

ORDINANCE NO. 3241

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF A PRELIMINARY PUD AS APPLIED FOR BY RAY MERRIWETHER IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. IIB-88-12 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 Preliminary and Final Planned Unit Development (PUD) filed by Ray Merriwether as Department of Planning and Community Development File No. IIB-88-12 to construct a multifamily project within an RM 5.0 zone; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held hearing thereon at his regular meetings of September 14, 1990 and October 11, 1990; 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 was 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 through the entire review process; and

WHEREAS, the Kirkland Hearing Examiner, after his public hearing 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 Process IIB Permit subject to the specific conditions set forth in said recommendations; 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 two timely filed challenges of said recommendation; 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. The Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner, as signed by him, and filed in the Department of Planning and Community Development File No. IIB-88-12 are adopted by the Kirkland City Council as though fully set forth herein with the exception of recommended condition 6.c and 6.e which are not adopted.

Section 2. After completion of final review of the PUD, as established in Sections 125.50 through 125.75 (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, together with the following new condition 6.c to read as follows:

Plans for the proposed building shall indicate that there is a sloping roof as indicated on Exhibits EE and FF. These plans shall indicate that no heating, ventilating, or air conditioning units, or other elements of the building, with the exception of elevators and antennas for radio and television reception, shall be above the roofline or visible from any of the adjacent streets surrounding the proposed project. Further, the exterior surfaces of the proposed project shall be brick, stucco, wood siding, or other materials that are of a residential character and help to reduce the visual mass of the building.

Section 3. 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 herein.

Section 4. 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 5. Notwithstanding any recommendations heretofore given by the Houghton Community Council, the subject matter of this ordinance and the permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, this ordinance shall become effective only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this resolution.

Section 6. Except as provided in Section 5, this ordinance shall be in full force and effect five (5) days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.010.

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 City Clerk of the City of Kirkland.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 20th day of DECEMBER, 1990.

SIGNED IN AUTHENTICATION THEREOF on this 20th - day of DECEMBER, 1990.

Kandy Barton
 Mayor

Attest:

[Signature]
 City Clerk

Approved as to Form:

[Signature]
 City Attorney