ORDINANCE NO. 4326

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to land use and zoning, specifically the rezoning of a 4.56-acre parcel located at 24426 Pacific Highway South, Kent, Washington from MHP, Mobile Home Park, to MTC-1, Midway Transit Community-1 and MCR, Midway Commercial/Residential (Midway Mobile Mansions Rezone RZ-2019-1, KIVA#RPP4-2190342).

RECITALS

A. An application to rezone one parcel totaling approximately 4.56 acres in size from the current zoning of MHP, Mobile Home Park, to MTC-1, Midway Transit Community-1 and MCR, Midway Commercial/Residential zoning, was filed on January 31, 2019, by Christina Dugoni of 1997 Midway Group L.P. (Midway Mobile Mansions Rezone RZ-2019-1, KIVA#RPP4-2190342).

B. The SEPA Responsible Official issued a Mitigated Determination of Nonsignificance for the proposed rezone on April 3, 2019, with one condition: If the mobile home park is sold or redeveloped for a use other than for mobile homes, the property owner shall submit a new relocation plan to the City of Kent in accordance with Kent City Code sections 12.05.320 and 12.05.330. The appeal period for this MDNS ended April 17, 2019. No appeals were received by the City.

C. Pursuant to RCW 36.70A.030, site-specific rezones authorized by a comprehensive plan are not considered development regulations and,
consequently, the proposal does not require notification to the state Department of Commerce.

D. After appropriate public notice, a public hearing on the rezone was held before the Hearing Examiner on May 1, 2019. Following the public hearing, on May 21, 2019, the Hearing Examiner issued his findings and conclusions that the Midway Mobile Mansions Rezone is consistent with the City’s comprehensive plan, that the proposed rezone and any subsequent development would be compatible with nearby land uses, that the proposed rezone would not unduly burden the transportation system, that circumstances have changed substantially to warrant the proposed rezone, and that, with conditions, the proposed rezone would not adversely affect the public health, safety and general welfare of the citizens of the City of Kent.

E. Based on these findings and conclusions, the Hearing Examiner recommended City Council approve the Midway Mobile Mansions 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 Midway Mobile Mansions Rezone issued on May 21, 2019, are consistent with the rezone standards and criteria of section 15.09.050(C) of the Kent City Code. The City Council hereby adopts the findings and conclusions of the Hearing Examiner, as well as the Hearing Examiner’s recommendation for approval of the Midway Mobile Mansions Rezone of the 4.56-acre parcel from MHP zoning (Mobile Home Park) to MTC-1 zoning
 SECTION 2. - Rezone. The property located at 24426 Pacific Highway South, Kent, Washington, consisting of approximately 4.56-acres 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 212204-9106 located in Kent, Washington, shall be rezoned from MHP, Mobile Home Park, to MTC-1, Midway Transit Community-1 for the westernmost 315 feet of the property, and MCR, Midway Commercial/ Residential for the remainder of the parcel. The zoning shall mirror the adjacent parcels to the north.

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 30 days from and after its passage.
June 4, 2019
Date Approved

ATTEST:

KIMBERLEY A. KOMOTO, CITY CLERK

June 4, 2019
Date Adopted

June 7, 2019
Date Published

APPROVED AS TO FORM:

ARTHUR "PAT" FITZPATRICK, CITY ATTORNEY

4 Midway Mobile Mansions Rezone
Exhibit A

Midway Mobile Mansions Rezone Site Map
Exhibit B

Midway Mobile Mansions Rezone

Legal Description

LEGAL DESCRIPTION


BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER:

THENCE S89°59'00"W ALONG THE SOUTHERLY LINE THEREOF, 250.00 FEET TO THE POINT OF BEGINNING;

THENCE N00°29'00"W PARALLEL WITH THE EASTERLY LINE OF SAID SUBDIVISION TO NORTH LINE OF SAID SUBDIVISION;

THENCE WEST ALONG SAID NORTH LINE, 400.00 FEET.

THENCE S00°29'00"E PARALLEL WITH THE EAST LINE OF SUBDIVISION TO POINT 100.001 FEET NORTH OF THE SOUTH LINE OF SAID SUBDIVISION;

THENCE S89°49'00"W PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, 677.983 FEET, MORE OR LESS, TO EASTERLY LINE OF STATE ROAD NO 1;

THENCE S08°52'33"W ALONG SAID EASTERLY LINE, 101.258 FEET TO THE INTERSECTION OF SAID EASTERLY LINE WITH SOUTH LINE OF SAID SUBDIVISION FROM WHICH POINT THE POINT OF BEGINNING BEARS N89°49'00"E;

THENCE N89°59'00"E ALONG SAID SOUTH LINE, 1094.42 FEET TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION THEREOF IN SAID BLOCK 18 THAT MAY LIE NORTH OF SOUTH LINE OF LOT 6 IN SAID BLOCK 18;

AND EXCEPT PORTION THEREOF CONVEYED TO THE CITY OF KENT BY DEED UNDER RECORDING NO 20050627002962.
STATE OF WASHINGTON, COUNTY OF KING }
AFFIDAVIT OF PUBLICATION
PUBLIC NOTICE
Polly Shepherd, being first duly sworn on oath that she is the
Publisher of the

Kent Reporter
a weekly newspaper, which newspaper is a legal newspaper of general
circulation and is now and has been for more than six months prior to the date
of publication hereinafter referred to, published in the English language
continuously as a weekly newspaper in King County, Washington. The
Kent Reporter has been approved as a Legal Newspaper by order of
the Superior Court of the State of Washington for King County.
The notice in the exact form annexed was published in regular issues of
the Kent Reporter (and not in supplement form) which was regularly
distributed to its subscribers during the below stated period. The annexed
notice, a:

Public Notice
was published on June 7th, 2019.
The full amount of the fee charged for said foregoing publication is the
sum of $157.17.

Polly Shepherd
Publisher, Kent Reporter
Subscribed and sworn to me this 7th day of June, 2019.

Gale Gwin, Notary Public for the State of Washington, Residing in
Covington, Washington