

ORDINANCE NO. 2866

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND AMENDING THE ZONING MAP OF THE CITY OF KIRKLAND AS ADOPTED BY ORDINANCE NO. 2740.

WHEREAS, there has heretofore been filed with the City of Kirkland an application for amendment to the official Zoning Map of the City of Kirkland as adopted by Ordinance No. 2740; and

WHEREAS, the application has been submitted to the Kirkland Hearing Examiner who held public hearing thereon at their regular meeting on April 11, 1985; and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2830 concerning environmental policy and the State Environmental Policy Act, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached; and

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

WHEREAS, the Kirkland Hearing Examiner, after public hearings and consideration of the recommendations of the Department of Planning and Community Development, did adopt certain Findings, Conclusions and Recommendations, and did recommend approval of the proposed rezone; and

WHEREAS, thereafter the Kirkland City Council, in regular public meeting, did consider the report and recommendations of the Hearing Examiner.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Hearing Examiner as signed by him and filed in Department of Planning and Community Development File No. IIB-85-31 are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The real property within the City of Kirkland as shown on the attached map is hereby reclassified (rezoned) from CBD-A to CBD-B.

Section 3. The Director of the Department of Planning and Community Development is directed to amend the official Kirkland Zoning Map to conform with this Ordinance, indicating thereon the date of the adoption of this Ordinance and its identifying number. Copies of this Ordinance shall be filed with the Department of Planning and Community Development and the office of Director of Administration and Finance (ex officio City Clerk).

Section 4. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law, and upon compliance with all conditions imposed.

PASSED by the Kirkland City Council in regular meeting on the 6th day of May, 1985.

SIGNED IN AUTHENTICATION thereof on the 6th day of May, 1985.

Joris Cooper
MAYOR

ATTEST:

Tan J. Aderson
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:

Acting *Gail Bond*
City Attorney

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 6th day of May, 1985 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.

Janice Perry
Clerk

CBD-A

ALLEY

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

CBD-B

EXISTING BUILDING

LAKE ST. S.

CITY OF KIRKLAND

ZONING MAP

SCALE: 1" = 30'

DATE: 4-3-85

APPROVED BY:

A.E. GERST JR. PE

DRAWN BY CR.

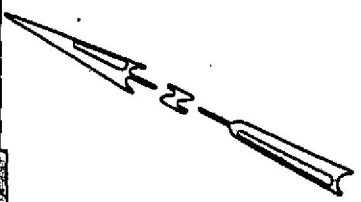
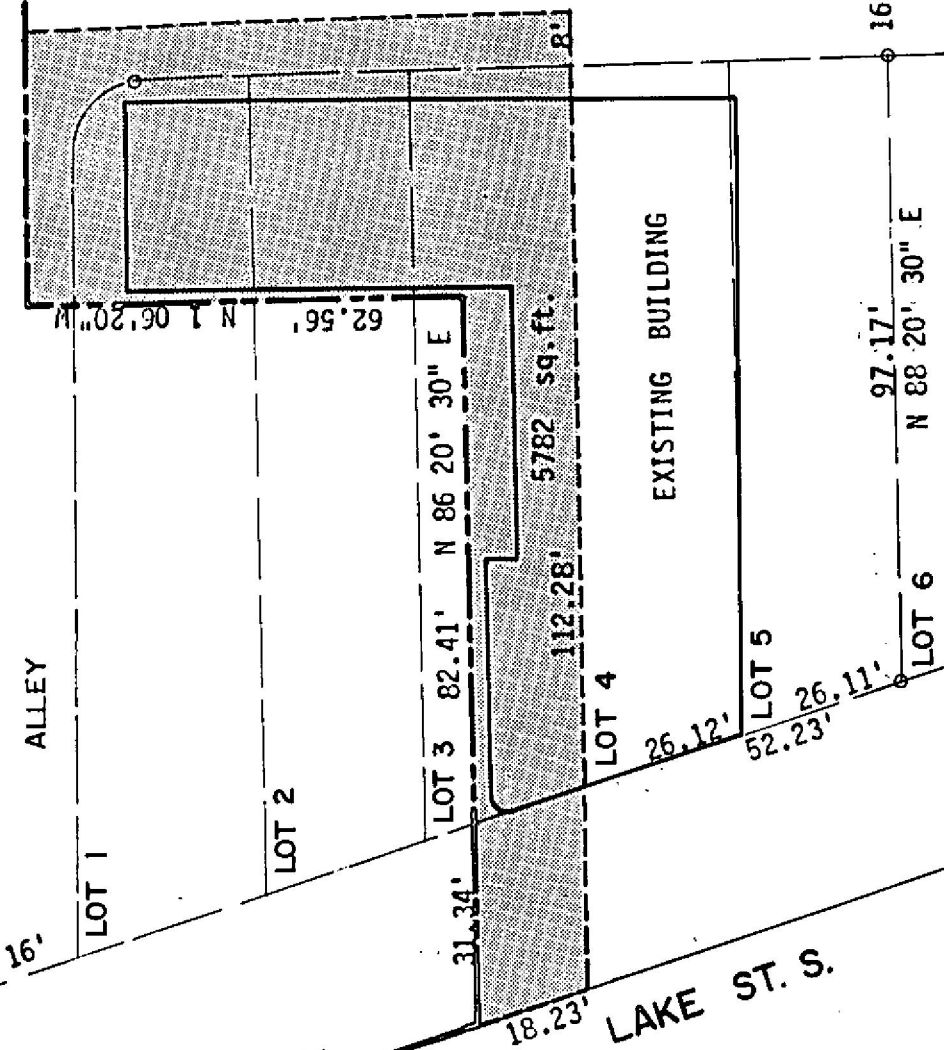
REVISED

PROPOSED CBD REZONE

DRAWING NUMBER

NEW ZONING BOUNDARY

REZONED AREA



CITY OF KIRKLAND
HEARING EXAMINER
FINDINGS, CONCLUSIONS AND
RECOMMENDATION

APPLICANT: City of Kirkland File No. IIB-85-31

APPLICATION:

1. This is a request for a quasi-judicial non-project rezone from CBD-A to CBD-B for an approximately 6,000 square foot parcel pursuant to Zoning Code Section 130.40 and Chapter 152.
2. The affected area is located south of Kirkland Avenue and east of Lake Street South, lying to the south and east of Hector's building and overlying the northerly portion of the Lakeside Cleaners building.
3. The main issue in this report is the consistency of the project with the criteria for a non-project rezone.

SUMMARY OF RECOMMENDATIONS:

Department of Planning and Community Development: Approve.

Hearing Examiner: Approve.

PUBLIC HEARING:

After reviewing the official file which included the Department of Planning and Community Development Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the City of Kirkland request was opened at 9:00 a.m., April 11, 1985, in the Council Chambers, City Hall, 123 Fifth Avenue, Kirkland, Washington, and was closed at 9:14 a.m. Participants at the public hearing and the exhibit offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Department of Planning and Community Development.

FINDINGS, CONCLUSIONS, AND RECOMMENDATION:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

I. FINDINGS:

The findings of fact recommended on pages 1 to 3 of the Department of Planning and Community Development Advisory Report (Hearing Examiner Exhibit A) are found by the Hearing Examiner to be supported by the evidence presented during the hearing, and by this reference are adopted as the Hearing Examiner's findings of fact. Copy of said report is attached hereto as Exhibit A.

II. CONCLUSIONS:

The conclusions recommended by the Department of Planning and Community Development as set forth on pages 3 to 5 of the Department's report accurately set forth the conclusions of the Hearing Examiner and by this reference, are adopted as the Hearing Examiner's conclusions. A copy of said report is attached hereto as Exhibit A.

III RECOMMENDATIONS:

Based upon the foregoing findings of fact and conclusions, approval of this application is recommended.

Work may not commence until the final decision of the City of Kirkland is issued by the City Council.

MINUTES OF THE APRIL 11, 1985, PUBLIC HEARING ON FILE NO. IIB-85-31: City of Kirkland Non-Project Rezone Request.

Ronald L. McConnell was the Hearing Examiner for this matter. Participating in the hearing were: Eric Shields, representing the Department of Planning and Community Development; and Greg Romanoff, a concerned citizen.

The following exhibit was offered and entered into the record:

- A. Department of Planning and Community Development Advisory Report.

PARTIES OF RECORD:

Department of Planning and Community Development
City Hall, 123 Fifth Avenue
Kirkland, WA 98033

Greg Romanoff
310 - 10th Avenue West
Kirkland, WA 98033

Hearing Examiner's
Findings, Conclusions, Recommendation
City of Kirkland, File No. IIB-85-31
Page 3 of 4

Ronald L. McConnell

Ronald L. McConnell
Hearing Examiner

Entered this 15th day of April, 1985, per authority granted by Section 152.40, Code. This recommendation is final unless a request for reconsideration is filed within four (4) days as specified below.

REQUEST FOR RECONSIDERATION

Under Section 152.70, Ordinance 2740, the Zoning Code, the applicant and others who submitted written or oral comments to the Hearing Examiner may request that the Hearing Examiner reconsider any aspects of his/her recommendation. The request for reconsideration must be in the form of a letter and must be delivered to the Planning Department within four (4) working days of the issuance of the Hearing Examiner's written recommendation.

CHALLENGE

Under Section 152.80 of the Zoning Code, the Hearing Examiner's recommendation may be challenged by the applicant and others who submitted written or oral comments to the Hearing Examiner. The challenge must be in the form of a letter and must be delivered to the Planning Department prior to the beginning of the meeting at which the City Council first considers the application or to the Planning Official at the beginning of that meeting.

JUDICIAL REVIEW

Under Section 152.105 of the Zoning Code, the action of the City in granting or denying this application may be reviewed in the King County Superior Court. The petition for review must be filed within 30 days of the final decision of the City.

JURISDICTION OF THE HOUGHTON COMMUNITY COUNCIL

If this application is within the disapproval jurisdiction of the Houghton Community Council, and if this application is approved by the City Council, that approval is not effective until:

- 1) A majority of the entire membership of the Houghton Community Council votes to approve it; or
- 2) The Houghton Community Council fails to disapprove it within the sixty (60) calendar days after the City Council adopts the ordinance or resolution granting the application.

LAPSE OF APPROVAL

Under Section 152.110.1 of the Zoning Code, the applicant must begin the development activity, use of land, or other actions approved under this Chapter, within one year after the final decision on the matter or the decision becomes void. Application and appeal procedures for a time extension are described in Section 152.110.2 and 152.110.3.

9466B/164A/RM:br