acres depicted in Exhibit “A” (marked “Vicinity Map”), attached and incorporated by this reference, and legally described in Exhibit “B”, attached and incorporated by this reference, is rezoned from SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-6 (Single-Family Residential, 6 units per acre). The City of Kent zoning map shall be amended to reflect the rezone granted above.

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 five (5) days from and after its publication as provided by law.
I hereby certify that this is a true copy of Ordinance No. passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

PASSED: 5 day of June, 2007.

APPROVED: 13 day of June, 2007.


BRENDA JACOBER, CITY CLERK

BRENDA JACOBER, CITY CLERK

ATTEST:

SUZETTE COKE, MAYOR
APPLICATION NAME: DEVONSHIRE POINTE I
REQUEST: PRELIMINARY PLAT (SU-2006-16) AND REZONE (RZ-2006-2)
VICINITY AND SITE MAP
Real property in the County of King, State of Washington, described as follows:

Parcel A:

That portion of the Southeast quarter of the Southwest quarter of Section 6, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:

BEGINNING at a point on the East line of said Subdivision, which is North 00°42'23" East 511.05 feet from the Southeast corner thereof; thence North 89°53'05" West 279 feet to the TRUE POINT OF BEGINNING; thence North 00°42'23" East 158 feet; thence North 89°53'05" West 275.13 feet; thence North 01°35'05" West 460.08 feet; thence North 89°53'05" West to the East line of Primary State Highway No. 5, as conveyed to the State of Washington by Deeds 5295152 and 5378594; thence Southerly along the Easterly line to a point which bears North 89°53'05" West from the TRUE POINT OF BEGINNING; thence South 89°53'05" East to the TRUE POINT OF BEGINNING.

Parcel B:

An easement for Ingress and egress over a strip of land 30 feet wide, the South line which extends South 89°53'05" East 249 feet more or less from the TRUE POINT BEGINNING, as described herein aboved to the West line of County Road.

Tax Parcel Number: 062205908304

EXHIBIT "B"
WASHINGTON STATE COUNTY AUDITOR/RECORDE%'S COVER SHEET

Document Title: City of Kent Ordinance No. 3843 authorizing the rezoning of approximately 1.34 acres of property located at 9138 South 208th Street from Single Family Residential 4.5 units per acre to Single Family Residential 6 units per acre.

Reference Number(s): N/A

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

Grantee(s): The Public

Abbreviated Legal Description: Ptn. of STR 06-22-05, City of Kent, W.M., King County

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

Assessor’s Property Tax Parcel/Account Number(s): 0622059083

Project Name: Devonshire Pointe Rezone

Said document(s) were filed for record by Pacific Northwest Title as accommodation only. It has not been examined as to proper execution or as to its affect upon the title.