

RESOLUTION NO. - 2792

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A FINAL PLANNED UNIT DEVELOPMENT AMENDMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. F-PUD-79-85(P) AMENDMENT, BY FORBES CREEK DEVELOPMENT CORPORATION TO AMEND THE ALREADY APPROVED FORBES CREEK PLANNED UNIT DEVELOPMENT PHASE I BEING WITHIN A RS 35,000 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH FINAL PLANNED UNIT DEVELOPMENT AMENDMENT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Final Planned Unit Development Amendment filed by Forbes Creek Development Corporation, the owner of said property described in said application and located within a Residential Single Family 35,000 zone.

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

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 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 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 Final Planned Unit Development Amendment 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 Chairperson thereof and filed in the Department of Community Development File No. F-PUD-79-85(P) Amendment are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Final Planned Unit Development Amendment shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

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 Final Planned Unit Development Amendment or evidence thereof delivered to the permittee.

Section 4. Nothing in this resolution 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 Final Planned Unit Development Amendment is subject shall be grounds for revocation in accordance with 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.

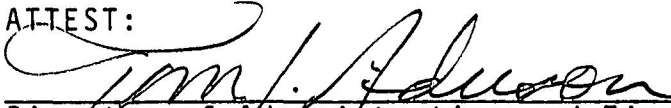
ADOPTED in regular meeting of the City Council on the 19th day of January, 1981.

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



Mayor

ATTEST:



Director of Administration and Finance
(Ex officio City Clerk)

3930A



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

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

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

RESOLUTION _____ ORDINANCE _____
 NUMBER R-2792
 DATE _____

FILE NUMBER R-F-PUD-79-85(P) AMENDMENT
 APPLICANT Forbes Development Corporation
 PROPERTY LOCATION 10434 116th Ave. N.E.
 SUBJECT AMENDMENT TO FINAL PLANNED UNIT DEVELOPMENT - PHASE I
 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 Phase Site Plan
"F" Approved Site Plan of Phase I with Subdivision of Lots

I. SUMMARY:

A. Description of the Proposed Action.

Gerald Schlatter of Forbes Creek Development Corporation has submitted an application for an Amendment to the approved Final Planned Unit Development of Forbes Creek - Phase I. The applicant proposes to include a 20 foot wide and 171.86 foot long portion of Phase II as part of the Phase I development and to subdivide Phase I into 32 lots and a Tract C for 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 Forbes Creek Phase I received final approval on October 1, 1979. Phase II received preliminary approval on March 15, 1978.

The major issues are the private ownership of the 32 lots and common ownership of Tract C.

B. Recommendations.

Based on the major issues, facts, conclusions, and exhibits "A" through "F" 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 and the Kirkland Zoning Ordinance. It is the responsibility of the applicant to assure compliance with the various provisions contained in these provisions.
2. On the final site plan, the applicant must state that Tract C shall be owned and maintained by the common ownership of "Forbes Creek" Planned Unit Development.

II. MAJOR ISSUES, FACTS AND CONCLUSIONS

A. Private Ownership of the 32 Lots

1. Statements of Fact.

- a. The Forbes Creek PUD Phase I was approved on October 1, 1979, for 32 dwelling units. 23 of the units are attached and 9 of the units are detached. Phase II received preliminary approval on March 15, 1978, (see Exhibits "E" and "F").

1/8/81 (P.C.)
 12/16/80
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- b. The applicant proposes to include a 20 foot wide by 171.86 foot long portion of Phase II as part of the Phase I development and to subdivide Phase I into 32 individual lots encompassing the sides of the approved dwelling unit (see Exhibits "D" and "F").
- c. The applicant proposes the subdivision because he believes that townhouses on privately owned lots are more marketable at this time.
- d. The applicant proposes no changes to the buildings, landscaping, ingress and egress, setbacks, open space, parking or any other improvement on the approved site plan (see Exhibits "D" and "F").
- e. The boundaries of Phase II have been established for the Planned Unit Development building phase process, but are not legally recorded lines. Once the Planned Unit Development is completed and recorded, the phasing boundaries are deleted.

2. Conclusions.

The Amendment to the Final Planned Unit Development of Forbes Creek Phase I only creates 32 privately owned lots and does not alter the physical improvements on the site. Common open space and a private road are still provided within Tract C. The small portion of Phase II can be included as part of the Phase I development for subdivision purposes.

B. Common Ownership of Tract C.

1. Statements of Fact.

- a. The Forbes Creek Planned Unit Development received preliminary approval on March 15, 1978, and final approval for Phase I on October 1, 1979. The approval site plans indicate a private road and open space under common ownership of the Planned Unit Development (see Exhibits "E" and "F").

1/8/81 (P.C.)
12/16/80
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- b. 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 total lot density computation for the PUD (see Exhibits "E" and "F").
- c. 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.

On the final site plan, the applicant must state that Tract C shall be owned and maintained by the common ownership of the Forbes Creek Planned Unit Development.

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.
January 30, 1978	Draft EIS issued.
April 6, 1978	Final EIS issued.
October 1, 1979	Final Subdivision of "Forbes Creek, Rezone from RS-35 to RS-85, Final Planned Unit Development of Phase I all approved.
March, 1980	Building Permit issued for park and road.

B. Neighborhood.

The subject property is to be rezoned RS-8500 and 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 "F" are attached.

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