

RESOLUTION NO. R- 4560

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 3719, AS AMENDED, AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON04-00025 BY ROBERT KETTERLIN TO REDUCE THE SIZE OF THE HISTORIC OVERLAY THAT ENCOMPASSES THE ENTIRE SHUMWAY MANSION PROPERTY TO A SMALLER AREA AROUND THE MANSION CONSISTENT WITH THE BOUNDARY OF LOT 1 OF THE SHUMWAY 10 SHORT PLAT, 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 LOT 2 FROM RS 8.5 (HL) TO RS 8.5.

WHEREAS, the Department of Planning and Community Development has received an application filed by Robert Ketterlin as applicant for the 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 the Kirkland Zoning Code ("KZC"); and

WHEREAS, said property is located within a RS 8.5 (HL) zone and the proposed development is a permitted use within the RS 8.5 (HL) and RS 8.5 zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official and was determined that concurrency was not a requirement of the project; 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, who issued a determination of non-significance on this action; and

WHEREAS, said environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the application has been submitted to the Hearing Examiner who held a public hearing thereon at a regular meeting on February 2, 2006; and

WHEREAS, the Hearing Examiner, after the 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 the KZC, 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 any 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 her and filed in the Department of Planning and Community Development File No. ZON04-00025 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 the KZC, 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 (HL) to RS 8.5 for Lot 2 of the Shumway 10 short plat, pursuant to the provisions of Section 130.55 of the KZC, 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 four years 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.

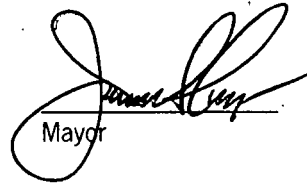
Section 5. Failure on the part of the holder of the development permit to initially meet or maintain strict compliance with the standards and conditions to which the development permit and the intent to rezone is subject shall be grounds for revocation in accordance with the KZC.

Section 6. A complete copy of this resolution, including Findings, Conclusions and Recommendations adapted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

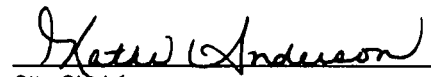
Section 7. A certified copy of this resolution together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the development permit.

PASSED by majority vote of the Kirkland City Council in open meeting on the 7th day of March, 2006.

SIGNED IN AUTHENTICATION THEREOF on the 7th day of March, 2006.


Mayor

ATTEST:


City Clerk

Approved as to Form:

City Attorney