

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A DEVELOPMENT PROPOSAL SUBMITTED UNDER THE QUASI-JUDICIAL PROJECT REZONE PROVISIONS OF CHAPTER 130 OF THE KIRKLAND ZONING CODE, ORDINANCE 2740, AS AMENDED, AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. IIB-85-94 BY EUGENE HATCH TO ALLOW CONSTRUCTION OF 12 CONDOMINIUM UNITS AND RETENTION OF ONE DETACHED UNIT AND SETTING FORTH CONDITIONS TO WHICH SUCH DEVELOPMENT PROPOSAL SHALL BE SUBJECT AND SETTING FORTH THE INTENTION OF THE CITY COUNCIL TO, UPON APPROVED COMPLETION OF SAID DEVELOPMENT, REZONE THE PROPERTY FROM RS 8.5 TO RM 3.6

WHEREAS, the Department of Planning and Community Development has received an application filed by Eugene Hatch as owner of the property described in said application requesting a permit to develop said property in accordance with the Quasi-Judicial Project Rezone procedure established in Chapter 130 of Ordinance 2740, as amended; and

WHEREAS, said property is located within a RS 8.5 zone and the proposed development is a permitted use within the RM 3.6 zone; and

WHEREAS, the application has been submitted to the Hearing Examiner Pro Tem who held a public hearing thereon at his regular meeting of October 24, 1985; and

WHEREAS, the Hearing Examiner Pro Tem's recommendation for denial was received by the City Council on January 6, 1986 and a challenge of said recommendation was found to have merit by the City Council at their meeting of January 20, 1986, and

WHEREAS, the City Council remanded to the Hearing Examiner for subsequent hearing with a scope limited to determining of the public benefit criteria of Chapter 125 of the Zoning Code are satisfied, and

WHEREAS, Eugene Hatch subsequently revised his project proposal, including deletion of the detached unit, in order to address the public benefit criteria of Chapter 125 of the Zoning Code, and the revised drawings were analyzed by the advisory report of the Department of Planning and Community Development dated April 11, 1986 and these materials were presented to the Hearing Examiner at the remand hearing on April 17, 1986, 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 has been 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 Hearing Examiner, after his public hearing of April 17, 1986 and consideration of the recommendations of the Department of Planning and Community Development, and having available to him all of the materials of the Hearing Examiner Pro Tem's October 24, 1985 record, including the report recommending denial, as well as the environmental checklist and negative determination, did make certain Findings, Conclusions and Recommendations, and did recommend to the City Council approval of the proposed development pursuant to Chapters 125 and 130 of Ordinance 2740, as amended; 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, as well as a timely filed challenge of said recommendation.

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

Section 1. The Findings, Conclusions and Recommendations of the Department of Planning and Community Development as signed by the Director thereof on October 17, 1985 and filed in the Department of Planning and Community Development File No. IIB-85-94 are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. A Development Permit, pursuant to the Quasi-Judicial Project Rezone procedure of Chapter 130 of Ordinance 2740, as amended, shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. The City Council approves in principle the request for reclassification from RS 8.5 to RM 3.6, pursuant to the provisions of Chapter 23.130 of Ordinance 2740, as amended, and the Council shall, by ordinance, effect such reclassification upon being advised that all of the conditions, stipulations, limitations, and requirements contained in this Resolution, including those adopted by reference, have been met; provided, however, that the applicant must begin the development activity, use of land or other actions approved by this Resolution within one year from the date of enactment of this Resolution, or the decision becomes void.

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 the proposed development project, other than as expressly set forth herein.

Section 4. Failure on the part of the holder of the development permit to initially meet or maintain strict compliance with the standards and conditions to which the development permit and the intent to rezone is subject shall be grounds for revocation in accordance with Ordinance 2740, as amended, the Kirkland Zoning Ordinance.

Section 5. A certified copy of this Resolution together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the development permit or evidence thereof, delivered to the permittee.

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

- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Department for the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland

PASSED by majority vote of the Kirkland City Council in regular, open meeting on the 16th day of June, 1986.

SIGNED IN AUTHENTICATION THEREOF on the 16th day of June, 1986.

Tonis Cooper
Mayor

ATTEST:

[Signature]
Director of Administration and Finance
(ex officio City Clerk)