

RESOLUTION NO. R - 2790

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE PRELIMINARY SUBDIVISION AND PRELIMINARY PLAT WITH MODIFICATIONS TO LOT DEPTH, LOT WIDTH AND LOT AREA OF FORBES CREEK AS APPLIED FOR BY FORBES CREEK DEVELOPMENT CORPORATION BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SP-80-56 AND SETTING FORTH CONDITIONS TO WHICH SUCH PRELIMINARY PLAT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received application for a subdivision and preliminary plat of property with modifications to lot depth, lot width and lot area within a Residential Single Family 35,000 zone and said application having been made by Forbes Creek Development Corporation the owner of the real property described in said application; 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 proposal for subdivision and preliminary plat with modifications has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of January 8, 1981; and

WHEREAS, the Kirkland Planning Commission, after public hearing and consideration of the recommendations of the Department of Community Development, did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the subdivision and the preliminary plat with modifications subject to the specific conditions set forth in said recommendation, 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 Chairperson thereof and filed in Department of Community Development File No. SP-80-56 are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The subdivision and preliminary plat of Forbes Creek with modifications 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 the preliminary approval of said subdivision and 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 subdivision other than as expressly set forth herein.

Section 5. 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 of the City of Kirkland
- (d) Department of Project and Construction Management for the City of Kirkland
- (e) Public Services Department of the City of Kirkland
- (f) Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland

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

ATTEST:


Director of Administration and Finance
(ex officio City Clerk)

3931A



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
 RECOMMENDED BY _____ DATE January 8, 1981
 ADOPTED BY _____ DATE _____

 STAFF _____
 BOARD OF ADJUSTMENT _____
 HOUGHTON COMMUNITY COUNCIL _____
 PLANNING COMMISSION Kay Haeraggi
 CITY COUNCIL AS INCORPORATED IN Kay Haeraggi, Chairperson

 RESOLUTION _____ ORDINANCE _____
 NUMBER R-2790
 DATE _____

FILE NUMBER SP-SF-80-56
 APPLICANT Forbes Creek Development Corporation
 PROPERTY LOCATION 10434 116th Ave. N.E.

SUBJECT PRELIMINARY Subdivision with Modification "Forbes Creek"

HEARING/MEETING DATE January 19, 1981
 BEFORE Kirkland City Council

EXHIBITS ATTACHED "A" Application "B" Environmental Checklist "C" Vicinity Map
"D" Proposed Subdivision of Phase I "E" Approved Forbes Creek PUD - 4 Phases "F" Approved
Site Plan of Phase I "G" Approved "Forbes Creek" Subdivision "H" Citizen Input (Letter
dated 9/3/80).

I. SUMMARY

A. Description of Proposed Action:

Gerald Schlatter of Forbes Creek Development Corporation has submitted an application for a Preliminary Subdivision to subdivide the approved Forbes Creek Planned Unit Development - Phase I into 32 lots and a common area Tract C with modifications to the required lot depth (Section 2.11.8(b)), lot width (Section 2.11.8(d) and (g)), and lot area (Section 2.11.8(h)). Tract C will contain common open space and a private road. The property is located at 10434 116th Avenue N.E. in an area to be rezoned from RS-35000 to RS-8500. The 5.88 acre Phase I of Forbes Creek Planned Unit Development received final approval on October 1, 1979. The Final Subdivision of Forbes Creek - Phase I will be reviewed by the Director of Community Development as authorized by Ordinance 2498.

The major issues are the modifications to the required lot depth, lot width and lot area and the common ownership of Tract C.

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 conditions:

1. This application is subject to the various requirements contained in the Land Use Policies Plan, the Kirkland Zoning Ordinance and the Kirkland Subdivision Ordinance. It is the responsibility of the applicant to assure compliance with the various provisions contained in these ordinances.
2. Prior to release of the final plat linen for recording, the applicant shall:

State on the final plat linen that Tract C shall be owned and maintained by the common ownership of "Forbes Creek" Planned Unit Development Lot 1 as legally described (see Exhibit "D").

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II. MAJOR ISSUES, FACTS AND CONCLUSIONS

A. Modification to Lot Depth (Section 2.11.8(b))

1. Statements of Fact.

a. Kirkland Subdivision Ordinance - Section 2.11.8(b)

Excessive depth in relation to width should be avoided. A desirable proportion of depth to width shall be 2 to 1.

b. The intent of Section 2.11.8 avoiding excessive lot depths is to provide adequate lot widths for side yard setbacks and reasonable building dimensions for detached structures on newly platted lots.

c. Land Use Policies Plan - Highlands Area

Low density residential use (5' dwelling units per acre) in the majority of the Highlands area. Under a Planned Unit Development, one to two units per acre in addition to the underlying density are permitted.

d. The Forbes Creek Final Planned Unit Development - Phase I was approved on October 1, 1979, for 32 dwelling units. The development has 5.44 units per acre. 23 of the units are attached and 9 of the units are detached (see Exhibits "E" and "F").

e. Conditions on the site and in the neighborhood have not changed since approval of the Forbes Creek - Phase I Planned Unit Development (see Exhibit "F").

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f. The applicant proposes to subdivide Phase I into 32 individual lots encompassing the sides of the approved dwelling units (see Exhibits "D" and "F"). The applicant indicates that townhouses on privately owned lots are more marketable at this time.

g. The proposed lots 10, 11, 12, 15, 16, 17 through 28, 30, 31 and 32 will have lot depths that exceed the desirable 2 to 1 proportion in relation to the lot widths (see Exhibits "D" and "F").

h. There is a detached single-family neighborhood to the south and to the west of the Phase I site (see Exhibit "C").

i. Lots 3 through 7, 13, and 14, located on the external boundary of the Planned Unit Development and adjacent to an RS-8500 single-family residential neighborhood, do not have excessive lot depths (see Exhibits "D" and "F").

2. Conclusions.

a. The modification is consistent with the policies in the Land Use Policies Plan. The Forbes Creek Planned Unit Development - Phase I is a low density residential use.

b. The modification is consistent with the purpose and intent of the Subdivision and Zoning Ordinances because the proposed lot depths and widths provide adequate dimensions for setbacks and building widths for attached dwelling units. The proposed lot widths are the maximum possible for the required lot area density and for the existing configuration of the attached units.

c. Possible impacts of the excessive lot depths will not affect the adjacent residential neighborhood because the largest lots of desirable proportions are on the external boundaries of the Planned Unit Development.

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B. Modifications to Lot Width (Section 2.11.8(d) and (g))

1. Statements of Fact.

a. Kirkland Subdivision Ordinance

Section 2.11.8(d)

Width of lots at the building line shall conform to the requirements of the Zoning Ordinance. All lots shall have a minimum width at the street line of 30 feet.

Section 2.11.8(g)

Corner lots for residential use shall be platted wider than interior lots to provide the front yard requirements on the side street as prescribed by the Zoning Ordinance.

b. Kirkland Zoning Ordinance

Section 23.08.050 - Lot Width:

The minimum lot width at the building line shall be 70 feet in an RS8500 zone.

Section 23.08.070 - Front Yards, Permitted Uses:

Every lot shall have a front yard with a depth of not less than 20 feet. In the case of corner lots, the front yard depth requirement shall apply to both front yards.

c. The intent of Section 2.11.8(d) and Section 23.08.050 requiring 70 feet at building line is to provide adequate width for setbacks and detached building dimensions. The requirement for a minimum 30 foot width at street line provides adequate space for the driveway and for setbacks from the driveway to the side yard property lines.

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d. The intent of Section 2.11.8(g) and Section 23.08.070 requiring wider corner lots than interior lots and 20 foot front yard setbacks are to provide adequate lot widths for setbacks and for building dimensions and to ensure open space and unobstructed turning views for vehicle drivers.

e. The Land Use Policies Plan has designated the area for low density residential use.

f. The Forbes Creek Planned Unit Development - Phase I received final approval on October 1, 1979, for the site plan including location and setbacks of the dwelling units and the detached garages (see Exhibits "E" and "F").

g. The proposed corner lots 1, 9, 10 and 11 are platted smaller than the interior lots. Lots 17 and 28 are platted smaller than the interior lots but are not corner lots because Tract C separates Lots 17 and 28 from the edge of the roadway (see Exhibits "D" and "F").

h. The dwelling units on the proposed corner lots 1, 9, 10 and 11 have the required 20 foot front setbacks from the road, but the associated detached garages do not have the appropriate front yard setbacks (see Exhibit "F").

i. The proposed lots, 17, 18, 20, 21, 23, 25, 26, and 32 have lot widths at street line less than the required 30 feet (see Exhibits "D" and "F").

2. Conclusions

a. The modifications are consistent with the Land Use Policies Plan. The proposed Forbes Creek Subdivision of Phase I is a low density residential use.

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- b. The modifications are consistent with the purpose and intent of the Subdivision and Zoning Ordinances because the dwelling units have the required front yard setbacks and the garages have some setback from the road. The location and setbacks of the garages were approved on the final site plan of Forbes Creek - Phase I. The 8 lots with lot widths less than 30 feet result from the approved dimensions and locations of the dwelling units and garages.

C. Modification to Lot Area (Section 2.11.8(h))

1. Statements of Fact.

a. Kirkland Subdivision Ordinance -

Section 2.11.8(h) Minimum Lot Area

In multiple lot subdivisions, the minimum lot area shall be deemed to have been met if the average lot area is not less than the minimum lot area required of the zone district in which the property is located. In computing the average lot area, not more than 10% of the number of lots may contain an area less than prescribed minimum for this zoning district of RS-8500. In no case shall any lot contain less area than 7,650 square feet.

Lots smaller than the underlying zone must be dispensed as evenly as possible throughout the plat to avoid a concentration of substandard-size lots in any one area of the subdivision.

In addition to the above, in calculating the total average lot size for the subdivision, 9,350 square feet of lot area is the maximum amount that may be used in determining the average lot area.

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- b. The intent of Section 2.11.8(h) requiring a minimum lot area in a subdivision is to ensure adequate lot sizes for setback requirements and reasonable building dimensions. Dispersing the smaller lots evenly throughout the subdivision mitigates the impact from the increased density of substandard lots. Limiting the maximum size of the lots to 9,350 square feet used for determining the total average lot size discourages the platting of unevenly large lots.

- c. The Land Use Policies Plan has designated the area for low density residential use at 5 units per acre with 1 to 2 units per acre additionally permitted under a PUD process.

- d. The Forbes Creek Planned Unit Development for 115 dwelling units and common open space received preliminary approval on March 15, 1978. The Forbes Creek PUD density averages 8,233 square feet per unit (including the roadway square footage) in an RS-8500 zone because the Zoning Ordinance allows an increased density of up to 15% for a PUD (Section 23.28.090(3)) (see Exhibit "E").

- e. The Forbes Creek PUD - Phase I for 32 units and common open space received final approval on October 1, 1979. Phase I density averages 8,004 square feet per unit or 5.44 units per acre based on the buildable land area, the open space and the road (see Exhibit "F").

- f. The applicant proposes to subdivide Phase I into 32 lots with Tract C as common open space and roadway (see Exhibits "D" and "F").

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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.

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- g. 26 of the proposed 32 lots have smaller than the required 8,500 square feet of lot area and the minimum 7,650 square feet of lot area. Lots 3, 5, 6, 7, 13 and 14 have the required lot area. Lots 5, 6, 7 and 13 have more than the maximum 9,350 square feet allowed to be calculated in the average lot area (see Exhibit "A").
- h. The proposed 26 substandard lots are not evenly dispersed throughout the subdivision. The substandard lots, containing the attached townhouses, are clustered on the northern portion of Phase I (see Exhibits "D" and "F").
- i. There is a detached single-family residential neighborhood to the south and to the west of the Phase I site (see Exhibit "C").
- j. The 6 conforming lots are located on the external boundary of Phase I adjacent to a single family residential neighborhood, whereas the non-conforming lots are located in the exterior of the Planned Unit Development (see Exhibits "C" and "F").

2. Conclusions.

- a. The modification is consistent with the Land Use Policies Plan. The proposed Forbes Creek Subdivision of Phase I is a low density residential use.
- b. The modification is consistent with the Kirkland Subdivision and Zoning Ordinances because the Phase I average lot density is 8,004 square feet of lot area when Tract C (open space and roadway) is included in total lot areas. The substandard lots are created to encompass the existing attached townhouses and setback areas for private ownership reasons and do not alter physical conditions on the site.

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- c. The substandard lots are clustered towards the interior of the Planned Unit Development to avoid impacting the single family residential neighborhood to the south and west.
- D. The Common Ownership of Tract C.
- 1. Statements of Fact.
 - a. Kirkland Subdivision Ordinance - Section 3.5.2
Every easement for ingress and egress shall be established by a written document which shall declare said easement to be perpetual, and which shall contain a use and maintenance agreement as to said easement and its improvements. Said document shall be binding on all parties affected by said easements, their heirs and assigns and shall be recorded with the King County Auditor.
 - b. The Forbes Creek Planned Unit Development received preliminary approval on March 15, 1978, and final approval for Phase I on October 1, 1979. The approved site plans indicate a private road and open space under common ownership of the Planned Unit Development (see Exhibits "E" and "F").
 - c. The roadway in Phase I is part of the private loop road serving the Planned Unit Development. The common open space is part of the average lot density computation for the PUD (see Exhibits "E" and "F").
 - d. The applicant proposes to subdivide Forbes Creek - Phase I into 32 lots and Tract C. Tract C contains the common open space and private road (see Exhibit "D").

2. Conclusions

Prior to release of the final plat lines for recording, the applicant must state on the recording documents that Tract C shall be owned and maintained by the common ownership of the "Forbes Creek" Planned Unit Development Lot 1 as legally described (see Exhibit "G").

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