



CITY OF KIRKLAND

Planning and Community Development Department
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MEMORANDUM

To: David Ramsay, City Manager

From: Eric Shields, Planning Director
Angela Ruggeri, Senior Planner

Date: September 7, 2006

Subject: Public hearing to extend the interim ordinance regulating uses in a study area within a PR 3.6 zone in the Market Neighborhood, File No. MIS05-00032

RECOMMENDATION

Hold public hearing to receive testimony on extending the interim ordinance as amended. Determine if the interim ordinance should be renewed for another six-month period. The ordinance would have the effect of:

- Allowing attached and detached residential development in the study area; but
- Not allowing commercial development, assisted living facilities, convalescent centers, nursing homes or stacked residential development in the study area.

BACKGROUND DISCUSSION

The Council adopted Ordinance No. 4039 in February of 2006. This ordinance was the first renewal of the previous interim ordinance as amended. The interim ordinance applies to the PR zone at 1230 and 1250 4th Street West. It allows detached or attached dwelling units, but suspends stacked dwelling units, commercial uses, assisted living facilities and convalescent centers or nursing homes in the designated area while the Market Neighborhood Plan is being studied. The owner has received approval to build a duplex and a single family home on the two properties in accordance with the interim ordinance.

Attachment: E-mail from property owner, Bill Anspach dated 8/24/06

-----Original Message-----

From: Bill Anspach [<mailto:banspach@mindspring.com>]

Sent: Thursday, August 24, 2006 9:18 PM

To: Angela Ruggeri

Subject: FW: Anspach Zoning Study Declaration

August 24, 2006

To: Angela Ruggeri
From: Bill Anspach
Re: Zone change study recommendation for
Property at 1230/1250 4th St. West

Dear Angela,

It's been almost two years since I received notification that the City of Kirkland was considering a down zone for the subject property from PR 3.6 to RS 7.2 zone.

I am not going to recite the history of what has taken place relating to this study as this is of record but encourage you to bring closure to this matter now rather than at the end of the year.

I know that the interim ordinance extension period is about to expire and rather than go through another extension I ask that the staff draft a resolution that declares the 'study' is complete and that the final recommendation of staff, planning commission and legal council is to accept the PR 3.6 zoning and drop this matter from further study.

I trust that a motion will be made at the next council meeting so that the interim ordinance becomes void and the zoning remains PR 3.6.

Many thanks for your assistance.

Kindest regards,

Bill Anspach

ORDINANCE NO. 4059

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE SECOND RENEWAL OF THE INTERIM ORDINANCE AS AMENDED REGULATING USES IN A STUDY AREA WITHIN A PR 3.6 ZONE IN THE MARKET NEIGHBORHOOD UNDER CHAPTER 25 OF THE KIRKLAND ZONING CODE.

WHEREAS, the City has the authority to adopt interim zoning regulation ordinances pursuant to RCW 35A.63.220 and 36.70A.390; and

WHEREAS, the City is undertaking an update of the Market Neighborhood Plan to be completed in December 2006; and

WHEREAS, on August 2, 2005 the City determined that a study was needed to determine whether certain areas adjacent to Market Street should be rezoned; and

WHEREAS, one of those areas designated for study is located at 1230 and 1250 4th Street West ("the Study Area") and is currently zoned PR 3.6, which allows for certain uses; and

WHEREAS, the City would like to conduct further study to determine what is the appropriate zoning designation for the Study Area; and

WHEREAS, the City Council would like to insure that potentially inappropriate use of the Study Area does not occur before this Market Neighborhood Plan update can be completed and a decision made as to the appropriate zoning designation for the Study Area; and

WHEREAS, the Kirkland City Council at its September 6, 2005 Council meeting determined that there is a need for an interim zoning ordinance to modify the allowed uses in a study area within a PR 3.6 zone in the Market Neighborhood and adopted an interim zoning ordinance at said meeting by Ordinance No. 4006; and

WHEREAS, the Kirkland City Council at its November 15, 2005 Council meeting determined that Ordinance No. 4006 should be amended by Ordinance No. 4021 to allow detached and attached dwelling units in the study area; and

WHEREAS, the Kirkland City Council at its February 21, 2006 Council meeting extended the interim zoning ordinance as amended for an additional six month period by Ordinance No. 4039; and

WHEREAS, the Kirkland City Council desires to extend the interim zoning ordinance as amended for an additional six month period; and

WHEREAS, pursuant to RCW 35A.63.220 and 36.70A.390, a public hearing was held prior to the adoption of this Ordinance.

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

Section 1. The Kirkland City Council makes the following findings:

- a. The purpose and intent of this Ordinance is to set forth an interim regulation temporarily suspending certain uses in the Study Area.
- b. The City of Kirkland Zoning Code currently allows certain activity in PR 3.6 zones that may not be appropriate in the Study Area.
- c. The City of Kirkland is diligently conducting a Market Neighborhood Plan update to determine the appropriate zoning classification for the Study Area.
- d. Until this Market Neighborhood Plan update is completed, and a decision made as to the appropriate zoning designation for the Study Area, there is a need for an interim ordinance that would suspend these potentially inappropriate uses in the Study Area.

Section 2. Prohibition of Certain Development in the Study Area.

To prevent the development of a potentially inappropriate use in the Study Area until a Market Neighborhood Plan Update can be completed to determine the appropriate zone designation, the uses authorized in a PR 3.6 zone under KZC 25.10.020, with the exception of detached and attached dwelling units, and the uses authorized in a PR 3.6 zone under KZC 25.10.30 through 25.10.070 and 25.10.110 and 25.10.120 are hereby temporarily suspended and disallowed in the Study Area. All other uses allowed in a PR 3.6 zone as authorized by KZC 25.10 remain available for use in the Study Area.

Section 3. Section 3 of Ordinance 4006 as amended is amended to renew its effect as an interim zoning ordinance for an additional six months. The interim zoning ordinance thereafter may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 5. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2006.

Signed in authentication thereof this ____ day of _____, 2006.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney