

ORDINANCE O-4488

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE; APPROVAL OF A PRELIMINARY (AND FINAL) PUD AND PRELIMINARY SUBDIVISION AS APPLIED FOR BY STEVE ANDERSON FOR THE PULTE GROUP IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. SUB14-01891 AND ZON14-01888; AND SETTING FORTH CONDITIONS OF APPROVAL.

WHEREAS, the Department of Planning and Community Development received an application, pursuant to Process IIB, for a Preliminary (and Final) Planned Unit Development ("PUD") and Preliminary Subdivision filed by Steve Anderson for the Pulte Group as Department of Planning and Community Development File No. SUB14-01891 and ZON14-01888 for a 48 lot development within a Single-Family Residential (RSA) 6 zone known as Marinwood ("Development"); and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, Kirkland Municipal Code Title 25, a concurrency application was submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice issued; and

WHEREAS, pursuant to the State Environmental Policy Act, chapter 43.21C RCW, and the Administrative Guidelines and local ordinance adopted to implement it, an environmental checklist was submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a determination of non-significance was issued; and

WHEREAS, the environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held hearing a hearing on June 22, 2015; and

WHEREAS, the Kirkland Hearing Examiner after her public hearing and consideration of the recommendations of the Department of Planning and Community Development adopted Findings, Conclusions and Recommendations and recommended approval of the Process IIB Permit subject to the specific conditions set forth in the recommendations; and

WHEREAS, the City Council, in regular meeting, considered the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner; and

WHEREAS, the Kirkland Zoning Ordinance requires approval of this application for a PUD to be made by ordinance.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner, as signed by her and filed in Department of Planning and Community Development File No. SUB14-01891 and ZON14-01888, a copy of which is attached to this ordinance as Exhibit A and incorporated by this reference, are adopted by the Kirkland City Council, with the following clarifications modifications:

A. Open Space Tracts B and D of the Development shall be open to public access and use. Appropriate signage shall be posted indicating that the open space is available for public use.

B. As part of the recording of the final plat for the Development, the applicant shall dedicate a public access and use easement over Open Space Tracts B and D.

C. Open Space Tracts B and D of the Development shall be maintained by the Development homeowner's association. The homeowner's association shall be responsible for any claims arising from use of Open Space Tracts B and D, subject to the protections of RCW 4.24.210, the Washington recreational immunity statute.

Section 2. The City Council approves the application for a preliminary and final PUD and a preliminary subdivision, subject to the conditions set forth in the Findings, Conclusions, and Recommendations and Section 1 of this ordinance including the following public benefits as outlined in the application submitted to the City: onsite public open space and associated improvements, offsite right-of-ways improvements and the installation of a Rectangular Rapid Flash Beacon (RRFB) cross walk.

Section 3. The Process IIB Permit shall be issued to the applicant subject to the conditions set forth in the Findings, Conclusions, and Recommendations adopted by the City Council and Section 1 of this ordinance.

Section 4. Nothing in this ordinance shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth in this ordinance.

Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process IIB Permit is subject shall be grounds for revocation in accordance with Ordinance No. 3719, as amended, the Kirkland Zoning Ordinance.

Section 6. This ordinance shall be in full force and effect five (5) days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the

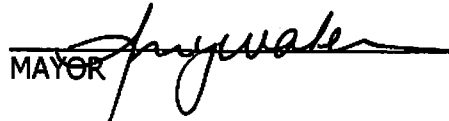
summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 7 A complete copy of this ordinance, including the Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

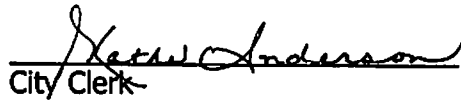
Section 8. A certified copy of this ordinance, together with the Findings, Conclusions, and Recommendations adopted by reference, shall be attached to and become a part of the Process IIB Permit provided to the permittee.

Passed by majority vote of the Kirkland City Council in open meeting this 3rd day of August, 2015.

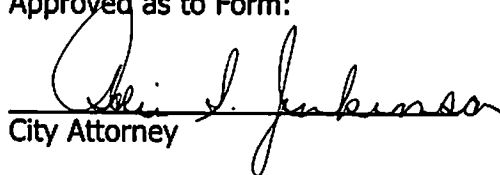
Signed in authentication thereof this 3rd day of August, 2015.

MAYOR 

Attest:


City Clerk

Approved as to Form:


City Attorney