

RESOLUTION NO. 2780

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN AMENDED PRELIMINARY PLANNED UNIT DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. PP-80-41, BY CUMBERLAND NORTHWEST TO CONSTRUCT "PARKPLACE" BEING WITHIN A PLANNED AREA 4 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH AMENDED PRELIMINARY PLANNED UNIT DEVELOPMENT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for an Amendment to a previously approved Preliminary Planned Unit Development filed by Cumberland Northwest, the owner of said property described in said application and located within a Planned Area 4 zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of December 4, 1980, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2473 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 through the entire review process, and

WHEREAS, the Kirkland Planning Commission after their public hearing and consideration of the recommendations of the Department of Community Development and having available to them the environmental checklist and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Amended Preliminary Planned Unit Development subject to the specific conditions set forth in said recommendations, and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission.

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 Chairman thereof and filed in the Department of Community Development File No. PP-80-41 (Amendment) are adopted by the Kirkland City Council as though fully set forth herein. provided that Conclusion 2.b. on Page 7 of 8 is not adopted. Furthermore, based on the Planning Commission Findings and Exhibits contained in the record including the minutes of the public hearing, the City Council concludes that daylighting of a stream in Peter Kirk Park is premature at this time since the ultimate design and use of Peter Kirk Park is yet to

be determined, and the opportunity for a future waterflow in the park will continue to exist whether or not a tightline is required of the Parkplace project.

Section 2. The Amended Preliminary Planned Unit Development shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council. and further subject to the condition that Conditions 2.e., 2.f.iv. and 2.l. which were imposed on the originally approved Preliminary P.U.D. shall be deleted as requirements.

Section 3. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Amended Preliminary Planned Unit Development or evidence thereof delivered to the permittee.

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


Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Amended Preliminary Planned Unit Development is subject shall be grounds for revocation in accordance with Section 23.28 of Ordinance No. 2183, the Kirkland Zoning Ordinance.


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

- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Fire and Building Departments of the City of Kirkland
- (d) Public Service Department of the City of Kirkland
- (e) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

ADOPTED in regular meeting of the City Council on the 15th day of December, 1980.

SIGNED IN AUTHENTICATION THEREOF on the 15th day of December, 1980.

  
\_\_\_\_\_  
Mayor

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

2417A



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
XX RECOMMENDED BY \_\_\_\_\_ DATE December 4, 1980  
ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_

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

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

XX PLANNING COMMISSION \_\_\_\_\_  
*Kay Haenggi*  
Kay Haenggi, Chairperson

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

RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

FILE NUMBER PP-80-41 (Amendment)

APPLICANT Cumberland Northwest

PROPERTY LOCATION Between Kirkland Way & Central Way & Peter Kirk Park & 6th

SUBJECT PRELIMINARY PLANNED UNIT DEVELOPMENT OF "PARKPLACE"

HEARING/MEETING DATE December 15, 1980

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C1" Level One "C2" Level Two "C3" Levels Three and Four "D" Environmental Info. "E" Approved Conditions - prel. PUD "F" LUPP Figure 28 "G" Letter from M. D. Matchett "H" Minutes of Planning Commission of 12/4/80 "I" Model of Playbarn

I. SUMMARY

A. DESCRIPTION OF THE PROPOSED ACTION:

This is an application by Cumberland Northwest for an amendment to the approved Preliminary Planned Unit Development for Kirkland Parkplace. The approved project covers approximately 13.7 acres in Planned Area 4 and has been approved for approximately 215,000 square feet of floor area including retail, office, market, drug store, cinemas, bank, and restaurants.

The proposed amendments are described in Exhibit "A" - Application, Exhibit "B" - Vicinity Map and Exhibit "C" - Proposed Revised Site Plan.

Specifically, the applicants now propose to delete approximately 7,000 square feet of office space that was shown over the bank structure in the northeast corner of the site, to reduce the approved cinema by 5,400 square feet, to add 5,400 square feet of retail space next to the cinema, to add a 200 seat live theater located on the first level next to the cinema, to add .85 acres of adjoining land to the project on which approximately 94 additional stalls will be located, and to stipulate that future changes in use within the project which are permitted uses in Planned Area 4 would be allowed with an administrative review provided that no physical alteration to the site plan takes place.

B. RECOMMENDATIONS

Based on the Findings of Fact and Conclusions contained in this report and as identified in Exhibits "A" through "I", we hereby recommend that this application for amendment to the Preliminary Planned Unit Development for Kirkland Parkplace be approved subject to the following conditions:

1. Alternatives to the access shown onto Kirkland Way in Exhibit "C<sup>2</sup>" shall be investigated in greater detail by the Departments of Public Services and Community Development. The potential use of 5th Place as the access point onto Kirkland Way shall be investigated and evaluated as well as the

12/4/80 (P.C.)  
11/21/80  
3512A/0049A/bk

option of vacating 5th Place and writing an access easement in the southwest corner of the parcel to consolidate access with property to the west. At the time of Final Planned Unit Development the Planning Commission shall determine which alternative driveway access is to be required and the applicant shall be required to make said improvement conforming to the standards of the Public Services Department.

2. The lighting, walkway, drainage, and landscaping components of the additional .85 acre of property shall be incorporated within and shown on the revised plans for the entire site submitted with Final PUD.
3. All other conditions imposed upon the original Planned Unit Development shall remain in effect.

## II. MAJOR FINDINGS AND CONCLUSIONS

### A. LAND USE POLICIES PLAN (LUPP) AND ZONING

#### 1. Findings of Fact

- a. Land Use Policies Plan. The mixed use nature of the Parkplace project was established by the range of uses that were previously approved. The live theater currently proposed is a form of indoor recreation as well as a cultural activity that would add one more component to this mixed use concept.

The deletion of office space and the shifting of floor area from cinema use to retail use is not specifically addressed by the Land Use Plan policies. Both uses are within the mixed use concept adopted for Planned Area 4. Applicants have also requested the ability to substitute permitted uses within the approved project subsequent to Final PUD approval so long as such uses are allowed by the PLA-4 zone and the revision would not significantly affect the site or exterior of structures.

12/4/80 (P.C.)  
11/21/80  
3512A/0049A/bk

The use of the .85 acre of additional property as parking is consistent with the Land Use Plan provided that adequate provision is taken to landscape and soften the effect of this parking area. The interior circulation of said parking lot to the rest of the Parkplace project is consistent with land use policies that advocate coordinated and efficient internal circulation. The access point shown onto Kirkland Way (see Exhibit "C2") however may or may not be consistent with the major access for Planned Area 4 identified in Figure 28 (see Exhibit "F").

- b. Zoning. The uses envisioned in this amendment are all permitted by the Planned Area 4 zoning and this application is being processed through the correct permit procedure. The additional floor area being created for the live theater will be supported by the parking shown on the .85 acre parcel. The parking shown for the total project would now exceed the minimum requirements of the Kirkland Zoning Ordinance Parking Chapter. Since no increase in the total building envelope is proposed with this action, the question of the dimensional requirements of the Planned Area 4 zone are not an issue.

## 2. Conclusions

- a. Land Use Policies Plan. The amended project proposal is highly consistent with the Land Use Policies Plan. The addition of a live theater use is within the scope of the adopted policies. Also, it would be consistent with the Planned Area 4 policies to permit the conversion of permitted floor areas from one to the other so long as the site plan itself is not altered and the exterior face of the structures is not changed.

12/4/80 (P.C.)  
11/21/80  
3512A/0049A/bk

- b. Zoning. The proposal is consistent with the provisions of the Kirkland Zoning Code. In some cases, such as parking, it exceeds minimum requirement of the Zoning Code.

B. CIRCULATION

1. Findings of Fact

The addition of the .85 acre parcel creates a slightly different circulation pattern for the project. The provision of additional parking in this area will more than support the demand created by the new theater use. It is probable that this perimeter parking will be used by employees in the project and other long term parkers. The two access points to the new parking area will be from the approved parking area in the southeast corner of the project as well as from Kirkland Way (see also discussion under C - Surrounding Properties)..

An analysis of the relative traffic impact of the additional floor area and the access point shown onto Kirkland Way has been done (see Exhibit "D" - Environmental Information). The conclusion drawn by that traffic analysis is that the total volume and peak traffic characteristics associated with this proposed amendment will be insignificant.

Pedestrian circulation across the .85 acre parcel is shown in Exhibit "C2". This will provide access from Kirkland Way to the project site in a controlled manner.

2. Conclusions

The addition of the parking and the circulation onto Kirkland Way will increase the parking capacity of the project but will not significantly impact the surrounding street system.

- C. SURROUNDING PROPERTIES -- Since the only exterior change to the site plan is the .85 acre parcel to be added, the following findings and conclusions are with regard to that piece only.

12/4/80 (P.C.)  
11/21/80  
3512A/0049A/bk

1. Findings of Fact

- a. Lands to the east of the subject property are currently in a declining single family pattern. Very old and dilapidated houses, some of them abandoned, are an indication of a transitional land use pattern. Immediately to the east is an unopened 25 foot wide City right-of-way (5th Place).
- b. Land immediately to the west is in a single 1.36 acre ownership that contains an old single family structure on the northern portion and a two-story frame commercial structure on the southern portion. Vehicular access to the commercial building is directly from Kirkland Way via two driveways (see Exhibit "B").

2. Conclusions

- a. The right-of-way adjacent to the east side of the parcel should be incorporated into the general parking and circulation scheme. Public Service Department has recommended that the driveway onto Kirkland Way be shifted east to align with the unopened right-of-way. If a proper access grade can be engineered with this alternative it could provide grouped access with the private lands just east of 5th Place and thus more fully implement the LUPP access policy described in figure 28 (see Exhibit "F"). Another alternative would be to vacate 5th Place and attempt to consolidate the access point onto Kirkland Way with the property to the west (see below). These alternative driveway locations should be evaluated and a decision made at time of Final P.U.D.

12/4/80 (P.C.)  
11/21/80  
3512A/0049A/bk



- b. It is likely that the 1.36 acre parcel to the west of the subject property will be redeveloped at some future date in a more intensive manner. The specific site plan configuration will be subject to review through a public hearing process and thus it can be concluded that building placement, parking and access points can be evaluated at that time. However, it is appropriate with this action to anticipate the desirability and eventuality of a shared access onto Kirkland Way in the vicinity of the common property line and to consider measures to enable this. Therefore, an analysis should be undertaken prior to Final PUD to consider the location of an access easement in the south western portion of the .85 acre subject parcel which could provide ingress and egress to the 1.36 acre parcel to the west.

#### D. UTILITIES

##### 1. Findings of Fact

- a. Lighting and storm drainage improvements will be incorporated into the design of the .85 acre parcel to be added.
- b. Subsequent to the approval of the Preliminary PUD, the applicants met with staff on a number of items contained in the Notice of Approval (see Exhibit "E"). Conditions 2.e. and 2.f.iv. contemplated bringing water from the creek in Planned Area 5 across the site and daylighting this flow, along with onsite storm runoff, in a creek bed in Peter Kirk Park. As the result of several meetings with the Park Board and the Parks and Public Services Departments it was recommended by those groups that above surface

12/4/80 (P.C.)  
11/21/80  
3512A/0049A/bk

drainage through Peter Kirk Park is not appropriate. The Park Board is currently evaluating the ultimate design of the Park and will make application for a grant from the InterAgency Commission for Outdoor Recreation to make major improvements to the Park.

2. Conclusions

- a. The lighting and storm drainage plans submitted at Final PUD should incorporate the subject .85 acres.
- b. Although the Park Board has stated overland waterflow in a creek is not appropriate in Peter Kirk park, the Planning Commission concludes differently. The policies in the Land Use Plan advocate the daylighting of such flows wherever possible and the specific conditions approved by City Council for the Parkplace Preliminary P.U.D. establish that this is a desirable element for the Park. Therefore, the applicants should meet Conditions 2.e. and 2.f.iv. in Exhibit "E" and provide tightline for creek water to travel from Planned Area 5 across the Parkplace site and into Peter Kirk Park.

E. STATE ENVIRONMENTAL POLICY ACT (SEPA) COMPLIANCE

1. Findings of Fact

The applicants submitted an Environmental Checklist for the revised Preliminary Planned Unit Development (see Exhibit "D" - Environmental Information). The responsible official made a negative declaration on the proposed action and thus no Environmental Impact Statement procedure is required.

2. Conclusions

The application has complied with the requirements of the State Environmental Policy Act.

12/4/80 (P.C.)  
11/21/80  
3512A/0049A/bk

F. CITIZEN INPUT.

1. Findings of Fact

A letter was submitted by M. D. Matchett (Exhibit "G") stating that this adjacent property ownership has no objection to the proposed amendment. Barbara McDonald spoke in favor of the Playbarn live theatre use. A representative of the Playbarn also spoke, showed a model (Exhibit "I"), and explained the operation of the theatre and the 200 seat capacity (see Exhibit "H" - Minutes of Planning Commission hearing).

2. Conclusions

The letter from M. D. Matchett does not identify any concern about the parking use proposed on the newly added .85 acre parcel.

Other comments were generally favorable to the proposed Playbarn use.

III. APPENDICES

Exhibits "A" through "I" are attached as a part of this report.

12/4/80 (P.C.)  
11/21/80  
3512A/0049A/bk