

RESOLUTION NO. 2741

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE RENEWAL OF AN EXISTING UNCLASSIFIED USE PERMIT APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. UUP-79-30(P), BY TOTEM LAKE ASSOCIATES TO OPERATE THE MADISON HOUSE DINING FACILITIES AS A RESTAURANT, AND AMENDING CERTAIN CONDITIONS TO WHICH THE UNCLASSIFIED USE PERMIT IS SUBJECT.

WHEREAS, City of Kirkland Resolution No. R-2624 required that the Unclassified Use Permit issued to Totem Lake Associates under File No. UUP-79-30(P) be reviewed after a one year period, and

WHEREAS, the Department of Community Development and the Kirkland Planning Commission have reviewed this permit, and the Planning Commission has conducted a public hearing thereon at their regular meeting of June 19, 1980, and

WHEREAS, the Planning Commission after their public hearing and consideration of the recommendations of the Department of Community Development, has recommended renewal of the Unclassified Use Permit and deletion of the annual review requirement (condition No. 5 in the Notice of Approval) based on satisfactory performance of the conditions of approval.

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

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in Department of Community Development File No. UUP-79-30(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Unclassified Use Permit Renewal shall be issued subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. A certified copy of this Resolution together with the Findings, Conclusions and Recommendations will be attached to and become part of the Unclassified Use Permit or evidence thereof delivered to the permittee.

Section 4. Nothing in this Resolution 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 as set forth in this Resolution.

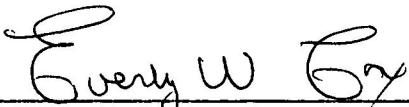
Section 5. Failure on the part of the holder of the Unclassified Use Permit to meet and maintain strict compliance with the standards and conditions to which the Unclassified Use Permit is subject are grounds for revocation of that permit in accordance with Section 23.30.100 of Ordinance 2183, as amended, the Kirkland Zoning Ordinance.

Section 6. Certified or conformed copies of this Resolution will be delivered to the following:

1. Applicant
2. Department of Community Development of the City of Kirkland
3. Fire and Building Department of the City of Kirkland.
4. Public Service Department of the City of Kirkland.
5. Office of the Director of Administration and Finance of the City of Kirkland (ex officio City Clerk).

PASSED BY A MAJORITY VOTE of the Kirkland City Council in regular meeting on the 7th day of July, 1980.

SIGNED IN AUTHENTICATION THEREOF on the 7th day of July, 1980.

  
\_\_\_\_\_  
Mayor pro tem

ATTEST:

  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

2117A

SUMMARY:

Willis McClarty has applied for a renewal of the Madison House Unclassified Use Permit, File No. UUP-79-30(P). The Unclassified Use Permit was granted on June 4, 1979. One condition of that approval stated "This permit shall be for a one-year period at which time it shall be reviewed by the Department of Community Development and Planning Commission."

The major issue of this review is compliance with established conditions of approval.

II. RECOMMENDATIONS:

Based on the Statements of Fact, Conclusions and Exhibits "A" through "D" we recommend that this application for Unclassified Use Permit be approved subject to conditions 1-4 established June 4, 1979 and to the following condition:

That Condition No. 5, which requires a one-year review, be deleted.

III. COMPLIANCE WITH THE CONDITIONS OF APPROVAL

1. Statements of Fact

a. Conditions established in the Unclassified Use Permit approval on June 4, 1979 are

- (1) The occupant load of the dining room shall remain at 99 persons.
- (2) The serving of liquor shall be incidental to other dining occurring in the dining room.
- (3) No additional signing shall be allowed to the exterior of the building.
- (4) The facility will not be available for use by the general public after 5 p.m.
- (5) This permit shall be for a one-year period at which time it shall be reviewed by the Department of Community Development and Planning Commission.

b. The Department of Community Development has received no complaints regarding Madison House in the past year.

- c. A field inspection on June 13 found the conditions being met.
- d. Permit renewals require administrative time, expense, and increase the workload.
- e. The Kirkland Zoning Ordinance, Chapter 23.30.100 provides for the revocation of Unclassified Use Permits.

23.30.100 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.

## 2. Conclusions.

- a. The Department of Community Development has received no complaints regarding Madison House in the past year. All conditions of approval have continuously been met
- b. It is not necessary to require an annual review of the Permit. Annual review of the permit will be an unnecessary burden on the City as the applicant has demonstrated a willingness to meet all the conditions of approval. In addition, the City does have the authorization to recall the Unclassified Use Permit if these conditions are not met at any time.

## III. APPENDICES

- Exhibit "A" - Letter from applicant
- Exhibit "B" - Vicinity Map
- Exhibit "C" - Site Plan
- Exhibit "D" - UUP-79-30(P) Notice of Approval

6/19/80  
2151A/bk