

RESOLUTION NO R-3793

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-91-67 BY RICK UTT OF MITHUN PARTNERS ON BEHALF OF SAFEWAY, INC TO DEVELOP A SUPERMARKET, A 6,000 SQUARE FOOT ONE-STORY RETAIL/OFFICE BUILDING AND ASSOCIATED PARKING, 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 PO AND RS 72 TO BC

WHEREAS, the Department of Planning and Community Development has received an application filed by Rick Utt as agent of 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 PO and RS 72 zones 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 regular meeting of November 12, 1992, 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 Quasi-Judicial Project Rezone 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-91-67 are hereby adopted by the Kirkland City Council as though fully set forth herein, together with an additional conclusion of the City Council that the traffic information contained in the record supports a requirement that all delivery trucks shall exit the site onto 124th Avenue N E, traffic flow will thereby be enhanced. The City Council further adopts as an additional condition of approval the following. All delivery trucks shall exit the site onto 124th Avenue N E.

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 PO and RS 72 to BC, 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 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) 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 February, 1993

SIGNED IN AUTHENTICATION THEREOF on the 16th day of February, 1993



Mayor

ATTEST



City Clerk

RES91-67 MAR/PD cw