Ordinance No. 3854
(Amending or Repealing Ordinances)

CFN=121 - Rezones
Passed - 8/7/2007
Ellis Rezone

Recorder’s # 20070830002118

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. 3854

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to land use and zoning, specifically the rezoning of approximately 5.67 acres of property located at 12824 SE 256th Street from SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-6 (Single-Family Residential, 6 units per acre). (Ellis Rezone RZ-2006-11).

RECITALS

A. An application was filed on September 21, 2006, to rezone approximately 5.67 acres of property located at 12824 SE 256th Street from SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-6 (Single-Family Residential, 6 units per acre). (Ellis Rezone, #RZ-2006-11).

B. The City's SEPA responsible official issued a Mitigated Determination of Nonsignificance (MDNS) (#ENV-2006-73) for the proposed rezone on March 17, 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 Ellis 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. Based on
these findings and conclusions, the hearing examiner recommended approval of the Ellis Rezone.

D. On June 5, 2007, the City Council determined that the application was inconsistent with section 15.09.050(C) of the Kent City Code and voted to deny the application. On June 19, 2007, the City Council adopted Resolution No. 1767 officially denying the Ellis Rezone application.

E. On July 9, 2007, the applicant filed a Land Use Petition appeal with King County Superior Court, Case No. 07-2-22512-9 KNT. Council and the applicant desire to settle this litigation and as part of that settlement Council has agreed to review the record in this matter. Having done so, Council accepts the findings and conclusions of the hearing examiner and approves the Ellis rezone application amending the zoning 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 12824 SE 256th Street in Kent, Washington consisting of approximately 5.67 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.

SUSETTE COOKE, MAYOR

ATTEST:
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. 3854 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, CITY CLERK

Ellis Rezone
Zoning Map Amendment

Ellis Subdivision Rezone Legal Description

Parcel: #212205-9081, -9063 & -9064
Zoning: SR 4.5 to SR 6

PARCEL A:

WEST 330 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 22 NORTH, RANGE 5 EAST, W M, IN KING COUNTY, WASHINGTON,

EXCEPT THE SOUTH 30 FEET THEREOF CONVEYED TO KING COUNTY FOR ROAD PURPOSES RECORDED UNDER RECORDING NUMBER 2675541.

PARCEL B:


PARCEL C:


EXCEPT THE SOUTH 30 FEET THEREOF CONVEYED TO KING COUNTY FOR ROAD BY DEED RECORDED UNDER RECORDING NUMBER 2675541
WASHINGON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3854 authorizing the rezoning of approximately 5.67 acres of property located at 12824 SE 256th 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: 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): 212205-9063, and 212205-9064 and 212205-9081

Project Name: Ellis 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.