

Repealed by 3481

ORDINANCE NO. 2469

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING ORDINANCE NO. 2346 AND ADOPTING A COMPREHENSIVE PLAN AMENDMENT TO REDESIGNATE ALL THOSE PROPERTIES WITHIN THE BOUNDS OF 120TH AVENUE N.E., THE SOUTHERLY CITY LIMITS, THE RIGHT-OF-WAY OF INTERSTATE 405 AND APPROXIMATELY N.E. 83RD STREET FROM CURRENT LAND USE DESIGNATIONS OF RESIDENTIAL AT 10 TO 14 DWELLING UNITS PER ACRE, PROFESSIONAL OFFICE, AND SINGLE FAMILY USES TO PLANNED ARE 13 WITH NORTHERN, AND SOUTHERN SECTORS IDENTIFIED AS "A" AND "B" RESPECTIVELY. IN SECTOR "A" THE LIMITED EXPANSION OF EXISTING COMMERCIAL USE IS PERMITTED AS WELL AS RESIDENTIAL AT 10 TO 14 DWELLING UNITS PER ACRE AND PROFESSIONAL OFFICE; IN SECTOR "B" RESIDENTIAL AND OFFICE USES ARE PERMITTED AS IN SECTOR "A". SPECIAL REVIEW PROCEDURES AND STANDARDS ARE DESCRIBED FOR COMMERCIAL USES IN SECTOR "A" AS WELL AS ANY OF THE PERMITTED USES IN SECTORS "A" OR "B".

WHEREAS, there was filed with the City of Kirkland an application for amendment to the Land Use Policies Plan as it relates to a portion of the area of Kirkland lying Southeast of and adjacent to the N.E. 85th Interchange with I-405; and

WHEREAS, the Department of Community Development for the City of Kirkland, acting pursuant to Section 5 of Ordinance 2346, enlarged the proposal for Comprehensive Plan (Land Use Policies Plan) amendment to include consideration of a larger area as well as a map to describe a proposed Planned Area 13, special review procedures, and development criteria to be recommended for consideration by the Kirkland Planning Commission at their meeting on May 17, 1979; and

WHEREAS, thereafter, the Planning Commission transmitted to the City Council a recommendation that Planned Area 13 be adopted as an amendment to the Land Use Policies Plan; and

WHEREAS, thereafter, the City Council referred the recommendation of the Planning Commission back to the Planning Commission for further consideration based upon an appeal by the original applicant; and

WHEREAS, in making such referral back to the Planning Commission, the City Council requested the Planning Commission to consider a different configuration for Planned Area 13, leaving outside of said Planned Area the lands currently zoned BC-Community Business; and

WHEREAS, thereafter, the Planning Commission and the Department of Community Development conducted further planning studies, including public meetings and two additional public hearings held on August 16 and September 10, 1979; and

WHEREAS, the Planning Commission then recommended to the City Council a proposed amendment to the Land Use Policies Plan which expanded Planned Area 13 to extend Westerly to I-405 and clarified the development standards and procedures that were appropriate and exempted certain commercial uses in the Northern portion of the area fronting on N.E. 85th Street, but did not recommend exclusion from the proposed Planned Area 13 of the area zoned BC; and

WHEREAS, thereafter, the City Council, on September 20, 1979, received said Planning Commission report, as well as a purported appeal for reconsideration by the original applicant, and having considered the same did, at their meeting of October 1, 1979, determine to hold their own public hearing on the matter and set said hearing for January 21, 1980; and

WHEREAS, the Kirkland City Council did hold said public hearing on January 21, 1980; and

WHEREAS, an environmental checklist was previously prepared and amended and a final declaration of non-significance was made by the responsible official, pursuant to the requirements of the Environmental Policy Act (RCW 43.21C; WAC Chapter 197-10) and Kirkland Ordinance No. 2319; and

WHEREAS, said environmental information and final declaration accompanied said proposals and recommendations and was available to be considered by the Kirkland Planning Commission and by the Kirkland City Council during the entire study, review and consideration processes.

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

Section 1. Pages 298 and 299 of the text of the Land Use Policies Plan adopted by Ordinance No. 2346 shall be amended as follows:

PLANNED AREA 13

Planned Area 13
is described

~~Description of existing conditions in the south east quadrant of the Interchange~~

The land in the southeast quadrant of the Interchange is bound on the north by NE 85th Street, on the east by 120th Avenue NE, on the south by the City Limits and on the west by Interstate 405. That portion of this southeast quadrant which lies roughly south of NE 83rd Street is designated as Planned Area 13. It is comprised of a northern sector, which lies immediately to the south of the existing auto dealership and a southern sector which lies to the south and includes lands west of 118th Ave. NE. These sectors have distinct use opportunities, access considerations and development standards. The northern and southern sectors are illustrated on Figure 23C as "A" and "B" respectively, within Planned Area 13. An auto dealership fronts directly onto NE 85th Street while the rest of the quadrant is mostly undeveloped. This quadrant is similar to the quadrant north of NE 85th Street in certain respects such as its qualities of access from I-405 and NE 85th Street.

Existing Conditions
are described

The southeast quadrant now contains an auto dealership fronting onto NE 85th Street while that portion of the quadrant within Planned Area 13 is either undeveloped or in single family homes.

However, there are differences regarding topography, views, soil conditions, vegetation and existing adjacent uses. Unlike the northeast quadrant, this area is not visible from the parts of I-405 that would enable a motorist to exit onto NE 85th Street. There are no soil or hydrologic constraints on development in this area. From this area, there is a spectacular view of the Lake, Seattle and the Olympics beyond. This area is adjacent to established single family areas, a church, a high school and a cemetery.

Planned Area 13 is different due to topography, views, soil conditions, vegetation and existing adjacent land use. Unlike the commercially designated lands along NE 85th Street, the Planned Area is not accessible and directly impacted by NE 85th Street and I-405. There are no soil or hydrological conditions to constrain development in Planned Area 13. Also, from this area there is a spectacular view of the Lake, Seattle and the Olympics beyond. This area is adjacent to established single family areas, a church, a high school and a cemetery.

Office and multi-family All things considered, the most appropriate residential uses permitted in the southeast quadrant subject to standards. Interchange are offices or multi-family residential. The best balance between seizing site opportunities and not creating negative impacts on the surrounding uses is afforded by these two activity types. In any case, special design precautions will be necessary in order to minimize the impact of traffic, noise, signs, lighting and other factors to insure compatibility with adjacent uses. Development of multi-family residential would require adequate measures to protect residents from freeway noise.

Density should be at medium (10 to 14 dwelling units per acre) due to existing nearby homes and limited access from NE 85th. Standards discussed on pages 294 to 297 shall apply to development proposals for this quadrant.

future-traffic-capacities-on-NE-85th-Street-should-be-considered-when-reviewing-development-proposals-for-the-northeast-and-south-east-quadrants.

Northern (A) Sector is described

The northern sector lies immediately south of the existing auto dealership and reaches from 118th Ave. NE to 120th Ave. NE (see Figure 23C). The sector of Planned Area 13 does not enjoy visual and vehicular access to NE 85th St. and I-405 and thus, it is inappropriate for new commercial uses to locate in this sector.

Permitted uses in northern sector are described. Limited expansion of existing commercial use permitted subject to special review procedures and standards.

The limited and controlled expansion of established commercial uses into this sector from the land to the north is appropriate. Such expansion of established commercial use should only be done subject to special review procedures and the following development standards:

1. New structures or uses should be compatible and comparable in scale with professional offices and multi-family dwelling units. Where necessary in order to moderate the visual bulk of new structures, or in order to lessen potential noise impacts from commercial uses, consideration should be given to re-contouring the earth and depressing the structures.
2. New structures with commercial uses should be set back from east and south property lines by a larger than normal dimension. Generally, the setback should be at least twice the maximum elevation of the proposed structure.
3. New structures or uses should be substantially buffered from nearby residential uses. Such buffering shall consist of an earthen berm to be a minimum of 20 feet wide and 5 feet high at the center. Said berm shall include fencing, trees and shrubbery in sufficient size, number and spacing to achieve a reasonable obstruction of views of the subject property. In the alternative, an equal or superior buffering technique may be proposed.
4. Noise generated should not exceed adopted City standards.

5. No commercial vehicular access should be permitted directly onto 118th Ave. NE or 120th Ave. NE where those streets abut the northern sector of the Planned Area.
6. No free-standing or back-lit signs should be permitted facing onto 118th Ave. NE or 120th Ave. NE.

Professional office and multi-family uses also permitted in northern sector subject to special review procedures and standards.

Other uses permitted in the northern sector of Planned Area 13 are professional offices or multi-family residential at a density of 10 to 14 dwelling units per acre. These uses should be subject to special review procedures and the following development standards:

1. Clustering of structures and stacking of units is permitted to a maximum of three stories.
2. New office or residential structures should be set back from the east and south property lines by a distance at least equal to maximum elevation of the proposed structure.
3. Substantial buffering shall be provided including a fence 6 feet high or earthen berm 5 feet high within a landscaped area at least 15 feet wide. In the alternative, equal or superior buffering techniques may be proposed.
4. Noise generated should not exceed adopted City standards.

Southern (B) sector is described. Permitted uses are professional office and multi-family subject to special review procedures and standards.

The southern sector of Planned Area 13 lies to the south of the northern sector and reaches from the I-405 right-of-way on the west to 120th Ave. NE on the east (see Figure 23C). The southern sector does not have the visual and vehicular access of the northern sector and it also shares greater adjacency to single family areas than does the northern sector. Accordingly, office and multi-family uses at a density of 10 to 14 dwelling units per acre are appropriate for the southern sector of Planned Area 13. However, neither new commercial uses nor the expansion of existing commercial uses should be permitted.

Special review procedures and standards are described.

Any development in the southern sector should be subject to special review procedures and the following standards:

1. Clustering of structures and stacking of units is permitted to a maximum of three stories.
2. New office or residential structures should be set back from the east and south property lines by a distance at least equal to the maximum elevation of the proposed structure.
3. Substantial buffering shall be provided including a fence 6 feet high within a landscaped area at least 15 feet wide. In the alternative, equal or superior buffering techniques may be proposed.
4. Noise generated should not exceed adopted City standards.

Section 2. The map in the Land Use Policies Plan (Figure 23) shall be amended to conform to the designations in Attachment "A" attached hereto. A new map (Figure 23C) shall be added as shown in Attachment "B".

Section 3. In support of the amendment to the Land Use Policies Plan (Comprehensive Plan) set forth in Sections 1 and 2 above, the City Council hereby sets forth the following legislative findings and conclusions:

- a) The findings and conclusions of the Planning Commission as set forth in its report and recommendation to the City Council, dated September 20, 1979, are adopted by reference, except for the following findings and conclusions which are not so adopted
- ...

Conclusion II.A.2a on pages 3 and 4.

Conclusion II.A.2c on page 4.

The first sentence on page 6, being a part of Conclusion II.B.2.

The second paragraph of Conclusion II.D.2a on page 8.

The second sentence of the first paragraph and all of the second paragraph of Conclusion II.D.2b on Page 8.

The last sentence of Conclusion II.F.2 on pages 10 and 11.

- b) The City Council further finds and concludes as follows:

1. Findings of Fact.

- a. It is the recommendation of the Kirkland Planning Commission, the Department of Community Development and those neighborhood residents who spoke at the four public hearings that Planned Area 13 should include all of the quadrant, including those portions currently zoned BC.

2. Conclusions.

- a. The Council recognizes and understands the recommendations of Planning Commission and staff. However, the City Council concludes that it is inappropriate to include the BC zoned lands within Planned Area 13 at this time.

Section 4. This ordinance shall become effective five (5) days from and after its passage, approval and publication.


PASSED by the City Council of the City of Kirkland and signed in authentication thereof by the Mayor at a regular meeting of said Council held this 19th day of February, 1980.



MAYOR

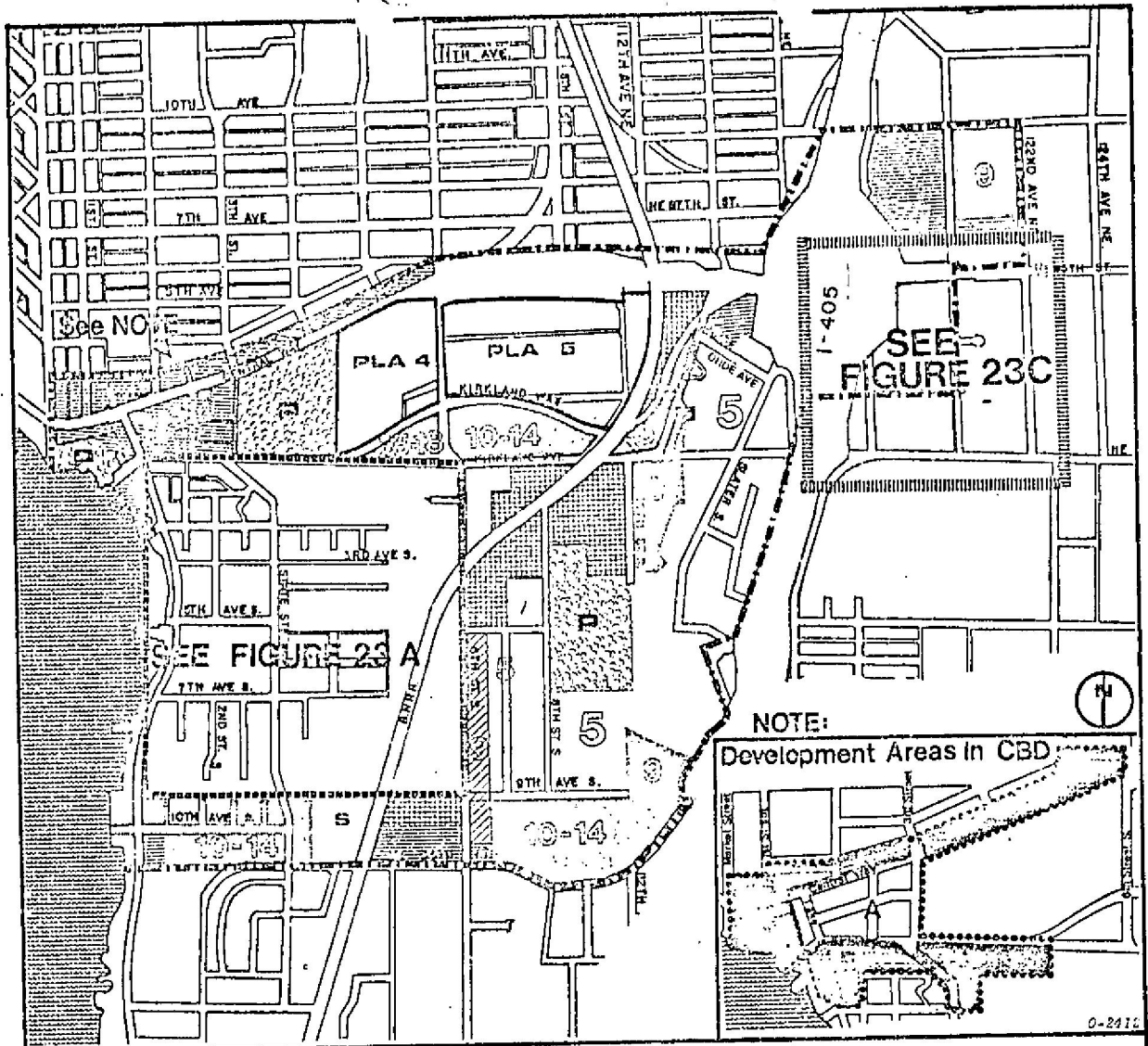
ATTEST:


Director of Administration and Finance
(ex officio/City Clerk)

APPROVED AS TO FORM:


CITY ATTORNEY

0835A



LEGEND









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|---|--|---|------------|
|  | Low Density Residential |  | Commercial |
|  | Medium and High Density Residential |  | Industrial |
|  | Maximum Density (in dwelling units/acre) |  | Schools |
|  | Office/Multi-Family | | |
|  | Planned Area | | |

EXHIBIT "V"
 9/20 Recommendation for
 LUPP MAP
 Johnson/City of Kirkland
 CPA-79-28 (P)

235	CENTRAL/STATE/EVEREST LAND USE	FIGURE 23
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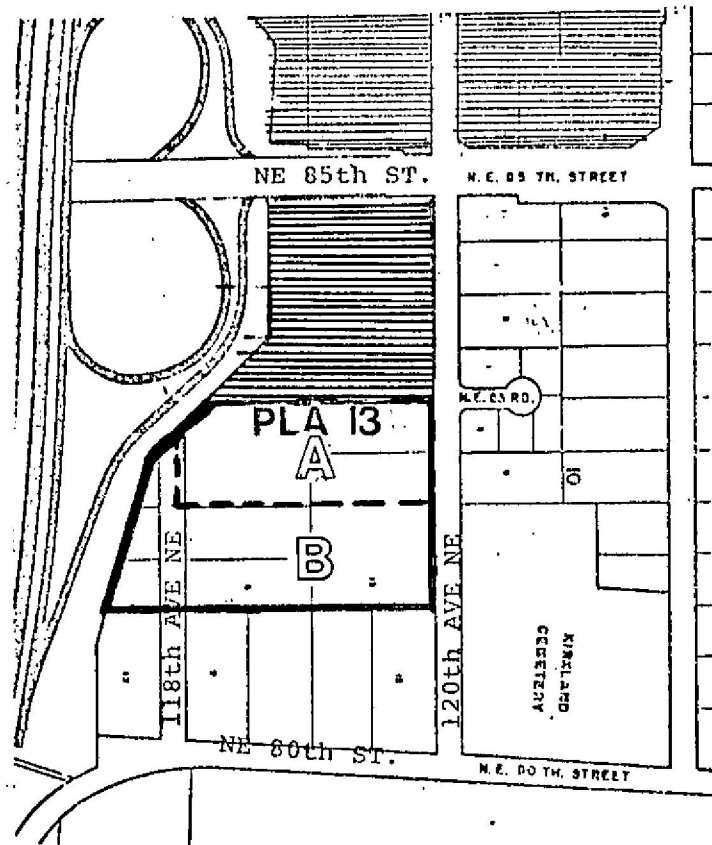


FIGURE 23C	CENTRAL/STATE/EVEREST LAND USE : STATE STREET AREA	236
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ATTACHMENT "B" TO

O- 2469