

Ordinance No. 2575

AN ORDINANCE OF THE CITY OF KIRKLAND, RELATING TO LAND USE; AMENDING THE ZONING MAP OF THE CITY OF KIRKLAND AS ADOPTED BY ORDINANCE NO. 2183 AS AMENDED (R-79-85(P)(AMENDMENT)); AND REPEALING RESOLUTION NO. R-2665.

WHEREAS, The City Council has previously adopted a Resolution of Intent to Rezone (R-2665) regarding the property described in Section 2 of this Ordinance, and

WHEREAS, subsequent to adoption of this Resolution of Intent to Rezone, there has been filed with the City an application for amendment to the official zoning map of the City of Kirkland as adopted by Ordinance No. 2183, as amended; and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting on January 8, 1981; and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2473 concerning environmental policy and the State Environmental Policy Act, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative declaration reached; and

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

WHEREAS, the Kirkland Planning Commission, after public hearings and consideration of the recommendations of the Department of Community Development, did adopt certain Findings, Conclusions and Recommendations, and did recommend approval of the proposed rezone; and

WHEREAS, the Planning Commission made findings and conclusions that the rezone applied for could be granted directly without complying with the Intent to Reclassify provisions; and

WHEREAS, thereafter the Kirkland City Council, in regular public meeting, did consider the report and recommendation of the Planning Commission.

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

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in Department of Community Development File No. R-79-85 are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2: The real property within the City of Kirkland described as follows is hereby reclassified (rezoned) from RS 35,000 to RS 8,500:

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 33, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 0°30'03" EAST ALONG THE SUBDIVISION LINE, 260.00 FEET; THENCE SOUTH 89°04'49" EAST, 30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°30'03" EAST, 411.34 FEET; THENCE SOUTH 89°44'44" EAST, 122.50 FEET; THENCE NORTH 5°12'43" WEST, 5.02 FEET; THENCE SOUTH 89°44'44" EAST, 128.00 FEET; THENCE SOUTH 34°32'22" EAST, 123.48 FEET; THENCE SOUTH 55°27'28" WEST, 74.73 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 9°08'15" AND A RADIUS OF 243.33 FEET, 38.81 FEET; THENCE SOUTH 22°06'13" EAST, 120.39 FEET; THENCE NORTH 79°08'18" EAST, 379.60 FEET; THENCE SOUTH 32°53'52" EAST, 190.56 FEET; THENCE SOUTH 02°12'26" WEST, 323.87 FEET; THENCE NORTH 89°04'49" WEST, 630.00 FEET; THENCE NORTH 00°30'03" EAST, 125.00 FEET; THENCE NORTH 03°43'59" WEST, 135.44 FEET; THENCE NORTH 89°04'49" WEST, 100.00 FEET TO THE POINT OF BEGINNING.

Not including the following Park Dedication:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 0°30'03" EAST ALONG THE SUBDIVISION LINE, 260.00 FEET; THENCE SOUTH 89°04'49" EAST, 30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°30'03" EAST, 411.34 FEET; THENCE SOUTH 89°44'44" EAST, 122.50 FEET; THENCE NORTH 5°12'43" WEST, 5.02 FEET; THENCE SOUTH 89°44'44" EAST, 128.00 FEET; THENCE SOUTH 34°32'22" east, 123.48 FEET; THENCE SOUTH 55°27'28" WEST, 74.73 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 19°16'50" AND A RADIUS OF 243.33 FEET, 81.88 FEET; THENCE SOUTH 22°06'13" EAST, 121.72 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 21°04'56" AND A RADIUS OF 136.77 FEET, 50.32 FEET; THENCE SOUTH 62°34'40" WEST, 181.35 FEET; THENCE NORTH 89°04'49" WEST, 100.00 FEET TO THE POINT OF BEGINNING.

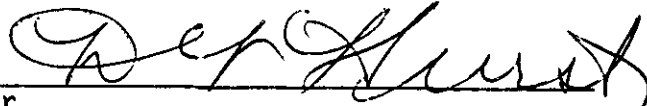
Section 3: The Director of the Department of Community Development is directed to amend the official Kirkland Zoning Map to conform with this ordinance, indicating thereon the date of ordinance adoption. Copies of this ordinance shall be filed with the Department of Community Development and the office of Director of Administration and Finance (ex officio City Clerk)

Section 4. Resolution No. R-2665 is hereby repealed.

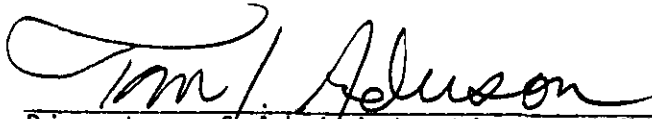
Section 5. This ordinance shall become effective five (5) days from and after its passage and publication as required by law.

PASSED by the Kirkland City Council in regular meeting on the 19th day of January, 1981.

SIGNED IN AUTHENTICATION thereof on the 19th day of January, 1981.



Mayor



Director of Administration and Finance
(ex officio City Clerk)

APPROVED AS TO FORM:



City Attorney

3933A

I. SUMMARY

A. DESCRIPTION OF THE PROPOSED ACTION

Gerald Schlatter of Forbes Creek Development Corporation has applied for a single family zone Reclassification from RS 35,000 to RS 8,500, and a repeal of the approved Intent to Rezone from RS 35,000 to RS 8,500 for the Forbes Creek Planned Unit Development - Phase I. The property is located at 10434 116th Ave. N.E. in an area zoned RS 35,000 and designated in the Land Use Policies Plan at 5 dwelling units per acre (RS 8500). An Intent to Rezone for Phase I was approved by Resolution R-2665 on October 1, 1979 that requires complete construction of Phase I before the property is officially rezoned on the zoning map. The applicant wishes to reclassify Phase I so that the property can be subdivided (File SP-SF-80-56), and then the dwelling units can be constructed and the lots can be sold on an individual basis.

The major issues are the reclassification of the property and the Conditions of Approval for the Intent to Rezone.

B. RECOMMENDATIONS

Based on the major issues, facts, conclusions and Exhibits "A" through "H" contained herein, we hereby recommend approval of this application subject to the following condition:

This application is subject to the various requirements contained in the Land Use Policies Plan and the Kirkland Zoning Ordinance. It is the responsibility of the applicant to assure compliance with the various provisions contained in these provisions.

II. MAJOR ISSUES, FACTS AND CONCLUSIONS

A. Reclassification of the Property

1. Statements of Fact

- a. The property is currently zoned RS 35,000, but is designated in the Land Use Policies Plan at 5 dwelling units per acre (RS 8500) (Exhibit "C").

1/8/81 (P.C.)
12/23/80/3794A/bk

b. Kirkland Zoning Ordinance.

Section 23.62.080 Single Family Zone Classification. Reclassifications involving a change from one single family zone to another single family zone shall not be subject to a 'Resolution of Intent to Reclassify' as referred to in Section 23.62.060; provided, however, that single family planned unit developments shall be processed in all other respects in conformance with this chapter (p. 128).

c. An Intent to Rezone from RS 35,000 to RS 8,500 for Forbes Creek Phase I was approved on October 1, 1979 by Resolution No. R-2665 (see Exhibit G").

d. The Building Permit for Forbes Creek - Phase I has been issued, but construction has not begun. The park and entrance road are under construction. As yet, the property has not been rezoned (see Exhibits "F" and "G").

e. The applicant proposes a single family zone reclassification from RS 35,000 to RS 8,500 so that Forbes Creek Phase I can be subdivided and then each lot and unit can be sold incrementally when the associated dwelling unit is completed (see Exhibits "A" and "F").

f. The applicant has conformed with all other requirements of the Rezone Chapter for the reclassification as required in Section 23.62.080 (see Exhibits "A" and "B").

g. The applicant has indicated that the financing of a project of this size warrants the selling of the detached single family dwelling units on Lots 1 through 9 once they are completed to help finance the remaining attached units. Selling dwelling units on individual lots are more marketable and financially at this time (see Exhibit "A").

2. Conclusions

- a. The proposed reclassification is consistent with the Land Use Policies Plan's designation of the property at RS 8,500 and is in conformance with the Zoning Ordinance Rezone Chapter.
- b. The proposed zone reclassification from a single family RS 35,000 to an RS 8,500 zone is not subject to a 'Resolution of Intent to Reclassify' and can be immediately reclassified.
- c. The reclassification would enable the applicant to subdivide the property and financially complete Phase I of Forbes Creek Planned Unit Development.

B. CONDITIONS OF APPROVAL FOR THE INTENT TO REZONE

1. Statements of Fact

- a. The Intent to Rezone and the Final Planned Unit Development Permits for Phase I have the same six Conditions of Approval (see Exhibit "H").
- b. The approved site plan, the Conditions of Approval for both the Intent to Rezone and the Final Planned Unit Development and all road, sewer and site improvements will be completed as required through the Final Planned Unit Development Permit (see Exhibits "F" and "G").

2. Conclusions

The Final Planned Unit Development Permit for Phase I ensures that the public interest is guaranteed with completion of the approved site plan, all required improvements and the Conditions of Approval.

1/8/81 (P.C.)
12/23/80/3794A/bk

III. BACKGROUND

A. History of Site.

March 15, 1975 Preliminary Planned Unit Development for 115 units and Preliminary Subdivision of "Forbes Creek" into 8 lots are approved (P-PUD-77-75(P) and P-SUB-77-77(P)).

January 30, 1978 Draft EIS issued.

April 6, 1978 Final EIS issued.

October 1, 1979 Final Subdivision of "Forbes Creek", Intent to Rezone from RS-35000 to RS-8500, and Final Planned Unit Development of Phase I are approved (R-F-PUD-79-85(P) and F-SUB-79-84(P)).

March, 1980 Building Permit issued for the park and road.

September, 1980 Final Subdivision of "Forbes Creek" (File R-F-SUB-79-84(P)) is recorded.

B. Neighborhood

The subject property is zoned RS 35,000 and is to be rezoned RS-8500. It is designated in the Land Use Policies Plan as low density residential at 5 dwelling units per acre. The area to the north is zoned Light Industrial. To the west and south are single family neighborhoods zoned RS-8500. To the east is the I-405 freeway.

IV. APPENDICES

Exhibits "A" through "H" are attached.

1/8/81 (P.C.)
12/23/80/3794A/bk