

RESOLUTION NO. 2238

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND GRANTING PRELIMINARY APPROVAL FOR A PLANNED UNIT DEVELOPMENT KNOWN AS WOODBROOK ESTATES CONDOMINIUM AND SETTING FORTH THE INTENT OF THE CITY COUNCIL TO RECLASSIFY CERTAIN SPECIFICALLY DESCRIBED REAL PROPERTY FROM RS-12.5 TO RS-8.5, ALL AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. R-PUD-74-2(H).

BE IT RESOLVED by the City Council of the City of Kirkland as follows:

WHEREAS, the Kirkland Department of Community Development has received an application for approval of a Planned Unit Development and rezone of real property filed by Wallace E. Taylor as general partner for a limited partnership known as "Ten Investors", and

WHEREAS, the application has been assigned for identification file No. R-PUD-74-2(H) and submitted to the Houghton Community Council and the Kirkland Planning Commission for their consideration and recommendation, and

WHEREAS, the Kirkland Planning Commission held public hearing thereon at their regular meeting on March 14, 1974, and following said hearing and consideration of the recommendations of the Department of Community Development and having available to them the environmental assessment and negative declaration did adopt certain findings, conclusions and recommendations, including conditions, for approval of the preliminary Planned Unit Development and the application for rezone of the property therein described from RS-12.5 to RS-8.5 on a "resolution of intent to reclassify" basis, all as set forth in their advisory report to the City Council bearing the signature of the Chairman of the Planning Commission, and

WHEREAS, pursuant to City of Kirkland Resolution No. 2181 concerning environmental policy and the State Environmental Policy Act an environmental assessment has been submitted to the City, reviewed by the responsible official of the City of Kirkland and a negative declaration reached, and

WHEREAS, said environmental assessment and declaration have been available and accompanied the application through the entire review process,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The report and recommendation of the Kirkland Planning Commission as set forth in and attached to that certain advisory report dated March 14, 1974 and bearing the signature of the Chairman of the Planning Commission has been submitted to the City Council as required by Ordinance No. 2183, including the Commission's findings, conclusions and recommendations and are by this reference adopted by the City Council as though fully set forth herein.

Section 2. Pursuant to Chapter 23.62 of Ordinance 2183, the Kirkland Zoning Code, the City Council does approve in principal the requested reclassification from RS-12.5 to RS-8.5 as to the property described in said application and in Exhibit A attached to and by this reference made a part of this resolution as though fully set forth herein, said property being generally located north of N.E. 62nd Street and west of the Burlington Northern Railway right-of-way within the Houghton Community of the City of Kirkland, and subject to the following:

(a) The fulfillment of all conditions, stipulations, limitations and requirements contained in this resolution of intent to reclassify, including those adopted by reference, shall be brought to the attention of the City Council, who shall then by ordinance effect such reclassification.

(b) The failure of the applicant to meet or fulfill all or any of said conditions, stipulations or limitations contained in this resolution, including the time limit herein established, which requires a building permit to be applied for within six months of the date of enactment of this resolution, shall render this resolution and the tentative reclassification herein approved null and void.

Section 3. Preliminary approval of the proposed Woodbrook Estates Condominium Planned Unit Development is hereby given, subject to the conditions of approval recommended by the Kirkland Planning Commission.

Section 4. The proposed development, including both Planned Unit Development and rezone or reclassification shall be subject to such additional environmental assessment and consideration as may be required for all future non-duplicative actions to be taken by the city in the further process and review of the Planned Unit Development to its final approval and the completion of the reclassification process by ordinance.

Section 5. A certified copy of this resolution, together with the findings, conclusions, recommendations and conditions herein adopted, shall attach to and become a part of the preliminary Planned Unit Development approval or evidence thereof and delivered to the permittee.

Section 6. Certified or conformed copies of this resolution shall be delivered to the following:

- (a) Applicant
- (b) The Department of Community Development
- (c) The Kirkland Building Official
- (d) The Department of Public Services
for the City of Kirkland
- (e) The Department of Fire Services
for the City of Kirkland
- (f) The Police Department for the City of
Kirkland
- (g) The Office of the Director of Administration
(ex officio City Clerk) for the City of
Kirkland
- (h) The Houghton Community Council.

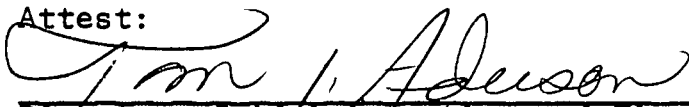
Section 7. This resolution shall become effective only upon approval of the Houghton Community Council or failure of said Community Council to disapprove within 60 days from the date of passage of this resolution, all in accordance with the provisions of Ordinance No. 2001.

ADOPTED in regular meeting of the Kirkland City Council on the 18th day of March, 1974.



Mayor

Attest:



Director of Administration and Finance
(ex officio City Clerk)

WOODBROOK ESTATES P.U.D. LEGAL DESCRIPTION

EXHIBIT "A"
Resolution No. 2238

THAT PORTION OF GOVERNMENT LOT 4, IN SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M. KING COUNTY, WASHINGTON.

COMMENCING AT THE INTERSECTION OF 102ND AVE. N.E. (FORMERLY 2ND ST.) AND N.E. 62ND STREET THENCE ALONG THE CENTER LINE OF SAID N.E. 62ND STREET NORTH $89^{\circ}24'50''$ EAST 340.40 FEET; THENCE NORTH $0^{\circ}14'50''$ WEST 30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH $0^{\circ}14'50''$ WEST 359.52 FEET TO THE SOUTH LINE OF BLOCK 3 FRENCH'S HOMESTEAD VILIA TRACTS, AS PER PLAT RECORDED IN VOLUME 20 OF PLATS ON PAGE 24, RECORDS OF KING COUNTY, WASHINGTON, THENCE NORTH $89^{\circ}45'10''$ EAST ALONG THE SAID SOUTH LINE 477.21 FEET TO THE WEST RIGHT OF WAY OF THE NORTHERN PACIFIC RAILROAD CO., THENCE SOUTH $15^{\circ}53'50''$ WEST ALONG SAID RIGHT OF WAY 73.26 FEET; THENCE NORTH $74^{\circ}06'10''$ WEST 30.00 FEET; THENCE SOUTH $15^{\circ}53'50''$ WEST 130.00 FEET THENCE SOUTH $74^{\circ}06'10''$ EAST 30.00 FEET; THENCE SOUTH $15^{\circ}53'50''$ WEST 168.72 FEET TO THE NORTH RIGHT OF WAY OF N.E. 62ND STREET; THENCE SOUTH $89^{\circ}24'50''$ WEST AND FOLLOWING THE SAID NORTH RIGHT OF WAY 373.79 FEET TO THE POINT OF BEGINNING CONTAINING 3.41 ACRES.

Annabel



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

____ PREPARED BY _____ DATE _____

____ RECOMMENDED BY _____ DATE _____

XX ADOPTED BY _____ DATE March 18, 1974

____ STAFF _____

____ BOARD OF ADJUSTMENT _____

____ HOUGHTON COMMUNITY COUNCIL _____

____ PLANNING COMMISSION _____

XX CITY COUNCIL AS INCORPORATED IN

XX RESOLUTION _____ ORDINANCE

NUMBER 2238

DATE March 18, 1974

FILE NUMBER R-PUD-74-2(H)

APPLICANT Ten Investors

PROPERTY LOCATION North of N.E. 62nd St. and west of N.P.R.R. tracks.

SUBJECT Rezone and Planned Unit Development for Woodbrook Estates
Condominium

HEARING/MEETING DATE March 18, 1974

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED (1) Proposed Site Plan (2) Existing Site Plan

(3) Grading-Utilities Plan (4) Floor Plans - Unit a (5) Floor Plans -
Unit b, (6) Floor Plans - Unit c (7) Elevations - Units a,b & c.

FINDINGS:

1. An environmental assessment has been submitted by the applicant, considered by the responsible official and a negative declaration has been reached on the preliminary planned unit development and intent to rezone applications, and therefore a full environmental impact statement will not be required.
2. The land area under this application is 3.41 acres. A minimum of 3 acres is required before a P.U.D. may be applied for.
3. The present zoning on the property is RS-12.5. The Comprehensive Plan for this area is residential low density with an average of 3 to 7 dwelling units per acre. The proposed density is 6.655 dwelling units per acre.
4. Major internal streets serving planned unit development projects must be functionally connected to at least one arterial street.
5. In a residential planned unit development, residential units may be either detached or in multiple dwellings.
6. The height of buildings may exceed the height limit of the zone provided that for each additional one foot of height, the sum of all the minimum yard setbacks shall be increased 4 feet and provided the view from the surrounding properties is not substantially impaired by the additional height. The building height of the underlying zone is 25 feet.
7. Land coverage cannot exceed the maximum allowed by the underlying zoning, i.e. 35%. Proposed land coverage is 18.8%.
8. For a 3-acre planned unit development, density may exceed the underlying zone by 10%. The effective yield the applicant is seeking is a density of 6.655 units per acre.
9. All planned unit development projects are required to bear the burden of perimeter transition and demonstrate that there is a public benefit to be gained by the degree of deviation from the underlying zoning regulation.
10. In all residential planned unit developments there must be a minimum of 10% of the total area dedicated or reserved as useable common open space land.
11. An adequate guarantee must be provided to ensure permanent retention of common open space. This may be done by private reservation for the use of residents within the development or by dedication to the public or a combination thereof. These provisions for common open space must be recorded with the King County Department of Records and Elections and proof of recording given to the City.

12. One of the policy statements in the Houghton Comprehensive Plan is that Houghton strives to retain its suburban atmosphere and to provide orderly development through development of well defined neighborhoods and communities.
13. The following public improvements have been recommended by various City departments:
 - a. A standard fire hydrant be located near the southwest portion of the property and one near the entrance to the private drive.
 - b. An 8" water main, or larger if required, be installed by the applicants from Lakeview Drive to service the development.
 - c. Water services to the 6 units closest to the railroad tracks should be oversized since water pressure is marginal.
 - d. Storm drainage on the northwest portion of the property should be piped directly to the creek or a damage release be received from the adjacent property owner. The applicant should be required to provide the City with an erosion and storm water control plan during the construction phase.
 - e. A sewer manhole should be required toward the northwest portion of the property where the 8" sewer lines connect to avoid a potential trouble area.
14. The existing street has an 18 foot wide paved section with an open ditch on each side. Consideration should be given to whether the applicant should be required to construct the north 1/2 of the street to City specifications including curbs, gutters and storm sewer.
15. The highest proposed buildings on the property will be approximately 25 1/2 feet.
16. Efforts should be made to save all trees on the property not located in a construction area.
17. The property has been determined by the Department of Natural Resources to be stable under natural conditions, but may become unstable if disturbed by man's activities. These areas generally have slopes that are steeper than 15%, but the slope angle may be smaller than 15% in some areas of less stable geologic materials.

CONCLUSIONS:

1. Even though a negative declaration has been reached by the responsible official, additional environmental information will be required in conjunction with the specific plans when submitted with the final planned unit development application.

2. The amount of acreage under this application exceeds the minimum 3-acre requirement for a planned unit development application.
3. The rezone and planned unit development as applied for, conforms to the density limitations as established by the Houghton Comprehensive Plan.
4. In this case, the major internal street is connected to N.E. 62nd St., a neighborhood street which is connected to Lakeview Drive, a secondary arterial. This meets the intent of the Zoning Ordinance.
5. The attached townhouse type structures with common wall do conform to the type structures allowed in a residential planned unit development.
6. The structures will conform to the height limitation of the underlying zone, i.e. 25 feet, except for the six units immediately adjacent to the railroad tracks. These structures are shown to be 25 1/2 feet above average grade. The average grade in this case is an elevation of approximately 152 feet and the elevation of the railroad track is 164 feet. This would put the roof peak of the units approximately 13 1/2 feet above the railroad track elevation. The closest setback on the structures adjacent to the railroad is 7 feet and the average setback is in excess of 20 feet. The minimum setbacks adjacent to N.E. 62nd St. is 28 feet for the units adjacent to the railroad tracks and 23 feet for the units in the center of the property. For the units on the west part of the parcel, the minimum setback is 18 feet. These all meet the minimum setback requirements in the underlying zone with the possible exception of the railroad tracks, if that is considered a right-of-way in need of a 20 foot setback.
7. The proposed land coverage of 18% is approximately 1/2 of the allowed site coverage and therefore conforms to the requirements.
8. With a rezone to RS 7.2, the allowable density would be 6.05 units per acre. Since the planned unit development option allows a 10% increase in this density, the 6.655 dwelling units per acre would conform to the zoning ordinance requirements.
9. The applicant is proposing landscaping on the site for perimeter transition. A specific landscape plan will be submitted in conjunction with the final planned unit development.
10. The specific area proposed for open space has not been indicated at this point. There is adequate open area to meet the minimum of 10%. The ravine at the northeast end of the parcel is a big attraction for youngsters and will be even more so in the future with the newly platted subdivision to the east. This area should be dedicated as public open space and not fenced off to the public.

11. The open space should be defined prior to approval of the preliminary planned unit development.
12. With the considerable amount of open space, the future landscape plan, and the use of shake roofs, this development should provide a far greater amount of suburban atmosphere than the typical apartment type of a complex.
13. The following public improvements should be made:
 - a. Two standard fire hydrants, one located near the southwest portion of the property and one near the entrance to the private drive.
 - b. An 8" water main, or 10" if found necessary, to be installed by the applicants from Lakeview Drive to service the development.
 - c. Water services to the six units closest to the railroad tracks should be oversized since water pressure is marginal.
 - d. Storm drainage on the northwest portion of the property should be piped directly to the creek or damage release be received from the adjacent property owner. The applicant should be required to provide the City with an erosion and storm water control plan during the construction phase.
 - e. A sewer manhole should be required toward the northwest portion of the property where the 8" sewer lines connect to avoid a potential trouble area.
14. At the present time, subdivisions in this City are required to complete half-street sections to City specifications including curbs, gutters and storm sewers. The planned unit development application has similar characteristics to plats and therefore this same requirement should be placed upon this application.
15. The highest proposed building on the property will be those adjacent to the railroad tracks which are approximately 25 1/2 feet. We interpret the property line adjacent to the railroad tracks to be a side lot line and therefore the yards are adequately reduced to allow the extra 1/2 foot in height.
16. No excavation, grading or tree removal should be allowed on the site until the landscape architect has marked those trees to be saved and indicated the grading method to be used to guarantee that trees will not be destroyed.
17. Since the property has been identified by the Department of Natural Resources to be potentially unstable if disturbed by man's activities, they have recommended that geologic and engineering studies to evaluate stability should precede significant land use changes. Section 23.50.050(7) requires a statement from a geologic or soils engineer licensed to practice in the State of Washington regarding engineering feasibility of the proposed development on slopes in excess of 15%.

RECOMMENDATIONS:

We hereby recommend this preliminary planned unit development application be approved and the rezone application from RS-12.5 to RS-8.5 be approved on a "Resolution of Intent to Reclassify" basis. We make the above recommendation subject to the following conditions:

1. That environmental information is to be submitted in conjunction with the specific final planned unit development materials covering the impact of such specifics as water main installation, erosion and storm water control during construction, street improvements, excavations for foundations, sewer main installations, etc.
2. A specific landscape plan is to be submitted in conjunction with the final planned unit development application. This plan is to be specific and to include types of plantings, sizes, locations, etc.
3. 10% of the total area is to be dedicated as open space for the use of the condominium owners. This would be approximately 14,855 square feet and is to be located in the ravine in the northeast portion of the property, including portions of the creek. Any car bodies presently on the property shall be removed by the applicants. This open space is to be defined and located on the plans prior to approval by the Planning Commission. The area shall be identified from that point on, on all aspects of approval of this application.
4. The development shall be required to use shake roofs to maximize the suburban atmosphere of the development unless the Kirkland Building Code will not allow it.
5. Two standard fire hydrants shall be required, one located near the southwest portion of the property and one near the entrance to the private drive as verified by the Fire Chief. The necessity of a loop water service should be considered by the Public Service Director.
6. An 8" water main is to be installed at the applicant's expense from Lakeview Drive to service the development.
7. Water services for the 6 units close to the railroad tracks shall be oversized since water pressure is marginal.
8. Storm drainage shall be provided as recommended by the Soils Engineer and must be approved by the Kirkland Public Service Director. If a damage release is deemed necessary for the adjacent property owners by the Soils Engineer or the Public Service Director, this must be provided by the applicant.
9. A storm sewer manhole shall be required in the northwest portion of the property where the two 8" sewer lines connect in order to avoid a potential trouble area.

10. The following improvements are to be made by the developer:
 - a. The approximate easterly two-thirds of the distance from the entrance (to the proposed site) to Lakeview Drive shall be widened with an overlay of 1½" asphalt to a width of approximately 22 feet. This is to feather into the existing pavement on the westerly one-third of the street which is slightly wider. This improvement is to include the proper base to accommodate the additional widening of the street.
 - b. The existing 12" culvert under the driveway west of the Maples Apartments is to be re-instated to the proper grade and 12" tile is to be extended easterly to the east of the Maples Apartments driveway. Asphalt is to be placed over these culverts where deemed necessary by the City of Kirkland Public Service Director.
 - c. The ditch on the north side of the street pavement adjacent to the P.U.D. is to be shaped into a very shallow swale, hydro-seeded and maintained. The remainder of the right-of-way adjacent to the P.U.D. is to be landscaped and maintained to the property line.
 - d. The developer shall propose a pedestrian walkway on the north side of N.E. 62nd St. by widening the asphalt overlay and including a low profile extruded curb, or another alternative to be reviewed and approved by the Planning Commission with the final P.U.D. documents.
11. A landscape architect is to be used in the development of a landscape plan for the site. All trees to be saved are to be identified and methods of grading and excavation to be recommended that will guarantee those trees will not be destroyed.
12. Because of potential instability problems on this slope, a statement shall be required from a geologic or soils engineer licensed to practice in Washington State regarding engineering feasibility of the proposed development.
13. No cutting of trees, grading or alteration of the site shall occur until approval of final P.U.D. documentation.
14. Care shall be taken in the area of the existing creek during actual construction. This area shall be blockaded during construction with the intent that no grading materials be dumped into this area, and the course of the creek is not to be altered.
15. There shall be no storage of recreational vehicles or boats in-sight within this development and this is to be stipulated in the protective covenants.
16. At the time of the final P.U.D., the protective covenants and homeowners agreement shall be submitted to the Commission with the final P.U.D. documentation including an explanation of how emergency vehicles will gain access to the site.
17. A proposed time phasing schedule for construction shall be submitted unless it is all to be built at once.

18. A rezone shall be granted from RS 12.5 to RS 8.5 on a "resolution of intent to reclassify" basis with no more than 18 dwelling units allowed on the total site.