The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012.
ORDINANCE NO. 3853

AN ORDINANCE of the city council of the city of Kent, Washington, relating to land use and zoning, specifically the rezoning of approximately 5.7 acres of property located at 25213, 25401, and 25231 136th Avenue Southeast, from SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-6 (Single-Family Residential, 6 units per acre). (Cedar Pointe Rezone, #RZ-2006-1).

RECITALS

A. An application was filed on January 12, 2006, to rezone approximately 5.7 acres of property located at 25213, 25401 and 25231 136th Avenue Southeast, in Kent, Washington, from the current zoning of SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-6 (Single-Family Residential, 6 units per acre). (Cedar Pointe Rezone, #RZ-2006-1).

B. The city's SEPA responsible official issued a Mitigated Determination of Nonsignificance (MDNS) (#ENV-2005-68) for the proposed rezone on June 8, 2006.

C. A public hearing on the rezone was held before the hearing examiner on September 6, 2006. On September 20, 2006, the hearing examiner issued findings and conclusions that the Cedar 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. On October 17, 2006, the city council determined that the Cedar Pointe Rezone application was inconsistent with section 15.09.050(C)(2) of the Kent City Code and voted to deny the application. On November 7, 2006, the city council adopted Resolution No. 1737, officially denying the Cedar Pointe Rezone application.

E. On November 22, 2006, the applicant filed a Land Use Petition Appeal with King County Superior Court, Case No. 06-2-37166-6 KNT. A hearing was held on May 4, 2007, and on July 9, 2007, Superior Court Judge Laura C. Inveen issued an Order Granting Petitioners’ Land Use Petition and remanding to the city for purposes of reviewing the record and adopting finding and conclusions in accordance with Judge Inveen’s Order.

F. On August 7, 2007, the city council accepted the findings and conclusions of the hearing examiner and adopted the hearing examiner's recommendation for approval of the Cedar 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. - Incorporation of Recitals. The preceding recitals are incorporated herein.

SECTION 2. - Rezone. The property located at 25213, 25401 and 25231 136th Avenue Southeast, in Kent, Washington consisting of approximately 5.7 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.

Cedar Pointe Rezone
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.

Suzette Cooke
SUZETTE COOKE, MAYOR

ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

APPROVED: 7 day of August, 2007.

I hereby certify that this is a true copy of Ordinance No. 3853 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
APPLICATION NAME CEDAR POINTE
REQUEST: #RZ-2006-1 AND SU-2005-15
VICINITY AND SITE MAP
Beginning at a point in the east line of the southwest quarter of the southwest quarter of Section 22, Township 22 North, Range 5 East, W.M., which point is 432 feet north from the southeast corner of the said southwest quarter of the southwest quarter of said Section 22;
thence north along the said east line 558 feet;
thence west 404 feet;
thence south 498 feet,
thence east 177 feet,
thence south 60 feet,
thence east 227 feet to the beginning;
EXCEPT beginning 432 feet north of the southeast corner of the southwest quarter of the southwest quarter of Section 22, Township 22 North, Range 5 East, W.M., in King County, Washington;
thence north 22 feet;
thence west 227 feet;
thence south 22 feet;
thence east 227 feet to beginning;
EXCEPT beginning 492 feet north of a point 227 feet west of the southeast corner of the southwest quarter of the southwest quarter of Section 22, Township 22 North, Range 5 East, W.M., in King County, Washington,
thence north 24 feet;
thence west 177 feet;
thence south 24 feet;
thence east 177 feet to beginning.

and

EXHIBIT "B"
Page 1 of 2
The north 155 feet of the east 281 feet of the north half of the
northeast quarter of the southwest quarter of the southwest quarter
of Section 22, Township 22 North, Range 5 East, W.M., in King
County, Washington,

(ALSO KNOWN AS New Lot A as delineated on King County Boundary Lot
Adjustment No. L93L0041, recorded under King County Recording Number
9306021698).

EXHIBIT "B"
Page 2 of 2
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3853 authorizing the rezoning of approximately 5.7 acres of property located at 25213, 25401, and 25231 136th Avenue Southeast 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: Ptns. of STR 22-22-05, City of Kent, W.M., King County

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

Assessor’s Property Tax Parcel/Account Number(s): 222205-9018 and 222205-9052

Project Name: Cedar 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 title.