

RESOLUTION NO. R-2279

A RESOLUTION OF THE KIRKLAND CITY COUNCIL ESTABLISHING A PUBLIC HEARING DATE TO CONSIDER MODIFICATION OR, IN THE ALTERNATIVE, REVOCATION OF UNCLASSIFIED USE PERMIT NO. 74-9(P) HERETOFORE ISSUED TO ROBERT L. DAVIS (DEVON LEE CORPORATION) BY RESOLUTION NOS. R-2220 and R-2251.

WHEREAS, pursuant to Chapter 23.30, Kirkland Zoning Ordinance No. 2183, the City Council by Resolution No. R-2220 and Resolution No. R-2251 did grant Unclassified Use Permit 74-9(P) to Robert L. Davis (Devon Lee Corporation) subject to certain conditions therein specified, and

WHEREAS, Section 3 of Resolution No. R-2251, provides:

"Failure on the part of the holder of the Unclassified Use Permit to initially meet or maintain in strict compliance with said standards and conditions, shall be grounds for a revocation in accordance with Section 23.30.100 of Ordinance 2183, the Kirkland Zoning Ordinance." and

WHEREAS, Section 23.30.100 of Ordinance No. 2183 provides in part as follows:

"Revocation of Permits: The City Council after a recommendation from the Planning Commission may revoke or modify any Unclassified Use Permit. Such revocation or modification shall be made on any one or more of the following grounds:

". . .(4) That the permit granted is being exercised contrary to the terms or conditions of such approval, or in violation of any statute, resolution, code, law or regulation; . . .

"Before an Unclassified Use Permit may be revoked or modified, a public hearing shall be held. Procedures concerning notice, reporting and appeals shall be the same as required by this Ordinance for the initial consideration of an Unclassified Use Permit application." and

WHEREAS, the Department of Community Development and the Kirkland Planning Commission have reported to the City Council failure on the part of the permittee as to the following conditions:

"(2.B.) That the landscaping requirements for all lots shall conform to landscaping requirements under the BN Zone (Section 23.40.070, Ordinance 2183): Specifically this requires a 12 foot deep landscaping area.

"5. No impervious surfaces such as asphalt or concrete shall be allowed which would tend to increase runoff, except asphalt paving should be provided from Kirkland Way to the site to the interior loop road. All hard surfacing shall be of a type of material that will minimize runoff, maximize water infiltration into the ground to minimize the necessity of additional storm drainage facilities. Upon construction of the proposed building, the applicant shall be required to install a water retention system that will handle all runoff from the roof.

"11. A maximum of 12 parking spaces for guests and employees will be provided . . . Parking spaces shall be numbered and labeled for guests, employees and motor homes.

"12. A landscape plan and revised site development plan shall be submitted incorporating the above conditions and approved by the Planning Commission prior to the building permit being issued.

"14. A waste material handling, storage and disposal plan shall be incorporated into the landscape plan." and

WHEREAS, the permittee has submitted to the Department of Community Development and the Planning Commission an alternative plan and following said submittal, the Planning Commission did recommend to the City Council:

"1. That Mr. Davis (the permittee) have a licensed professional provide to the Planning Commission for review and recommendation to the City Council a new site plan which is consistent with the spirit, intent and letter of the original plan and conditions of approval.

"2. That Mr. Davis (the permittee) be required to install all plantings within the landscaping setback of 12 feet along the east, north and west property lines as originally required.

"3. That the actions, as specified above, be completed and a temporary certificate of occupancy issued within 90 days of the City Council's action after which, if said conditions are not met, the Unclassified Use Permit and temporary certificate of occupancy shall be revoked and said use terminated."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. April 7, 1975 is hereby set and established as the date for public hearing before the City Council pursuant to Section 23.30.100 to consider the recommendation of the Planning Commission that Unclassified Use Permit No. UUP-74-9(P) heretofore issued to Robert L. Davis (Devon Lee Corporation) be thereupon forthwith revoked, unless the permittee prior to said hearing has meet the following requirements:

A. The permittee submit to the Planning Commission for review and recommendation to the City Council, a new site plan prepared by a licensed professional which is consistent with the spirit, intent and letter of the original plan and the specific conditions of approval as adopted by Council Resolution Nos. R-2220 and R-2251.

B. That the permittee install all plantings within the landscaping setback of 12 feet along the east, north and west property lines as originally required.

C. That said requirements be completed and a certificate of occupancy issued to the permittee within 90 days of the date of adoption of this Resolution.

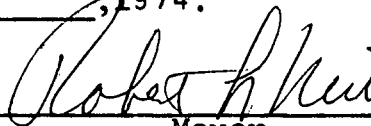
Section 2. Not less than ten days prior to the hearing date established in Section 1 above, the Department of Community Development shall submit to the Planning Commission, to the permittee and to the City Council, a detailed statement as to the permittee's progress in meeting the requirements set forth in Section 1 above. Not less than five days prior to said hearing date, the Planning Commission shall submit to the Department of Community Development, the permittee and the

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City Council on the basis of said detailed statement, their recommendation as to whether Unclassified Use Permit No. 74-9(P) should be modified or revoked and the use permitted pursuant to said permit terminated.

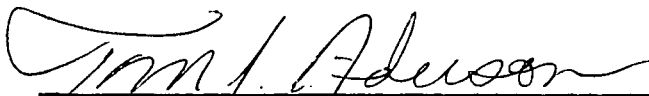
Section 3. A certified copy of this Resolution shall be mailed by certified mail with return receipt to the permittee at his address as it appears in Department of Community Development File No. UUP-74-9(P). Conformed copies of this Resolution shall be filed with the Department of Community Development, and in the Kirkland Planning Commission.

ADOPTED in regular meeting of the Kirkland City Council on the 16th day of December, 1974.



Mayor

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)

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