

RESOLUTION NO. R-3335

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-86-78 BY ~~JAMES AND WILLIAM PIERRE, DUANE LEACH, AND DON CARLTON~~ TO AMEND FILE IIB-85-113 TO DEVELOP AN AUTOMOBILE SALES AND SERVICE CENTER 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 7.2 AND PR 1.8 TO BC.

WHEREAS, the Department of Planning and Community Development has received an application filed by James and William Pierre, Duane Leach, and Don Carlton as owners 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 7.2 and PR 1.8 zone and the proposed development is a permitted use within the BC zone; and

WHEREAS, the application has been submitted to the Hearing Examiner who held a public hearing thereon at his special meeting of September 25, 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 and consideration of the recommendations of the Department of Planning and Community Development, did adopt certain Findings, Conclusions and Recommendations, and did recommend to the City Council approval of the proposed development and the major modification to File IIB-85-113 pursuant to Chapter 130 of Ordinance 2740, as amended, all subject to the specific conditions set forth in said recommendation; 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 Hearing Examiner as signed by him and filed in the Department of Planning and Community Development File No. IIB-86-78 are hereby adopted by the Kirkland City Council as though fully set forth herein, except for Conclusion III.D.5.

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 together with the following conditions:

- a. The applicant shall include such off-site improvements, as deemed necessary by the City Engineer, to convey the surface run-off from subject property to the north and west rather than to the north and east.
- b. The property owner be further required to accept responsibility for the continuous maintenance and management of the drainage course, located within the easterly and northerly boundaries of the subject property referred to in this resolution, in a functional and aesthetic manner.

Section 3. The City Council approves in principle the request for modification to File IIB-85-113, pursuant to the provisions of Chapter 23.130 of Ordinance 2740, as amended, and the Council shall, by ordinance, effect such reclassification from RS 7.2 and PR 1.8 to BC 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 5. 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 6. 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 7. 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 8th day of December, 1986.

SIGNED IN AUTHENTICATION THEREOF on the 8th day of December, 1986.

Doris Cooper

 Mayor

ATTEST:

Janice Perry

 DEPUTY
 CLERK
 Director of Administration and Finance
 (ex officio City Clerk)