

ORDINANCE NO. 3718

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVING A PRELIMINARY AND FINAL PUD AS APPLIED FOR BY SERENA CONSTRUCTION, LLC IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. S-PD-99-30 AND SETTING FORTH CONDITIONS OF 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 Serena Construction, LLC as Department of Planning and Community Development File No. S-PD-99-30 to construct a 17-lot single-family residential plat within an RM 3.6 zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice issued; 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, the environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner, who held a hearing at his regular meeting of November 10, 1999; 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 the 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, the City Council of the City of Kirkland do ordain 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. S-PD-99-30 are adopted by the Kirkland City Council as though fully set forth within this ordinance.

Section 2. The Process IIB Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations adopted by the City Council in this ordinance.

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 within this ordinance.

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 the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code).

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 adopted by this ordinance, shall be attached to and become a part of the Process IIB Permit to be delivered to the applicant.

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 7th day of December, 1999.


SIGNED IN AUTHENTICATION THEREOF on this 7th day of December, 1999.


Mayor

Attest:

Approved as to Form:


City Clerk


City Attorney