

RESOLUTION NO. R- 3885

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-93 102 BY EDI LINARDIC FOR DAVID SWANSON OF KIRKLAND NISSAN-SUBARU TO CONSTRUCT AN AUTOMOBILE DEALERSHIP (NO SERVICE OR PART SALES) AND TO RELOCATE A CLASS C STREAM 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 (SINGLE-FAMILY RESIDENTIAL 7,200 SQUARE FEET) TO BC (COMMUNITY BUSINESS ZONE).

WHEREAS, the Department of Planning and Community Development has received an application filed by Edi Linardic for Gerald Munro 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 7.2 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 regular meeting of May 12, 1994; 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 Hearing Examiner inadvertently omitted certain recommendations in the Findings, Conclusions, and Recommendations which he did adopt; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the report of the Hearing Examiner.

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-92-103 are hereby adopted by the Kirkland City Council as though fully set forth herein, together with the following previously omitted recommendations:

1. As part of the application for a building permit, the applicant shall:
 - a. Construct a temporary but immovable 4-foot-high sturdy fence generally corresponding to the drip line of each tree to be retained on site (see exhibit A, Conclusion II.D.3.b.).
 - b. Submit plans for installing the following half-street improvement in the NE 85th Street right-of-way bordering the subject property, to be approved by the Department of Public Works:

NE 85th Street: Curb, gutter, landscape strip, with a minimum width of 6 feet, adjacent to the curb with street trees planted 30 feet on center; and a sidewalk with a minimum width of 7 feet, which can meander as necessary to save trees which have been designed for retention (see Exhibit A, Conclusion II.D.10.b.).
2. Prior to occupancy, the applicant shall:
 - a. Complete all site improvements indicated on the site plan approved by the Department of Planning and Community Development at the time of application for a Building Permit (see Exhibit A, Conclusion II.D.1.b.).
 - b. Submit for approval by the Department of Planning and Community Development a signed and notarized agreement, as set forth in Attachment 9, to maintain the landscaping within the NE 85th Street and 124th Avenue NE rights-of-way to be recorded with the King County Records and Elections Division (see Exhibit A, Conclusion II.D.9.b.).
 - c. Install a fully-operational permanent storm water control system (see Exhibit A, Conclusion II.D.5.b.).

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 7.2 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.

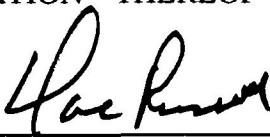
Section 6. A certified copy of this Resolution together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the development permit or evidence thereof, delivered to the permittee.

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

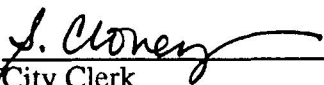
PASSED by majority vote of the Kirkland City Council in regular, open meeting on the 5th day of July, 19 94.

SIGNED IN AUTHENTICATION THEREOF on the 5th day of July, 19 94.



 Mayor

ATTEST:



 Deputy City Clerk

NIS-RES.MAY/TS:cw