

ORDINANCE NO. 3582*

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF A PRELIMINARY PUD AND MASTER PLAN AMENDMENT AS APPLIED FOR BY RESIDENCE XII IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. IIB-95-145 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 Planned Unit Development (PUD) filed by Residence XII as Department of Planning and Community Development File No. IIB-95-145 to construct a convalescent center within a PLA 10B zone and amend the Kirkland 405 Corporate Center Master Plan originally approved under Resolution R-3322; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held hearing thereon at his regular meeting of March 3, 1997; 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 as signed by him and filed in the Department of Planning and Community Development File No. IIB-95-145 are adopted by the Kirkland City Council as though fully set forth herein, except as modified below:

Recommendation C.4 is modified to read: "The proposed wetland buffer reduction from 50 feet to an average of 35 feet as shown in Enclosure 3 (plans dated April 29, 1997) ~~25 feet~~ is approved (see Conclusion II.D.5). The proposed swale in the wetland along the north side of the property is not required and is therefore, not approved (see Exhibit A, Conclusion II.D.9)."

Recommendation C.5.a is modified to read: "The proposed bark path, benches and interpretive sign moved outside of the ~~25-foot~~ wetland buffer (see Exhibit A, Conclusion II.D.5).

Finding A.1 is modified to read: "The findings of fact recommended on pages 5 to 19 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 part of the Hearing Examiner's findings of fact except as modified below:

Finding II.D.5.a.(1), Conclusion II.D.5.b.(1) and Conclusion II.D.5.b.(2) are modified by changing "25 foot buffer" to "average 35 foot buffer."

A copy of said report is available in the Department of Planning and Community Development."

Conclusion B.1 is modified to read: The conclusions recommended by the Department of Planning and Community Development, as set forth on pages 6 to 20 of the Department's Advisory Report (Exhibit A), accurately set forth the conclusions of the Hearing Examiner and, by this reference, are adopted as part of the Hearing Examiner's conclusions except as modified below:

Conclusion II.D.5.b.(1) and Conclusion II.D.5.b.(2) are modified by changing "25 foot buffer" to "average 35 foot buffer."

A copy of said report is available in the Department of Planning and Community Development.

The City Council does not adopt Conclusion B.4.

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.

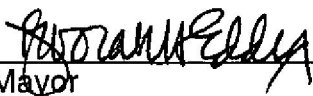
Section 8. Certified or conformed copies of this ordinance shall be delivered to the following:

- (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.

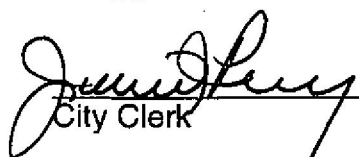
PASSED by majority vote of the Kirkland City Council in regular, open meeting this 6th day of May, 1997.

SIGNED IN AUTHENTICATION THEREOF on this 6th day of May, 1997.




Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

WOR95-145.APR/SG:cm