

RESOLUTION NO. R- 2811

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE PRELIMINARY SUBDIVISION AND PRELIMINARY PLAT OF LINBROOK YARROW BAY AS APPLIED FOR BY BIRTCHER, McDONALD AND FRANK BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SP-80-89 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 within Professional Residential and Freeway Interchange District zones and said application having been made by Birtcher, McDonald and Frank the owner of the real property described in said application; and

WHEREAS, said application has been assigned Department of Community Development File No. SP-80-89; and

WHEREAS, pursuant to City of Kirkland Ordinance No. 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 throughout the entire review process; and

WHEREAS, the proposal for subdivision and preliminary plat has been submitted to the Houghton Community Council and Kirkland Planning Commission who held public hearings thereon at their regular meetings of March 3, 1981 and March 19, 1981, respectively; 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 subdivision and the preliminary plat 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-80-89 are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The subdivision and preliminary plat of Linbrook Yarrow Bay 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. Notwithstanding any recommendation 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 not become effective within the Houghton community, except upon the approval of the Houghton Community Council or the failure of said Community Council to disapprove this Resolution within 60 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 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 majority vote of the Kirkland City Council in regular, open meeting on the 6th day of April, 1981.

SIGNED IN AUTHENTICATION thereof on the 6th day of April, 1981.


MAYOR

ATTEST:


Director of Administration and Finance
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____

XSX RECOMMENDED BY _____ DATE March 19, 1981

ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

XXX PLANNING COMMISSION Carol Goddard

Carol Goddard, Chairperson

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER R-2811

DATE _____

FILE NUMBER SP-80-89

APPLICANT Bircher, McDonald and Frank

PROPERTY LOCATION S. of NE 38th Pl & N. of the Ramada Inn

SUBJECT Preliminary Subdivision of Linbrook Yarrow Bay

HEARING/MEETING DATE April 6, 1981

BEFORE Kirkland City Council

EXHIBITS ATTACHED "A" Applications "B" Vicinity Map "C" Proposed
Plat "D1" Drainage Easement (HCC) "E" SEPA Information (See File PP-80-90)
"D2" Drainage Easement (PC)

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

Bircher, McDonald and Frank has applied for a Preliminary Subdivision for 28 lots and a tract to be held in common ownership. The 9.46 acre site is located on the south side of N.E. 38th Place, and north of the Ramada Inn (see Exhibit "B" - Vicinity Map). Most of the site is undeveloped. Cochran Creek bisects the site and the existing Old National Bank is south of the creek. The proposal includes 50 foot building setbacks along each side of the creek; three access points from N.E. 38th Place; and a single access from lake Washington Boulevard. The applicant has also applied for a Planned Unit Development, under separate application.

Major issues are: compliance with the State Environmental Policy Act (S.E.P.A.), compliance with the Land Use Policies Plan (L.U.P.P.), public improvements, lot size and width modifications, and compliance with the Subdivision Ordinance.

B. RECOMMENDATIONS

Based on Statements of Fact, Conclusions and the attached Exhibits, we recommend approval of this Preliminary Subdivision application subject to the following conditions:

1. The Final P.U.D. application shall be approved with or prior to approval of the Final Subdivision.
2. On the Subdivision recording documents, the applicant shall:
 - a. Record a drainage easement for the area shown on Exhibit "D2", which states: "No construction, clearing or alterations shall be allowed to occur within the boundaries of this easement with the exception of landscaping, ordinary maintenance and repair." A pedestrian pathway within the easement shall be included, if possible.
 - b. Show the public walkway easements (see File No. PP-80-90).

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3. Prior to subdivision recording, all public improvements (see DCD File No. PP-80-90) shall be installed or bonded for.
4. Prior to occupancy of any structures, the applicant shall record the subdivision.

II. MAJOR ISSUES, FACTS AND CONCLUSIONS

A. COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICY ACT (S.E.P.A.) (Exhibit "D").

See Advisory Report for File No. PP-80-90.

B. COMPLIANCE WITH THE LAND USE POLICIES PLAN (LUPP).

See Advisory Report for File No. PP-80-90.

C. PUBLIC IMPROVEMENTS

See Advisory Report for File No. PP-80-90.

D. LOT SIZE AND WIDTH MODIFICATIONS

1. Statements of Fact

- a. The applicant has applied for modifications from Subdivision Ordinance Sections 2.11.8(d) and 2.11.8(h) to allow lot width less than the required 60 feet and lot size less than the required 7200 square feet in a PR zone.
- b. Subdivision Ordinance Section 2.13.2(a) permits modifications of Subdivision Ordinance requirements if "the subdivision is considered in conjunction with a Planned Unit Development for the same piece of property." A Preliminary P.U.D. application has been submitted, and is referenced as DCD File No. PP-80-90.
- c. Subdivision Ordinance Section 2.13.3 states: "The City may only grant a modification if it is consistent with the policies of the Land Use Policies Plan, and the purpose and intent of the Zoning Ordinance and this Ordinance."

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- d. Section 23.28.090 of the Zoning Ordinance allows a reduction in lot size and width for Planned Unit Developments.
- e. The Land Use Policies Plan encourages enhancement of the Lake Washington Boulevard, SR 520 interchange (Page 215) and to preserving streams (Goals 2 and 3, Natural Elements). The project clusters buildings to establish a 50 foot setback from Cochran Creek.
- f. Preservation of major watercourses is required in Section 2.10.6 of the Subdivision Ordinance.

2. Conclusions

- a. The lot size and width modifications can be granted in conjunction with approval of the Preliminary Subdivision.
- b. The Final P.U.D. application should be approved with or prior to approval of the Final Subdivision. This insures compliance with Subdivision Ordinance Section 2.13.2(a).
- c. The requested modifications are consistent with L.U.P.P. policies and the purpose and intent of the Zoning and Subdivision Ordinances insofar as it enhances preservation of Cochran Creek and is consistent with the intent of the Zoning Ordinance.

E. COMPLIANCE WITH SUBDIVISION ORDINANCE

1. Statements of Fact

- a. Section 2.10.6.: A drainage easement, parallel to, and measured in terms of the centerline of all minor and major watercourses shall be required. In the determination of the dimension of such easements and the classification of watercourses the Planning Commission and staff shall be guided by the recom-

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mentation contained in the report, Land: Natural Elements, Kirkland Planning Department, 1970, pp. 53-76. (A copy of this report can be obtained from the Kirkland Planning Department). Any disturbance of the natural state or construction in the designated easement will not be allowed unless approval is received from the Planning Commission, concurrent with the approval of the subdivision. In all cases, the bank of the watercourse shall be preserved in as natural a state as is practical. (NOTE: Watercourses are classified by the time flow period - see definitions: watercourses.)

- b. Section 2.11.3: When necessary for public convenience and safety, pedestrian ways may be required to facilitate pedestrian access through the subdivision or private facilities.
- c. Section 2.11.9(e): Where a subdivision abuts existing roads, sidewalks or walkways will be required to be installed in or adjacent to the abutting right-of-way.
- d. Section 2.12.1: This Section requires that all public improvements be installed or bonded for, prior to Final Subdivision approval.

2. Conclusions

- a. A drainage easement extending out approximately 50 feet from each side of the thread of Cochran Creek should be recorded for the area shown on Exhibit "D2", and be placed on the plat drawing prior to plat recording. The following wording should be used: "No construction, clearing or alterations shall be allowed to occur within the boundaries of this easement with the exception of landscaping, ordinary maintenance and repair." This easement is important to maintain natural drainage around Cochran Creek. A pedestrian pathway within the easement should be included, if possible.

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- b. A public walkway easement should be located on the plat, connecting Lake Washington Boulevard and N.E. 38th Place. Easement location should be discussed with Department of Community Development staff prior to Final Planned Unit Development application, and be approved with the Final Planned Unit Development (see File No. PP-80-90).
- c. Public improvements on N.E. 38th Place and Lake Washington Boulevard are addressed in Department of Community Development File No. PP-80-90. The City normally requires all public improvements to be installed or bonded for, prior to Final Subdivision approval. However, since the proposed plat and improvements are also tied to a Planned Unit Development, it is reasonable to require a bond or completion of the public improvements prior to subdivision recording. Therefore, installation of, or bonding for public improvements should not be required prior to Final Subdivision and Planned Unit Development approval.

III. BACKGROUND

A. Neighborhood and Zoning

Exhibit "B" (Vicinity Map) shows the area zoning, which ranges from Low Density Residential to Commercial. The Ramada Inn, Denny's and Huwiler's are adjacent to the south. To the west is Planned Area 3, containing two professional office structures. To the north is a Texaco Service Station, the Plankhouse Restaurant and the Yarrow Bay Offices. To the east is the Metro Park and Ride. To the southeast, in Bellevue, are a few single-family residences.

B. HISTORY

The site was originally to be Phase 2 of the Yarrow Bay Office P.U.D., and was never acted upon. Staff has worked closely with the present applicant since Summer, 1980 on design changes to comply with City policies. This series of changes has evolved into the attached set of plans.

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IV. ALTERNATIVES

The major use alternative is residential. The site could be developed into 114 dwelling units, as allowed by the PR zoning. Other design alternatives exist: taller buildings (allowing more open space); less parking; removal of the proposed bridge, etc. The proposed project could be constructed as shown, without the modification, but offices would be rented with all buildings under a single ownership.

V. DEVELOPMENT STANDARDS

A. KIRKLAND ZONING ORDINANCE

1. Section 23.14.050(3).

Lot Area: 7200 sq. ft. (site is 9.46 acres. Individual building lots range from 3,560 square feet to 25,460 square feet.

Lot Width: 60 feet (site is greater than 60 feet wide. Individual building lot widths range from 52' to 133'.

B. SUBDIVISION ORDINANCE

Section 1.2.25: "Subdivision: Subdivision is the division of land into five or more lots, tracts, parcels, sites or division for the purpose of sale or lease and shall include all resubdivision of land." (emphasis added).

C. FIRE DEPARTMENT

All curves in parking lot must have a 45 foot minimum radius. Driving areas must not exceed 15% grade.

VI. APPENDICES

Exhibits "A" through "D" are attached. Exhibit "E" (SEPA information) can be found with the Advisory Report PP-80-90.

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