

ORDINANCE NO. 3567

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF A PRELIMINARY AND FINAL PUD AND PROCESS IIB PERMIT AS APPLIED FOR BY GREG SEILER OF MADISON HOMES IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. IIB-95-109 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 Greg Seiler of Madison Homes as Department of Planning and Community Development File No. IIB-95-109 to construct an 81 detached multifamily development within an RM 5.0 zone; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held hearing thereon at a special night meeting on November 6, 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; 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 found in the Department of Planning and Community Development File No. IIB-95-109 are adopted by the Kirkland City Council as though fully set forth herein, except as follows:

Conclusion II.D.10.b.2), paragraph 2 of the Department of Community Development Advisory Report shall be revised to read:

The impacts from the proposed modification to not provide large recreational spaces is not offset by the proposed public benefits. The lack of adequate recreation space is a tangible, physical impact to the neighborhood parks in the area by increasing their use more than normal. Due to the density of the project, the applicant should either provide all of the common recreational open space on site, or, as an alternative, 50% of the required recreational space shall be provided on site with the remaining balance met through the "In-Lieu Park Open Space Fund" at \$350 per unit.

Hearing Examiner recommendation C.4. shall be revised to read:

4. The PUD modification to the required common recreational open space is not approved. The applicant shall either provide the required recreational open space as outlined in the Zoning Code, Section 20.10.b. or, as an alternative, provide 50% of the required recreational space on site with the remaining balance met through the "In-Lieu Park Open Space Fund" at \$350 per unit.

A new recommendation C.7.b.7) shall be added to read:

- 7) Increase the size of the proposed common recreational space areas to provide at least 50% of the required recreational space on site if the "In-Lieu Park Open Space Fund" option is chosen, or provide 100% of the required recreational space on site.

Hearing Examiner recommendation C.8.i. shall be revised to read:

- i. Provide all the required recreational open space on site meeting the dimensional standards of Section 20.10.b., or provide 50% of the required recreational space on site and pay into the "In-Lieu Park Open Space Fund" for the remaining balance at \$350 per unit.

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.

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. 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 6. 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 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 for the City of Kirkland.

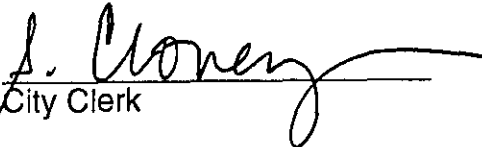
PASSED by majority vote of the Kirkland City Council in regular, open meeting this 17th day of December, 1996.

SIGNED IN AUTHENTICATION THEREOF on this 17th day of December, 1996.




Mayor

Attest:



Deputy City Clerk

Approved as to Form:



City Attorney

WCR95-109.MAY/12-5-96/TS:cm