

ORDINANCE NO. 2926

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELATING TO LAND USE, AND APPROVAL OF A PRELIMINARY AND FINAL PUD AS APPLIED FOR BY EUGENE HATCH IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. IIB-85-94 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process IIB, for a Planned Unit Development (PUD) filed by Eugene Hatch as Department of Planning and Community Development File No. IIB-85-94 to construct a 12-unit condominium and retain one detached unit within a PM 3.6 zone.

WHEREAS, the application has been submitted to the Hearing Examiner who held hearing thereon at his regular meeting of October 24, 1985, and

WHEREAS, the Hearing Examiner Pro Tem's recommendation for denial was received by the City Council on January 6, 1986 and a challenge of said recommendation was found to have merit by the City Council at their meeting of January 20, 1986, and

WHEREAS, the City Council remanded to the Hearing Examiner for subsequent hearing with a scope limited to determining if the public benefit criteria of Chapter 125 of the Zoning Code are satisfied, and

WHEREAS, Eugene Hatch subsequently revised his project proposal, including deletion of the detached unit, in order to address the public benefit criteria of Chapter 125 of the Zoning Code, and the revised drawings were analyzed by the advisory report of the Department of Planning and Community Development dated April 11, 1986 and these materials were presented to the Hearing Examiner at the remand hearing on April 17, 1986, and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C and the Administrative Guideline and local ordinance adopted to implement it, 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 with conditions reached; and

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

WHEREAS, the Hearing Examiner, after his public hearing of April 17, 1986 and consideration of the recommendations of the Department of Planning and Community Development, and having available to him all of the materials of the Hearing

Examiner Pro Tem's October 24, 1986 record, including the report recommending denial, as well as the environmental checklist and negative determination, did make certain Findings, Conclusions and Recommendations, and did recommend to the City Council approval of the proposed development pursuant to Chapters 125 and 130 of Ordinance 2740, as amended; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner, as well as a timely filed challenge of said recommendations, and

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

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

Section 1. With respect to the issue of the project's compliance with the public benefit criteria of Chapter 125 of the Zoning Code, the Findings, Conclusions and Recommendations of the Hearing Examiner as signed by him on May 1, 1986 and filed in the Department of Planning and Community Development File No. IIB-85-94 are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. With respect to all other issues, the Findings, Conclusions and Recommendations of the Department of Planning and Community Development as signed by the Director thereof on October 17, 1985 and filed in File No. IIB-85-94 are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 3. After completion of final review of the PUD, as established in Sections 125.76 through 125.85 (inclusive) of the Kirkland Zoning Code, Ordinance 2740, as amended, the Process IIB Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

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

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. 2740, as amended, the Kirkland Zoning Ordinance.

Section 6. 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.

Section 7. A certified copy of this Ordinance, together with the Findings, Conclusions and Recommendations herein adopted shall be attached to and become a part of the Process IIB Permit or evidence thereof delivered to the permittee.

Section 8. Certified or conformed copies of this Ordinance shall be delivered to the following:

- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Departments of the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 16th day of June, 1986.

SIGNED IN AUTHENTICATION thereof this 16th day of June, 1986.



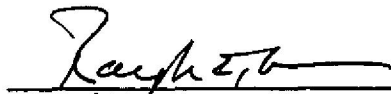
Mayor

Attest:



Director of Administration & Finance
(ex officio City Clerk)

Approved as to Form:



City Attorney

