ORDINANCE NO. 4303

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to land use and zoning, specifically the rezoning of a 1-acre parcel located at 23901 108th Avenue SE, Kent, Washington from CC, Community Commercial zoning, to MR-T16, Multifamily Residential Townhouse zoning. (Kent Townhomes Rezone ZCA-2018-3, KIVA#RPP4-2183225).

RECITALS

A. An application to rezone one parcel totaling approximately 1 acre in size from the current zoning of CC, Community Commercial, to MR-T16 zoning, Multifamily Residential Townhouse, was filed on August 10, 2018, by Glenna Mahar of Jon Graves Architects and Planners, PLLC (Kent Townhomes Rezone ZCA-2018-3, KIVA#RPP4-2183225).

B. The SEPA Responsible Official determined that the rezone request was categorically exempt from SEPA review, based on her finding that the project meets the minor new construction exemption provided for in KCC 11.03.210, the project area is within an urban growth area, the rezone does not require a Comprehensive Plan amendment, and the Comprehensive Plan, most recently amended in 2015, previously underwent SEPA environmental review.

C. After the publication and giving of notice, a public hearing on the rezone was held before the Hearing Examiner on December 5, 2018. Following the public hearing, on December 18, 2018, the Hearing Examiner
issued his findings and conclusions that the Kent Townhomes Rezone is consistent with the City’s comprehensive plan, that the proposed rezone and any subsequent development would be compatible with the existing neighborhood, that the proposed rezone would not unduly burden the transportation system, that circumstances have changed substantially to warrant the proposed rezone, and that the proposed rezone would not adversely affect public health, safety and general welfare of the citizens of the city of Kent.

D. Based on these findings and conclusions, the Hearing Examiner recommended Council approve the Kent Townhomes Rezone.

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

**ORDINANCE**

**SECTION 1.** - Hearing Examiner’s Findings and Conclusions Adopted. The Hearing Examiner’s findings and conclusions pertaining to the Kent Townhomes Rezone issued on December 18, 2018, are consistent with sections 15.09.050(A)(3) and 15.09.050(C) of the Kent City Code. The findings of the hearing examiner are accepted, and the Kent City Council adopts the Hearing Examiner’s recommendation for approval of the Kent Townhomes Rezone of the 1-acre parcel from CC zoning (Community Commercial) to MRT-16 zoning (Multifamily Residential Townhouse).

**SECTION 2.** - Rezone. The property located at 23901 108th Avenue SE, Kent, Washington, consisting of approximately 1 acre of land as depicted in the attached and incorporated Exhibit “A,” and legally described in the attached and incorporated Exhibit “B,” is rezoned as follows:

King County tax parcel number 172205-9290 located in Kent, Washington, shall be rezoned from CC, Community Commercial
Commercial, to MRT-16, Multifamily Residential Townhouse.

The city of Kent zoning map shall be amended to reflect the rezone granted above.

SECTION 3. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 4. - Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and that remaining portion shall maintain its full force and effect.

SECTION 5. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage.

DANA RALPH, MAYOR

ATTEST:

KIMBERLEY A. KOMOTO, CITY CLERK

APPROVED AS TO FORM:

ARTHUR "PAT" FITZPATRICK, CITY ATTORNEY
Exhibit A

Kent Townhomes Rezone Site Map
Exhibit B

Kent Townhomes Rezone

Property Legal Description

LOT 3 OF KENT SPC 78-34 RECORDING NO 7812200838 SD PLAT DAF – E ½ OF SE ¼ OF SE ¼ OF SW ¼
LESS N 200 FT THOF LESS CO RDS