

MAE:jt
12/12/83

RESOLUTION NO. 5

A RESOLUTION OF THE CITY OF MILL CREEK,
WASHINGTON, APPROVING THE PRELIMINARY PLAT AND
SITE PLAN FOR MILL CREEK SQUARE DEVELOPMENT.

WHEREAS, the Mill Creek Planning Commission, after notice required by RCW 58.17.090 had been duly given, held a public hearing on November 21, 1983, at which time it took testimony concerning the application for preliminary plat approval and site plan approval of the project known as the Mill Creek Square receiving staff input and testimony from all members of the public desiring to speak regarding this application after which the public hearing was closed and the commission held its deliberations formulating its motion as set forth, in substance, in its letter to the City Council dated November 22, 1983, and

WHEREAS, the City Council found at their meeting of November 22, 1983, as required by RCW 58.17.100, that the proposed subdivision will conform to the general purposes of the comprehensive plan as adopted by the City of Mill Creek and to the planning standards and specifications as adopted by the City provided the conditions set forth herein, are complied with; and

WHEREAS, as required by RCW 58.17.110, the City Council found that the proposed plat, conditioned as set forth in the approval, makes appropriate provision for the public health, safety and general welfare and that the public use and

interest will be served by the platting of such subdivision;
and

WHEREAS, the City Council concurred in the finding of the City's official responsible for compliance with the State Environmental Policy Act that this approval, as conditioned, will not have any significant adverse impact upon the quality of the environment, now, therefore,

THE CITY COUNCIL OF THE CITY OF MILL CREEK,
WASHINGTON, HEREBY RESOLVE AS FOLLOWS:

1. That the recommendation of the Mill Creek Planning Commission was adopted by this council at its November 22nd meeting without modification, as clarified herein.

2. That the Mill Creek Square preliminary plat was approved subject to the following conditions and stipulations:

A. That the preliminary plat map as submitted to the Planning Commission shall be the approved plat configuration subject to changes only as provided in SCC 19.20.020(1) as adopted by the City of Mill Creek.

B. The applicant shall fully comply with all procedural and substantive requirements of chapters 19.28 SCC (preliminary plat standards - design), 19.32 SCC (construction requirements) and 19.40 SCC (final plat) as those chapters are adopted by the City of Mill Creek, unless specifically modified herein.

C. Prior to the initiation of any site work the applicant shall provide a detailed drainage plan submitted to

and approved by the City Engineer prepared with special consideration for impacts on adjacent properties, prepared to include state of the art oil separators satisfactory for the City Engineer who shall consider the methods approved or recommended by the State Department of Fish and Game, and incorporating an ongoing maintenance schedule and performance standards to insure the continuing operation of such drainage system.

D. Temporary erosion control measures shall be employed during road construction and development of the site subject to prior approval by the City Engineer.

E. As an inducement to this approval, the applicant has agreed to present a voluntary agreement to the City prior to final plat approval that the applicant will install signalization at the intersection of Ninth Avenue and 164th Street within five years of the date of such agreement or earlier as warranted or necessary in the sole judgment of the City Engineer based upon traffic studies ordered by the City Engineer at the cost of the applicant. The City will enter into a street improvement reimbursement agreement, as authorized by Chapter 126, Laws of 1983, with the applicant and/or those parties contributing to the cost of such signalization, upon the installation of such signalization. Land owners of the previously developed Mill Creek Plaza shall be exempt from contributing to the cost of such signalization

provided the use of such property has not changed so as to further contribute to the need for such signalization.

F. Prior to or simultaneously with plat recordation, a joint parking and circulation agreement covering the entirety of the subject property requiring reciprocal cross-access amongst the parcels of the proposed subdivision shall be recorded. The existing recorded nonexclusive easement for ingress and egress granted across existing Lot 29 to benefit existing Lot 28 shall be deemed extinguished with the recording of said reciprocal access agreement.

3. That the Mill Creek Square site plan was approved pursuant to the provisions of the Mill Creek Plaza Contract Rezone, subject to the following conditions and stipulations:

A. Although not a requirement to be enforced by the City, the Council recognizes that the subject property is required to conform all signage with the provisions of the recorded Conditions, Covenants and Restrictions.

B. Before the initiation of any site work a detailed landscape plan, conforming to the requirements for landscaping found in the recorded Conditions, Covenants and Restrictions for such property shall be submitted to the City for approval by the Planning Commission and which shall retain all existing specimen trees as feasible and as identified by the City Engineer who may seek whatever professional advice he deems necessary for such identification. The City Engineer may

deduct from the parking requirements as adopted by the City of Mill Creek a number of parking stalls which represent the least number of stalls required for the retention of such specimen trees. Such landscape plan shall give particular detail to native vegetation and habitat in the southeast corner of existing Lot 28. All buildings shall be set back from Penny Creek a distance of at least 40 feet provided that all trees shall be retained and further that all vegetation and habitat within 25 feet of said creek shall not be disturbed in any way by construction or otherwise.

For the purpose of mitigating the temporary direct adverse effects of construction on Penny Creek, and as an inducement for this approval, the developer orally agreed, at the November 22, 1983 City Council meeting, to make a voluntary contribution to the Everett School District Lively Property Salmon Hatchery Program for the production of salmon to be released into Penny Creek at some future date, such contribution to be in the amount of \$5,000.00 to be made within two years of this approval.

C. The point of access and frontage improvements along SR 527 south of its intersection with 164th Street S.E. shall be designed and constructed as required by the City Engineer and in concurrence with the Washington State Department of Transportation's requirements as generally stated in their letter to the City of Mill Creek dated November 21, 1983.

D. Street lighting shall be provided by the developer along Ninth Avenue in accordance with the prevailing lighting patterns of the adjacent Mill Creek Plaza Development and also along SR 527 adjacent to the other street improvements required by this conditional approval and as necessitated by this project, the number of which shall be determined at the City Engineer's discretion.

E. The developer will comply with the basic concept of improvements along SR 527 as shown in the drawing prepared by David I. Hamil dated October, 1983 and which accompanied the Hamil letter to the Washington State Department of Transportation dated November 1, 1983 and as subsequently revised by the Washington State Department of Transportation letter to the City of Mill Creek dated November 21, 1983 which prohibits left turns out of the shopping center onto SR 527, all of which such improvements lie within the existing right-of-way of SR 527. This approval is given with the understanding and reservation that the City's future authority to regulate traffic pursuant to its police power is not intended to be limited by this condition and the City may, when traffic conditions warrant, prohibit left turns into the Mill Creek Square development by northbound traffic on SR 527.

F. The site plan may be revised by the applicant subject to the approval of the City Engineer to relocate the drive-through teller lane at the savings and loan institution to the west side of the property providing the structure meets

all requirements of the zoning code relating to setbacks and overhangs.

RESOLVED this 13th day of December, 1983.

APPROVED:

Sid Hanson
MAYOR, SID HANSON

ATTEST/AUTHENTICATED:

Michele Schutz
CITY CLERK, MICHELE SCHUTZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY John D. Wallan

FILED WITH THE CITY CLERK: December 13, 1983
PASSED BY THE CITY COUNCIL: 12-13-83
RESOLUTION NO. 5