

ORDINANCE NO. 3556

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF A PRELIMINARY AND FINAL PUD AS APPLIED FOR BY HAROLD STORM OF WESTLUND DEVELOPMENT IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. S-IIB-95-39 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 Harold Storm of Westlund Development as Department of Planning and Community Development File No. S-IIB-95-39 to construct 15 zero-lot-line townhomes within an RSX 7.2 zone; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held hearing thereon at his regular meeting of September 12, 1996; 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 a timely filed challenge of said recommendations; and

WHEREAS, the City Council determined that the aforementioned challenge has merit; 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 and filed in the Department of Planning and Community Development File No. S-IIB-95-39 are adopted by the Kirkland City Council as though fully set forth herein, except as follows:

Conclusion II.D.13.b(2), paragraphs 1 and 2, of the Department of Community Development Advisory Report shall be revised to read:

Most of the potentially adverse impacts or undesirable effects of the proposal will be either mitigated by measures identified during the SEPA review process or balanced by the benefits incorporated into the proposal. However, although impacts to the wetland and its buffer have been mitigated by conditions imposed through the SEPA review process, such mitigation is intended to only reduce or eliminate impacts, not satisfy the more stringent PUD requirement that those impacts be clearly outweighed by project benefits (Zoning Code Section 125.35, PUD criteria 2). In the case of this proposal, the proposed wetland fill and buffer reduction are not clearly outweighed by project benefits. To satisfy this criteria, project benefits can be increased or impacts can be reduced.

In addition to the proposed wetland buffer enhancement, the preservation of more than two-thirds of the site in a natural state, and the preservation of upland areas in the central and southeast portions of the site, SEPA conditions require a minimum buffer width of 20' and an average width of 25', plus other measures which will preserve water quality and proper on-site and downstream functioning of the wetland. In order to satisfy the PUD criteria that project impacts are clearly outweighed by its benefits, the impacts to the wetland and its buffer should be reduced. This should be achieved by increasing the wetland buffer to a minimum width of 30' and an average width of 35'. As part of a building permit application, the applicant should submit a revised site plan which reflects a wetland buffer meeting these dimensions. Prior to recording the final plat, the plat mylar should be revised to reflect the increased buffer width.

Conclusion II.D.13.b(2), paragraph 4, of the Department of Community Development Advisory Report shall be revised to read:

In addition, the proposed end elevations of the structures indicate little architectural interest. This will produce a blank wall image adjacent to Slater Avenue NE, which the proposed landscape buffer will only partially offset. Additional architectural interest should

be provided. Treatment should include one or more of the following: Additional windows, building modulation, and/or architectural detailing. As part of a building permit application, the applicant should submit revised building elevations to the Department of Planning and Community Development for review and approval which incorporate one or more of these elements.

Hearing Examiner recommendation C.5.g shall be revised to read:

- g. Submit revised architectural building elevations for consideration and approval of the Planning Director. The elevations shall include treatment of the west building elevations which minimize the apparent density and mass of the structures, and add visual interest to the buildings when viewed from the adjacent public right-of-way. Treatment shall include one or more of the following: Additional windows, building modulation, and/or architectural detailing.

A new recommendation C.5.f.iii shall be added to read:

- iii. Revise the site plan to provide a wetland buffer between the proposed development and the wetland, along the entire wetland boundary. The width of the buffer shall be a minimum of 30', with an average width of at least 35'.

A new recommendation C.3.p shall be added to read:

- p. Revise the plat mylar to provide a wetland buffer between the proposed development and the wetland, along the entire wetland boundary. The width of the buffer shall be a minimum of 30', with an average width of at least 35'.

Section 2. 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 3. 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 4. 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 1.09.010.

Section 5. A complete copy of this ordinance, including 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.

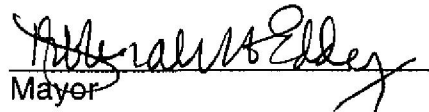
Section 6. A certified copy of this ordinance, together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the Process IIB Permit or evidence thereof delivered to the permittee.

Section 7. Certified or conformed copies of this ordinance shall be delivered to the following:

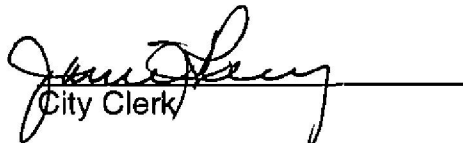
- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Departments of the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) The City Clerk for the City of Kirkland.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 19th day of November, 1996.

SIGNED IN AUTHENTICATION THEREOF on this 19th day of November, 1996.


Mayor

Attest:


City Clerk

Approved as to Form:


City Attorney

WOR95-39.APR/LA:cm