

ORDINANCE NO. 3923

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE, AND THE NE 85TH SUBAREA, AND AMENDING CERTAIN SECTIONS AND PROVISIONS OF THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, AFFECTING PROPERTY LOCATED AT 8546 124TH AVENUE NE (FILE NO. IV-03-44(B) – HONDA OF KIRKLAND).

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to deny a request to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated October 27, 2003, and bearing Kirkland Department of Planning and Community Development File No. IV-03-44(B) (Honda of Kirkland); and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 9, 2003 held a public hearing on the amendment proposals and considered the comments received at the hearing; and

WHEREAS, pursuant to the State Environmental Policies Act there has accompanied the proposal and recommendation a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600 and WAC 197-11-640; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

WHEREAS, notwithstanding the recommendation of the Planning Commission that this proposal be denied, the City Council has found the proposal satisfies the applicable criteria for amending the Comprehensive Plan as set forth in KZC 140.20;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The following specific portions of the text and graphics of the Comprehensive Plan, Ordinance 3481 as amended, are amended to read as follows:

- A. Figure NE85-2: NE 85th Subarea Land Use:
- Graphic amendment as shown in Exhibit A attached to this ordinance and incorporated by reference, changing the land use designation from Low Density Residential to RH-5C – Retail/Office.
- B. Section XV.L: NE 85th Street Subarea Plan:
- Revised language on Pages XV.L-7 and XV.L-9 as shown in Exhibit B attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part of portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect five days from and after its passage by the City Council and publication, pursuant to Section 1.08.017, Kirkland Municipal Code, in summary form attached to the original of this ordinance and by this reference approved by the City Council.

Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 9th day of December, 2003.

SIGNED IN AUTHENTICATION thereof this 9th day of December, 2003.

Mayor

Attest:

Jamie Peay
City Clerk

Approved as to Form:

[Signature]
City Attorney

Exhibit A

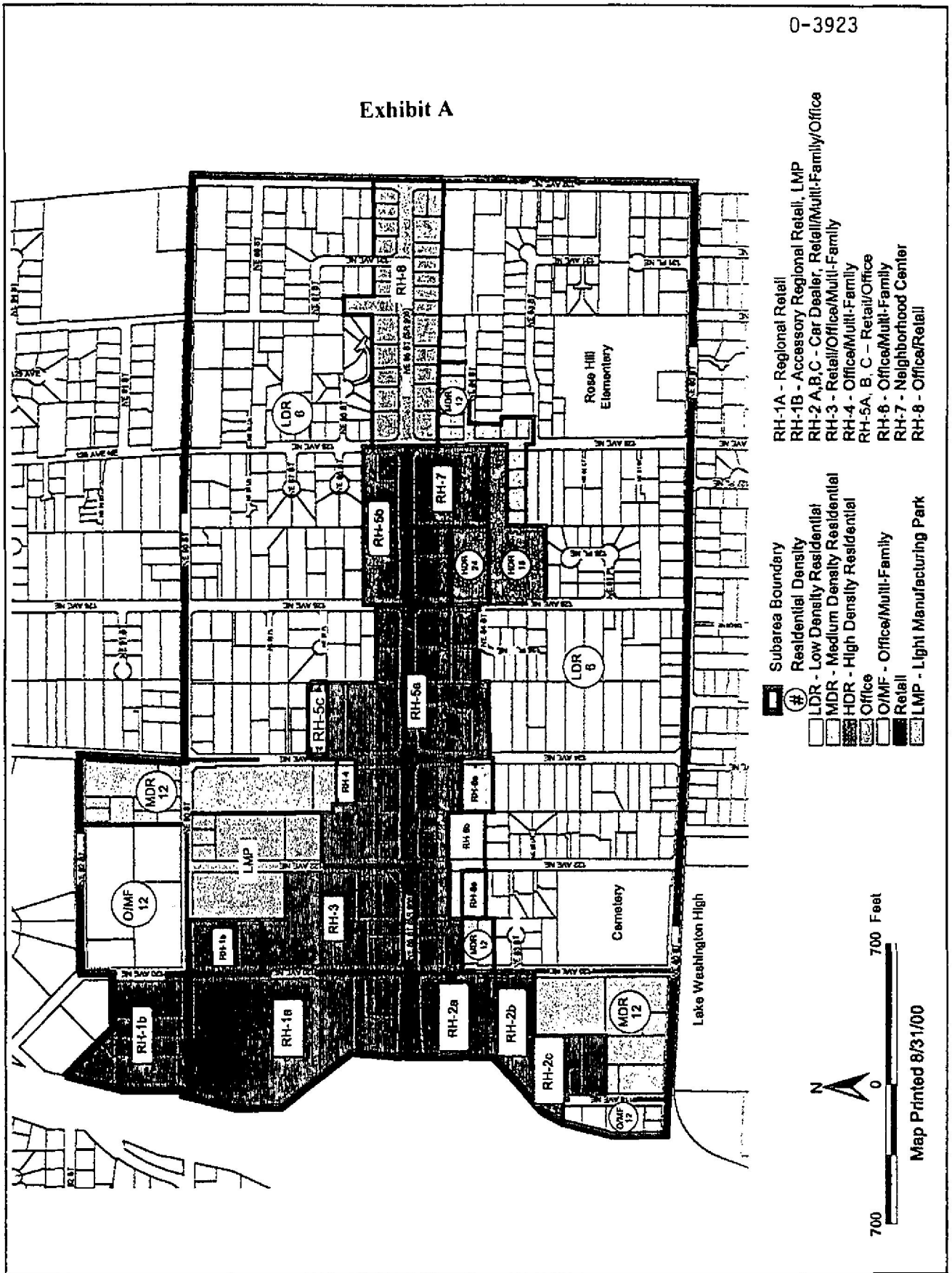


Figure NE85-2: NE 85th Subarea Land Use

Ordinance No. 3923 – Exhibit B

P. XV.L-7, (Amended) Policy NE85-3.3:

Limit commercial development to the NE 85th Street commercial area as defined by the land use designations in Figure NE85-2, NE 85th Subarea Land Use. Except as provided in Policy NE85-3.7, do not allow such development to spread further into the adjoining residential neighborhoods.

P. XV.L-7, (New) Policy 3.7:

Policy NE85-3.7: The parcel fronting on 124th Avenue NE and located immediately north of the existing automobile dealership on the northeast corner of NE 85th Street and 124th Avenue NE is appropriate for conversion from low-density residential use to commercial use due to the following factors:

- (1) The parcel fronts on a Principal Arterial; and
- (2) The parcel abuts and would functionally serve an established commercial use fronting on NE 85th Street; and
- (3) The size of the parcel is less than 25% of the size of the site of the established commercial uses it would serve; and
- (4) The site lies within close proximity (less than 1/2 mile) of the I-405 interchange; and
- (5) Development standards contained in Policy XV.L-9 will ensure that the potential impacts on surrounding uses resulting from commercial use of this parcel will be minimized.

P. XV.L-9, (Amended) Policy NE 85-4.5, Areas RH-5a, 5b, and 5c:

Continue to allow general commercial uses in this core portion of the NE 85th Street commercial area, subject to district-wide design guidelines. Require new development to limit the number of driveways on NE 85th Street, and encourage existing development to consolidate driveways and curb cuts. In addition, observe the following transition standards:

- (1) Set vehicular access points located on north-south side streets back from adjacent residential properties as much as possible without creating problems for traffic turning to and from NE 85th Street. Allow only one driveway for access to commercial property on the east side of 124th Avenue NE.

- (2) Locate a heavily landscaped buffer strip along any boundary with residential properties or along streets separating commercial development from residential properties.
- (3) Retain existing significant trees and vegetation within the buffer. Preclude this landscaped area from further development by the creation of a greenbelt protective easement.
- (4) Keep sources of noise and light to a minimum and directed away from adjacent residential properties.
- (5) Area RH-5b: On the north side of NE 85th Street east of 126th Avenue NE, restrict permitted uses to those that generate limited noise, light and glare, odor, and traffic impacts. Examples of uses that would be appropriate in this area include medical/dental offices, insurance offices, dry cleaners, and coffee shops. Examples of uses that would not be appropriate in this location include gas stations, car washes, uses with drive-through windows, and uses with extended hours of operation.
- (6) Area RH-5c: In addition to standards (1) through (4) above, development in Area RH-5c should observe the following development standards:
 - (a) Allowable uses should be limited to the following:
 - i. Any use permitted in an RS zone, subject to the applicable Use Regulations of KZC 15.10; and
 - ii. Parking serving an established commercial use fronting on NE 85th Street. No new above-grade structures should be allowed; and
 - (b) A landscape buffer meeting the requirements of Buffering Standard 1 (KZC 95.25.1) should be provided along any property line adjoining low-density residential use. If Buffering Standard 1, Option b, is proposed, the required fence should be allowed to meander through the buffer or otherwise be placed so as to minimize impacts on adjoining property. The landscape buffer should be contained in an easement, and the easement language should prohibit relocation, alteration, or relinquishment of the easement without a majority affirming vote of the City Council.

In addition, the buffers should include the following:

- i. Trees within the north and east buffers should be 10-12' in height at the time of planting;
- ii. The planting strip between the parking area and 124th Ave NE should be at least 10' wide; and

iii. The east buffer should include raised topography, either in the form of fill or a berm at least 3' in height, but taller if feasible, if the raised topography:

- (a) Is approved in writing by Seattle City Light;
- (b) Does not worsen existing drainage conditions; and
- (c) Does not, in and of itself, result in the loss of on-site significant trees; and

- (c) Landscape islands should be provided in the parking lot interior and designed and oriented to help shield surrounding properties from light and glare; and
- (d) The following significant tree shall be retained: The large conifer tree adjacent the north property line; and
- (e) The use of this property should not result in any new driveways along 124th Avenue NE. However, existing driveways should be allowed to be widened or relocated to improve ingress to and egress from the site if such widening or relocation is consistent with City-adopted engineering standards; and
- (f) Prior to issuance of construction permits, the applicant should provide an acoustical study prepared by a qualified acoustical engineer demonstrating that the project will comply with City-adopted noise level standards; and
- (g) Site lighting should minimize off-site light and glare impacts by (i) utilizing state-of-the-art technology, (ii) incorporating low-glare and low-wattage luminaires, and (iii) being located to minimize off-site light and glare impacts. Higher wattage and higher mounted lights should be turned off no later than 10:00 pm Monday-Friday and no later than 8:00 pm Saturday-Sunday. Existing sources of light should be removed or replaced with new fixtures where such would effectively reduce off-site light intrusion.
- (h) Changes to the existing site topography should be minimized; and
- (i) Prior to issuance of construction permits, the applicant should demonstrate through appropriate civil engineering drawings and data that the project will comply with City-adopted standards for storm water runoff control and treatment. Storm water control should, at a minimum, accomplish the following:

- (i) Collect all new storm water runoff from newly-introduced impervious surfaces in on-site catch basins;
- (ii) Detain collected storm water runoff on-site;
- (iii) Treat collected storm water runoff through approved filtration devices;
- (iv) Release detained and treated storm water runoff into the City system in 124th Avenue NE; and
- (v) Demonstrate that the existing drainage along the east edge of the subject parcel will not be reduced, increased, or redirected.

ORDINANCE NO. 3923
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE, AND THE NE 85TH STREET SUBAREA PLAN, AND AMENDING CERTAIN SECTIONS AND PROVISIONS OF THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, AFFECTING PROPERTY LOCATED AT 8546 124TH AVENUE NE (FILE NO. IV-03-44(B) – HONDA OF KIRKLAND).

Section 1. Identifies the specific amendments to Ordinance 3481, the Comprehensive Plan.

Section 2. Addresses severability.

Section 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.088.017 Kirkland Municipal Code and establishes the effective date as five days after publication of said summary.

Section 4. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The ordinance was passed by the Kirkland City Council at its regular meeting on the 9th day of December, 2003.

I certify that the foregoing is a summary of Ordinance 3923 approved by the Kirkland City Council for summary publication.

Attest:


City Clerk