

RESOLUTION NO. R - 2795

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF NORKIRK LANE BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SF-80-79 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a subdivision and preliminary plat of Norkirk Lane was approved by Resolution No. R-2650; and

WHEREAS, thereafter the Department of Community Development received an application for approval of subdivision and final plat, said application having been made by Roy Humphrey, the owner of the real property described in said application, which property is within a Residential Single Family 7,200 zone; and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2473, as amended, 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 made available and accompanied the application throughout the entire review process; and

WHEREAS, the Director of the Department of Community Development did make certain Findings, Conclusions and Recommendations and did recommend approval of the subdivision and the final plat, subject to 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 Director of the Department of Community Development, filed in Department of Community Development File No. SF-80-79, are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. Approval of the subdivision and the final plat of Norkirk Lane is subject to the applicant's compliance with the conditions set forth in the recommendations hereinabove adopted by the City Council and further conditioned upon the following:

- (a) A Plat Bond or other approved security performance undertaking in an amount determined by the Director of Public Services in accordance with the requirements therefor in Ordinance No. 2178 shall be deposited with the City of Kirkland and be conditioned upon the completion and acceptance by the City of all conditions of approval, including public improvements, within one

year from the date of passage of this Resolution. No City official, including the Chairperson of the Planning Commission, the Mayor, or the City Engineer, shall affix his signature to the final plat drawing until such time as the plat bond or other approved performance security undertaking herein required has been deposited with the City and approved by the Director of Public Services as to amount and form.

Section 3. A certified copy of this Resolution, along with the Findings, Conclusions and Recommendations hereinabove adopted shall 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) Fire and Building Department of the City of Kirkland
- (d) Public Services Department for the City of Kirkland
- (e) Project and Construction Management Department of the City of Kirkland
- (f) Office of the Director of Administration and Finance (ex officio City Clerk) of the City of Kirkland

PASSED in regular meeting of the Kirkland City Council on the 2nd day of February, 1981.

SIGNED IN AUTHENTICATION thereof on the 2nd day of February, 1981.


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

XX PREPARED BY _____ DATE December 10, 1980
____ RECOMMENDED BY _____ DATE _____
____ ADOPTED BY _____ DATE _____

XX STAFF _____
____ BOARD OF ADJUSTMENT _____
____ HOUGHTON COMMUNITY COUNCIL _____
____ PLANNING COMMISSION _____
____ CITY COUNCIL AS INCORPORATED IN _____
____ RESOLUTION _____ ORDINANCE _____
NUMBER _____
DATE _____

Joseph Tovar

Joseph Tovar, Acting Director

FILE NUMBER SF-80-79
APPLICANT ROY HUMPHREY
PROPERTY LOCATION 15th Avenue and 7th Street
SUBJECT FINAL SUBDIVISION OF NORKIRK LANE
HEARING/MEETING DATE January 5, 1981
BEFORE CITY COUNCIL

EXHIBITS ATTACHED "A" APPLICATION, "B" VICINITY MAP, "C" PROPOSED FINAL PLAT
"D" APPROVED PRELIMINARY PLAT, "E" PRELIMINARY SUBDIVISION CONDITIONS OF APPROVAL,
"F" - "NO PROTEST" AGREEMENT

I. SUMMARY

A. DESCRIPTION OF THE PROPOSAL

Roy Humphrey has applied for the Final Subdivision of Norkirk Lane to divide a 2.53 acre parcel into nine single family residential lots in the RS 7200 zone. The proposed lots would access from the new street presently being constructed in the 15th Avenue right-of-way, to the north end of the proposed plat, and ending in a cul-de-sac encompassing part of 16th Avenue right-of-way. The property slopes fairly sharply from the north and west sides of the proposed plat. The subject property is located northeast of the intersection of 6th Street and 15th Avenue, north of the Peter Kirk School. Land Use Policies Plan designation is for low-density residential use at 5 dwelling units per acre. The preliminary subdivision was approved on November 5, 1979 by resolution No. R-2650 (File No. P-SUB-79-51(P)). The major issue is compliance with the preliminary subdivision conditions of approval.

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, Kirkland Zoning Ordinance, the Kirkland Subdivision Ordinance and Uniform Building Code. It is the responsibility of the applicant to assure compliance with the various provisions contained in these ordinances.
2. Any major changes, revisions or additions, constituting a departure from the approved site plan submitted by the applicant or developer shall be fully processed by the Planning Commission and the City Council in the same manner as a new final subdivision application.

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3. Fee-in-lieu of Open Space shall be paid prior to City Council review of this application.
4. The "No Protest" agreement (Exhibit "F") shall be recorded with King County prior to City release of the approved plat lines.
5. The Conditions of Approval adopted by Resolution No. R-2650 shall apply (Exhibit "E").

II. MAJOR ISSUES, FACTS, AND CONCLUSIONS

- A. Compliance with the Preliminary Subdivision Conditions of Approval (Exhibit "E").
 1. Statements of Fact.
 - a. A street running north-south from 15th Avenue into the proposed plat has been redesignated as "7th Street" as required in Condition of Approval #1.
 - b. Construction of the public improvements to serve the subdivision have already begun, and have been coordinated with the City improvement project on 6th Street and 15th Avenue, as required by Condition of Approval #3.
 - c. The applicant has redesigned the subdivision to show cross-easements to serve lots 3, 4, and 5 with a driving surface of no less than 12 feet in width, as required by Conditional of Approval 4.a.
 - d. The Public Service Department has reviewed and approved detailed engineering plans for a storm water retention system, construction drainage, utility plans, and right-of-way improvements, as required by Condition of Approval 4b.

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- e. The Fee-in-lieu of Open Space has not been paid. Condition of Approval #5 requires that the applicant submit either \$200 for a newly created lot for 10% of the assessed valuation of the entire property, whichever is greater, prior to final subdivision approval by the City Council.
- f. The No Protest Agreement for future walkway improvements in the 6th Street right-of-way has not been recorded, as required by Condition of Approval #7.
- g. The Kirkland City Council approved a street and alley vacation, as required by Condition of Approval #10, by Ordinance No. 2527 on May 19, 1980.
- h. Conditions of Approval 2, 6, 8, and 9 are triggered prior to City release of the plat linen or at time of Building Permit application.

2. Conclusions

- a. The Fee-in-lieu of Open Space, required by Condition of Approval #5, should be paid prior to City Council review of this application.
- b. The No Protest Agreement (see Exhibit "F") should be recorded with King County prior to City release of the approved plat linens.
- c. The applicant has met all of the other Conditions of Approval to be met prior to final subdivision approval. Conditions of Approval 2, 6, 8 and 9 will be complied with prior to City release of the plat linen or at time of Building Permit application.

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III. BACKGROUND

A. History

1. The preliminary subdivision application, File No. P-SUB-79-51(P) was approved by the Planning Commission with only 8 lots (instead of the 9 lots requested) and a walkway improvement within the 6th Street right-of-way, on August 16, 1979. The applicant appealed these two items to the City Council at their September 4, 1979 meeting. At that meeting, the City Council sent the application back to the Planning Commission with the following guidance:
 - a. "The City Council is opposed to any further improvement of the existing pedestrian trail on the west side of the subdivision (unopened 6th Street). The Council prefers that with this subdivision the south entrance of the trail at 15th Avenue be closed to future use;
 - b. The City Council interprets that the intent of the Land Use Policies Plan for a pedestrian walkway on 6th Street, north to 18th Avenue, is achieved by further improving in the future, a sidewalk system on 5th Place between 15th and 18th Avenue (directly west of the proposed subdivision);
 - c. The City Council feels that the elimination of lot 4 should be reconsidered if share driveways or cross easements will permit the driveway grade to lot 4 and the abutting lots to be kept within the 15% maximum slope policy."

The new Planning Commission hearing on the elimination of Lot 4, and the 6th Street improvement was held on October 18, 1979. The Planning Commission reinstated Lot #4 with the provision that cross easements and/or shared driveways will be required, and deleted the requirement for improvement of the 6th Street walkway. City Council then approved the preliminary subdivision on November 5, 1979 by Resolution No. R-2650.

On May 9, 1980, the City Council approved Ordinance No. 2527 which vacated portions of streets and alleys located between 15th Avenue and 17th Avenue, between 6th and 7th Street within the proposed plat. This was required through Condition of Approval #10 of the preliminary subdivision.

B. Neighborhood.

The subject property as well as all surrounding properties are currently zoned for RS-7200 (single family residences). Most of the land to the west of the proposed subdivision is currently occupied by single family homes. A few vacant parcels remain. To the south of the site lies a few single family homes and Peter Kirk elementary school. To the north and to the east are large areas of vacant land. The area bounded by 6th Street right-of-way on the west, 18th Avenue on the north, Burlington Northern railroad tracks on the east, and 15th Avenue on the south, is entirely vacant with the exception of an existing house on the site which will be torn down, and a single family home east of the property.

IV. APPENDICES.

Exhibits "A" through "F" are attached.

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