

RESOLUTION NO. R-2631

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE PRELIMINARY PLAT OF YARROW HILL AND MODIFICATIONS TO THE DIMENSIONAL REQUIREMENTS OF THE SUBDIVISION ORDINANCE AS APPLIED FOR BY KENNETH P. KESTER AND ROSS HEBB, BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. P-F-SUB-79-79(H) AND SETTING FORTH CONDITIONS TO WHICH SUCH PRELIMINARY PLAT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a preliminary plat, said application having been made by Kenneth P. Kester and Ross Hebb and said property as legally described in the application is within a Residential Single Family 12,500 zone, and

WHEREAS, the application requested modification of the dimensional requirements of the Subdivision Ordinance pursuant to Section 2.13.2(a) of the Subdivision Ordinance No. 2178, as amended, since it is in conjunction with the approved Final Planned Unit Development of Yarrow Hill which was approved by Resolution No. R-2557, and

WHEREAS, the application has been submitted to the Houghton Community Council and the Kirkland Planning Commission who held public hearings thereon at their regular meetings of June 19, 1979 and June 21, 1979, respectively, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2319 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 Houghton Community Council and 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 preliminary plat, subject to the specific conditions set forth in 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 Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Community Development File No. P-F-SUB-79-79(H) are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Preliminary Plat of Yarrow Hill is hereby given approval, subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. A certified copy of this Resolution, along with the Findings, Conclusions and Recommendations hereinabove adopted shall be attached to and become a part of the evidence of preliminary approval of said preliminary plat to be delivered to the applicant.

Section 4. Nothing in this Resolution shall be construed as excusing the applicant from compliance with all federal, state or local statutes, ordinances or regulations applicable to this project, other than as expressly set forth herein.

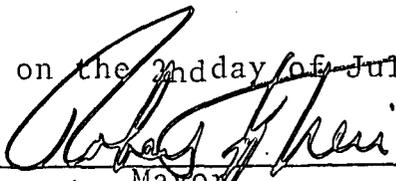
Section 5. Notwithstanding the recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the preliminary plat approval herein authorized are, pursuant to Ordinance No. 2001, subject to the disapproval jurisdiction of the Houghton Community Council and this Resolution shall become effective only upon the approval of the Houghton Community Council or the failure of said Community Council to disapprove this Resolution within sixty days from the date of passage hereof.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) Applicant
- (b) Department of Community Development for the City of Kirkland
- (c) Building and Fire Department for the City of Kirkland
- (d) Police Department for the City of Kirkland
- (e) Parks Department for the City of Kirkland
- (f) Public Service Department for the City of Kirkland
- (g) Project and Construction Management Department for the City of Kirkland
- (h) Office of the Director of Administration and Finance (ex officio City Clerk) of the City of Kirkland

ADOPTED in regular meeting of the Kirkland City Council on the 2nd day of July, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 2nd day of July, 1979.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)



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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_

xxx RECOMMENDED BY \_\_\_\_\_ DATE June 21, 1979

ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_

BOARD OF ADJUSTMENT \_\_\_\_\_

HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_

xxx PLANNING COMMISSION Kay Haenggi  
Kay Haenggi Chairperson

CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_

RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NUMBER P-F-SUB-79-79(H)

APPLICANT KENNETH KESTER

PROPERTY LOCATION So. of NE 52nd St., between Lake Wa. Blvd. & the BNRR tracks.

SUBJECT PRELIMINARY AND FINAL SUBDIVISION OF YARROW HILL

HEARING/MEETING DATE July 2, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application for Preliminary Subdivision "B" Application for Final Subdivision "C" Vicinity Map "D" Proposed Plat Map "E" Notice of Approval - Final PUD "F" Letter from Ralph Thomas 6/5/79 "G" Sect. 2.13.2 Kirkland Subdiv. Ord., "H" Environmental Information

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION:

1. This is an application by Kester Brothers for Preliminary and Final Subdivision to create 32 residential lots in conjunction with the approved Final Planned Unit Development of Yarrow Hill (City Council Resolution No. R-2557) and modifying the dimensional requirements of the Subdivision Ordinance pursuant to Section 2.13.2(a) and located at approximately south of N.E. 52nd Street between the Burlington Northern Railroad tracks and Lake Washington Boulevard.

This application for Preliminary and Final Subdivision and modification concerns only a portion of the entire area approved with the Final Planned Unit Development for Yarrow Hill (see Exhibits "A", "B", and "D"). Thirty-one of the lots shall be beneath the building pads for the approved townhouse structures. The ownership north of N.E. 52nd Street shall be retained as one lot. Open space and roadway tracts are also to be created by the proposed subdivision and some right-of-way will be dedicated to help with the re-alignment of N.E. 52nd Street.

2. The applicant has made concurrent applications for both Preliminary and Final Subdivision. He also is proposing to create lots which would be smaller than the normally required minimum in an RS 12,500(S) zone. The office of the City Attorney has determined that there is no State or local statute or ordinance which would prevent the processing of the Preliminary and Final Subdivision applications concurrently. This is particularly so since the Plat proposed is in conjunction with an already approved Final Planned Unit Development, the first phase of which has largely already been constructed in conformance with the conditions of that approved PUD. The authority to propose a modification to the dimensional requirements for lots is referenced above.
3. An application is pending for a vacation for a portion of the existing right-of-way of N.E. 52nd St. That vacation, to reflect the realignment of NE 52nd St. as well as the improvement plan approved by the PUD will be considered at a subsequent hearing.
4. Since the act of subdivision is technically a "separate action", the applicant has submitted the required environmental information and a Declaration of Non-Significance has been made by the responsible official. However, the "action" itself constitutes simply the creation of private property lines for residential lots to correspond very closely with the residential units that were approved under the Planned Unit Development process and have been constructed in conformance with the conditions of both that PUD and the Uniform Building Code. In summary, the application for Preliminary and Final Subdivision together with modification to the dimensional requirements of the Subdivision Ordinance is a very straightforward and mechanical action. No improvements or impacts will be associated with this "action" that have not already been spoken to, evaluated and stipulated with the Planned Unit Development of Yarrow Hill.

B. RECOMMENDATIONS:

Based upon the Statements of Fact, Conclusions and as identified in Exhibits "A" through "H" included with this report, we hereby recommend approval of this application for Preliminary and Final

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I. B. (Cont'd)

Subdivision as well as modification from dimensional criteria of the Subdivision Ordinance subject to the following conditions:

1. All of the conditions of approval for the Final Planned Unit Development of Yarrow Hill (City Council Resolution R-2557 and Department of Community Development File No. F-PUD-78-47(H)) shall continue to apply.
2. Prior to release by the City of the plat linens the applicant shall do the following:
  - a. Prepare a statement in a form and substance agreeable to the City Attorney to be filed with the King County Department of Records. The purpose of said recorded statement shall be to list the conditions of the Notice of Approval for the Final Planned Unit Development of Yarrow Hill so that any potential future purchasers of lots within this plat would be made aware, through a title search, of these conditions which will continue to apply.
  - b. The applicant shall note the recording number for the above-mentioned statement on the face of the plat linen so that anyone reviewing that linen will likewise be made aware of a specific set of conditions which continue to apply.
  - c. Submit for review and approval by the City Attorney a copy of the Covenants, Conditions and Restrictions for the Yarrow Hill Homeowners Association. Particular attention shall be given to insure that private liability concerning private lots and tracts is made clear in the Covenants, Conditions and Restrictions, and that the City is protected from liability as far as reasonably and legally possible.

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. HISTORICAL BACKGROUND:

1. Statements of Fact.

- a. The Kirkland City Council adopted Resolution R-2557 at their meeting of October 2, 1978. That resolution granted approval for the Final Planned Unit Development of Yarrow Hill. (See Exhibit "E" - Notice of Approval). That approval by the City Council culminated a very extensive series of public hearings conducted by the Houghton Community Council and the Kirkland Planning Commission on both the Preliminary and the Final Planned Unit Development applications. The final unit count, location and height of structures, and location and nature of private and public improvements (both roadway and utilities) were reviewed in great detail and subjected to intense scrutiny and analysis.
- b. The applicant has received Building Permits for the first 31 units of the Yarrow Hill project. All of these units are south of the N.E. 52nd Street line and are nearing completion. N.E. 52nd St. has been relocated in conformance with the conditions of approval for the Planned Unit Development and asphaltting of the roadway surface will commence by the beginning of July of 1979. A concrete

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I. A. 1. b. (Cont'd)

retaining wall has been constructed at the base of N.E. 52nd Street and additional fill will be installed to complete the slope modification in this area.

- c. On April 16 of 1979 the City Council adopted Ordinance 2458 which amended Article 2 of the Subdivision Ordinance (See Exhibit "G" - Page 25 of Subdivision Ordinance). This amendment, Section 2.13.2.a, establishes the procedure and authority for granting modifications to subdivisions when they are made in conjunction with a Planned Unit Development for the same piece of property. Had this provision of the Subdivision Ordinance been in existence at the time that the Planned Unit Development for Yarrow Hill was first processed, then the two of them could have tracked through the public hearing and approval process concurrently. However, the applicants had to wait until the adoption of this amendment before they could make application for formal plat.

2. Conclusions.

- a. All of the conditions of the Notice of Approval for the Final Planned Unit Development of Yarrow Hill continue to apply. Many of these conditions have been met, including the location of structures, the payment of \$15,000 in fee-in-lieu monies, the grading and relocation of a portion of N.E. 52nd Street, and the installation of certain utilities. The approval of this application for Preliminary and Final Plat and modification to the dimensional requirements of the Subdivision Ordinance will not negate any of these conditions of the PUD. In fact, some effort should be made to record the Notice of Approval for the PUD so that prospective lot buyers could be made aware of all of the conditions through a title search.
- b. The applicant's construction of the units and improvements is being done under the monitoring of the appropriate City Departments.
- c. The processing of this application for plat subsequent to the approval and initiation of construction for the PUD does not represent a legal or procedural constraint. So long as the proposed plat overlays the subject property of the PUD and so long as it does not negate or otherwise modify the conditions of approval for the PUD then the plat is not hostile or incompatible.

B. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

- a. Zoning. The subject property is zoned Residential Single Family, 12,500 square feet minimum lot size (slope) as are  
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II. B. 1. a. (Cont'd)

properties to the west, south and north. Properties to the east, across the railroad right-of-way are zoned Residential Single Family, 8,500 square feet minimum lot size. Properties to the west of Lake Washington Boulevard are zoned Waterfront District I.

- b. Land Use. The subject property south of N.E. 52nd Street is currently being constructed as 31 attached townhouse units. The balance of the "Yarrow Hill" property further to the south is largely undeveloped. To the north of N.E. 52nd Street is a separate ownership that was also a part of the approval of the Yarrow Hill P.U.D. A single family home exists on that property immediately adjacent to Lake Washington Boulevard. Further to the north is an 8-unit apartment structure called the "Fresh Winds" while lands on the lower portion of the slope and east of the Burlington Northern tracks are either undeveloped or have single family homes.

2. Conclusions.

The construction taking place on the subject property now is subject to and in conformance with the terms of the approved Planned Unit Development on the property as well as the underlying zoning (RS 12,500). The project is comparable in overall density to those lands to the east, but its building form is different in that it is attached. The proposed subdivision will not alter the building form or the location or nature of improvements to be made to the subject property. It will simply create invisible property lines in conjunction with the approved building pads and thus will not in and of itself create any impacts or conflicts on the land use and zoning in the vicinity.

C. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

1. Statements of Fact.

- a. This application for Preliminary and Final Subdivision is required to be consistent with Articles 1 and 2 of the Kirkland Subdivision Ordinance No. 2178. Among these are the procedures and authority for granting modifications (see Exhibit "G" - Section 2.13 of the Subdivision Ordinance.).
- b. The applicant will be required to record the final approved linens for this subdivision with the King County Office of Records.

2. Conclusions.

- a. This application has been made in accordance with the authority and procedures outlined in the Kirkland Subdivision Ordinance and Kirkland Zoning Ordinance. All conditions of

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I. C. 2. a. (Cont'd)

the approved Planned Unit Development for Yarrow Hill either have been met or must be met and the other conditions of the Kirkland Zoning Ordinance and Subdivision Ordinance shall also apply. The proposal to create individual residential lots immediately beneath and associated with the approved units for the Yarrow Hill project are consistent with the requirements of the Zoning and Subdivision Ordinances and the policies of the Land Use Policies Plan.

D. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

- a. SEPA. The applicants have submitted an environmental checklist on the proposed action and a Final Declaration of Non-Significance was made by the Responsible Official on June 15, 1979 (see Exhibit "H" - Environmental Information).
- b. Kirkland Building Department. The proposed plat has been reviewed by the Building Department in conjunction with the approved Planned Unit Development for Yarrow Hill and the approved Building Permits for the subject property. The plat as proposed will be consistent with the conditions of the Uniform Building Code provided that the covenants of the Condominium Owners Association and the Plat are executed in a manner acceptable to the Chief Building Official.
- c. Department of Fire Services. This Department has approved with the Preliminary and Final Planned Unit Development the adequacy of emergency access for the internal roadway and the relocation of N.E. 52nd Street. Hydrant placement and water pressure for fire flow have been approved as submitted by this Department.
- d. Police Department. The applicants should inform the Police Department as to the structural nature and capacities of the entryway drop gate as well as any electronic monitoring or alarm systems that they wish to install.
- e. Department of Public Services. The drawings submitted with regard to the Final Planned Unit Development for Yarrow Hill with respect to all roadway, utilities and building improvements are consistent with City engineering requirements. The applicants and their project engineer have met periodically with the Technical Committee and reported on the progress of various phases of construction. These monitoring activities by representatives of the Department of Public Service and other Departments will continue through all construction phases of the project.

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II. D. 2. Conclusions.

The substantive review of the construction and improvements on the subject property were made by the various Departments at the time of Planned Unit Development. Those improvements are under construction and are being monitored by the respective City Departments.

The requirements of the State Environmental Policy Act have been satisfied and the proposed plat is consistent with the requirements of the Uniform Building Code.

III. APPENDICES:

Exhibits "A" through "H" are attached.

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