



CITY OF KIRKLAND

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

www.ci.kirkland.wa.us

Council Meeting: 05/05/2009

Agenda: Unfinished Business

Item #: 10. c.

MEMORANDUM

To: Dave Ramsay, City Manager

From: Rob Jammerman, Development Engineering Manager

Date: May 5, 2009

Subject: Aubry Short Plat Driveway Issue, File No. SPL06-00007

On April 15, 2009, the City Council received an e-mail message from Mr. Clement Neil regarding the location of the proposed driveway to Lot 3 of the Aubry Short Plat, File No. SPL06-00007. The Council discussed the e-mail message at the April 21, 2009 Council meeting, and requested that Public Works brief them on the proposed driveway at the May 5, 2009 Council Meeting. In preparation for the briefing, Public Works would like to offer the following background information:

1. On July 19, 2007, the City Council upheld an appeal to not open the 5th Avenue South right-of-way, along the south side of the Aubry Short Plat, to public vehicular use. At the end of the appeal proceedings, it was mentioned to Council that Mr. Aubry would need to build a driveway in the 5th Avenue South right-of-way in order to gain access to Lot 3.
2. At the August 7, 2007 City Council meeting, the Council approve Resolution R-4657 which adopted the findings, conclusions, and decisions in the Aubry Short Plat Appeal. Within Exhibit A of the Resolution the following conclusion is stated:

7. The applicant may propose to locate a residential driveway in the unopened 5th Avenue South right-of-way to access Lot 3 of the Aubry Short Plat. The design for the required pedestrian and bicycle path and the driveway will be reviewed and approved by the Public Works Department.
3. Shortly after the Aubry Short Plat was approved, Mr. Aubry and the owners of the three properties adjacent to the 5th Avenue South right-of-way began discussing the proposed location of the driveway for Lot 3, but they could not reach a consensus. The Public Works Department agreed that a driveway, located in the unopened 5th Avenue South right-of-way could access either 7th Street South or 8th Street South. Given that dispute over the driveway was primarily a civil matter, we then recommended that the owners and Mr. Aubry attend mediation, but they were unable to resolve the matter in mediation.
4. Mr. Aubry has applied for and has been issued a Land Surface Modification (Grading) Permit, to install all of the required Short Plat improvements, including the driveway to Lot 3. The proposed driveway takes access from 7th Street South, provides vegetation on each side of the driveway to buffer it from the adjacent properties, and relocates a portion of the path so that it doesn't conflict with the driveway (see attached sketch of proposed driveway).
5. The three adjacent property owners are aware that the Grading Permit has been issued, and if they want to file an appeal, it must be received by the City by May 9th, 2009. An appeal of a Grading Permit is heard by the Hearing Examiner.

Attachment

Aubry Short Plat Site Plan

